
Appeal Decision

Site visit made on 7 July 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/G5180/D/19/3237713
2A Downs Hill, Beckenham, Kent BR3 5HB

- 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 Kingsley Ibeji against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02085/FULL6, dated 14 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is external carport.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The carport the subject of the appeal already exists. The application form describes the proposal as "retention of external carport" but I have amended the description as "retention" is not an act of development.

Main Issue

3. The main issue is the effect of the proposal on a protected tree.

Reasons

4. The appeal relates to a detached dwelling on the northern side of Downs Hill. There is a bridge over a railway to the site's western side. The carport has been constructed in the front garden adjacent to the eastern boundary with the back gardens to dwellings in Ravensbourne Avenue which are on lower ground.
5. There is a group of pine trees in the front garden at the appeal site and in adjacent back gardens that are subject to a Tree Preservation Order. These appear to be in good condition, are prominent in views along Downs Hill due to the bend in the road, and therefore have good public amenity value. The trunk of one of the trees is wholly enclosed by the car port whilst a second tree on the side boundary fits within a notch cut into the carport's pitched roof.
6. The appellant contends that the roof structure has been designed to avoid damage to protected trees. Furthermore, that as no land excavation took place in constructing the car port, the trees' root should not have been affected. I noted a wrapping of dark material around the trunk of the wholly enclosed tree rising above the slope of the carport's pitched roof. However, the timber frames supporting that roof have been built against the enclosed tree's trunk. The structure constrains the natural movement and growth of this pine tree.

7. The appellant points out that any works to the trees would still need to be the subject of an application in which the impact on the trees could be assessed on the individual merits of the case. However, that would be to ignore the harm currently arising due to the closeness of the carport to protected trees and to the enclosed tree in particular.
8. The proposal restricts the stem growth of the enclosed pine tree. Consequential decline in the tree's health would increase pressure for its future removal. The proposal would thereby be contrary to Policy 73 of the Bromley Local Plan which seeks to protect such trees of high amenity value.

Conclusion

9. For the reasons given, and having regard to all other matters raised, including the representations from interested parties, the appeal is dismissed.

Rory MacLeod

INSPECTOR