



Appeal Decision

Site visit made on 5 September 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 18 September 2017

Appeal Ref: APP/L5240/D/17/3179215

17 Beckett Avenue, Kenley, Croydon, CR8 5LT

- 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 Anthony Lissaman against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/06486/HSE, dated 22 December 2016, was refused by notice dated 13 April 2017.
 - The development proposed is the demolition of existing lean-to. Ground floor extension of existing dwelling, loft conversion with two dormers, addition of attached lower ground level double garage with storage. Creation of new vehicle access from road to garage. Refurbishment of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing lean-to. Ground floor extension of existing dwelling, loft conversion with two dormers, addition of attached lower ground level double garage with storage. Creation of new vehicle access from road to garage. Refurbishment of existing outbuilding at 17 Beckett Avenue, Kenley, Croydon, CR8 5LT in accordance with the terms of the application, Ref 16/06486/HSE, dated 22 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1205 6 Rev A and 1205 3 Rev T.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Within the first planting season after felling of the preserved trees on the site replacement trees shall be planted on the site. Details of the species, size and exact location of the trees shall have previously been submitted to and agreed in writing by the local planning authority.
 - 5) If, within a period of 5 years from the date of planting, the trees (or any trees planted in replacement) are removed, uprooted, destroyed or die or become, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree

unless the local planning authority gives its written consent to any variation.

Background and Main Issue

2. The Council indicates that it does not object to the built form of the proposal in terms of its effect on the character of the area, the street scene or the appearance of the original building but rather, as stated on the decision notice, that the siting of the proposed building(s) would require the removal of a visually important tree the loss of which it considers would be detrimental to the character of the area.
3. The proposed development would necessitate the removal of two trees covered by a Tree Preservation Order (TPO), a Corsican Pine T1 (TPO T1) and a Lawson Cypress T2 (TPO G10). The submitted arboricultural report indicates that T2 is in a declining condition and has lost whatever public amenity value it may have had. Neither the Council's decision notice nor the Delegated Officer's Report raise any concern regarding the removal of T2 referring only to the removal of T1 and its impact on the character and appearance of the area. The Council's Tree Officer in his response to the planning application stated that the principal consideration is the proposed removal of the preserved pine T1 and from both the evidence and what I saw on my site visit I see no reason to take a different view.
4. The main issue in this case therefore is the effect of the proposed development on the character and appearance of the area having particular regard to the removal of the preserved tree T1.

Reasons

5. The appeal site consists of a large two-storey detached dwelling, detached car port and detached outbuilding (annexe) set within spacious grounds. There are a number of evergreen and deciduous trees on the site, some of which, including the preserved tree T1, are protected by the TPO. The trees on the site are almost entirely peripheral with a dense mixture of evergreen and deciduous screening to Beckett Avenue and Foxley Road, and along the northern boundary of the site. The western boundary screening to 13 Beckett Avenue is less pronounced. The trees on the site along with those at other nearby properties contribute overall towards the verdant character of the area.
6. The submitted arboricultural report indicates that tree T1 is a mature specimen with a category A grading in accordance with BS5837¹. There is no dispute between the parties regarding this. However, there is disagreement regarding the trees prominence and its visual amenity contribution when viewed from Beckett Avenue.
7. Tree T1 is one of a line of large trees, which along with some smaller trees, run along the northern boundary of the site with the properties in Red Tiles Gardens. Although it is a large specimen I saw from my site visit that its visibility from publicly accessible viewpoints is very limited. It is visible from Beckett Avenue only when looking directly up the driveway of No 17 and even here its visibility is restricted by the angle of view due to the drive position and the surrounding trees and hedges. From virtually all other viewpoints it is either obscured by the dense screening provided by other trees, or has a

¹ British Standard 5837:2012 Tree Category Classes Category A grading - high quality and value (40+ years)

- backdrop of other trees. Its removal would not be readily discernible either individually or as part of a group of trees. Accordingly, it would not cause material harm to the character and appearance of the area.
8. I note the Council's suggestion that there are alternative solutions which could be available to the appellant that would allow for the retention of the tree. However, it has not provided me with the details of any such solutions.
 9. To conclude on the main issue therefore, the proposed development would not cause material harm to the character and appearance of the area having particular regard to the removal of the preserved tree T1. Therefore, it would not conflict with saved policy NC4 of the Croydon Replacement Unitary Development Plan: The Croydon Plan 2006 (UDP) and policy 7.21 of the London Plan The Spatial Development Strategy for London (Consolidated with Alterations since 2011) (the London Plan) which presume against the loss of valued trees unless their loss is unavoidable. It would not undermine the broad intentions of saved policy UD14 of the UDP which seeks to ensure that all landscape associated with new development is considered as an intrinsic part of the overall design concept, the objective of policy SP7 of the Croydon Local Plan: Strategic Policies 2013 to deliver new and enhanced green infrastructure or policy 7.4 of the London Plan to ensure that buildings make a positive contribution to the character of a place.
 10. The Council has not suggested any conditions other than those relating to the timescale of the planning permission, the approved plans and materials. These conditions are necessary to provide certainty and to ensure a satisfactory appearance. However, having regard to the existing TPO on the site and in the interests of the character and appearance of the area I consider that, as suggested by the appellant, it is necessary to require replacement trees for the preserved trees which are to be removed to be planted elsewhere on the site. Accordingly, I have also imposed conditions in this respect.
 11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR