



Appeal Decision

Site visit made on 12 February 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/Q5300/W/23/3328195

23B Westbury Road, Southgate, Enfield N11 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Eamonn Mulcahy against the decision of the Council of the London Borough of Enfield.
- The application Ref 23/00990/FUL, dated 28 March 2023 was refused by notice dated 7 June 2023.
- The development proposed is the "*construction of hard standing in connection with vehicular access, involving removal of front boundary gate and low level wall*".

Decision

1. The appeal is allowed and planning permission is granted for the construction of hard standing in connection with vehicular access, involving removal of front boundary gate and low level wall at 23B Westbury Road, Southgate, Enfield, N11 2DB in accordance with the terms of the application, Ref 23/00990/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed layout plans; Block Diagram (all plans undated and unreferenced).

Preliminary Matters

2. I have adopted the Council's description of the development in the banner heading and in my formal decision. This reflects the description of development that was used by the Council on their decision notice, which is an accurate and more concise description of the proposal removing a large amount of superfluous text from that set out in the application form. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on a street tree.

Reasons

4. Westbury Road is residential street lined with semi-detached properties on both sides. Many have frontages providing off-street parking perpendicular to the highway and accessed via pavement crossovers. The pavements to both sides have intermittent kerbside street trees set into the pavement surface. They vary in size and species with no regular pattern to their placement. The proposal is to create a pavement crossover at the kerbside to provide vehicular access to the front of No 23B. A permeable hardstanding would be created on

the front garden of the appeal property. A street tree is located in the pavement to the front of No.25.

5. The Council's Revised Technical Standards for Footway Crossovers 2013 (Technical Standards) advises that crossovers should not be provided within 1.5 metres or 4 times the diameter of a tree trunk, whichever is the greater, at the first point of excavation. The appellant states that the tree has a trunk diameter of 0.4m and is 1.9 metres from the point in the pavement in line with the boundary of the appeal property. The closest point of excavation in connection with the laying of the hardstanding would be approximately 3.4m from the tree. These distances have not been challenged by the Council and I have no reason to dispute them.
6. I recognise the value of street trees along Westbury Road. They undoubtedly contribute positively to the visual amenity of the area and offer environmental and ecological benefits. However, I have not been provided with any substantive evidence why the proposed pavement crossover and hardstanding which would cause damage to the tree or contribute significantly to its demise and the scheme is not at odds with the Technical Standards.
7. Accordingly, for these reasons, I conclude that the proposal would not have an unacceptable effect on a street tree. Consequently, there would be no conflict with Enfield Development Plan Document 2014 (DMD) Policies DMD46 and DMD78 which, amongst other things, seek to ensure that development does not negatively impact on ecological assets or the character of the streetscape which would result in the loss of street trees. There would also be no conflict with Enfield Core Strategy 2010 (CS) Policies 30 and 46 which have similar aims. Nor would there be conflict with the advice set out in the Technical Standards or the aims of the National Planning Policy Framework (the Framework) so far as it relates to the form of development before me.
8. The Council have referred to DMD Policy DMD80 and CS Policies 24 and 25 in their reason for refusal. These relate to trees on development sites, the road network, and accessible routes for pedestrians and cyclists respectively and therefore are not directly relevant to the proposal before me. Consequently, they have not been determinative in coming to my decision.

Conditions

9. In the absence of suggested conditions from the Council I have formulated conditions in line with advice in the Framework and Planning Practice Guidance. To this end a standard three-year time limit condition and a plans condition to ensure the development proceeds as proposed both provide certainty and are therefore necessary and reasonable. Neither of these conditions imposed should come as a surprise to either party.

Conclusion

10. For the reasons given above, having considered the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

KL Robbie

INSPECTOR