



Appeal Decision

Site visit made on 27 September 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/L5240/W/21/3286478

36 Fairdene Road, Coulsdon, CR5 1RB

- 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 Joe Garner of New Place Associates against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01089/FUL, dated 3 March 2021, was refused by notice dated 1 September 2021.
 - The development proposed is the demolition of existing dwelling and garage and erection of a 2-4 storey building including accommodation in roof space and lower ground floor, comprising of 8 flats together with car parking, amenity space, cycle parking, refuse storage and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposal on the character and appearance of the area, with particular regard to a protected tree on the site.

Reasons

3. The appeal site is located within a suburban street comprising large detached and semi-detached houses. Landscaped gardens with established hedges, shrubs and trees provide a pleasant, green character.
4. Within the appeal site are a number of trees, both at the front and rear of the appeal property. Of particular significance is a tall, mature Silver Birch tree with a wide canopy located in the rear garden which is subject to a Tree Preservation Order. The proposal's design would require the removal of the protected tree.
5. The area's topography is sloping, with dwellings on the appeal site side of Fairdene Road set down below street level and rear gardens sloping downwards toward dwellings on Reddown Road. Whilst the area's character is principally shaped by the presence of its buildings and architecture, with trees making a less important contribution than in other parts of the Borough, the Silver Birch tree is clearly visible above dwellings on Fairdene Road. Due to the area's changing topography the tree appears to tower over dwellings at Reddown Road and is especially prominent behind existing bungalows located to the rear of the appeal site. During my site visit, I was able to view the appeal site from

the rear garden of neighbouring No. 34b where the tree appears to occupy a significant portion of the sky.

6. The tree is visually dominant providing a green backdrop to the street-scene of Fairdene Road and Reddown Road and is a highly prominent feature within the setting of neighbouring gardens. Views of the Silver Birch tree are therefore not localised, and the tree contributes positively to the verdant character of the area.
7. I note there is disagreement between the appellant and the Council regarding the Silver Birch tree's life expectancy and categorisation in the context of BS5837. Whilst the appellant's arboricultural impact assessment estimates the tree has a remaining life expectancy of around a decade. A rapid decline in health has not been shown to be imminent and, despite the tree's categorisation, it continues to contribute to the character and appearance of the area.
8. It is noted that the proposal includes the planting of new trees at the front of the appeal site. Whilst such planting would positively contribute to the street-scene in the immediate area of the appeal site, the proposed trees would be of lesser height and scale than the Silver Birch tree and therefore would not adequately compensate for its visual benefits on the character and appearance of the area, particularly in the short term.
9. For the reasons discussed above, removal of the protected tree without adequate replacement would harm the character and appearance of the area. The proposed development would therefore conflict with Croydon Local Plan (2018) policy DM10 which requires development proposals to respect natural features of the surrounding area and policy DM28 which does not permit development which would result in the avoidable loss of protected trees.
10. In addition, the proposal would conflict with London Plan (2021) policy G7 which requires development proposals to ensure that wherever possible existing trees of value are retained, or adequate replacement is provided based on the existing value of the benefits of the removed tree.

Other Matters

11. Through the development of a small windfall site, the proposal would contribute to the supply of new housing through the construction of 8 flats. The appellant's statement discusses the area's housing needs as indicated by the London Plan (2021) and the Council's evidence base in addition to the housing requirements of the adopted Local Plan. However, no substantive evidence regarding the area's housing land supply has been provided to suggest that policies of the development plan should be considered out-of-date so the benefits associated with the provision of housing are only of moderate weight.
12. The appellant's statement identifies similarities between the proposed planting strategy with those of other development proposals in the locality and suggests that the loss of trees that make higher contributions to the character and appearance of their localities has been sanctioned. I do not have clear evidence to indicate precisely how each planting strategy mitigated the loss of removed trees and as previously discussed or that the overall planning balance was comparable. The existence of these examples in other locations is therefore of limited weight.

Conclusion

13. I have found conflict with the development plan in respect of the Main Issue. Other material considerations have not been shown to be of sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

E Dade

INSPECTOR