



Appeal Decision

Site visit made on 22 April 2024

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Ref: APP/P2114/D/23/3326956

Cherry Tree House, Youngwoods Way, Alverstone Garden Village, Newchurch, Isle of Wight PO36 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Skyrme against the decision of the Isle of Wight Council.
 - The application Ref is 23/00888/HOU.
 - The development proposed is single storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side/rear extension at Cherry Tree House, Youngwoods Way, Alverstone Garden Village, Newchurch, Isle of Wight PO36 0HF in accordance with the terms of the application, Ref 23/00888/HOU, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. An updated version of the National Planning Policy Framework (the Framework) was published in December 2023. Its content is largely unchanged in relation to the main issues of this appeal, so I have not sought the views of the main parties on this matter.
3. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.
4. Since the application was refused a Tree Preservation Order, 23/00021/TPO, protecting three oak trees in the rear garden of Rowan, a neighbouring house to the appeal site, has come into force.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area particularly the effect on trees.

Reasons

6. The appeal site is a detached house in a large garden in an area of similar properties. It is in the Isle of Wight AONB. In accordance with the Framework great weight must be given to conserving and enhancing the landscape and

scenic beauty of AONBs, which have the highest status of protection in relation to these issues.

7. The house has a substantial front garden and is at a higher level than the shared access track. The proposed small, single storey, wrap around extension would be to the side and rear of the house. It would be of acceptable design and would not be intrusive in views from the street or neighbouring properties. Due to its size and position it would not detract from the landscape and scenic beauty of the AONB.
8. The area is attractive and verdant because of the many mature trees and shrubs in gardens around the houses and nearby woodlands. Although there are trees within the appeal site none are near to the proposed extension. The group of protected trees at Rowan are close to the shared boundary. Branches of the nearest oak tree spread over part of the garden of Cherry Tree House and some reach its roof.
9. The protected trees are mature attractive specimens and their canopies can be seen from the surrounding area between houses and above roofs. Together and individually they add significant value to the verdant and attractive character of the local area.
10. The tree nearest to the proposed extension has been pruned in the past and its branches are well above the patio such that no works are necessary to the tree to enable the extension to be constructed. An appropriate foundation design would be sufficient to mitigate any effect on tree roots and downpipe/gutter protection would reduce any nuisance arising from tree litter.
11. Trees are living plants so they cannot be managed in ways that are wholly free from risk or the need for maintenance. The proposed extension would be beneath the branches of the oak tree. As a result there could be fears of the potential for damage to property or people from falling branches. However, this is not significantly different to any such fears which might arise in respect of the risk in relation to the existing patio. I see no reason to suppose that such risk could not be managed in the future by appropriate pruning that did not adversely affect the appearance or health of the tree albeit such works would need to be adequately justified.
12. I conclude the proposal would not have a harmful effect on nearby trees and would have an acceptable effect on the character and appearance of the area. The proposal would not harm the landscape and scenic beauty of the AONB. Accordingly I find no conflict with Policies DM2 or DM12 of the Island Plan Core Strategy 2012, which amongst other things, seek to optimise the potential of a site but have regard to existing constraints such as trees and to conserve enhance and promote the landscape of the Island. Nor do I find conflict with the aims of the Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019 – 2024 in seeking to conserve and enhance the landscape and scenic beauty of the AONB.

Conditions

13. I have considered the conditions put forward by the Council and the details proposed by the appellants in the light of the tests in the Framework and the Planning Policy Guidance. Where appropriate I have amended the wording of conditions to reflect the guidance.

14. Compliance with the submitted plans and a time scale for implementation are necessary for certainty.
15. An Arboricultural Method Statement setting out excavation methods, foundation design, tree protection measures and downpipe/gutter protection is required to minimise the effect on protected trees. These details are required prior to the commencement of development to ensure the protection of the trees from damage during construction and to ensure that the extension is appropriately constructed to protect the health of the trees and the character and appearance of the area. The appellants do not object to the proposed condition.

Conclusion

16. For the reasons set out above the appeal should be allowed.

S Harley

INSPECTOR

Schedule of 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 BDS338/300 and TCP/S/01.
- 3) No preparatory work or development shall take place until an Arboricultural Method Statement in relation to the protected oak trees at Rowan has been submitted to and approved in writing by the local planning authority. This shall include:
 - a) details of the means of excavation and foundation design of the proposed extension incorporating measures to minimise impact on tree roots;
 - b) details of the means to minimise the potential impact on the trees during construction works, including details of protective tree fencing to be installed for the duration of construction works;
 - c) details of downpipe and gutter protection measures to minimise nuisance from tree litter.

The development shall be carried out in accordance with the approved Method Statement and the downpipe and gutter protection measures shall be retained thereafter.

End of Schedule