



Appeal Decision

Site visit made on 24 April 2017

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2017

Appeal Ref: APP/V2255/W/17/3169125

30 Preston Park, Faversham ME13 8LN

- 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 & Mrs Couchman against the decision of Swale Borough Council.
 - The application Ref 16/507131/FULL, dated 29 September 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the erection of new dwelling with associated car parking and garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. Although the primary concern of the Council relates to the protected tree, other representations raise wider concerns which should be taken into account. The main issue therefore is the effect of the proposal on the character and appearance of the area, including the effect on the protected tree.

Reasons

Character and appearance

3. The irregular shaped appeal site comprises a detached piece of garden, planted with bushes and shrubs and enclosed by a low picket fence, situated within an area of garages grouped around the end of Forge Close. The single storey garages, in three blocks with hardstanding in front, serve a row of two storey houses in Preston Lane which back onto the cul-de-sac and a group of nearby bungalows. The proposal is for a bespoke design two bedroom dwelling with a square garden at one end, which together would fill the site.
 4. The dwelling would be one and a half storeys in form with a steeply pitched roof and orientated sideways across the site due to its limited depth. However, it would be sited immediately next to a garage block with the side elevation of the dwelling about twice its height giving an awkward and cramped relationship between the two buildings. The dwelling would also be sited hard up to the road, with the front elevation next to the kerb at one point, leaving little or no space in front to soften its appearance unlike the nearby bungalows which are set back behind front lawns. The projecting front facing gable and balcony with an internal parking space below and high eaves along the front elevation would also be unusual features. Overall the proposal would appear unduly prominent
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in the street scene, out of place amongst the single storey garage blocks and an incongruous one-off dwelling poorly related to its surroundings.

5. The property would be served by a side garden, about 6.2 m x 5.5 m in size, which would extend towards a large Copper Beech tree situated within the rear garden of No 30 Preston Park. The tall and mature tree is an important feature which makes a significant contribution to the character of the area and is protected by a tree preservation order. The dwelling would be located well outside the root protection area (RPA) of the tree, and the decking behind the dwelling would only encroach into about 1% of it. There is consequently no dispute that the tree would not be adversely affected by construction.
6. However, just under a third of the relatively small garden would lie under the canopy of the tree and most would lie within the RPA. This would lead to some nuisance from falling leaves and beech mast, fear of falling branches, potential disruption to paths and paved areas from roots and difficulties in cultivation. Most importantly, the canopy of the tree, up to about 12 m across and 15 m tall, would be only about 4 m away from the end elevation of the dwelling. This elevation would include the bi-fold doors serving the living room and main window serving bedroom 1. Whilst the tree, sited to the north of the house, would not affect the sunlight reaching the property it would significantly reduce the daylight reaching these two important rooms which would only have small secondary windows. Being in such close proximity, the large tree would also be overbearing in the outlook from these principal windows and when in the garden. The extension to Raglans nearby was not permitted by the Council and therefore does not amount to a precedent in support of the scheme.
7. These inherent conflicts between the tree and the living conditions of future occupiers would be likely to lead to pressure to cut back or remove the tree, thus adversely affecting its visual contribution to the character of the area. Whilst the tree is protected and such requests could be resisted, there is an expectation that the interests of residents should take priority and in the medium term such arguments are likely to prevail. Indeed, there is already pressure to remove the tree - an application to fell the tree on nuisance grounds by the occupier of No 30 was dismissed on appeal in 2016¹. The new dwelling would be significantly closer to the tree than the end-terrace house No 30 and so the occupiers would be even more affected.
8. For these reasons the proposal would cause significant harm to the character and appearance of the area and would be likely to result in works to cut back or remove the protected tree, resulting in further significant harm. This would conflict with Policies E1, E10 and E19 of the Swale Borough Local Plan 2008 which seek to ensure development is of a scale, design and appearance that is appropriate to its context and protects trees that make an important contribution to the amenity of the surrounding area.

Other matters

9. There would be sufficient separation distance between the surrounding properties and the new dwelling for the effect on the outlook from their rear facing windows to be acceptable. The loss of daylight and sunlight would be minimal. In addition, with no windows proposed on the south elevation and only two small roof lights on the west elevation, the privacy of adjacent

¹ APP/TPQ/V2255/4797

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occupiers would be protected. The window of bedroom 1 would have oblique views into the rear garden and windows of Raglans to the north west; a projecting timber screen is proposed to prevent these views but this illustrates the contrived nature of the proposal on this constrained site.

10. All the arguments in favour of the proposal have been carefully considered. An additional convenient sized dwelling would be provided in a sustainable location which would make a small but useful windfall contribution to housing supply and offer important social and economic benefits for the area. The proposal would be a bespoke contemporary design, of suitable materials, make good use of a spare piece of garden land and provide natural surveillance for the end of the cul-de-sac and nearby garage blocks. However, these benefits, even in combination, do not outweigh the significant harm that has been identified under the main issue.

Conclusion

11. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR