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# Appeal Decision

Site visit made on 16 October 2020

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 November 2020**

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## **Appeal Ref: APP/N5090/D/20/3251773**

### **36 Granville Road, Barnet EN5 4DS**

- 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 Jake Narthey against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/5533/HSE, dated 8 October 2019, was refused by notice dated 14 February 2020.
  - The development proposed is removal of an existing garage and construction of a single storey rear and side extension and a roof conversion with rear roof dormer.
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### **Decision**

1. The appeal is allowed and planning permission is granted for removal of an existing garage and construction of a single storey rear and side extension in accordance with the terms of the application Ref 19/5533/HSE, dated 8 October 2019, subject to the conditions set out in the attached Schedule.

### **Procedural matter**

2. The application was amended during its consideration by the Council, removing a roof extension from the proposal. I have considered this appeal on the basis of these amended plans and have deleted reference to the roof extension from the formal decision at paragraph 1, for clarity. The proposal also includes a new timber clad bin store in the front garden and a small area of timber decking and steps to the rear. It is not necessary to include these minor elements in the description. They are clearly shown on the plans.

### **Main issues**

3. The main issue is the effect of the proposal on the character and appearance of the local area, in terms of its potential impact on a protected cedar tree.

### **Reasons**

4. No 36 is a detached 2 storey house on a pleasant suburban street. Its back garden is completely dominated by a very substantial Cedar of Lebanon tree, which is protected by a Tree Preservation Order (TPO). The tree has a crown spread of some 10 to 12m diameter and is not far from the house, so that its branches overhang the amenity area just behind the house and a single storey garage wing. The main element of the proposal is to demolish that garage and build a new single storey extension wrapping around from the side to the back

- of the house, extending as far back as the existing garage and stretching across the full width of the house.
5. The cedar tree can be seen from Granville Road and adds to the character and appearance of the area. Aside from one view between houses, however, only the top of the tree can be seen from the street, over the roofs of houses. The Council's concern is about the potential impact on the tree's health from the works and also from likely ongoing pressure to trim branches because of the extension.
  6. The appellant has submitted an arboricultural report addressing these issues. It recommends the use of specialist foundations with a root irrigation system, tree protection measures during construction and the lopping of 3 branches. The Council, as advised by its Tree Officer, identifies potential risk from demolition, foundations, construction activities, levels and services. It accepts that the proposed design brings this risk down as low as possible and that the 3 branches proposed for lopping would likely require removal in any case, but still considers that there would be considerable risk that construction and post-development pressure would harm the tree and its value to local visual amenity.
  7. The proposed extension would occupy a significant proportion of the tree's root protection zone, but with care and attention to the details set out in the Arboricultural report (and subject to approval of further details by the Council though planning conditions), the works are reasonably capable of being carried out without causing significant harm. There will be risks any time that work is carried out near to a protected tree, but the combination of careful working and statutory protection here should acceptably minimise that risk.
  8. The dominance of this evergreen tree over the back of the house and its immediate rear garden is such that there will always be pressure to trim or lop some of its branches to provide sufficient light and for safety. The creation of this extension should not significantly alter this situation. The loss of some lower branches should not substantially affect the tree's contribution to local character and appearance.
  9. Although I recognise that the proposed works would cause a degree of risk to the protected tree, I find that careful planning and control can reduce that risk to a reasonable and acceptable level. No concerns have been raised about the contemporary design of the extension, which would contrast with, but still complement the house's more traditional character. I conclude that the proposal would not harm the character or appearance of the local area due to harm to the protected tree or for any other reason. It would therefore accord with the aims of Barnet's Local Plan Core Strategy Development Plan Document Policies CS NPPF and CS5 and Barnet's Local Plan Development Management Policies Development Plan Document Policy DM01, to secure high quality design that safeguards and protects trees and their root systems.
  10. I impose a condition specifying the relevant plans and the key arboricultural report, to provide certainty. I have not included the bat survey in this list as it does not recommend any mitigation measures. A series of conditions are necessary to ensure that details of tree protection measures, working methods, foundations, services and levels are all agreed by the Council. The tree protection measures need to be put in place before any works on site, so that

particular condition needs to be dealt with before development commences. I have included reference to provision of a root irrigation system, which is indicated in the submitted arboricultural report and would be important to the ongoing health of the tree.

11. Details of external materials also need approval in the interest of local character and appearance, though I see no need to approve the materials for the timber decking as this would be a minor feature, tucked away out of sight. The Council also suggests a landscaping condition, which is reasonably necessary but only insofar as it relates to a requirement to plant a new tree, to potentially form a successor to the existing cedar tree. I am not convinced that this should be another Cedar of Lebanon as these are not well suited to normal gardens. I have reworded the Council's suggested conditions in places in the interest of clarity and to remove pre-commencement trigger points where this is not necessary.
12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR

#### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and document except as may be otherwise required by other conditions of this permission:
  - 001 Rev A (Site Location Plan)
  - 002 Rev A (Existing Block Plan)
  - 003 Rev B (Proposed Block Plan & Roof Plan)
  - 004 Rev A (Site Analysis and Root Protection Zone)
  - 100 Rev A (Existing Ground Floor Plan)
  - 101 Rev A (Existing First Floor Plan)
  - 150 Rev B (Proposed Ground Floor Plan)
  - 151 Rev B (Proposed First Floor Plan)
  - 152 Rev C (Proposed Second Floor Plan)
  - 200 Rev A (Existing Sections AA, BB & CC)
  - 250 Rev B (Proposed Sections AA & BB)
  - 252 Rev B (Proposed Sections CC)
  - 300 Rev A (Existing Elevations Front and Rear)
  - 302 Rev A (Existing Side Elevations)
  - 400 Rev B (Proposed Elevations Front & Rear)
  - 401 Rev B (Proposed Elevations Front & Rear 02)
  - 402 Rev B (Proposed Elevations East & West)
  - Arboricultural Report 190548-PD-11 dated October 2019.
- 3) No development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 of British Standard BS5837:2012 (*Trees in relation*

*to design, demolition and construction - Recommendations*) and an arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of BS5837:2012 have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

- 4) No development other than demolition works shall commence until details of special foundations to 'bridge' the rooting areas of the protected tree or foundations that can be inserted through the root system without harm, and the provision of a specialist root irrigation system, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details approved under this condition and the root irrigation system shall be retained thereafter.
- 5) No development other than demolition works shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details approved under this condition.
- 6) No development other than demolition works shall take place until details of the finished floor levels of the extension and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the approved levels shall be retained thereafter.
- 7) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the extension and bin store hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials approved under this condition.
- 8) Details of a new tree to be planted within the back garden shall be submitted to and approved in writing by the Local Planning Authority prior to the extension hereby permitted being brought into use. The tree shall be planted in accordance with the approved details within the first planting season following the first use of the extension. If this new tree is removed, dies or becomes severely damaged or diseased within five years of the completion of the extension it shall be replaced with a tree of the same size and species in the next planting season.