



Appeal Decision

Site visit made on 6 September 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2023

Appeal Ref: APP/L5240/W/23/3320113

30 Northampton Road, Croydon CR0 7HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Simon Sargeant against the London Borough of Croydon.
 - The application Ref 22/03236/FUL, is dated 23 August 2022.
 - The development proposed is a new house.
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Decision

1. The appeal is dismissed and planning permission for a new house is refused.

Preliminary Matters

2. I have amended the description of development that was included on the application form, to be more precise. Notwithstanding the reference in the appellant's statement of case, the description of development does not include a proposed garage and no garage is shown on the proposed plans. Therefore, a garage does not form part of the appeal proposal.
3. The Council issued an invalid notification letter to the appellant after the appeal was submitted. This set out that in the Council's opinion the dwellinghouse that has been built was not in accordance with the details shown on the proposed plans. As noted from my site visit, a dwelling was complete and appeared to be occupied within the appeal site, although the driveway and parking areas serving the dwelling were not surfaced. The dwelling as built varies from that shown on the proposed appeal plans. These variances are not however before me to consider. I have determined the appeal based on the proposed plans, as submitted by the appellant.

Main Issue

4. Having regard to the Council's statement of case, the main issue is the effect of the proposed dwelling on protected trees.

Reasons

5. There are three trees along or close to the southern rear boundary of the appeal site which are protected by a Tree Preservation Order (TPO). The tree canopies of these three trees overhang the appeal site, two of which overhang the roof of the new dwelling house that has been built. The house is within the root protection areas of these trees, as confirmed by the Council's Tree Team Section.
6. The TPO trees are prominent from the street scene and positively contribute to the visual amenity of the surrounding area. Due to the close proximity of two

of the trees to the proposed dwelling house, there is the potential that harm could be caused to the canopies and root systems of the trees.

7. The appellant has submitted a tree protection plan for the demolition and construction phase of the development, but this provides limited information in respect of the TPO trees. No substantive evidence has been provided, by way of a tree survey to demonstrate that the TPO trees would not be harmed by the development nor whether there would be post development pressure from occupiers of the dwelling to fell, prune or reduce the trees, leading to their potential future loss.
8. In view of the above, as I have no substantive evidence to demonstrate there would be no harm caused to protected trees by the construction and future use of the proposed development, it would conflict with Policy DM28 of the Croydon Local Plan, which sets out that development will not be permitted where it would result in the avoidable loss or the excessive pruning of preserved trees. The proposal would also conflict with Policy G7 of the London Plan, which seeks to ensure existing trees of value are retained.

Other Matters

9. The design of the proposed dwelling would be in keeping with the character and appearance of the surrounding area. There would be sufficient garden amenity space for the proposed dwelling and adequate separation distance between the building and adjoining residential properties. This would ensure no unacceptable effect on the privacy and outlook of neighbouring occupiers and that, the proposed development would not appear cramped or discordant with its surrounding context in terms of density.
10. The proposed development would also have suitable vehicular access and parking provision within the site and so would not cause harm to highway safety.
11. Concerns raised about the occupation of the dwelling as flats and that it is larger and different to the previous consent granted are not matters for my consideration and therefore have not influenced my decision.
12. I have taken into account the personal financial circumstances of the appellant, the fact that the dwelling was built in a different location in error and the concerns over the time taken by the Council took to deal with the application. However, these are not matters that outweigh the concerns and potential harm caused to TPO trees.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed and planning permission for a new house is refused.

C Billings
INSPECTOR