



Appeal Decision

Site visit made on 2 May 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/D3640/D/22/3308488

92 Chobham Road, Frimley, Camberley, Surrey GU16 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Li against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1000/FFU, dated 20 July 2021, was refused by notice dated 31 August 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 92 Chobham Road, Frimley, Camberley, Surrey GU16 8PR in accordance with the terms of the application, Ref 21/1000/FFU, dated 20 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan dated 15 July 2021; 2021/18/1; 2021/18/2; and SO-21/1390.
 - 3) The development hereby permitted shall in the construction of the external surfaces match those used in the existing building, except for the flat roof which shall be black as described in the application form.
 - 4) The development hereby permitted shall be carried out in accordance with the details set out in the 'Arboricultural Method Statement, Impact Assessment and Tree Protection Plan in Accordance with BS 5837:2012' document, including plan SO-21/1390, and written by SouthOaks Arboricultural Consultancy.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with regard to trees protected by Tree Protection Order (TPO).

Reasons

3. The appeal site constitutes a detached two-storey dwelling on a large plot with a row of trees, protected by TPO, along the shared boundary with Dell Grove. The rear garden, laid to lawn, slopes away from the main dwelling and the trees are located within a large flower bed which banks up from the lawn towards the boundary fence. There is a side access to the rear garden located between the banked flower bed and side of the host dwelling. It opens out onto

a large patio which extends the full width of the site from flower bed to opposite boundary fence. Both the side access and patio are built of paving slabs which on inspection seemed impermeable, substantial in structure, and to have been in place for a considerable length of time. I am satisfied the hardstanding shown in grey of the drawing SO-21/1390 is an adequate representation of the existing side access and patio.

4. The proposed single storey rear extension would not extend beyond the existing patio and would be constructed using piled foundations, the existing side access would not be altered. The appeal scheme does not propose any additional areas of hardstanding, nor the removal of, or works to, any trees protected by TPO or otherwise.
5. The Arboricultural Method Statement, Impact Assessment and Tree Protection Plan by SouthOaks (SouthOaks document) submitted by the appellant shows that the proposal would require works to ground within the root protection areas (RPAs) of the trees protected by TPO. However, these areas of the RPA have already been impacted by the existing side access and patio. The proposal would not affect any additional areas of the RPAs.
6. For the most effected tree (reference T4 within the SouthOaks document) the proposal would cover 13.9% of the RPA. Notwithstanding the fact this area of the RPA is already covered by the existing patio and side access, 13.9% would be significantly below the 20% maximum recommendation set out in BS 5837 and referred to by the Council.
7. It is appreciated that the Council consider the hardstanding and proposed extension would cover 36% in total of T4's RPA. However, the hardstanding which already covers the same area has been in place for a considerable period of time, and the trees do not appear to have been significantly or demonstrably impacted by it.
8. The appellant has also sought a second opinion from Mark Welby Arboricultural Consultant, who supports the findings of the SouthOaks document. Mr Welby has also confirmed that the proposed piled foundations, shown on the submitted plans and agreed within the approved building regulations application, would be appropriate. I am therefore satisfied that the foundations proposed, along with the dig method set out in paragraph 7.2.5 of the SouthOaks document, would allow the proposal to be constructed without significant detriment to the protected trees.
9. Therefore, on the balance of probability, and from the evidence before me, I am satisfied the proposed development would not have a significantly detrimental effect on the health and longevity of the trees protected by TPO. Thereby the proposal would maintain the positive effect the trees have on the character and appearance of the local area. Consequently, the proposed development would comply with Policy DM9 of the Core Strategy and Development Management Policies Document and Policy P01(d) of the Western Urban Area Character Supplementary Planning Document insofar as they seek to protect trees worthy of retention.

Conditions

10. The Council has suggested 4 conditions which I have considered against advice in the National Planning Policy Framework (the Framework) and Planning

Practice Guidance. In addition to securing commencement within the relevant statutory timeframe, for clarity I have also imposed a condition requiring adherence to the approved plans. Condition 3 has been imposed to ensure that matching external materials, as well as those referred to within the application form, should be used to ensure the proposal integrates with the host dwelling and the overall character and appearance of the area.

11. The Council proposed a condition requiring the submission of an Arboricultural Method Statement and Tree Protection Plan. However these were submitted during the application and, as shown in my reasoning above, are acceptable. Therefore, I have imposed a condition that the details within the submitted documents are complied with to ensure the longevity and health of the trees protected by TPO.

Conclusion

12. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR