



Appeal Decision

Site visit made on 16 May 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/R0335/W/22/3294876

Land at Goose Corner, Forest Road, Hayleigh Green, Warfield

- 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 & Mrs S & K Grainger against the decision of Bracknell Forest Borough Council.
 - The application Ref 19/01068/FUL, dated 10 December 2019, was refused by notice dated 17 September 2021.
 - The development proposed is erection of new detached dwelling, access improvements and associated works/landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted with the appeal which show a ramp and black panels. As the changes do not fundamentally alter the scheme, the changes would not prejudice those who would have been consulted of the opportunity to do so. I have therefore accepted the amended drawings and had regard to them in my assessment.

Main Issues

3. From the evidence, the reason for refusal relating to the effect of the mirror glazing on Species of Principle Importance has been overcome by the amended drawings. Therefore, the main issues are:
 - the effect of the proposal on nearby trees including the effect on the living environment of future occupiers with regard to outlook and private amenity space and the effect on character and appearance of the area; and
 - whether the proposal would be accessible to all.

Reasons

Trees

4. The site is occupied by a number of trees which together are subject to a Tree Preservation Order (TPO). Goose Corner is occupied by modest dwellings along one side and woodland along the other. The site is located at the end of Goose Corner and lies adjacent to open countryside. This results in a distinctive pleasant verdant character. I note the evidence regarding historic recreational use of the site. However, given their location at the edge of the settlement, and their maturity, the trees provide a pleasant buffer between the settlement and

the countryside and provide an attractive backdrop to Goose Corner and the village. Accordingly, the trees are of significant amenity value.

5. I note the evidence regarding the Warfield Neighbourhood Plan. Even if the area to the north of the site was developed, given their number and maturity, this would not significantly diminish the amenity value of the trees or their contribution to the character of the area, particularly as the trees would be seen from a public open space.
6. The proposed dwelling would be sited in close proximity to an early mature Oak tree that lies roughly in the centre of the site. The tree is proposed to be retained and is at an early mature stage with around 20 years of remaining life. Two mature Oak trees lie near the north boundary of the site, each with around 40 years of remaining life. A mature Common Ash tree lies near the access to the site. The canopies of these trees would be partially above the proposed building.
7. Since most of the trees on the site are deciduous, there would be likely to be a significant amount of leaf fall particularly during the winter months including on the proposed photo-voltaic and water-heating panels. Given the close proximity of the building to the surrounding trees, debris such as leaves and twigs would also be likely to fall onto the balconies and drains potentially resulting in damage to the building.
8. Furthermore, falling leaves and debris from the trees particularly during the winter months would be likely to affect the usability of the balconies and access ramp, thereby compromising the safety of future occupiers.
9. As such, there is a realistic prospect that the proposal would result in pressure to prune or remove the trees in order to alleviate the fall of debris. I acknowledge that the trees are protected and any substantial works to the trees would require express permission from the Council. However, given the extent of tree canopy over the proposed building, it is likely that falling leaves and debris would be unacceptably problematic for the use of the balconies and ramp, the efficiency of the roof panels and could cause damage to the building and its drains to an extent that substantial pruning or removal of at least the central Oak tree would be required. This would harmfully diminish the visual amenity of the group of trees.
10. Accordingly, the proposal would be likely to result in the destruction or removal of trees and hedgerows which are important to the retention of a clear distinction between built up areas and the countryside or the character and appearance of the landscape.
11. The Council has not objected to the proposed removal of certain trees. Given their poor condition and limited size and resulting contribution to the visual amenity of the group of the trees on the site, the removal of these particular trees would not harm the character and appearance of the area.
12. I acknowledge the Appellants' desire to live among the trees and their commitment to the maintenance of the building. However, given the extent of tree canopy over the roof of the building, the frequency of maintenance would be likely to be greater than for properties without as many trees in close proximity. Therefore, there may be other future occupiers of the building for whom such frequent maintenance would not be a feasible option.

13. The outlook from the windows would be dominated by the trees surrounding the property. As I observed during my site visit, when the trees were almost in full leaf, the area below the canopy of the trees benefit from sufficient light as well as views to the west and some views to the open countryside to the north. As such, future occupiers would have acceptable levels of outlook.
14. Balconies are proposed on the building as private amenity areas. In addition, there is area to the west of the site that would not be under the tree canopies. The site would therefore not appear oppressive or gloomy for use as private amenity space. As such, the proposal would provide a suitable private amenity space for future occupiers.
15. Notwithstanding the above, given the extent of canopy over the proposed building and resulting likelihood of falling leaves and debris, the proposal would result in a realistic pressure to remove or prune trees that provide a significant contribution to the visual amenity of the surrounding landscape.
16. I note the evidence regarding development at land rear of 4 Hayley Green Cottages. However, from the evidence that site does not appear to comprise trees subject to a TPO and is therefore not directly comparable to this appeal.
17. Consequently, the proposal would harm nearby trees with regard to the character and appearance of the area. Therefore, it would conflict with Policies CS1 and CS7 of the Core Strategy Development Plan Document adopted February 2008 (CS) and Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan January 2002 (LP) which together seek to protect and enhance the character and quality of local landscapes and resist development which would result in the destruction of trees and hedgerows which are important to the retention of the character and appearance of the landscape.

Accessibility

18. During the appeal, amended plans were submitted which include a ramp to provide level access into the building. I note the Council's concerns regarding the ramp's suitability given its proposed gradient. However, I see no reason why a suitably worded condition requiring the detailed design of the ramp to be submitted and agreed with the Council could not overcome this issue.
19. Consequently, the proposal would be accessible to all. Therefore, it would not conflict with LP Policy H14 which seeks that new dwellings are accessible to all.

Other Matters

20. The site lies within 5km of Thames Basin Heaths Special Protection Area (TBHSPA). Although the proposal is for a single dwelling, in combination with other development, it would result in likely significant effects on the TBHSPA through recreational disturbance. As such an Appropriate Assessment is necessary.
21. The TBHSPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler.
22. A Unilateral Undertaking was submitted with the appeal which secures financial contributions towards a Suitable Alternative Natural Greenspace and Strategic

Access Management and Monitoring in accordance with the TBHSPA Supplementary Planning Document.

23. However, notwithstanding the UU, there is no need for me to consider the implications of the proposal on the TBHSPA because the scheme is unacceptable for other reasons.
24. I note the dwelling in Dursley, however, there is little substantial information before me regarding the trees that were subject to TPOs in that case or the character of the surrounding area which is in a different district. As such, I am not able to make a direct comparison with this appeal which must be determined on its own merits in any event.

Planning balance

25. The proposal would contribute a dwelling to the housing supply and would accord with the Government's policy to significantly boost the supply of homes. In addition, future occupiers would be likely to contribute to provide a social and economic contribution to the local community. There would also be temporary economic benefits during the construction phase. In addition, there would be ecological benefits through the proposed woodland management scheme and biodiversity net gain. However, given the limited scale of the proposal, any environmental, economic, and social benefits would be limited.
26. The proposed improvements to the junction of Goose Corner and Forest Road would also provide a benefit in terms of highway safety. Given the limited scale of the works and increase in trips resulting from the proposal, I attribute limited weight to this benefit.
27. In contrast to the identified benefits, the proposal would be likely to result in the pruning or removal of trees subject to a TPO and of significant value in terms of visual amenity. As such, the harm resulting from the proposal would be significant. Accordingly, the scheme would conflict with the development plan as a whole.
28. The Council is unable to demonstrate a five-year supply of housing and the tilted balance in the terms of paragraph 11dii of the National Planning Policy Framework is engaged. For the foregoing reasons the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

29. For the reasons given above, the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR