



Appeal Decision

Site Visit made on 15 November 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/Z3635/W/21/3278367

Rowland Hill Almshouses, Feltham Hill Road, Ashford TW15 2DS

- 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 Rowland Hill Almshouses against the decision of Spelthorne Borough Council.
 - The application Ref 20/01322/FUL, dated 4 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is to create new car parking area with new crossover and upgrade the existing car park to increase the number of parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issue

3. The main issue is the effect of the proposed development on protected trees within the appeal site.

Reasons

4. The proposed development would introduce a separate car park just behind the eastern frontage of the appeal site. The appeal site includes two separate trees which are protected by a Tree Preservation Order (TPO), being a Monterey Pine roughly within the centre of the proposed car park, and a Yew tree in the south-eastern corner. Both trees would be retained as part of the proposals.
5. The root protection area (RPA) for both of the protected trees is extensive, covering a large part of the new car park. Whilst protective fencing has been proposed during construction, insufficient technical evidence has been provided to demonstrate that the proposed development could be carried out without harm to the protected trees, including to their respective RPAs. BS 5837: Trees in Relation to Design, Demolition and Construction (BS 5837) is explicit that where permanent hard surfacing is proposed within an RPA, *"site specific and specialist arboricultural and construction design advice should be sought to determine whether [the development] is achievable without significant adverse*

impact on trees to be retained"¹. In this instance, the Method Statement for Tree Protection submitted with the application is vague and lacks sufficient technical details to adequately demonstrate that this would be the case.

6. Moreover, whilst a permeable parking surface has been proposed, no further details of the materials to be used in construction of the car park have been submitted. BS 5837 is clear that "*new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA*"². Based on the plans provided, it appears that the proposed parking area would extend far beyond 20% of the combined RPA of the protected trees. On this basis, and without sufficient detail of the proposed surfacing, I cannot properly assess whether the development would be able to adhere to this guidance.
7. For these reasons, it has not been demonstrated that the proposals could properly safeguard the protected trees as part of the development. The development would therefore conflict with Policies EN1 and EN7 of the Council's Core Strategy and Policies Development Plan Document (adopted 2009), which require any trees of amenity value to be adequately protected as part of development proposals.

Other Matters

8. Whilst I acknowledge the desire of the appellant to increase parking provision within the appeal site, such benefit would not outweigh the potential harm to the protected trees that may arise from the development.
9. In terms of safety concerns regarding uneven ground, such issues could be overcome irrespective of whether planning permission for the proposed development is granted. Whilst I also note comments regarding the impact of the protected trees on the structural integrity of the building, there is no tangible evidence before me to substantiate this position, so this can only carry very limited weight in my decision. In any event, the trees are now proposed to be retained as part of the development.

Conclusion

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

¹ Paragraph 7.4.1, BS 5837 Trees in Relation to Design, Demolition and Construction

² Paragraph 7.4.2.3, BS 5837 Trees in Relation to Design, Demolition and Construction