



Appeal Decision

Site visit made on 26 July 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2023

Appeal Ref: APP/L5240/D/23/3322157

9 Kerr Close, Croydon, South Croydon CR2 8AT

- 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 Natalie Winford against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/00928/HSE, dated 6 March 2023, was refused by notice dated 25 April 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A much longer description of development was provided on the planning application and appeal forms. An extract from that description was used on the Council's decision notice, and I have used that description within my decision is this succinctly represents the proposal.

Main Issue

3. The main issue is the effect of the proposal on a protected tree.

Reasons

4. The appeal site is a semi-detached dwelling which is part of a wider suburban area of a pleasant and verdant character. There is an oak tree located within the adjacent garden of 48 Crossways which is protected by a Tree Preservation Order (TPO). Based on the evidence before me and my own observations, this is a tree of moderate quality which makes a positive contribution to the verdant character of the area.
5. As depicted in the appellant's Tree Survey Report¹ (TSR), one corner of the existing dwelling projects under the canopy of the tree. Both the TSR and the Council's Tree Officer refer to previous works carried out to the tree, including in respect of risk to the gutters of the appeal property. The proposed extension would introduce further built development under the canopy, which would increase pressure for works to the tree due to concerns about the relationship with the roof of the extension. Such works would be difficult to resist due to safety considerations, and they would be likely to have a significant detrimental

¹ Acornarb, February 2023.

impact on the amenity value of the tree due to a reduction and change in form of the tree canopy.

6. The proposed extension would also increase the extent of built development within the root protection area (RPA) of the tree. However, the TSR concludes that, subject to matters including excavation techniques and the use of pile foundations, it is likely that the proposed extension would have no lasting effects on the protected tree. The Council's Tree Officer states that they are not convinced that the proposal would not harm the RPA. However, the TSR has been prepared by a suitably qualified person, and the Council has not provided a substantive rebuttal as to why the form of construction proposed would be unsuitable, other than general reference to excavations within the root plate. Based on the evidence before me it has not been demonstrated that the proposal would lead to material harm to the tree in respect of the RPA. However, this does not negate my concerns regarding the long term pressure on the tree canopy.
7. Reference has been made to the potential to locate an extension to the rear of the dwelling. This would be likely to cover a similar area of the RPA as the appeal proposal, but based on my previous conclusions in respect of the RPA this rear extension would also be unlikely to have no lasting effects on the tree. Based on the plans within the TSR and my observations on-site, there would also be more scope for an extension to the rear which would not project under the tree canopy in comparison to the appeal proposal. The Council's suggestion in respect of a rear extension does not therefore undermine my concerns regarding the extension to the side and the long term post-development pressure on the tree canopy.
8. I conclude that, for the reasons stated previously regarding pressure for post-development work, the proposal would harm the amenity value of a tree protected by a TPO. The proposal would therefore be contrary to Policy G7 of the London Plan 2021 and Policy DM28 of the Croydon Local Plan 2018 which seek to protect trees and avoid excessive pruning of preserved trees.

Other Matters

9. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.
10. The appellant refers to potential variations to the size and design of the proposal. However, I have determined this appeal on the basis of the submitted plans which have been subject to consultation. To do otherwise could prejudice unacceptably the interests of parties who may not be aware of amended proposals and who may have observations to make.

Conclusion

11. I conclude that the appeal should be dismissed.

David Cross

INSPECTOR