



Appeal Decision

Site visit made on 5 December 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/D1265/D/24/3344134

4 The Close, Ashley Heath, Dorset BH24 2BJ

- 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 Paul Richardson against the decision of Dorset Council.
 - The application Ref is P/HOU/2023/07231.
 - The development proposed is single storey extension to house to provide a swimming pool and amenities.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension to house to provide a swimming pool and amenities at 4 The Close, Ashley Heath, Dorset BH24 2BJ in accordance with the terms of the application, Ref P/HOU/2023/07231, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site address in the header and my decision above is taken from the application form and the Council's decision notice. The appeal form provides a different address but I am satisfied the original adequately describes the location of the site.
3. On my visit I saw building works being carried out to the appeal property. These did not appear to relate to the appeal scheme and so I have assumed the proposed development has not started.

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) the effect of construction works on trees.

Reasons

Effect on character and appearance of the area.

5. The appeal property lies within and on the edge of the Avon Castle Special Character Area (ACSCA). This is characterised by low density development with large properties heavily screened by mature pines and other trees and hedges. The appeal site is typical of the locality as it contains a large dwelling set in spacious grounds with hedges and trees on parts of its boundaries. The plot is almost triangular in shape so that its back garden widens as it moves away from the house. The rear boundary of the garden adjoins a field that is on a lower level and that also has hedges and trees on its boundaries.

6. The proposed extension would not be seen from The Close as it would be behind the existing house. Also, it would be largely hidden from adjoining residences by virtue of the screening effect of boundary vegetation. There would be views of the addition from the adjoining fields but these would be from private property. Hedges and trees around the field would partially screen the extension and where it is visible the addition would be seen against the backdrop of the existing dwelling and the belt of vegetation along the side boundary. As such, the development would have only a localised visual effect.
7. The extension would be sizeable, particularly as it would project a significant distance beyond the rear elevation of the house. However, it would be lower than the current dwelling. Also, it would not unduly intrude into the open area to the rear of the house due to its discrete positioning towards one side of the back garden next to a belt of hedges and trees. Most of the garden would remain unaltered and so the proposal would not lead to any unacceptable erosion of space to the edge of the ACSCA.
8. The Council's Special Character Areas Supplementary Planning Guidance 2005 (the SPG) states that new development in the ACSCA must reflect the rhythm and spacing of existing dwellings. However, properties at the end of The Close are not seen together as they are set back from the road within large, landscaped plots. As a result, there is no noticeable regular pattern to the layout of dwellings. Moreover, the unusual depth to the development would not be seen within the context of adjoining properties due to the screening effect of the boundary vegetation. Therefore, it would not appear out of character in the context of other buildings and it would not visually disrupt any rhythm to the existing built form.
9. For these reasons, I conclude the development would have an acceptable effect on the character and appearance of the area. In these respects, it would accord with policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy 2014 (the CS). Amongst other things, this looks to ensure development is compatible with its surroundings.

The effect of construction works on trees.

10. Many of the trees on the site are covered by a tree preservation order. The side wall of the extension would lie near to bushes and hedges that lie in front of a line of Scots Pine trees. Most of these would be retained with only a dead pine indicated as being removed.
11. The plans indicate the extension would lie outside of the root protection areas (RPAs) identified for each of the retained trees. Also shown is temporary fencing to be erected to protect the trees during construction. This would be positioned so as to provide a 1.5m wide workspace to the side of the proposed extension.
12. The protective fencing would be outside most of the identified RPAs and I am satisfied that a 1.5m wide space would be sufficient for the erection of scaffolding associated with the construction works. There is limited information on the foundations that would be required for the extension. However, given the distance from the extension to the RPAs, it would be appropriate to impose a planning condition to ensure foundations are designed and can be constructed so as to avoid harm to the protected trees.

13. The plans indicate a route to the side of the house close to the extension for construction workers. Even if an existing shed is removed as indicated, this route would be tight and potentially unable to take the movement of construction vehicles such as diggers without unduly impacting on the nearby trees. However, on my visit I saw a wider space between the other side of the house and the vegetation on the other boundary. I see no reason why this alternative route could not be used to minimise the impacts of development works on trees. Again, it would be reasonable to impose a planning condition that requires approval of revised tree protective measures that also allow adequate access for construction works to take place. The same condition could also ensure new servicing and pipework associated with the development are located so as to avoid tree roots.
14. For these reasons, I conclude construction works associated with the development would not have a harmful effect on trees. In these regards, the proposal would accord with CS policy HE2 and the requirement for the scheme to have a compatible relationship with mature trees

Conditions

15. In line with the Council's suggestion and in the interests of clarity, I have attached a condition listing the approved plans. For the same reason and to ensure a satisfactory appearance, I include a condition that requires the development to be constructed of materials as specified on the planning application form. This would remove the need for a condition that requires external materials to match those on the existing house. Condition 4 is imposed to ensure the development does not harm the well-being of trees on and near the site.

Conclusion

16. The development would be acceptable when considered against the main issues. Therefore, it would accord with the development plan when read as a whole. As such, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 306.GA.01, 306.GA.02, 3306.GA.02.03, 306.GA.03 and 306.GA.05.
- 3) The external walls and roof of the development shall be constructed in materials as outlined on the planning application form.
- 4) Notwithstanding the information provided with the planning application and planning appeal, no site clearance, preparatory work or development shall take place until a scheme for the protection of trees and the

appropriate working methods in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. The scheme shall include the following details

- a) a specification for protection to trees during both demolition and construction phases and a plan indicating the alignment of the protection methods;
- b) a specification for scaffolding and ground protection within tree protection zones;
- c) a schedule of tree works;
- d) details on the area for storage of materials, concrete mixing and use of fires;
- e) plans and particulars showing the siting of service and piping infrastructure;
- f) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of foundations as well as details of any no-dig specification;
- g) details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the local planning authority of the findings of the supervisory visits; and
- h) details of all other activities that have implications for trees on or adjacent to the site.