



Appeal Decision

Site visit made on 25 June 2024

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

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/V1260/D/24/3338495

10 Felton Road, Poole BH14 0QS

- 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 Williams against the decision of BCP Council.
- The application Ref is APP/23/01318/F.
- The development proposed is erection of 2 storey front and side extension, new porch and chimney stack to side. Amend finishing materials and replace windows.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Arboricultural Appeal Statement (AAS) was submitted with the appeal. In the interests of fairness the Council have been given the opportunity to comment on this.
3. The Arboricultural Impact Assessment and Method Statement submitted with the planning application expresses the view that the trees on and adjacent to the site are not protected. However, the Council has supplied a copy of the Borough of Poole (Ringwood Road/Parkstone Heights/Constitution Hill Road (West Side) Tree Preservation Order 1964 and I have seen no evidence to counter the Council's view that the trees are protected.

Main Issues

4. The main issues are whether satisfactory living conditions would be provided for future occupiers of the proposed bedroom two taking into account natural light and outlook; and the effect of the proposal on the character and appearance of the area taking particular account of the effect on trees.

Reasons

5. The appeal site is in a suburban residential area of similar two storey detached houses in medium sized gardens which have been built amongst many mature trees. These provide an attractive verdant area in which to live and work.

Living conditions

6. The only window serving the proposed bedroom two would be close to the side boundary of No 10. Beyond the side boundary is a public footpath, and on rising ground beyond the footpath, there are shrubs and trees including a protected elm, which do not appear to be in the ownership or control of the appellant. Branches from the elm overhang the boundary fence. The crown of the elm is dense and, particularly during times when in leaf, would result in a

limited outlook and limited access to natural light from bed. This would result in gloomy and oppressive living conditions for future occupiers of that room.

7. The appellant indicates the bedroom is intended for occupation by a child. However, this might not always be the case, and would not provide sufficient justification for a poor design which results in insufficient outlook and natural light in a habitable room.
8. I conclude that satisfactory living conditions would not be provided for future occupiers of the proposed bedroom two. Accordingly the proposal would not amount to good design and there would be conflict with Policy PP27 of the Poole Local Plan 2018 (the LP) as there would be insufficient natural light and the outlook from the window would be oppressive.

Character and appearance

9. There are several trees in the garden of No 10 including two mature oaks in the northern corner of the front garden. The garden immediately around these trees is enclosed by a low wall that appears to have been created relatively recently when the drive which occupies most of the front garden was laid. These oaks are close to each other and to the public footpath that runs from the bend in this part of Felton Road to other houses beyond. They can be seen from multiple vantage points along Felton Road and they make a significant contribution to the character and amenity of the area.
10. There is no objection in principle to the design, shape, form and elevational materials of the proposed extension as these would complement the appearance of the existing extended dwelling. However the proposed front extension would be very close to one of the oak trees. From about 1.5m above ground level this oak has two stems. Consent has been given in the past to prune the tree including in 2023 when works were allowed to create a three metre separation of branches from the house.
11. The Arboricultural Impact Assessment and Method Statement explains branches would need to be pruned to provide sufficient working space and clearance from the proposed extension. The AAS adds that smaller stem is suppressed by the main crown and is reaching towards the house in search of light and space and is at risk of becoming overextended so some pruning would be needed irrespective of the proposed development.
12. Whilst this stem is relatively long and slender the consented pruning reduces the lever arm effect of the weight of the crown and wind pressure. There is little technical evidence to support the need for hard pruning of the secondary stem back to the edge of the raised bed which would significantly reduce the overall crown of the tree and would be detrimental to its shape and appearance. It would also result in a significant pruning wound which might affect the health of the tree.
13. Trees are living plants so they cannot be managed in ways that are wholly free from risk or the need for maintenance and in many cases proximity to a building and fear of future hazards are rarely going to be valid reasons for works to a protected tree. Should the proposed extension be built fears of damage to the building would be significantly increased and there would be pressure for significant reduction works to the protected tree. This could have a further harmful effect on the appearance of the tree and would detract from

the character and appearance of the local area although carefully tailored pruning that is supported by technical evidence, and that would not affect the health, character or appearance of the tree, may be considered acceptable in the future.

14. I conclude that the proposed extension would have a harmful effect on the character and appearance of the area as a result of the works that would be needed to a protected tree to enable the development to be constructed and the likely pressure for further works in the future. Accordingly there would be conflict with Policy PP27 of the LP as the proposal would not have sufficient regard for natural features on the site.

Other Matters

15. I acknowledge there are other properties close to trees and that the extension on the other end of the house at No 10 is close to a tree. However, nothing that I have seen indicates that windows to a main habitable room would be as close as the crown of a tree as the one proposed for bedroom two. Accordingly this does not lead me to any different conclusion in this case.

Conclusion

16. In conflicting with Policy PP27 of the LP the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to outweigh this conflict. For the reasons given above the appeal should be dismissed.

S Harley

INSPECTOR