

Appeal Decision

Site visit made on 11 December 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/Z5630/D/23/3328993

14 Hillbrow, New Malden KT3 4HT

- 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 Philip Evans & Mrs Seoyoung Ha against the decision of the Royal Borough of Kingston upon Thames Council.
 - The application Ref 23/01013/HOU, dated 17 April 2023, was refused by notice dated 14 June 2023.
 - The development proposed is for a single storey rear and side wrap-around extension of a semi-detached domestic dwelling, and to enclose a front porch space with french doors and framed glazing, and to create access for off-street parking space at the front of the site with hard paving and to request a dropped kerb to the pavement to be installed in front of the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the dropped kerb and associated vehicular crossover upon the character and appearance of the area, with specific reference to street trees.

Reasons

3. The application site is situated within Hillbrow, a pleasant tree-lined residential street where there are quite a number of dropped kerbs and vehicular crossovers over the pavement serving respective dwellings. On my site visit I had an opportunity to inspect a number of these and have also had regard to the photographs that the appellants submitted, evidencing such features in close proximity to street trees.
4. It did appear that the trees were generally in good health, insofar as it was possible to do ascertain during the time of year, however one thing that was very apparent was that in many of the cases, kerbstones and footway surfaces have been disturbed, with the latter also cracking and being pushed up in many circumstances.
5. Whilst not identified on the submitted plans there is a street tree outside the front of 12 Hillbrow, in close proximity to the proposed crossover where there is clear evidence of pavement cracking from the tree's roots. Therefore it is highly

likely that any excavations would disturb the roots of this tree. I note that no Arboricultural Impact Assessment or Method Statement has been submitted in order to demonstrate that the long-term health of the tree would not be detrimentally affected through root disturbance, damage and/or pruning.

6. Therefore, whilst I acknowledge the reasons for the appellants wanting to install the crossover, I consider that the long-term protection of this tree cannot be guaranteed; the loss of which would ultimately give rise to harm to the character and appearance of the area.
7. Therefore, I find the proposal contrary to the development plan and specifically Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy April 2012. This sets out design requirements for new developments and essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, including landscape setting and features, whilst ensuring that development proposals should show that trees that are important to the character of the area are not adversely affected. The scheme is also contrary to Policy G7 of the London Plan 2021 which seeks to protect trees, stating that development proposals should ensure that wherever possible existing trees of value are retained.

Conclusion

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR