
Appeal Decisions

Site visit made on 3 July 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/L5810/W/16/3166001

1 Spring Terrace, Paradise Road, Richmond TW9 1LW

- 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 Richmond Green Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/5146/FUL, dated 7 December 2015, was refused by notice dated 2 December 2016.
 - The development proposed is the alteration of the boundary wall to form an opening for vehicular and pedestrian access; removal of a section of close-boarded fence and replacement with a brick boundary wall.
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Appeal Ref: APP/L5810/Y/16/3166006

1 Spring Terrace, Paradise Road, Richmond TW9 1LW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Richmond Green Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/5147/LBC, dated 7 December 2015, was refused by notice dated 2 December 2016.
 - The works proposed are the alteration of the boundary wall to form an opening for vehicular and pedestrian access; removal of a section of close-boarded fence and replacement with a brick boundary wall.
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Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue in these appeals is the effects of the proposed development on the adjacent tree.

Reasons

3. The appeal relates to development within the frontage of this generously sized property. The alterations would allow for the use of the frontage area for parking of cars/vehicles. The proposal also involves the construction of a new section of brick boundary wall. The frontage contains a very large and impressive London Plane tree which is included within a Tree Preservation Order. The tree is acknowledged to be a fine specimen, in apparent good

- health and makes a significantly positive contribution to public visual amenity within the area.
4. The existing boundary would be altered and a vehicle crossover and parking area created within the frontage. In response to the close proximity of the tree, the appellant has submitted a significant amount of detail regarding works which are designed to prevent any unacceptable effects on the tree.
 5. It is acknowledged that the proposal involves works within the root protection area (RPA) of the tree and that the root spread of the tree will have been influenced/constrained by the presence of the house and the adjacent road. Furthermore, it is stated that the existing forecourt will provide a valuable area for tree roots as it has not been subjected to compaction, as other areas have been.
 6. The proposed scheme would remove the existing hard surface and replace it with a cell root protection system, above which would be a separation fabric, bedding sand and finally porous block paving. The works to provide the access over the pavement would also involve works within the RPA, including excavation of an estimated depth of 0.4m.
 7. The area of hard-standing would take up a significant proportion of the 'modified RPA', although much of this is currently hard-surfaced. I have taken full account of the suggested method of construction of the new surface and of the fact that it is intended that there will be minimal excavation. However, I remain concerned that the use of the parking area for the intended purpose, repeatedly over the years, whereby vehicles would pass very close to the tree within the most important area of its RPA would lead to the compaction of the soil which is likely to contain a significant number of roots.
 8. I appreciate that the proposed system is designed to spread the load of vehicles but the fact remains that the considerable weight of cars/vehicles would pass and rest on ground within the RPA; this would inevitably give rise to compaction in my view with the likely consequence that important roots would be damaged and would die back. Although the area of the cross-over is small in itself, the likely effects of the excavation of this area adds to my concerns, although I accept that taken in isolation it may be considered acceptable by itself.
 9. I fully appreciate the extensive material that the appellant has submitted, no doubt in the sincere desire to preserve the tree. However, I remain of the view that there would be unavoidable effects on the ground which would have a negative effect on the tree.
 10. Additionally, I note from the previous appeal decisions (Refs APP/L5810/W/15/3013599 and APP/L5810/Y/15/313602) that a concern expressed by my fellow Inspector related to the possible effects of the boundary wall and its foundations on the tree. It would appear that there is little or no reference to this concern having been addressed and I have no information which gives an idea of the likely level of excavation or the likely effects on the tree. In the absence of any details I am concerned that this would have an unacceptable effect on the future well-being of the tree.
 11. Taking account of the status of the tree, its size, contribution to the area and high amenity value, I am not convinced that the proposal would ensure the

future well-being of the tree. Therefore, the proposal is contrary to Policy DM DC 4 of the Development Management Policies and the appeals are dismissed.

S T Wood

INSPECTOR