



Appeal Decision

Site visit made on 9 January 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2024

Appeal Ref: APP/V1260/W/23/3316641

Pinehurst Hall, 23 Burton Road, Poole BH13 6DT

- 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 and Mrs Leggat against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01684/F, dated 7 December 2022, was refused by notice dated 1 February 2023.
 - The development proposed is a proposed orangery to side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for proposed orangery to side elevation at Pinehurst Hall, 23 Burton Road, Poole, BH13 6DT in accordance with the terms of the application, Ref APP/22/01684/F, dated 7 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Block plan, Proposed elevations, Proposed ground floor layout and roof plan, and Proposed foundation method and root irrigation system.
 - 3) The development shall be carried out in accordance with the Tree Report by Mark Hinsley Arboricultural Consultants Ltd. Reference MH/PinehurstHallBurtonRoad23/Const/6341, dated 25 January 2022.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on a protected Beech tree.

Reasons for the Recommendation

4. The appeal site is a maisonette attached to a block of flats in a quiet and verdant area. The proposed orangery would be built to the side of the maisonette, between it and the boundary. The Beech tree in question is sited within the boundary of the neighbouring building, which is a high-rise block of flats, and is subject to a Tree Preservation Order (TPO). This TPO prohibits the

cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees without the Council's written consent¹.

5. During my site visit, and despite the tree not being in leaf, it was evident that it overhangs the side garden of Pinehurst Hall and partially overhangs the main three storey mass of the appeal dwelling. The proposal would be one storey, and therefore would sit well below the bottom of the canopy, but would nevertheless be beneath it. While this would give rise to debris falling onto the roof of the proposal, its siting would not worsen the existing situation of debris falling into the garden. As such, I do not find this matter to be of such consequence that would warrant recommending dismissal of the appeal.
6. My site visit was undertaken in early January where the site benefitted from some winter sun and had an open verdant character. Therefore, the proposed orangery would still be enjoyed throughout the year, despite not receiving direct sunlight owing to the tree canopy. As a result, the necessity to maintain or prune the Beech tree any more than is already required would be unlikely, as this outside space is clearly already used by the appellant, owing to the outdoor furniture.
7. I am satisfied from the tree report, tree protection plan and proposed minimum dig foundation that the proposed extension will have no significant impact upon the Beech tree. Should the need to maintain the Beech tree arise in the future, any such work would require a separate application. Even if the appeal were to be dismissed, this tree would need to be maintained to ensure that it does not damage the main property, therefore the addition of the single storey orangery would not change this fact.
8. Accordingly, the proposed orangery would not lead to any more pressure to maintain the tree than is already experienced, and steps have been taken to ensure that the proposal has limited harm to the tree. As such, the proposal is in accordance with Policy PP27 of the Poole Local Plan (2018), which seeks to ensure developments respond to natural features on the site.

Other Matters

9. It has been raised that the tree is not in the ownership of the appellant. Given that any works to the tree would require a separate application to the Council, this matter would be dealt with during that process, and would not form part of the appeal scheme. In any case, the ownership of the tree is not a contentious matter of the appeal which is concerned primarily with the effect of the proposed development on it.

Conditions

10. For certainty I have set out the standard time limit condition and specified the approved plans. I have also suggested the imposition of a condition concerning works to be carried out in accordance with the tree report, which includes the arboricultural method statement and tree protection plan. This is in the interests of the health and longevity of the protected tree in question.

¹ Planning Practice Guidance Paragraph 001 Reference ID:36-001-20140306

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, the appeal scheme would comply with the development plan. I therefore recommend that the appeal should be allowed subject to the aforementioned conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the stated conditions.

John Morrison

INSPECTOR