



Appeal Decision

Site visit made on 27 February 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2020

Appeal Ref: APP/N1920/D/19/3243200
Greystones, The Warren, Radlett WD7 7DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs Helen Dormoy against the decision of Hertsmere Borough Council.
 - The application Ref 19/1226/HSE, dated 5 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is front boundary works to include removal of existing fence, areas of hard and soft landscaping, replacement trees, additional vehicular access and new electric entrance gates.
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Decision

1. I allow this appeal, and grant planning permission for front boundary works to include removal of existing fence, areas of hard and soft landscaping, replacement trees, additional vehicular access and new electric gates at Greystones, The Warren, Radlett WD7 7DS in accordance with the terms of the application 19/1226/HSE dated 5 August 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area with particular regard to the loss of 2 trees.

Reasons

3. The appeal property comprises a detached dwelling of a modern, cubist architectural style situated on the inside of a gentle bend on a narrow road containing predominantly large dwellings. The dwelling and its architecturally matching neighbour are quite close to the road such that they are more visually evident than many of the other dwellings located along The Warren. Many of the properties in the vicinity have tall trees within their front gardens giving the area a very verdant quality.
4. The appeal site is served by a short driveway accessed via a solid wooden gate located on the left-hand side of the frontage. The gate and the solid wooden fence measure around 2 metres in height and are set back from the metalled road by a narrow grass strip. Just behind the fence, and close to one another, is a tall holly tree and an ash tree of similar height. The holly tree is subject to a Tree Preservation Order (TPO).
5. The development proposal comprises the removal of the solid wooden fence and its replacement by a hedge of around 1.8 metres in height, flanked by

metal railings to 1.5 metres in height, and 2 sets of electronically controlled iron gates to provide for a semi-circular driveway for vehicular access and egress. Installation of the second gate access would necessitate the removal of the 2 aforementioned trees. The appellant proposes to replace these trees in more or less the same place with a Persian Ironwood that would be a minimum of 5 metres in height at the time of planting.

6. The holly tree is located within a designation in the relevant TPO known as 'G10' which is coterminous with the front gardens of the 2 cubist properties. In addition to the holly tree there are 4 scots pine and 2 silver birch trees that are within G10 and protected by the Order.
7. The holly tree is around 10 metres in height whilst the ash tree is around 8 metres tall. The holly has a crown spread of around 2-3 metres with a stem diameter of around 30 cm. The ash has a crown spread of approximately 2-4 metres and a stem diameter of approximately 50 cm.
8. When approaching the appeal property along The Warren from the north-west neither of the two subject trees are conspicuous because both are largely eclipsed by the stand of Scots Pine located in the front garden of the neighbouring cubist property. The trees are more evident when approached from the south but, because of their limited height and crown spread, they are subsumed into the backdrop of the much taller and larger Scots Pine such that they make little visual impact. Consequently, neither of the two subject trees contribute materially to the character and appearance of the area.
9. According to the appellant the holly tree has low vitality throughout with a visually porous crown. It has shed most of its leaves and is in declining health due, possibly, to root damage sustained when the site was redeveloped in 2010. As a result, the tree has a probable lifespan of less than 10 years. Thus, applying the standards in British Standard 5837: 2012 the tree should be categorised as U, being unsuitable for retention because it is showing signs of significant immediate and irreversible overall decline.
10. The same report finds that the ash tree is also of poor quality. It has experienced suppressed growth and has a highly distorted crown as a result of previous pollarding. Accordingly, it has poor future growth prospects. Applying the relevant schedule in BS5837:2012 the arboriculturalist concludes that the ash tree is unremarkable and of limited merit and thus should be categorised as C.
11. This assessment is, according to the appellant, broadly consistent with that provided by the appellant and the Council in 2014 and 2017 in connection with an application and an amendment for an additional driveway. A report produced in 2014 (the 'Honey Report') stated that the holly tree was a moderate specimen with a slightly sparse crown and moderate future potential. It concluded that both the holly and the ash tree should be classified as B or C under BS5837:2012 (with B being a tree of moderate quality with an expected lifespan of at least 20 years).
12. The Council's officer concurred with that assessment, holding that the holly tree was of low to medium quality, and the ash tree of low value. In response to the subsequent amendment, the officer held that the holly tree and the ash tree had limited value, and that a maple would be an acceptable replacement. The further deterioration of the trees since 2014 and 2017 is probably

- attributable, according to the appellant, to root damage sustained through the construction of the dwelling in 2010.
13. The Council contends that the holly tree continues to hold sufficient amenity value to warrant retention. It states that a Persian Ironwood would not be enough to mitigate the harm caused to the character of the area through the loss of the subject tree.
 14. It was also claimed that many ilex species across the Borough have sparse crowns which, very often, has no bearing on the long-term condition nor has it required removal of the tree. However, no evidence in the form of photographs or other documents was submitted in support of this proposition.
 15. On the basis of the foregoing the weight of evidence given in connection with the two applications determined in 2014 and 2017 indicates that the two trees have insufficient intrinsic quality to warrant their retention. This is consistent with my own observations that neither tree appeared to have many leaves and both appeared to have porous and spindly crowns.
 16. Furthermore, because of its typical spread and size the replacement of the two trees with a Persian Ironwood would more than offset their removal and make a distinctive and positive contribution to the character and appearance of the area.
 17. Consequently, the removal of the 2 trees would not harm the character and appearance of the neighbourhood. Thus, the development proposal accords with Policy CS12 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 which seeks to ensure that new development must conserve and enhance the natural landscape. Furthermore, it accords with Policy SADM12 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 (SADM) which seeks to protect healthy trees subject to TPO designation and requires any trees lost through development to be replaced with an appropriate specimen. It also accords with Policy SADM30 that requires new development to make a positive contribution to the natural environment.
 18. The proposal is consistent with the advice set out at Paragraph 127b) in the National Planning Policy Framework (the Framework) that new development should incorporate effective landscaping. The provisions of Paragraph 175c) of the Framework, which concern ancient and veteran trees, are relevant to this decision. Finally, the proposal is consistent with the advice set out in the Council's Supplementary Planning Document: Biodiversity, Trees and Landscape 2010 that proposal affecting trees should be informed by an assessment from an appropriately trained and qualified arboriculturalist.

Conclusion and conditions

19. For the reasons set out above I allow this appeal.
20. In addition to the standard 3-year condition I have attached a condition requiring that the scheme be implemented in accordance with the approved plans and documents for the purposes of certainty.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in full accordance with: Plan 1594 01 REV A; Plan HDM18_GS_P-FG-01 REV 02 (25 June 2019); HDM18_GS_S-01 (27 March 2017); Tree Protection Plan and Arboricultural Method Statement (July 2019); and TPO Plan 29/2004.

