
Appeal Decision

Site visit made on 28 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/Z3635/D/16/3158725

22 Broomfield, Sunbury-on-Thames, TW16 6SW

- 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 Paul Lowrance against the decision of Spelthorne Borough Council.
 - The application Ref 16/00970/HOU, dated 10 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is construction of a log cabin in the rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is whether the proposal would have a detrimental impact on protected trees within the appeal site and on adjacent land.

Reasons

3. The appeal property is a large residential dwelling with a reasonably sized rear garden. In common with other properties along the road it backs onto Station Approach. This is lined with a stretch of Horse Chestnut trees which sit within the rear gardens of the properties on Broomfield. The trees are protected by a Tree Preservation Order¹ (TPO) dating from 1975. The trees vary in age, the youngest of which are estimated to be around 50 years old but all are mature in size. They are notable features both from the rear gardens of the properties along Broomfield and in public views along Station Approach and on the elevated Staines Road East, where they form an attractive part of the streetscene. Their value is enhanced by their appearance as part of a group.
4. The proposal relates to the construction of a garden building at the end of the rear garden, which would be used as a hobby room for the family. The building would be single storey and would be constructed in an L shape, to sit around the trunk of the tree. It would sit wholly within the tree canopy of the Horse Chestnut identified as T16 in the TPO and partly within the canopy of T15, and the submitted plans show it would sit on a grid of concrete pads which would measure 600mm deep and 500mm wide.
5. The application is accompanied by an arboricultural report which describes the tree within the garden T16 as being a Category B Tree, with a likely lifespan of

¹ Tree Preservation Order 51 – Land at Station Approach Sunbury-on-Thames, Middlesex.

20 to 40 years. The tree in the adjoining garden, T15 has been subject to recent works and is considered to be a Category C Tree with a lifespan on 10 to 20 years. Both are considered to be in fair health. The report, which was commissioned following the submission of the application, identifies the use of concrete pad foundations as being likely to have a direct impact upon the health of both trees, but particularly T16. The report suggests the use of "swift foundation plinths", which it advises will be likely to have minimal impact.

6. Apart from the appellant's assertion that the plinth system would have less impact, based on the evidence before me I have no compelling evidence that such a system could be implemented on site without implications for the long term health of the both trees. In coming to a view I take into account that the proposal would be entirely within the Root Protection Area (RPA) for T16. Even if all the excavations were undertaken by hand, and the larger tree roots avoided in accordance with BS5837:12², given the size of the building, and the extent to which it occupies the Root Protection Area (RPA), excavations are likely to have a significant effect on the finer roots within the upper section of the soil profile and this would be harmful to the tree's long term health. It would also not be possible to adhere to the recommendation within BS5837:12 for the RPA to be protected during construction.
7. Furthermore, as pointed out by the Council's Tree Officer, the same standard also states that the default position should be that structures are located outside the RPAs for trees to be retained. In this case, the appellant has indicated that the proposed location of the cabin is the most convenient taking into account the size and shape of the garden. Although I do not disagree with this view, I also have no evidence that there is an over-riding need for the proposal in the form or location proposed. Whilst it would no doubt enhance the appellant's living accommodation, it is not required to provide a basic amenity, and in any case a smaller cabin could potentially be located elsewhere in the garden.
8. I take into account that the appellant acknowledges the value of the tree for screening and the contribution it makes to the garden and has no intention of deliberately harming either tree. However, the proposal is of a size and location that has the potential to damage the root system of the tree and jeopardise its long term health. It also has the potential to cause compaction during construction which would also cause harm. In this regard the proposal would be likely to lead to the long term loss of the tree, and with it the positive contribution the tree makes to the character of the local area.
9. I therefore conclude that the proposal would conflict with Policy EN7 of the *Spelthorne Core Strategy and Policies Development Plan Document* 2009 which seeks to resist the loss of preserved trees, and with guidance within the *National Planning Policy Framework* which states that it is a core planning principle to contribute to conserve and enhance the natural environment.
10. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

A Jordan

INSPECTOR

² British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations