



Appeal Decision

Site visit made on 13 September 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/J0405/D/23/3316466

33A Stock Lane, Whaddon, Buckinghamshire MK17 0LS

- 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 David Cook against the decision of Buckinghamshire Council.
 - The application Ref 22/03410/APP, dated 4 October 2022, was refused by notice dated 30 November 2022.
 - The development proposed is described as a proposed carport.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including protected trees.

Reasons

3. The area in which the appeal site is located is characterised by linear residential development of varying form, scale, appearance, and age. The north-eastern side of Stock Lane displays a degree of regularity due to the similar positioning of properties within their respective plots, including the set back of buildings from the highway. The abundance of soft landscaping and generally open frontages creates a spacious and verdant character.
4. The appeal site is occupied by a detached, two storey dwelling which is set back from the highway and separated by an area of gravelled hardstanding and a mature hedge. There are several protected trees located within the frontage of the site which are collectively included within a Tree Preservation Order. These protected trees are substantial in size and prominent within their immediate setting and make a strong and attractive contribution to the local character.
5. The siting of the proposed carport, forward of the host dwelling would not be typical of the development pattern. That said, it would not be wholly uncharacteristic of the immediate vicinity of the appeal site where I observed on my site visit that there is a small brick building located in front of the general building line. In any case, the setback of the proposed carport, its modest height and relatively open form combined with the mature planting along the site frontage means that views of the proposed carport from the street would be limited and that the visual effects would be softened.
6. For these reasons, and whilst having had regard to the guidance set out within the Council's Residential Extensions Design Guide, I do not consider that the

proposal would be a dominant or unduly prominent form of development. Thus, in this regard, the positioning of the proposed carport would not harm the character and appearance of the area.

7. The Tree Protection Plan indicates that the carport would be constructed within the Root Protection Area (RPA) of several of the protected oak trees. The Arboricultural Impact Assessment (AIA), undertaken in accordance with British Standards notes the high quality of the trees, identifying them as Category A. To minimise root disruption, the Arboricultural Method Statement (AMS) sets out that the post holes would be hand-dug and lined with plastic sheeting, prior to being backfilled with concrete. Protective fencing would also be erected to avoid soil compaction during the construction phase. Where roots below 25mm in diameter are discovered, the AMS indicates that these would be severed cleanly back to a suitable growth point whilst any roots diameters more than 25mm would be bent or relocated as best as possible. If impractical, the AMS states that this process would be repeated, and in doing casts doubt regarding the deliverability of the proposal in the location identified on the submitted plans.
8. The trees were surveyed at ground level and the information before me does not provide any clear indication of the size and position of the roots. Given the siting of the proposal well within the RPA's and the proximity to several tree trunks, it is reasonable to assume that the root systems in this area would be more complex and potentially overlapping. Consequently, whilst I acknowledge that the area is currently in use as a driveway and have had regard to the recommended protection measures, based on the available evidence, I cannot be certain that the proposed development could be undertaken without damaging the roots of the protected trees. These trees make a significant positive contribution to the verdant character and appearance of the area and their loss or diminution would be harmful to this local distinctiveness.
9. I have considered the possibility of imposing a condition to ensure that the development would be constructed in a way that safeguards the wellbeing of the Category A trees. However, I do not consider that it would be appropriate to secure the fundamentals of the construction by condition without some reassurance beforehand that the development would not result in unacceptable damage to or threaten the continued wellbeing of the protected trees.
10. For these reasons, I find that the proposal would harm the character and appearance of the area, including the protected trees. It would therefore conflict with Policies BE2 and NE8 of the Vale of Aylesbury Local Plan 2013-2033, which amongst other aspects seek to ensure that all development respects and complements natural features and qualities of the area, including the continued well-being of trees. It would also be inconsistent with the objectives of the National Planning Policy Framework (the Framework) where they seek to conserve and enhance the natural environment and maintain the important contribution that trees make to local character.

Other Matters

11. The proposal lies near to Whaddon Conservation Area (CA), the significance of which is derived in part from the linear development pattern, unifying building characteristics and the abundance of greenery. Its setting is informed by the surrounding countryside which positively contributes to the significance of the CA. In determining the appeal, I am required to pay special attention to the

desirability of preserving or enhancing the character or appearance of the CA. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. The Council's delegated report sets out that the proposal would not be located in any significant views and, owing to the scale and nature of the carport, there would be no harm to the setting of the CA. Based on the evidence before me, I am satisfied that the proposal would have a neutral effect and thus would preserve the setting of the CA.

12. In reaching my decision, I appreciate the general nuisance caused by bird excrement and tree sap together with the potential risk of damage from falling branches. Nevertheless, these factors do not lead me to a different conclusion.

Conclusion

13. The appeal proposal conflicts with the development plan read as a whole and no material considerations, including the Framework have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR