
Appeal Decision

Site visit made on 20 February 2023

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/A3655/D/22/3306588
5 Barrens Close Woking Surrey GU22 7JZ

- 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 Afsha Ahmed against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0060, dated 22 January 2022, was refused by notice dated 23 June 2022.
 - The development proposed is new double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raises no objections to the proposal in terms of the design of the extension, its effect on neighbouring occupiers and highway and parking matters. There are no justifiable reasons to disagree with these conclusions. The main issue in this appeal therefore is the effect of the proposed development on the character and appearance of the surrounding area, in respect of any impacts on trees protected by an area and individual Tree Preservation Orders (TPO).

Reasons

3. There is no dispute about the value of the trees in the area TPO to local amenity. British Standard 5837:2012¹ (the BS) advises that evidence should be provided at planning application (appeal) stage to demonstrate that proposed development would accommodate affected trees. It continues that this should include full details of the retained trees and their root protection areas alongside a detailed Arboricultural Method Statement that includes the management of and the protection of these trees during construction.
4. The application and appeal evidence includes various professionally prepared tree reports. However, the information required to comply with the BS advice has not been provided in respect of some of the protected trees near the location of the proposed extension, including those adjacent to and overhanging the appeal site. It may well be that these trees are not a constraint to development on the appeal site. However, without the evidence to indicate that they would be safeguarded during the construction of the appeal

¹ Trees in relation to design, demolition and construction - Recommendations

- proposal, the development should not proceed. Such information could not appropriately be required by condition as suggested by the appellant.
5. I conclude that the proposal is contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies Development Plan Document (2016) and the Woking Design SPD (2015) whose aims include preserving local character through the protection of important trees. There would also be conflict with the National Planning Policy Framework which, of relevance to this appeal, states that decisions should contribute to and enhance the natural and local environment.
 6. Turning now to tree T1, it is a mature silver birch located approximately 2.5m from the front of the appeal property. It is protected by an individual TPO. Although it is not specifically referred to in the Reason for Refusal, it is clear from other evidence that the Council is objects to felling tree T1.
 7. Public visibility of tree T1 is limited when approaching from the west and looking north, due partly to the curvature of Barrens Close. From the east, views of tree T1 within the context of other trees are mainly available at the road junction. The tree is more prominent in views from Barrens Close because the road is around 3.45m lower than the ground level at the front of the house and because tree T1 stands at the head of the cul-de-sac, appearing as a single specimen. In my judgment, there would be moderate harm to the character of the wider locality if tree T1 were to be felled. It is therefore necessary to consider the justification for its removal.
 8. This tree stands in an area of concrete and paving, abutting the junction of the appeal site with 2 neighbouring gardens. As a result, a significant area of its root spread is outside the appellant's control. There is historic damage to tree T1 where a large structural root has been severed, possibly as a result of works to construct the wall which forms the boundary with a neighbouring garden. Moreover, there is bridging over a different structural root which lies beneath the boundary of another of the adjoining gardens. Damage arising to and around its roots could undermine the structural stability of tree T1. The silver birch already leans noticeably, and this may be a consequence of the root damage noted. In combination, these factors lead me to conclude that that the tree is less stable than it would otherwise be.
 9. An expanse of surface roots is evident in the ground around tree T1. Its roots are lifting the footpath and paving around the house. There are cracks inside the appeal property and in the nearby detached brick garage which is lower and level with the road. The evidence highlights the potential for this damage to be attributed to encroaching tree roots. Furthermore, the silver birch has poor shape and form and its branches are also impinging upon the appeal property.
 10. Tree T1 is categorised in the appellant's tree reports as unsuitable for retention, with a life expectancy of below 10 years. Its felling is recommended. There is no evidence to indicate why the Council did not accept this recommendation or any assessment of the evidence provided in this regard.
 11. Based on the evidence before me I conclude that the removal of tree T1 would have been acceptable, had the appeal been otherwise successful. The identified harm to local amenities arising from the loss of T1 and the subsequent conflict

with the policies and guidance referred to above could be mitigated by the planting of a replacement tree within the site.

12. Nonetheless, for the reasons I have already set out above, the appeal is dismissed.

Elaine Benson

INSPECTOR