



Appeal Decision

Site visit made on 7 December 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 DECEMBER 2021

Appeal Ref: APP/G5180/D/21/3283777
8 Beech Dell, Keston BR2 6EP

- 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 & Mrs K Thorn against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/21/02568/FULL6 dated 21 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is side single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for side single storey extension at 8 Beech Dell, Keston BR2 6EP in accordance with the terms of the application, Ref: DC/21/02568/FULL6 dated 21 May 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 496 BD-965-PD-GAR-05 Rev A; 496 BD-965-PD-GAR-01; 496 BD-965-PD-GAR-02; 496 BD-965-PD-GAR-03 Rev A and 496 BD-965-PD-GAR-04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be undertaken in strict accordance with the Arboricultural Report by Chartwell Tree Consultants Ltd dated 5 May 2021. In accordance with the recommendations of that report, a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted shall commence (including site clearance and preparatory work). The approved AMS shall be strictly adhered to throughout the construction works. The AMS shall include full details of a pre-commencement site meeting and any subsequent meetings with the Local Planning Authority required in respect of arboricultural site supervision.

Preliminary Matters

2. At my request, the Council has provided to me the Tree Protection Order (TPO) details for the adjoining site to the east, Woodlands. This confirms that all trees within Woodlands are protected by TPO 2685/2020 including the trees along the boundary with the appeal site.

Main Issue

3. The main issue in this appeal is the effect of the proposal on existing trees.

Reasons

4. The appeal property is a large detached house on a residential estate, Keston Park, comprising individual sizeable dwellings set within large plots. The individual properties and the whole of the estate has a very verdant character and appearance with many mature trees. Keston Park is also a designated Conservation Area. A number of individual trees within the appeal site are protected by TPO 2485/2012.
5. The proposed single storey extension would be relatively small in scale in relation to the size of the house and would be sited to the side/rear of the existing garage, which is at the front of the house. This area, where the proposed extension would be sited, is currently hard surfaced containing an oil tank and shed. There are no trees on the footprint of the proposed extension.
6. The proposal would be set in some 1.275m from the boundary with the adjoining property to the east, Woodlands. Along this boundary, and within Woodlands, there are a number of protected trees, including a Scots Pine. The land at the appeal site is lower than the land in the adjoining property, with a retaining wall along the boundary.
7. The Council raises two concerns in relation to the impact of the proposed extension on existing trees, first the impact of the works to construct the extension and secondly, subsequent pressures because of the proximity of trees to the extension.
8. In respect of the first concern, an arboricultural impact assessment has been undertaken by the Appellant and submitted with the application. The Council's tree officer does not appear to have commented in detail on that report. However, I am satisfied that the submitted assessment has identified and addressed the relevant issues and made detailed recommendations as appropriate to ensure that the extension could be constructed without material impact on the existing trees and with particular reference to the Scots Pine, identified as T7 in the arboricultural report. Compliance with the recommendations in the report would be addressed by conditions.
9. With regard to the second issue, given the distances between the existing property, the boundary and the trees on the adjoining property, I do not consider that this small extension, particularly given its intended end use as an extension to the existing garage, rather than habitable space, would result in any greater concerns regarding future pressures, compared with the existing situation.
10. The Council's reason for refusal refers to the impact of the proposed development on existing trees but from the submitted information, and as

confirmed at my site visit, the tree closest to the area of the proposed works is the protected Scots Pine in the garden of Woodlands. Whilst there are other protected trees within both the appeal site and the adjoining property, I do not consider that these would be directly affected by the proposed works, and they would be protected through the requirements of a detailed Arboricultural Method Statement.

11. I am therefore satisfied that, subject to conditions to ensure that the recommendations in the submitted arboricultural report are followed, there would be no harm to the protected trees, as a result of the proposed extension. There would be no conflict with Policies 43 and 73 of the Bromley Local Plan, which seek to protect trees of value, including within Conservation Areas.

Other Considerations

12. The appeal site lies within the Keston Park Conservation Area, the significance of which includes its verdant setting to the individual houses. This verdant setting includes a range of mature trees and well landscaped plots.
13. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. I have already found that the proposal would not harm, subject to adherence to conditions, the existing trees along the boundary, in the neighbour's garden or within the appeal site.
14. I am also satisfied that given the very modest scale of the proposed extension, including its siting to the side, that there would be no harm on the character and appearance of the existing dwelling and the significance of the wider Conservation Area. The proposal would therefore preserve the verdant character and appearance of the Keston Park Conservation Area. There would be no conflict with Policy 41 of the Bromley Local Plan and Section 16 of the Framework in respect of development within Conservation Areas. The Council also raised no concerns in this regard.

Conditions and Conclusion

15. The Council has suggested a number of conditions in the event that planning permission is granted. I agree that the materials should match those used in the existing property to protect the character and appearance of the existing house and the Conservation Area. I shall also list the approved plans for the avoidance of doubt and in the interests of good planning.
16. As I have already indicated, a condition is required to protect the adjoining trees in the garden of Woodlands and trees within the appeal site, but I shall amend the wording proposed by the Council to reflect the particular circumstances of this case and that an arboricultural report has been submitted.
17. In order to be effective, it is my view that the arboricultural condition requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR