

DELEGATED APPLICATION REPORT

Ward: Emmer Green Ward

App Ref: PL/25/0167 Householder planning permission

Address: 16 JEFFERSON CLOSE, EMMER GREEN, READING, RG4 8US

Proposal: Single Storey Rear Extension and Internal Alterations

Applicant: Mr & Mrs N Langdon

Received date: 03/02/2025

Target Decision date: 29/04/2025

Case Officer: Gary Miles

1. SITE DESCRIPTION

The application site is a large modern, two storey detached dwellinghouse constructed in 2012 - located in Jefferson Close, Emmer Green. The property has a larger than average, L – shaped rear garden with three trees in the rear garden subject to Tree Preservation Orders (TPO). The garden is also bounded by mature trees, several of which are also subject to TPO's. The surrounding area is predominantly residential and is not within a conservation area.

Site visit for an earlier application: 16th July 2024



Looking towards rear elevation with Oak Tree T1 in-view which is subject to Tree Preservation Order (TPO).



2. PROPOSAL AND SUPPORTING INFORMATION

The proposal consists of a single storey rear extension along with internal alterations. The proposed extension will have a projection of circa 5m and a width of circa 5m, have a pitched roof with an eaves height of circa 3.3m, 2 large floor to ceiling (picture) windows on the easterly-rear elevation, no openings or windows to the northerly-side elevation, and Bi-Fold doors along the southerly-side elevation. The walls will be constructed using brick, elevations and roof finished in dark grey zinc whilst the windows and doors will be finished in white upvc to match the host property.

Plans & Documents considered:

Application Form, dated 1st April 25

Site Location Plan, dated 8th April 24

Block Plan, dated 8th April 24

Drawing no: FD/452/624-Rev A-Existing Elevations, not dated

Drawing no: FD/452/624-Rev B-Proposed Elevations, not dated

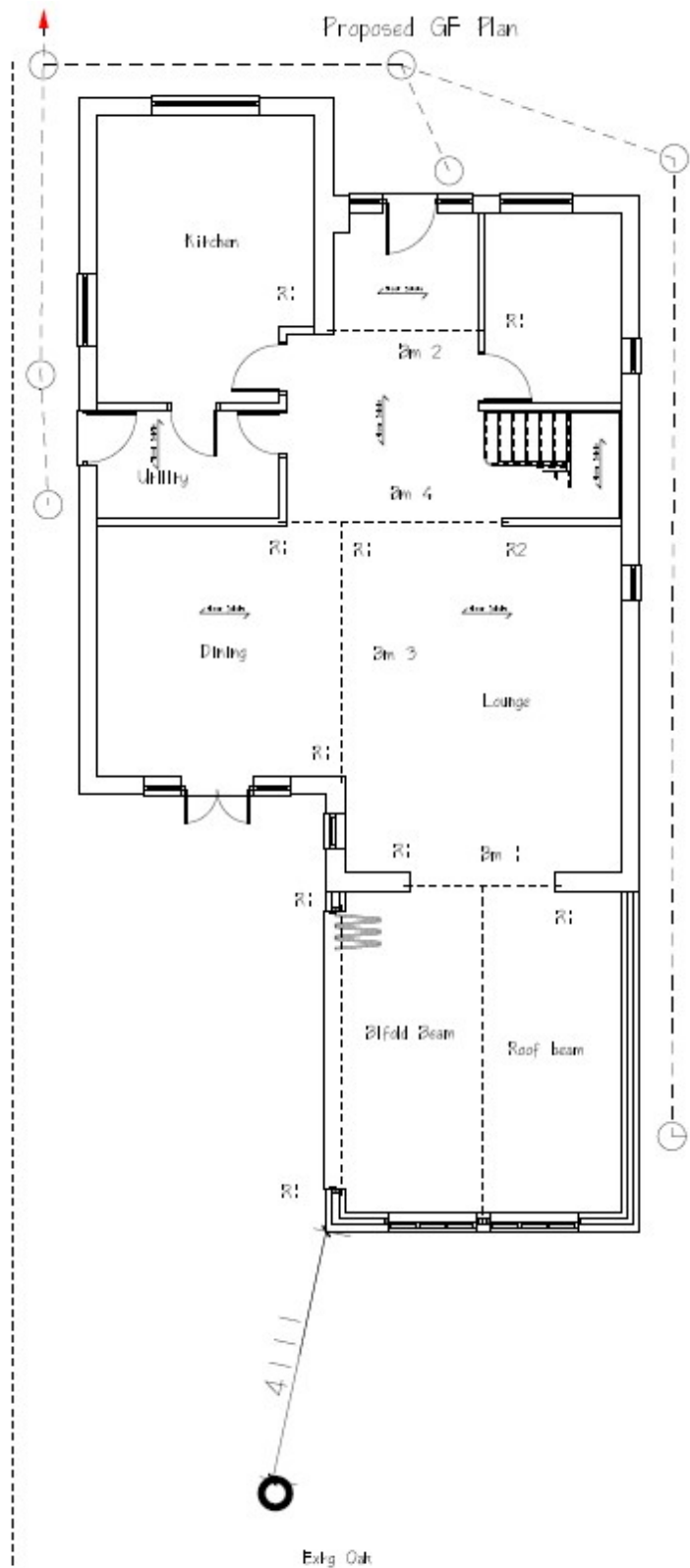
Drawing no: FD/452/624-Rev C-Proposed Ground Floor Plan, not dated

Arboricultural Implications Report (SJA trees), dated February 25

Received by the Local Planning Authority on 3rd February 2025.



Block Plan



Proposed Ground Floor Plan



Aerial view: Red Line denotes approximate site boundary. X denotes T1-English Oak tree.

3. RELEVANT PLANNING HISTORY

PL/24/0742 – Outbuilding in rear garden – Permitted August 2024

PL/24/0169 - Pre-Application advice for construction of outbuilding – March 24

PL/18/1508 - Oak T6 removal of overhanging branch, Ash T7 removal of lower hanging, downward arched branches that are occasionally falling – Split Decision Sept 2018

PL/18/0921 - Fell and replace one young fastigiate oak; reduce two branches of mature Oak – Permitted July 2018

4. CONSULTATIONS

External

The planning notice was installed on nearby street furniture on 13th March 2025, and left in place for a minimum of 3 weeks for the duration of the public consultation.

No letters of representation have been received at the time of preparing the report.

Internal

RBC Natural Environment Officer memo below:

My first concern from assessing the AIA, is the proposed development area is within the RPA of T1, an English Oak tree, which has a TPO (T5). The BS5837 2012 states that '*The default position should be*

that structures are located outside the RPAs of trees to be retained. Whilst the incursion is minor, the BS5837 2012 also states *'To avoid damage to tree roots, existing ground levels should be retained within the RPA. Intrusion into soil (other than for piling) within the RPA is generally not acceptable, and topsoil within it should be retained in situ. However, limited manual excavation within the RPA might be acceptable'*. Following these recommendations, this proposal is not acceptable. It is justified in the TPP as *'all roots will be cut cleanly'* i.e. it implies all roots of any size found can be cut. Contrary to this, the BS5837 2012 recommends that *'Roots smaller than 25 mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25 mm diameter and over should be severed only following consultation with an arboriculturist, as such roots might be essential to the tree's health and stability'*. Section 6.2.4 expresses that *'As a species English oak has been identified as moderate at tolerating root pruning and disturbance'*, however the tree survey notes the tree to have *'below average physiological condition'*. As such, severing its roots are more likely to lead to tree health decline and thus root pruning is not acceptable, regardless of how tolerable the species may be in general.

In section 6.2.3 the AIA attempts to minimise the incursion into the RPA by using a block and beam foundation and that *'In this case, as only the upper 300mm of the upper metre of soil will be removed, the 3.7% incursion into the tree's RPA may result in a reduction of only 1.8% of roots within the RPA'*. Then concludes *'it is highly unlikely that this incursion into the RPA will result in all the roots in this area being severed'*, but then provides evidence from studies, that *'as much as 90% of tree root length occurs in the upper metre of the soil'*. I suggest that this conclusion is therefore, not accurate and in any case, excavation of virgin ground in the RPA is not acceptable other than removal of turf layer or existing hard surfacing. It is also noted in section 6.2.1 that *'The incursion by part of the proposed extension into the RPA of oak tree no. 1 extends no closer than 4m from the trunk'*. The incursion into the RPA is so close to the trunk, I would be concerned roots of over 25mm would be found.

Another concern is that this proposed extension falls underneath the canopy of T1. It is justified in section 5.2.1 by stating that *'Although the north-west crown extent of oak tree no. 1 overlaps the proposed extension by up to 3.5m, the tree's crown will not require any pruning to facilitate construction. This is because the extension comprises a single storey only, and as such, it is unlikely to exceed 4m in height. As the tree's west crown extent shows a clearance of 5.25m, there will be a clearance of at least 1.25m between the extension roof and the tree's crown which will allow adequate working space for construction and a reasonable margin of clearance for future growth.'* The use of the wording 'unlikely' presents uncertainty as to how close the extension will truly be to the canopy and the figure of 1.25m clearance, is likely to be inaccurate. It is then further justified, in section 5.2.2, by stating *'the LPA would control both the extent and quality of any future pruning, if required'*, which would be contradictory if this proposal is approved. We would struggle to be able to refuse pruning, as allowing an extension to be built so close to T1, pruning would be deemed as reasonable maintenance to give the property clearance.

Following the BS5837 2012 guidance of *"The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees"* and that T1 is classed as semi mature, it would be fair to say that this proposed development would put pressure on T1 to be pruned or removed. T1 has not reached full maturity and will continue to grow both its canopy and its root system, encroaching on the building. The relationship between T2 Oak (T6 of TPO) and sunlight has been mentioned in section 7.1.1 and 7.2.1. There is no Tree Constraints Plan showing shadow arcs which represent this. We would expect this to be included (as recommended in BS5837 2012) and to demonstrate statements made, before conclusions are made and relied upon. Potential future pressure to prune this tree therefore also applies. Overall, the AIA rates the impact of this proposal as negligible. This is mentioned with the report's conclusions, section 8.4.1. The definition of negligible is given within Table 1, also showing other levels of impact. From Table 1, the Natural Environment Team would consider the magnitude to be medium and therefore, unacceptable.

To conclude, considering the above factors and following the recommendations of the BS5837 2012, this proposal is not acceptable. With the future in mind, this proposal has the potential to negatively impact tree health and increase pressure to prune or remove this tree, as both the RPA and canopy are encroached by the development. The size of this proposal is not justified in relation to the impact on the tree. When tree health is suboptimal, we should be considering methods to improve it, rather than hinder it.

5. EQUALITY ACT 2010

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation other application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

6. LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework
National Planning Practice Guidance
H9 (House Extensions and Ancillary Accommodation)

Reading Borough Local Plan (2019)

CC7 (Design and the Public Realm)
CC8 (Safeguarding Amenity)
EN12 (Biodiversity and the Green Network)
EN14 (Trees Hedges and Woodland)

SPG/SPD

A Design Guide to House Extensions SPG
Tree Strategy 2021

7. APPRAISAL

Character, Appearance & Amenity

The proposed development by virtue of the single storey and design is considered acceptable in terms of appearance, however, the proposed development will consequent future pressures to prune or fell a mature English Oak tree. The proposed development is therefore detrimental to amenity and contrary to Policies H9 and CC7 and CC8 of the Reading Borough Local Plan 2019.

Trees

Structures should be located outside of Root Protection Areas (RPA) however, the proposed development is within the (RPA) of Tree T1 - English Oak. The Arboricultural Implications Report (SJA

trees) Tree Protection Plan (TPP) implies all roots of any size found can be cut - this is unacceptable and contrary to policy.

The proposed development is sited beneath the canopy of T1. The Arboricultural Implications Report (SJA trees) justifies this. However, this development will put pressures on the pruning of T1 which is unacceptable and contrary to policy.

The relationship of buildings to large trees can cause resulting pressure for the removal of the trees and that of T1-English Oak is classed as semi mature, it would be fair to say that this proposed development would put pressure on T1 to be pruned or removed, this is unacceptable and contrary to policy.

The uncertainty over the impact of the proposals on the future health of this tree is of concern, the proposal is therefore contrary to Policies EN14 and CC7 of the Reading Borough Local Plan 2019 and the aims of the Reading Borough Tree Strategy (2021).

8. CONCLUSION

The proposal fails to demonstrate a lack of harm to a protected Oak tree and will result in future pressure to prune as a result of proximity to the tree, hence is contrary to Local Plan Policy EN14 and the Reading Borough Council adopted Tree Strategy (2021).

It should be noted that no Pre-Application Advice were sought before submitting this application.

9. RECOMMENDATION

Refuse Planning Permission for the following reason:

1. The application fails to demonstrate that the proposal would not result in harm to a protected Oak tree subject to a Tree Preservation Order (TPO) in terms of future pressure to prune due to proposed walls, associated foundations and eaves height of the proposed development within close proximity to that tree. The proposal is therefore contrary to Policies EN14 and CC7 of the Reading Borough Local Plan 2019 and the aims of the Reading Borough Tree Strategy (2021).