



Appeal Decision

Site visit made on 16 November 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/K3605/D/23/3317553

12 Stoke Road, Cobham KT11 3AS

- 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 Teissedre against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2584, dated 25 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a new vehicular access.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the effect on protected trees.

Reasons

3. The appeal site is located on Stoke Road, which is lined by mature trees and is primarily made up of residential properties which have a generous set back from the road. There is a verdant, sylvan character to the road, owing in part to the mature trees which line it. There are existing mature trees within and adjacent to the appeal site which positively contribute to this character, this includes a lime tree and two Oak trees labelled as T1-3 which are the subject of a Tree Preservation Order (TPO) and the reason for refusal. Many of the properties on the road benefit from driveways with a dropped kerb access leading onto Stoke Road. The appeal site is accessed by a shared gravel driveway and access. The appeal scheme would result in the construction of a new vehicular access including a dropped kerb and associated hard standing, within close proximity to the existing trees T1-3 (the relevant trees).
4. The submitted information, together with my on-site observations, indicate that the relevant trees on site are healthy and likely to survive for many years to come. The trees are very mature specimens and each make a strong positive contribution, both individually and as a group, to the sylvan verdant character of the street scene.
5. The development would include lifting the crown on each of the relevant trees to provide a 5m high clearance over the access. During my site visit, I observed that there are a lot of low level branches on the relevant trees, which would likely require removal. These works would result in a noticeable increase in openness, and a reduction in the verdant screening, that the trees currently provide. This together, with the pruning wounds which would occur, would result in a detrimental effect on the character and appearance of the locality.

Although it is noted that the appellant considers the trees to be capable of accommodating the crown lift works, without a detrimental effect on the health of the trees, there is very limited evidence to substantiate this. This does not therefore satisfy me, particularly given the mature age of the trees, that the branch removal would avoid a detrimental effect on the health of the trees.

6. The construction of the driveway would fall within the root protection areas of the relevant trees and therefore a no-dig method is proposed, in the form of a three-dimensional cellular confinement system. However, it is also noted that minor excavation works are proposed within the outer RPAs of trees T1 and T2. The extent of hard standing would be almost 20% of the total unsurfaced ground in the case of two of the RPAs. Whilst I note that 20% would align with the recommendations of the British Standard 5837:2012, the quantum of hard standing would be at the upper limits of the guidance. Even if the laying of the hard surface in itself were to avoid an adverse effect on the trees, there is a lack of site specific evidence to inform the choice and design of the no-dig method.
7. Given the maturity of the trees, there is an absence of evidence as to the combined effects of the pruning, together with the ground works within the root protection areas. Even if I were to accept that each on their own could preserve the tree, the in-combination effect would result in a more significant change to the environment around the TPO trees.
8. The appellant has referred to a similar development where the use of a three-dimensional cellular confinement system through the RPA of protected trees was found acceptable. No details have been provided of this development, and as such I have been unable to compare the two. In any event, the effect on protected trees, even from similar developments, will often vary depending on the individual site circumstances. As such, this does not alter my findings above.
9. To conclude, the submitted evidence is insufficient to demonstrate that the development would not be harmful to protected trees, and in turn, would lead to a detrimental effect on the character and appearance of the area. Therefore, the development conflicts with Policy DM6, with particular reference to parts D and E, of the Development Management Plan 2015 as well as national guidance set out in the National Planning Policy Framework (the Framework). This policy, insofar as relevant, together with national guidance contained in the Framework, seeks to ensure that development does not result in the loss of, or damage to, trees and hedgerows that are, or are capable of, making a significant contribution to the character or amenity of the area, and that development enhances the natural and local environment.

Conclusion

10. The appeal scheme would conflict with the development plan. Therefore, for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR