

Appeal Decision

Site visit made on 8 December 2016

by R J Maile BSc FRICS

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

Decision date: 19 December 2016

Appeal Ref: APP/K3605/D/16/3157655

5 Eastwick Road, Hersham, Walton-on-Thames, Surrey, KT12 5AW.

- 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 Neil Thomson against the decision of Elmbridge Borough Council.
 - The application ref: 2016/1708, dated 24 May 2016, was refused by notice dated 16 August 2016.
 - The development proposed is: "Conversion of bungalow into 2 storey dwelling with accommodation in loft space."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) The effect of the proposed dwelling upon the living conditions of existing and future residents of 2 Kenwood Drive, Hersham.
 - b) Whether the development could be undertaken without detriment to the long-term health of the protected oak tree.

Reasons

- a) *Effect upon living conditions.*
3. The property comprises a detached post-war bungalow sited upon a good sized plot close to the junction of Eastwick Road with Kenwood Drive. It is within an area that for the most part comprises individually designed modern detached houses, some of which were formerly bungalows.
 4. Having regard to the nature of surrounding development and the design of the proposed alterations I see no objection, in principle, to the conversion of the bungalow into a two storey dwelling with accommodation within the roof space. Notwithstanding these comments, it is necessary to take account of the impact of the development upon the living conditions of the occupiers of the adjacent property to the east (2 Kenwood Drive).
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5. 2 Kenwood Drive has been the subject of alterations and extensions but retains areas of private garden to the north and west immediately abutting the appeal site. That section of the garden adjacent to the east elevation of the proposed extension to no. 5 is well screened from the road by a mature beech hedge and includes a lawn and patio which are clearly part of the private garden area.
6. The submitted drawings indicate that there would be a new section of wall at first floor level approximately 10m in length within some 1.2m of the common boundary with 2 Kenwood Drive and projecting above the mature laurel hedge that separates the two properties. The proximity, scale and massing of this flank wall, with a height to eaves of 8m, would dominate and overshadow the private garden area of no. 2.
7. For these reasons, I have found upon the first main issue that development as proposed would unacceptably impact upon the living conditions of existing and future residents of 2 Kenwood Drive. As such, the scheme would be contrary to Policy CS17 of the Core Strategy¹ and Policy DM2 of the Local Plan².

b) Long-term health of protected oak tree.

8. The mature oak tree within the front garden of the appeal site is protected by a Tree Preservation Order (No. EL:16/01). I have been provided with a detailed arboricultural report dated August 2016 by TMC Arboricultural Consultants, which seeks to address the concerns expressed by the Council's Tree Officer as to the effect of development upon the long-term health of this protected tree.
9. The detailed proposals before me do not include works to the foundations of the existing bungalow, the only works of excavation within the root protection area of the oak tree involving a small porch. This is likely to require minimal foundations and is located within an area that is currently part hard surfaced.
10. I entirely accept the concerns of the Council's Tree Officer having regard to the importance of this mature oak tree within the street scene. Nevertheless, the photographic evidence of the tree as noted in March and August 2016 and my observations on site have convinced me that the scheme could be undertaken without adversely affecting the contribution this protected tree makes to the character and appearance of the area, assuming that the works to construct the porch are carried out in accordance with the detailed recommendations set out in BS 5837:2012³. A condition could be imposed to give effect to this.
11. The oak tree has a high canopy and the arboricultural report concludes that development as proposed would only require crown reduction of the lowest branch of the tree, which extends towards the building.
12. From my own observations, the crown reduction or even complete removal of this branch would not affect the form or appearance of the tree or bring about conditions prejudicial to its long-term health.
13. Accordingly, and subject to the imposition of a condition as referred to above, I have found upon the second main issue that development as proposed could be

¹ The Elmbridge Core Strategy (adopted July 2011).

² The Elmbridge Local Plan: Development Management Plan (adopted April 2015).

³ British Standard 5837:2012 "Trees in relation to design, demolition and construction. Recommendations."

undertaken without detriment to the long-term health of the protected oak tree.

Conclusion

14. For the reasons given above, and notwithstanding my finding upon the second main issue, the impact of the alterations upon the living conditions of existing and future residents of 2 Kenwood Drive remains paramount. As such, I have concluded that the appeal should fail.

R. J. Maile

INSPECTOR