



Appeal Decision

Site visit made on 27 September 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/G5180/W/22/3291596

1 Blakeney Hall, Flat C, 1 Blakeney Road, Beckenham BR3 1HA

- 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 Russell Hanly against the decision of the Council for the London Borough of Bromley.
 - The application Ref 21/01995/FULL1, dated 19 March 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as "Garden Room to be used as home office and storage."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Despite requests to the appellant for the submission of an arboricultural impact assessment (AIA) as part of the appeal, no further information has been received. As such, I have based my decision on the information as originally submitted.

Main Issue

3. The main issue is the effect of the proposal on trees.

Reasons

4. The appeal site is a modest back garden area located to the rear of the host property, Blakeney Hall, a large and attractive traditionally designed property subdivided into flats. The garden to the rear is bisected by the river Beck and has been segmented into five smaller parts. A communal garden and two private gardens for Flats D and H occupy the north bank side, whilst the garden associated with the appeal site (Flat C) and the garden attached to Flat B are located on the south bank and accessed via a small foot bridge. The north bank gardens appear more maintained, whilst the gardens on the southern side are more natural in appearance, containing several mature trees and much self-seeded vegetation, alongside various small outbuildings and sheds.
5. The appeal proposal is to erect a small outbuilding amongst the existing sheds and vegetation at the rear of the garden for use as an office for the occupants of Flat C. The trees in the area are not afforded any special protection, however they provide an effective green screen and add to the verdant feel to the surrounding area providing good amenity value.

6. No details have been supplied with the appeal in respect to any foundation works for the proposed office, nor an AIA in respect to potential impacts on trees. Given the proximity of the proposal to the existing trees, there is potential for their root protection areas to be impacted. Furthermore, no evidence has been submitted with the appeal to indicate whether the retention and protection of trees on site during construction is possible.
7. In the absence of any evidence highlighting that the trees could be protected and retained or any information to the contrary, I must adopt a precautionary approach. As no suitable evidence has been presented, I find that it has not been demonstrated that the development could proceed without harm to the surrounding trees which contribute to the character and visual amenity of the area.
8. Consequently, the proposal would not accord with policy 73 of the Bromley Local Plan, adopted January 2019 which seeks to retain existing trees in the interests of visual amenity and wildlife protection. Nor would it accord with the National Planning Policy Framework 2021, which amongst other things, identifies the importance of trees and seeks to retain these wherever possible.

Conclusion

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

Robert Naylor

INSPECTOR

