
Appeal Decision

Site visit made on 18 February 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/P3610/W/19/3242748

**St Martins Scouts and Guides Headquarters, Church Road, Epsom
KT17 4AB**

- 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 Patrick Bravery against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00115/FUL, dated 13 November 2018, was refused by notice dated 20 June 2019.
 - The development proposed is extension to the Forge building at the Scout Headquarters to create an additional meeting room and improved WC and kitchen facilities. Includes the demolition of the existing garage adjoining the Forge.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development proposed on the character and appearance of the area, having particular regard to the protected Sycamore tree.

Reasons

3. The appeal site comprises an arrangement of buildings which are set away from the main street and used by St Martins Scouts and Guides. Located between the main buildings and close to the site boundary are two trees, including a Sycamore tree (the tree) which is protected by a Tree Preservation Order (TPO)¹. It is the impact of the proposal on the Sycamore tree which is the focus of the Council's objection.
4. Whilst there are signs of damage to the tree trunk, due to its overall shape and height, it is an imposing specimen which retains its overall form and makes a notable contribution to the character and appearance of the area, this is recognised through its TPO status. There is no evidence to suggest that it will not make a positive contribution to the area for many years to come, thus its removal would harm the character and appearance of the area.
5. The Council are concerned that the tree would be adversely affected by foundation works associated with the extension due to its proximity. The submitted independent arboricultural assessment shows that the proposed

¹ TPO reference 73/T1

extension and a soakaway tank would be within the Root Protection Area (RPA) of the tree. In order to protect the tree roots, the appellant proposes to construct the extension on a suspended frame, supported by piles which would be hand dug to a depth of 750mm.

6. The root system of a mature tree such as this is unlikely to penetrate far down into the soil. It has not been demonstrated the extent to which existing hard surfacing occupies the ground below the location of the proposed extension. Therefore, I cannot be certain that there are no roots in the area where the piles are proposed. Whilst I acknowledge that lightweight piled foundations may often provide solutions to avoid root systems, no information has been submitted detailing the proposed foundation design, including the number of piles, or their specific design and dimensions, so the extent of ground excavation necessary to support the extension is unclear.
7. Given that the proposal would occupy a proportion of the RPA, and the susceptibility of mature trees to suffer adverse health when only a relatively small proportion of their roots are damaged, it has not been demonstrated to my satisfaction that the proposal would ensure the long-term health and survival of the tree. As a result, I am not satisfied that a condition requiring the submission of an arboricultural method statement would be appropriate given that no suitable method for constructing the extension without undermining the tree roots has been demonstrated.
8. However, even if I was to accept the appellant's assertion that the piling method and foundation design would prevent significant root damage, the same cannot be said for the proposed soakaway which would require excavations in order to install it. Whilst the appellant suggests that the soakaway could be repositioned to avoid the RPA, that is not reflected on the plans submitted with this appeal and upon which the Council determined the application, which show that part of the soakaway would be within the RPA. Consequently, the proposed soakaway could adversely affect the health of the tree. In combination with the extension, I find that it would affect the long-term health prospects and survival of the tree which would be detrimental to the character and appearance of the area.
9. Policy DM5 of the Epsom & Ewell Borough Council Development Management Policies Document 2015 (DMP) requires replacement planting if trees are to be removed. However, no details have been submitted proposing a replacement tree and it is not immediately apparent where a replacement tree could be planted given the constrained nature of the appeal site. In any event, due to the Sycamore's age, appearance, and condition, it cannot easily be replaced with new immature planting. Therefore, replacement planting would not compensate for the harm that I have identified.
10. It is put to me by the Council that in time there would be pressure to remove overhanging branches of the tree given that they would be directly above the proposed extension. However, there is no compelling evidence before me to suggest that branches, leaves or fruits from the tree falling onto the building would impair its integrity, nor is it inferred that the tree would unacceptably diminish the amount of light entering the extended building. Moreover, whilst the parking area would also be located close to the tree, a 'no dig' cellular base is proposed in order to reduce loads and compaction which may otherwise

affect the tree roots. Given that there is nothing to prevent vehicles parking in the RPA at present, I do not find this element to be unacceptable.

11. In respect of benefits, the Scout group provides a popular and well-established facility for a range of young people in the local community. The proposal would allow the growth and improvement of existing facilities, thus promoting social interaction and inclusion, and encouraging healthy living. It would further allow young people to learn new skills and to participate in outdoor activities. The expanded space would allow local groups to hold other sporting activities, which would also encourage healthy living and provide a benefit to the community.
12. It is also put to me by the appellant that the proposal complies with Policy 34 of the DMP and fulfils the duty to facilitate activities for young people². I have no reason to disagree, and overall I apply significant weight to the aforementioned benefits of the proposal. However, I attach greater weight to avoiding a potential decline in the health of the tree in this instance, particularly as Policy DM5 requires that existing trees are retained where practicable, and there may be other ways of providing the additional accommodation on site without harming the tree.
13. The appellant also proposes to remove the existing hard surfacing within the RPA in order to improve water flow to the subsoil, thus contributing to the tree's long-term health. Taking this asserted benefit on face value, there is nothing in the evidence to suggest that the hard surfacing is significantly affecting the health and vitality of the tree at present, thus it is unclear to what extent, if at all, the removal of the hard surfacing would provide tangible benefits to the tree. Consequently, this benefit is insufficient to outweigh the harmful effects of the proposal on the tree roots.
14. Consequently, for the foregoing reasons, I find that the proposal would have a harmful effect on the character and appearance of the area, having particular regard to the protected Sycamore tree. It would conflict with Policy DM5 of the DMP which requires, amongst other matters, that every opportunity should be taken to ensure that new development does not result in a significant loss of trees, with any loss being supported by appropriate arboriculture evidence.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

Matthew Woodward

INSPECTOR

² According to the appellant, this duty is a requirement of section 507B of the Education Act 1996