



Appeal Decision

Site Visit made on 29 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/A3655/W/21/3274784

8 Bentham Avenue, WOKING GU21 5LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Nusrat Razaq against Woking Borough Council.
 - The application Ref PLAN/2021/0122, is dated 2 February 2021.
 - The development proposed is Proposed formation of vehicular crossover and associated change of use of amenity land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given. In consideration of the Council's Statement of Case, and the evidence before me, the main issue in dispute is the effect of the proposed development on the character and appearance of the area, including on an adjacent highway tree.

Reasons

3. Betham Avenue is a residential street within an urban area. Dwellings predominantly consist of semi-detached and terraced properties. Their frontages, and the highway, has limited landscaping that results in an urban built environment with limited greenery. The proposed driveway, serving the appeal site, would be located close to a cherry tree within a wide grass verge. This mature tree is comparatively large, has a well-balanced crown and appears to be a healthy specimen. As such, the tree and its surrounding grassed area add visual interest to the street making a positive contribution to its character and appearance.
4. The proposed access would affect a sizeable portion of the root area of the tree. Root protection has been offered by the appellant through the use of an tree root protection system. However, it is not in evidence how this would be applied or the depth it would need to be placed. It is also not explained whether this system would be appropriate for a cherry tree within the context of the appeal site. The root protection details provide only basic information about the product. The submission does not therefore include a detailed specification of works.

5. Furthermore, the carriageway is slightly lower than the grassed area and tree. Accordingly, some excavation of the ground around the tree would be necessary to create both a level access from the highway and accommodate the proposed root protection system.
6. These works would be likely to substantially affect roots within the development area, which could jeopardise the longevity of the tree. As a result, it is unconvincing that the proposed mitigation would enable the tree to be retained. As the area suffers a lack of greenery, the loss of this tree and therefore the proposal, would have a demonstrable impact on the character and appearance of the area.
7. Consequently, the proposal would conflict with policies CS5, CS21 and CS24 of the Woking Core Strategy (2012), policies DM2 and DM17 of the Woking - Development Management Policies (2016) and the National Planning Policy Framework. These policies, among other matters, seek development to enhance existing character and protect trees where it is relevant to do so.

Other Matters

8. The provision of off-street parking, resulting in a private benefit to the appellant in terms of convenience and security, would be of limited weight in favour of the scheme.
9. Details have not been provided by the appellant of the other approved cross-overs in the area. Although each case must be considered on its own merits, I am in any event unable to draw any clear comparisons with the proposed development. This therefore offers limited support for the proposal.

Conclusion

10. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed, and planning permission is refused.

B Plenty

INSPECTOR