

Appeal Decision

Site visit made on 13 May 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/L5240/D/20/3245654
415 Davidson Road, Croydon CR0 6DS

- 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 Aamal Molefi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04108/HSE, dated 30 August 2019, was refused by notice dated 5 November 2019.
 - The development proposed is a vehicular access point with dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used above has been taken from the decision notice of the Council and the appellant's appeal form. It is more concise than the description used in the original application form and, as it has subsequently been used by both parties, I consider that no party is prejudiced by the use of the above description.
3. Due to the appeal being accompanied with a Tree Report (TR) and an Arboricultural Method Statement (AMS) which were not submitted with the original application, the Council were given opportunity to comment on their content. However, no further comments were received.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area with particular regard to the effect on the adjacent street tree.

Reasons

5. The proposed development would involve the creation of a dropped kerb to enable the parking of a car at the front of the dwelling of 415 Davidson Road. In close proximity to the proposed dropped kerb and associated crossover is an existing street tree, the crown of which spreads above the area of the proposed development. Dropped kerbs are common along Davidson Road, with some being close to street trees.
6. Although the tree is not the subject of any form of statutory protection, along with the other street trees of Davidson Road, it makes a significant contribution to the character and appearance of the locality. The tree is surrounded by the kerb of the carriageway at one side and the footpath of Davidson Road at the

other sides, with a small area of bare soil surrounding the base of the tree. The appellant's TR identifies that the tree is a small leaf lime that is in good health with normal growth and vigour. The TR also identifies small undulating areas and cracking close to the tree that is possibly the result of root activity. However, it also suggests that most roots are likely to be well below the surface of the footpath.

7. The submitted plans show that the proposed dropped kerb and the associated crossover would be in close proximity to the existing tree and partially below its crown. In this regard, the submitted plans show that the crossover would be within such close proximity to the tree that it appears that hardstanding would replace some of the existing bare soil that surrounds the tree. As the proposed works would occur in an area that is likely to host some of the roots of the tree, it is likely that the development would have an effect on the tree. In this respect, the appellant's AMS acknowledges that the development would occur within the root protection area of the tree.
8. The AMS details that meetings attended by representatives of the Council and the appellant would be undertaken prior to, during and post development. At the first of those meetings, the existing condition of the tree, the proposed ground works and the pruning and protection of tree roots would be agreed. The AMS also states that tree protection barriers would be erected and provides specifications for the pruning of roots and the use of hand-dig methods of excavation where necessary.
9. Whilst I have had regard to the content of the AMS, leaving the agreement of those matters that are set out above until the pre-development meeting does not demonstrate that the measures of protection would be effective. Furthermore, whilst the AMS states that any cuts to the roots of the tree would be made 150mm clear of the nearest edge of the construction towards the tree, this appears to be unfeasible due to the close proximity of the tree. Similarly, moving protective fencing to a point that is 150mm from the edge of the proposed construction also appears to be impractical in this case and would, therefore, offer minimal protection to the tree and its roots.
10. For these reasons, it is not certain that undertaking the development in accordance with the AMS would be sufficient to ensure the protection and long-term retention of the tree. As such, whilst I have considered whether an otherwise unacceptable development could be made acceptable through the use of conditions, in this case it is not certain that a condition requiring compliance with the AMS or any other condition would be effective in terms of protecting the existing tree at the site and making the development acceptable.
11. The evidence before me therefore indicates that undertaking the proposed development would be likely to alter the health of the existing street tree and it has not been demonstrated that the effect would be minor or could be avoided through the use of protection measures and suitable arboricultural practices. In this context, it is likely that harm would be caused to the tree which would reduce its ability to continue to contribute to the character and appearance of the area.
12. Whilst other vehicle access points exist within the street, most ensure that some space is provided between the dropped kerb and the base of the tree. Conversely, the submitted plans show that the access point would be located in very close proximity to the adjacent tree. Accordingly, I do not find that the

other examples of similar developments within the area demonstrate that the proposal would not have a harmful effect on the street tree.

13. For the reasons given above, the development would have an unacceptable effect on the character and appearance of the area, with particular regard to the effect on the adjacent street tree. The development would, therefore, be contrary to Policy DM28 of the Croydon Local Plan 2018 which seeks to protect and enhance trees by not permitting development that would result in the loss or excessive pruning of trees that make a contribution to the character of the area and ensuring that arboricultural standards are adhered to.

Other Matters

14. Whilst it has been identified that the development would provide safe off-street parking for the appellant, there is no evidence before me that demonstrates that existing parking arrangements within the vicinity of the site are unsafe. Furthermore, whilst some dwellings within the locality are served by off-street parking, I have no basis to conclude that the appellant is disadvantaged by not having access to off-street parking in such a way that providing an opportunity to park off-street would outweigh the harm that would be likely to arise from the proposed development in respect of the main issue.
15. Although the appellant has stated that they intend to install an electric charging point for an electric vehicle at the frontage of the site, I have insufficient details of that proposal before me to enable it to be secured as part of the development. As such, this is not a benefit of the development that I consider outweighs the potential harm to the existing street tree.

Conclusion

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

Ian Harrison

INSPECTOR