
Appeal Decision

Site visit made on 6 December 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/P5870/D/16/3159156

76 Ruskin Road, Sutton, Carshalton SM5 3DH

- 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 Dr Andrew Green against the decision of the Council of the London Borough of Sutton.
 - The application Ref C2016/74241/HHA, dated 25 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is the dropping of the kerb outside our property to create parking space in front of our house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal relates to the site of a crossover proposed between the front garden of 76 Ruskin Road and the carriageway, in a street whose distinctive appearance relies on the green and tree-lined character provided by the numerous, mature trees in its footways. One such tree stands close to the kerb opposite the front garden of No 76, where it is proposed to drop the kerb to form a crossover onto the carriageway.
 4. The Council requires a minimum width for a crossover of 3m and it does not allow kerbs to be dropped within 1.8m of a street tree. It considers that the siting of the proposed crossover would cause significant harm to the street tree because part of the dropped kerb would be within 1.8m of its trunk.
 5. From my inspection it is clear that there is sufficient room for a car to pass onto the front garden without conflict with the trunk of the tree. Part of the dropped kerb may have to be formed within the 1.8m zone referred to by the Council, but the incursion would not appear to be great. Moreover, I noticed on my site visit that many of the street trees in Ruskin Road appeared to have dropped kerbs substantially closer than 1.8m to their trunks, and there is no evidence from the Council that their health has suffered as a result. The Council has not provided me with any technical evidence or policies to substantiate their 1.8m crossover-free zone or indeed the quoted, minimum dimension of 3m for the length of a crossover.
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6. On the evidence before me, and subject to a positive assessment of the impact of the kerb adjustment on the tree's health, I am not convinced that small adjustments to the dimensional requirements cited by the Council could not reasonably be made to accommodate the provision of a crossover without harming the tree. However, my visit took place in winter when the tree was bare, when its condition is less conspicuous. Furthermore, the appellant says that the Council has already undertaken considerable work on this tree to prevent root damage to property and to the footway. Given the importance of the tree to the appearance of the street scene and to the character of the area, without any technical or professional evidence to the contrary from the appellant, I am not content to endorse a scheme which would put at risk the health of the tree.
7. I appreciate the benefit of a crossover to the appellant but do not consider that this outweighs the visual harm to the character and appearance of the surrounding area that would last for a considerable period of time if the tree were to be lost.
8. The proposal would therefore conflict with Policy BP12 of the Core Planning Strategy 2009 which seeks to ensure that development respects distinctive local character. It would be at odds too with Policies DM1 and DM3 of the Site Development Policies 2012 which say that planning permission will only be granted for development that maintains and enhances the local character and appearance of the surrounding area, which contributes positively to the street scene, and which expects development to respect and retain trees.

Conclusion

9. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR