



Appeal Decision

Site visit made on 4 April 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH June 2022

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Appeal Ref: APP/A2280/D/21/3281181

215 King George Road, Weeds Wood, Chatham ME5 0PH

- 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 Grzegorz Ladniak against the decision of Medway Council.
- The application Ref MC/21/0790, dated 18 March 2021, was refused by notice dated 11 June 2021.
- The development proposed is demolition of existing conservatory and storeroom at the rear of the property and erection of a new two storey side extension with a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and storeroom at the rear of the property and erection of a new two storey side extension with a single storey rear extension at 215 King George Road, Weeds Wood, Chatham ME5 0PH in accordance with the terms of the application, Ref MC/21/0790, dated 18 March 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: KG215-01, KG215-02, KG215-02 and KG215-04
 - 3) The materials to be used in the construction of the development hereby permitted shall match those in the existing buildings.
 - 4) The ground floor bathroom window in the side elevation shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.
 - 5) During all development, ground excavation, ground clearance works, and construction works the tree protection measures identified in Chapter 9 of the Arboricultural report prepared by ROAVR Environmental No. 21_5837_05_29 dated 27/05/2021 and the tree protection plan 21_5837_05_29 dated 26/05/2021 shall remain in place and the development shall be implemented in accordance with the construction recommendations set out in the report.
 - 6) Following removal of the street tree shown on plan 21_5837_05_29 dated 26/05/2021 as T1 and prior to first occupation of the development

hereby permitted details and locations of 2 replacement street trees shall be submitted to and approved by the Local Planning Authority and the replacement tree planting shall be implemented in the planting season following this approval.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the local area, with reference to tree works.

Reasons

3. The appeal property is an end of terrace two storey house located at the end of a close on King George Road. The side of the house faces onto Norton Grove, a street that runs parallel with the main part of King George Road. The proposal is for a new two storey side extension with a single storey rear extension following the demolition of the existing conservatory and storeroom at the rear of the property.
4. As there is only a limited space between the side boundary of the appeal property with the highway, where street trees are located, the implementation of the proposal would require the removal of a street tree directly adjacent to the appeal property.
5. Norton Grove has street trees on only one side, and these only extend to approximately half of the length of the street. These trees are a disparate mixture of tree species, varying in scale and canopy habit, and do not appear to be evenly spaced. Whilst these trees do add some interest to the street, in street scape terms the effect is as partial as their coverage of the street.
6. The appellant has proposed a condition that the loss of a beech tree (T1) required for the implementation of the proposal be mitigated by the application of a condition on an approval that would require the planting of 2 replacement street trees nearby. The replacement of trees for a variety of reasons, including tree health and/or development is a regular part of street tree management, and as a living thing, there is also a natural lifecycle. Growth, change and replacement is, therefore, a feature of street trees in the street scape.
7. The replacement trees will be younger and, at first, smaller than the tree that would be removed. However, as the trees already existing are of a variety of species and sizes, this would not be so significant to the extent that this would be detrimental to the local street scene, especially as they will grow over time. The effect of the loss of T1 and its replacement with 2 replacement trees would not, therefore, cause any harm to the character and appearance of the local area.
8. The removal of the existing tree adjacent to the appeal site could, therefore, be satisfactorily mitigated through the planting of the replacement trees.

Conditions

9. I have added a condition requiring tree protection during development and the planting of 2 new street trees to mitigate the removal of T1 required for the implementation of the proposal. However, I have not made this a pre-commencement condition as suggested by Medway council, as I find that this would not be necessary and would not, therefore, meet the requirement for

conditions set out in Planning Practice Guidance and the National Planning Policy Framework (2021). I have instead made this condition relate to the occupation of the proposal and linked to the removal of the existing tree.

10. As well as the standard conditions relating to the timing of implementation and drawings, I have applied a condition requiring materials to be used for the proposal to match those of the host dwelling, this is to ensure design quality. To protect privacy, I have also imposed a condition relating to the bathroom glazing at ground floor level.

Conclusion

11. The appeal is allowed.

Victor Callister

INSPECTOR