



Appeal Decision

Site visit made on 26 July 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/G5180/D/23/3321742

15 Croxley Close, Orpington BR5 3DD

- 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 Bence Kovacs against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/00577/FULL6, dated 9 February 2023, was refused by notice dated 17 April 2023.
 - The proposed development is to extend current crossover and remove tree from of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development having regard to trees.

Reasons

3. The appeal site comprises a semi-detached house with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature.
4. The creation of the widened crossover would result in the removal of a mature tree on the highway verge; the Council has objected to its loss. I agree that the specimen provides amenity value in combination with the other trees in the street scene, and its loss would be harmful. There is no evidence before me to demonstrate that the tree would be unlikely to survive for many years to come.
5. The appellant has suggested that this matter can be addressed by the imposition of a suitable condition for a replacement tree. Whilst this is true in some instances, there has to be a reasonable prospect of a condition being capable of being complied with in order for it to mitigate any adverse effects of the development.
6. To my mind, a condition requiring a replacement tree would need to relate to land owned by the Council, which lies outside the current appeal site. Moreover, I have not been presented with any specific arrangements to indicate the siting and size – which would need to be relatively large to compensate for the scale of the existing specimen – of the replacement tree. In the absence of such details I cannot be certain that a condition would be capable of being complied with, in order for it to mitigate the adverse effect of the loss of the existing mature street tree.

7. I am aware that the appeal property is not listed or located within a conservation area, and that the tree is not a veteran tree or covered by a preservation order. However, these matters do not justify the harm that would arise.
8. The scheme would therefore result in the loss of a valuable street tree. This would be contrary to Policy 73 of the Bromley Local Plan 2019, which requires proposals for new development to take particular account of existing trees in the interests of visual amenity.

Conclusion

9. Having regard to the foregoing and all issues advanced, the appeal fails.

C Hall

INSPECTOR