The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/G5180/D/19/3240832
1 Mayfair Close, Beckenham BR3 5EL

- 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 John-Paul Noakes against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/19/01823/FULL6, dated 12 April 2019, was refused by notice dated 4 October 2019.
- The development proposed is a two-storey side extension to an end of terrace, 4-bedroom house to provide increased living space and utility.

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension to an end of terrace, 4-bedroom house to provide increased living space and utility at 1 Mayfair Close, Beckenham, BR3 5EL in accordance with the terms of the application, Ref DC/19/01823/FULL6, dated 12 April 2019, 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: AP.00.01 B, AP.00.02 B, AP.01.01 B, AP.01.02 B, AP.01.03 B, AP.02.01 C, AP.02.02 C, AP.02.03 C, AP.02.04 B, AP.03.01 B, AP.05.01 C, AP.06.01 C, AP.06.02 C, AP.06.03 C, AP.07.01 C, AP.07.02 C, AP.07.03 C and AP.07.04 B.

   3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

   4) The development shall only be carried out in accordance with the details submitted within the Arboricultural Impact Assessment Report, reference 190416-1.2-1MCB-AIA-LL, dated 16th April 2019. No alterations or variations to the details shall be made without the prior written consent of the local planning authority.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the London Plane street tree adjacent to the appeal site.

Reasons for the Recommendation

4. The appeal property is a two-storey end of terrace dwelling on the corner of Mayfair Close and The Avenue. The area is densely residential in nature with a mixture of dwellings and flatted blocks. The development proposed is a two-storey side extension on the side elevation of the existing dwelling and would face The Avenue.

5. There are a number of street trees and greenery within the surrounding area, particularly along The Avenue. The proposal is located directly adjacent to a well-established London Plane tree on a grass verge between the road and the footway with some of its branches overhanging the appeal site. This tree is significant in size and is a positive and prominent feature within the streetscene.

6. The extension would be approximately 1.6 metres from the boundary fence. The appellant has shown that an exploratory trench was dug parallel to, and about one metre from, the boundary fence adjacent to the London Plane tree. The Arboricultural Impact Assessment, submitted by the appellant, states that no significant roots from the London Plane tree were found in the trench and the Council have not disputed these findings. It is clear then that the extension, further from the tree, would have no greater impact on the roots of the tree than that which has already occurred. The Council's concerns primarily relate to the removal of a section of potential rooting area, with the appellant confirming that the proposal would encroach upon 11% of the tree's calculated root protection area (RPA). However, the tree is large and well established and therefore would already have an extensive and well-developed rooting system. It is not considered that the proposed extension and restriction of 11% of the RPA would result in any significant impediment to the tree's long-term vitality.

7. The Arboricultural Impact Assessment also states that some branch pruning work to the tree would be required to facilitate the proposed development. The Council consider the tree to be attractive in its un-pruned state. However, the tree is not protected and works could currently be undertaken to the branches of the tree overhanging the appeal site without consent at any time. Therefore, I give little weight to this matter.

8. For the reasons above, I do not consider that the development would result in an unacceptable impact on the London Plane tree. As such I find no conflict with Policy 73 of the London Borough of Bromley Local Plan (2019) which requires proposals for new development to take account of existing trees on adjoining land which in the interests of visual amenity are considered desirable to be retained.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans as this provides certainty. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development. I have also included a condition

to ensure that the works are carried out in accordance with the submitted Arboricultural Impact Assessment Report. This condition is considered to be necessary to protect the London Plane tree during the construction of the proposed development and ensure works to the tree are appropriate.

Conclusions and Recommendation

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed

Andrew Owen

INSPECTOR