
Appeal Decision

Site visit made on 7 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 June 2017

Appeal Ref: APP/L5240/W/17/3170552

187 - 189 Pampisford Road, South Croydon CR2 6DF

- 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 Joyce against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05503/FUL, dated 25 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is demolition of the existing dwellings and the erection of 3 x 2 bed and 5 x 3 bed dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area with particular regard to whether the proximity of development would lead to future pressure for trees to be altered or felled.

Reasons

3. The appeal site is part of a residential street of dwellings and apartments that vary in design and are set back from the highway within spacious and verdant plots. Mature trees form an important part of area's character. Within the appeal site there are several mature trees subject to Tree Preservation Order No 16, 2004, of which two groups situated to the rear of Nos 187 and 189 are particularly pertinent to this case. One group of trees, to the rear of No 187, comprises two Silver Birch, one Robinia and one Lime. The second group, towards the end of the rear gardens adjoining No 189 and No 191, comprises three Lime, one Oak, two Cypress and one Fir.
 4. Many of the trees within the aforementioned groups are significant in height and prominent in views from Pampisford Road above and between gaps in built development. Furthermore the tree group behind No 187 is particularly prominent when viewed from the adjacent Columbine Avenue.
 5. From my visit it was apparent that the scale, form and grouping of many of the trees subject to the Tree Preservation Order make a significant contribution to the visual amenity of the street scene along Pampisford Road and Columbine Avenue. Many of the trees are graded within the appellants' arboricultural impact assessment (AIA) as Category B1 or B2, signifying that they have
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arboricultural and / or landscape value and a predicted life span of at least 20 years. Accordingly, it seems to me that these specimens will have an enduring contribution to make to the amenity of the area.

6. The development would comprise of a longer terrace of five dwellings to the east of the site and a shorter terrace of three dwellings to the west. In terms of the longer terrace, it was apparent from my visit that the southern-most dwelling, though somewhat further away compared to the footprint of the existing dwelling at No 187, would still be in very close proximity to the canopy spread of the Robinia tree, identified in the appellants' AIA as T20. This tree is a mature specimen of some 12 metres in height.
7. From the information before me, I consider that this close relationship would harm light to and outlook from habitable room windows serving the rear elevation of the dwelling in question. It would also lead to significant shading of the relatively small rear garden area during the latter parts of the day. The effect of this would give rise to the sense of the tree dominating the rear of the plot, resulting in overbearing and oppressive living conditions for future residents. I consider, on the balance of probability, that this would result in pressure to remove or substantially prune the tree. Whilst it could be argued that the existing dwelling at No 187 would be closer to this tree, that dwelling has the benefit of a longer and wider plot which would help to relieve the impact of the tree.
8. Similarly the proposed northern-most dwelling within the shorter terrace, denoted as Plot 6, would be separated from the Cypress tree identified in the AIA as T5 by only 4.2 metres. When taking into account the substantial height and bulk of this tree, together with its dense foliage, I am in no doubt, from the information before me, that its close relationship would result in a very poor standard of outlook from windows in the rear elevation of that dwelling. It would also result in harm to natural light entering the building. Accordingly there would be oppressive living conditions for future residents of that plot which I consider would result in significant pressure to remove the tree in question. I note that there would be a small amount of open space provided to the side of Plot 6, however this would not overcome the aforementioned issue.
9. I am mindful that the Council has acknowledged that it would be possible to remove a pair of poorer specimen conifers to the rear of the site. However there is no suggestion that this applies to the tree denoted as T5, the appellants having categorised this as a specimen of moderate rather than poor condition or value. Furthermore the appellants have not provided any evidence to suggest that tree specimens T5 and T20, which I have identified as potentially threatened, do not make an important contribution to the visual amenity of the area. For the reasons given above I am firmly of the view that both trees do make a valued contribution in this regard.
10. Whilst there is no suggestion that the siting of the proposed development would result in harm to any tree root protection areas, notwithstanding the Council's powers to protect preserved trees, I concur with the view that it would be difficult to resist increasing pressure to remove or alter a tree that is causing a room to be unduly gloomy or garden to be heavily shaded. I acknowledge that future occupiers would be expected to weigh up the significance of tree presence and that residents may take a positive view of their aesthetic value or the practical benefits of shading or potential to improve

security and support wildlife. However residents may not fully appreciate the implications of living next to a large tree until later on.

11. In terms of concerns expressed by the Council about the impact of leaf litter, I am not persuaded that this could not be adequately kept under control. However this does not overcome the concerns I have raised above.
12. I conclude that the proposal would result in harm to the character and appearance of the area, because on the balance of probability there would be significant future pressure, that would be difficult to resist, to alter or fell trees that make a significant contribution to the visual amenity of the surrounding area. Whilst the appellants would not object to carrying out soft landscaping works on the site, this would take many years to mature and achieve a comparable impact to any mature trees that would be lost.
13. Accordingly there would be conflict with Saved Policies UD2 and UD14 of the Croyden Replacement Unitary Development Plan 2006 insofar as they require landscaping to be considered as an intrinsic part of the design of new development and retained where appropriate.
14. The appellants have referred to a previously proposed scheme for the site¹, dismissed by the Inspector following appeal, highlighting that the Inspector did not raise concerns about the living conditions of occupiers at the rear of the site. I have been provided with very little information in relation to that case, however the decision is not recent having been issued more than ten years ago. In addition the appellants state that the current proposal has a different relationship with trees, the number and quality of which has changed since. There is not therefore a compelling case that the previous scheme was comparable to the current proposal.
15. The appellants have also referred to discussions with the Council's case officer in which, I understand, a preference was expressed by the Council for a previous layout. However it is well established that such advice is informal only and is not binding on formal consideration of an application by the Council. This is not, therefore, a consideration that carries any positive weight.

Conclusion

16. I recognise that the Council has raised no objection to the re-development of the site in principle or to the appearance of the development. However these are considerations of lack of harm and do not therefore carry weight in the overall planning balance. Taking into account the above, I am firmly of the view that providing a small amount of additional housing, albeit in a time of need, would not outweigh the design shortcomings of the scheme. Accordingly, the proposal in this case does not amount to sustainable development and the presumption in favour of such, as set out in the National Planning Policy Framework, does not apply.
17. For the above reasons and having taken into consideration all other points raised, the appeal should not succeed.

Roy Merrett

INSPECTOR

¹ Ref APP/L5240/A/05/1192759