



Appeal Decision

Site visit made on 8 October 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/L3625/W/19/3232025

18 Beech Road, Reigate RH2 9LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Andrew Kovacs against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00705/HHOLD, dated 8 April 2019, was approved on 3 June 2019 and planning permission was granted subject to conditions.
 - The development permitted is single-storey side and rear extension and changes to the roof of the rear part of the house to provide first floor accommodation. Overall overhaul of the exterior of the house and addition of a timber screen to the front entrance.
 - The condition in dispute is No 4 which states that: no development shall commence including any partial demolition or any groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the local planning authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees. The AMS shall also include a supervisory regime for their implementation and monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.
 - The reasons given for the condition is: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' and policies Pc4, Ho15 and Ho9 of the Reigate and Banstead Local Plan.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted for extensions and roof changes to the rear part of the dwelling to provide first floor accommodation. Additionally, an overhaul of the dwelling and the addition of a timber screen to the front entrance was permitted. Under the permission, condition No 4 (as set out under bullet point 5 above) required tree protection measures to be submitted to and approved in writing by the local planning authority, the implementation and the monitoring of such measures.
3. The Reigate and Banstead Development Management Plan (DMP) 2019 has recently been adopted. LP policies Pc4, Ho15 and Ho9 have now been replaced by DMP policies NHE3, DES3 and DES1.

Main Issue

4. The main issue is whether the condition would meet the six tests set out in National Planning Policy Framework (the Framework), having regard to the character and appearance of the area.

Reasons

5. Beech Road comprises detached dwellings set in spacious and verdant surroundings. Dwellings are set back from the road with off-street parking and turning areas behind hedges and trees. The high density of mature trees and vegetation make a significant contribution to the character and appearance of the area which is a designated Residential Area of Special Character. The appeal site is set in a generous and deep plot containing mature trees and hedged boundaries. A Tree Preservation Order covers a group of trees to the front of the site.
6. The extensions and alterations would be to the rear of the dwelling and would not physically encroach into the root protection area of the protected trees. However, the building works would be extensive given a first floor element and therefore, it would be likely that significant materials, equipment and work persons from different trades would be required. There would also be a need to take waste materials, spoil, etc away from the site which would no doubt necessitate temporary storage on the site. Taking this into account, the space available between the frontage vegetation and the dwelling would be confined, especially if residential occupation were to take place at the same time.
7. Therefore, there would be significant pressure to park, store materials and machinery, within the root protection areas and the canopies of the trees. This would result in soil compaction and possibly pollution through fuel and lime in cement damaging the trees. Any harm to the protected trees would be detrimental to the character and appearance of the area. There is no intention to remove or damage the frontage trees but there is no control over accidental damage. With different work persons likely to be coming and going to the site, the risk of damage to the trees would be significant in the absence of any protective measures.
8. The neighbouring property has had a new dwelling built to the rear and at 4 Beech Road building works have also taken place which have resulted in damage to hedges. Hedges are now growing back or being re-planted and it is understood that neither developments had a requirement for a Tree Protection Plan and related Arboricultural Method Statement. However, it is unclear whether protected trees were issues in these cases and in any case, the damage to the hedges affirms my conclusions on the need for such a plan and statement in this case. In this regard, it takes considerable time for trees to return to their former state, especially if they have been removed.
9. The appellant wishes to make improvements to their home and the cost of the project is already expected to be high. However, the trees make a substantial and positive contribution to the visual amenity of the area, which is designated as a Residential Area of Special Character. In the absence of the condition, the proposal would harm the character and appearance of the area and would conflict with the policies of the DMP. For all these reasons, the planning condition is necessary, relevant to planning and to the development to be

permitted. Taking into account its wording, the condition would also be enforceable, precise and reasonable in all other respects.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR