



Appeal Decision

Site visit made on 15 July 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/D0121/D/25/3366001

100 Elm Tree Road, Locking, Weston-Super-Mare, BS24 8EJ

- 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 Mrs Donna Barton against the decision of North Somerset Council.
 - The application Ref is 24/P/2473/FUH.
 - The development proposed is a wooden Dutch Barn style garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effects of the proposed garage on: (a) the character and appearance of its surroundings, and (b) the health and longevity of adjacent trees.

Reasons

Character and appearance

3. The appeal property is a detached dwelling, bungaloid in form, being set well back within its plot. It stands on a busy road fronted by dwellings of varying designs. Space at the rear of the house is limited, and it is therefore understandable why the appellant would wish to site the proposed garage at the front of the property. The dwelling's front garden is effectively screened by hedges and other vegetation, so that from immediately outside the site, the proposed garage would not be noticeable.
4. The Council contends that it could be seen from east and west along the main road (B3368). I walked along the main road towards the site from the east and saw that this was not the case; hedges and other vegetation in intervening gardens would obscure views of the garage. From the west, around the bend, No.100a's front garden is relatively free of vegetation. However, it is fronted by a solid high fence, which would effectively screen most of the proposed garage to passers-by. Parts of its wooden roof may be glimpsed above the fence, but it would not draw the eye and would be barely noticeable given the background of hedges and trees.
5. The Council expresses concern that the hedges, old and new, which currently prove effective as screening may be removed in the long term. That is a possibility to consider; however, the appeal dwelling has no private external space other than at the front. It is therefore unlikely, to my mind, that current and future owners would wish to denude the garden of screening rendering it open to public gaze.

6. I note the Council's view as to the appropriateness of the garage's design, but since it would barely be seen in the public realm this should be not a matter of concern, particularly given that the materials of construction would be in harmony with the trees on the site. No neighbour has objected following consultation.
7. I therefore conclude that the proposed development would have little or barely noticeable impact on the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of policy CS12 of the North Somerset Core Strategy (CS) and policies DM32 & DM38 of the North Somerset Sites and Policies Plan - Part 1 (SPP) directed to achieving high quality design and placemaking.

Effect on Trees

8. Close to the road in the appellant's front garden are some trees. The appellant commissioned arboricultural reports to accompany the application, comprised of a survey and separately, a method statement and impact assessment (AIA).
9. The survey's findings are not questioned by the Council, and of particular interest is a Dawn Redwood, classed as a category B tree in reasonably good condition with a predicted long life. The other tree, a common ash, is in generally fair condition and classed as category C. I consider that the trees make a valuable contribution to local amenity, assisting in screening the proposed garage and in providing a verdant landscape context.
10. The survey identifies the root protection areas (RPA) of the trees, described as the minimum area around each tree to be protected during construction. The proposed building would be sited within the RPA, as identified in the survey. The appellant suggests otherwise, but I have not seen any plan which demonstrates that this would not be the case. I have been referred to a revised site plan but this, it appears to me, deals more with the repositioning of the proposed protective fencing around the trees than with any proposed re-siting of the garage.
11. Section 6 of the AIA makes certain recommendations about foundation type and its preparation, but I find the recommendations to be too brief and sketchy to convince me that roots and thus the trees would be safe from damage and harm during the construction period and thereafter.
12. The Council's tree officer's response to consultation does not appear to have been fully considered. This suggests that construction within the RPA is not wholly out of the question, but where this is proposed a full method statement should be prepared, which to my mind should include full details of the proposed slab, including its depth, the proposed digging depth, method of construction and appropriate supervision. A fuller and more refined assessment of root positions and sizes could also be undertaken in preference to the estimation provided by the RPA exercise, and a methodology for their protection.
13. I conclude that the information provided by the appellant is insufficient to satisfy me that the health and longevity of the trees in the front garden would not be put at risk by the construction of the garage. This is not a matter which could be adequately covered by conditions imposed on a planning permission, since the information is required to inform the decision. The trees contribute positively to local amenity and I consider it important that their future health should be safeguarded. The proposal

therefore conflicts with aspects of CS policy CS9 designed to protect green infrastructure within the district.

Other matters

14. The Council refers to two recent appeal decisions¹ in support of its case. However, not all the details have been provided, and circumstances vary from case to case. Accordingly, the appeals attract little weight.
15. Reference has been made to other development plan policies but those to which I have referred are considered the most relevant in the particular context of this case.
16. All other matters raised in the representations have been considered, including the views of the Locking Parish Council, but none is of such strength or significance as to outweigh the considerations leading to my overall conclusions.

Overall conclusions

17. I find in favour of the appellant on the first main issue, the effect of the proposal on its surroundings. However, for the reasons provided, I find against the appellant on the second main issue, the effect of the development on trees. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR

¹ Ref APP/D0121/D/20/3244493 & APP/D0121/D/20/3257195