



Appeal Decision

Site visit made on 14 May 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/D1265/D/24/3340830

Cornels, Haslop Road, Colehill, Dorset, BH21 2SG.

- 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 M. Johnson against the decision of Dorset council.
 - The application Ref P/HOU/2023/06992, dated 29 November 2023, was refused by notice dated 7 March 2023.
 - The development proposed is to demolish existing garage and erect a detached outbuilding to form an ancillary self-contained annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the Oak trees identified as 96, 97 and 98.

Reasons

3. Cornels is a detached dwelling located on a substantial plot. Opposite the front elevation of the dwelling is an existing detached garage. There are three substantial Oak trees, identified as 96, 97 and 98 on the application drawings. These trees are subject to a Tree Preservation Order (TPO). Due to their location and maturity the trees make a significant contribution to the character of the area.
4. The appellant proposes the demolition of the existing garage and the erection of a detached outbuilding to provide an ancillary self-contained annexe. It would comprise new garage, kitchen/living room, bedroom and shower room.
5. The Council raise no objection, in respect of the principal of the proposed attached annexe. However, it is particularly concerned about the potential impact of the development on the existing Oak trees 96 and 98. Nevertheless, the combined canopies of all the three Oak trees (96, 97 and 98) would project over most of the roof area of the proposed annexe.
6. The appellant has submitted a detailed Arboricultural Method Statement, prepared by Mr. Nicholas Arboricultural Consultant of Hellis Solutions Limited Ref: 22/10/205/NH. However, this is of a general nature and does not set out the detail of arboricultural sensitive works, such as foundation design and routes for underground services etc for this particular project. However, I am

content that the Council's concerns in respect of the lack of such details could be adequately addressed by suitably worded conditions. The conditions would require the necessary details to be submitted to and approved by the local planning authority prior to the commencement of any works on site.

7. Nevertheless, I am concerned about the potential direct impact on the annexe due to its location below the extensive tree canopy here. This might be through leaves falling and blocking gutters, down pipes gullies and surface water drains, the trees swaying in heavy winds, acorns, twigs or even branches falling on the roof all of which could in time lead to pressure to cut back or even fell the trees.
8. I have noted that the report recommends an inspection of the trees following severe weather conditions. Nevertheless, on balance, given the size and age of the trees, the relationship of the trees to the proposed annexe and as the building would provide habitable accommodation, I consider that the proposed annexe may well over time result in additional pressure on the trees to be felled or cut back, thereby causing harm to the character of the area. Accordingly, the proposed development fails to comply with the aims of Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan–Core Strategy (Adopted April 2014) and the National Planning Policy Framework as they, amongst other things have regard to the relationship of building to mature trees and the need to seek to protect and enhance the landscape character of the area.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR