



Appeal Decision

Site Visit made on 12 October 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/G5180/D/21/3276997

8 Almond Close, Bromley, BR2 8DS

- 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 Simon & Mrs Chloe Payton against the decision of London Borough of Bromley.
 - The application Ref DC/21/00401/FULL6, dated 25 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is the demolition of existing single storey side and rear extension and the construction of a new part single storey, part two storey side extension and a single storey rear extension to include a raised deck with steps to rear garden and a new side fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the long-term health of a protected tree.

Reasons

3. The appeal scheme proposes the construction of a number of extensions to the existing property including a two-storey side extension and a single-storey rear extension. The extension to the rear would almost entirely be situated below the canopy of a large, protected Oak tree positioned within the rear garden of the property. The tree is an attractive feature of the surrounding area, that is visible from various vantage points in the vicinity, above the height of existing dwellings.
4. I note that the appellant asserts that the tree has not needed to be pruned previously, as well as the opinion of an arboriculturist is that the tree will not require pruning in the future. However, the existing layout of the site does not place any significant living space beneath the tree, there being only an office/study and utility under the canopy. The proposed scheme would result in a large family room being almost entirely under the canopy. Given the dense canopy of the tree, it would substantially overshadow the proposed extension. Furthermore, this room includes a large roof light which would provide views directly upwards of the canopy and branches of the tree.
5. In my view, the siting of the rear addition has significant potential to increase the likelihood that occupiers would seek to reduce overshadowing, in order to allow increased light to reach the new internal space. Moreover, the direct

views of the tree overhead have the potential to increase concern in respect of falling branches.

6. These situations, resulting from siting new habitable accommodation under the canopy, could lead to pressure to prune or reduce the tree canopy, which the Council may find difficult to resist. The reduction of the tree or its loss would diminish to an unacceptable degree, or remove, the positive contribution that it makes to the area.
7. As such, the potential future pressure for pruning, a reduction in the crown or the removal of the tree would have a considerable adverse effect on both the character and appearance of the area. This would be contrary to policies 37, 73 and 74 of the Bromley Local Plan (2019) and policy G7 of the London Plan (2021). Together, and amongst other things, these policies seek to ensure that development respects landscape features, takes account of existing trees, improves the amenity value of trees and that existing trees of value are retained.
8. The Council's reason for refusal references the Bromley Tree Management Strategy, however I have not been provided with a copy of this. Nonetheless, I have found conflict with policy above sufficient to dismiss the appeal.

Conclusion

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

Martin Allen

INSPECTOR