
Appeal Decision

Site visit made on 9 March 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2020

Appeal Ref: APP/Q3820/D/20/3244555

2 Grattons Drive, Pound Hill, Crawley RH10 3AA

- 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 Muzaffar Hussain against the decision of Crawley Borough Council.
 - The application Ref CR/2019/0529/FUL, dated 15 July 2019, was refused by notice dated 17 October 2019.
 - The development is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal has been made retrospectively and the works have been carried out. There are some minor discrepancies between the appeal drawings and what has been built, in particular the colour of the render. I have based my decision on the appeal drawings.

Main Issue

3. The main issue is the effect of the works on the protected tree and any associated effect on the character and appearance of the area.

Reasons

4. The site is a two-storey house located on the eastern side of Grattons Drive. A rear extension and associated decking have been constructed. There is a Cypress tree to the south of the proposed extension and decking. The tree is part of a group of trees protected by a Tree Preservation Order. While I note the views of the appellant's Arboricultural consultant, the tree is reasonably attractive in its own right with a fairly substantial crown at the top of a twin trunk. It also sits within a group of trees which combined provide a verdant and pleasant character to the garden of the appeal property and the wider area.
5. Notwithstanding the appellant's submissions, I was able to confirm at my site visit that the majority of the crown of the tree can be seen above the appeal property from Grattons Drive, and it contributes positively both individually, and in combination with the other protected trees, to the visual amenity of the site and the wider area.
6. The decking has encroached into an estimated 10% of the Root Protection Area (RPA) of the tree, according to the appellant's Arboricultural Impact

Assessment (AIA). The appellant has provided a photograph indicating pad and beam construction, although I note the unchallenged evidence of the Council that this in part replaced a strip foundation extending some 6 metres from the rear of the property. Therefore, it is not clear from the evidence before me if this includes foundation works or not and I have adopted the precautionary approach of assuming that damage to the roots has been caused in this area, because it has not been proved otherwise.

7. The rear extension has also significantly encroached on the RPA of the tree, estimated at 14% by the AIA, and, due to its foundations, this is in a manner that will most likely have damaged the roots in this area.
8. The potential incursion into the RPA is up to 24% which is greater than the 20% incursion recommended in the appellant's own AIA as being the maximum loss of roots healthy trees can withstand. Although the AIA states that the true rooting area of the tree is larger than the RPA, it does not account for the fact that a significant portion of the larger rooting area outside the RPA has also been disturbed by the extension and decking. Although there are favourable rooting conditions to the south and east of the tree, all along one side to the north the works have taken away what are likely to have been similar favourable rooting conditions. This has the potential to unbalance the tree or to otherwise cause it harm in the longer term.
9. Although the extension and decking have been constructed for several months and the tree is showing no obvious signs of damage or decay as yet, it is too early for it to be clear if the construction has damaged the trees roots to the extent that it may harm the health of the tree in the longer term. Consequently, it has not been satisfactorily demonstrated in my view that the incursion into the RPA from the works will not in the future damage the health of the tree.
10. The tree is very close to the extension and decking, and the fairly substantial crown of the tree oversails the works. This has the potential to encourage regular pruning of the tree in the future in order to prevent damage to the property. This would place additional pressure on the ability of the tree to maintain its health, and, irrespective of this, would reduce its visual amenity value. It is also possible that over time the impact of the tree on the structure of the extension and requirements for general maintenance may lead to pressure to fell the tree.
11. The appellant has suggested that measures could be taken to de-compact the soil around the tree in order to ensure there is no further damage to the tree roots and to allow for a full recovery. However, even if these measures were undertaken, I consider they would not be able to fully reverse the damage already done to the tree roots and therefore potentially to the health of the tree. This would not therefore adequately mitigate the harm already caused.
12. The tree provides visual amenity on its own merits, and also as part of group value, and contributes positively to the character and appearance of the area. It is possible the works have damaged the tree to the extent that its health may be harmed in the future, and no compelling evidence has been provided to refute this. Further, the proximity of the works to the tree are likely to lead to pressure for future excessive pruning and potentially also felling of the tree.

13. Therefore, the works will likely harm the character and appearance of the area, and fail to comply with the relevant parts of Policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030, dated December 2015, and Paragraph 170 of the National Planning Policy Framework. Amongst other things, these policies seek to respond to and reinforce local landscape character and to protect attractive features which make a positive contribution to an area. The works are also contrary to the Green Infrastructure SPD, which, amongst other things, seeks the protection of trees of amenity value.

Other Matters

14. The appellant has stated that a replacement or additional tree could be provided in a more prominent location to mitigate any harm to the tree. However, this is not before me and without further details, even indicatively, it is not possible to consider how or if this would provide adequate mitigation. I have therefore given this negligible weight.
15. The appellant has also stated that if the appeal is dismissed this may lead to enforcement action requiring the extension and/or decking to be removed altogether, which could cause more damage to the tree's roots. This is a matter beyond the scope of this appeal to consider.

Conclusion

16. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR