



Appeal Decision

Site visit made on 12 March 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2024

Appeal Ref: APP/G5180/D/24/3336964

24 Hawthorne Road, Bickley, Bromley BR1 2HH

- 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 Dave Amin and Ms Linda Leung against the decision of the London Borough of Bromley.
 - The application Ref DC/23/02846/FULL6, dated 21 July 2023, was refused by notice dated 31 October 2023.
 - The development proposed is described as the construction of a single storey, front elevation extension, to provide parking for two vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.
3. An Arboricultural Report has been submitted in support of the appeal. This additional information has been produced to inform the appeal process, however there is no evidence that it has been subject of consultations, such as through the Council's planning application formal consultation process. If I determine the appeal on the basis of the Arboricultural Report it is possible that the interests of parties who might wish to comment would be prejudiced, including that of the Council's arboricultural adviser. For this reasons, I have not had regard to this Arboricultural Report.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the host property and area and on a lime tree that is protected by a Tree Preservation Order (TPO).

Reasons

Character and appearance

5. The proposed development would extend development on the plot forwards towards the front boundary of the property. Although the appeal property is

set back a little further than most dwellings in this street scene, the garage would bring development forward of the front building line of most dwellings in the street. Despite being single storey and maintaining a gap between the proposed garage and property front boundary, it would nonetheless be a large addition to the front of the dwelling. It would not appear as a subservient addition to the dwelling. Furthermore, it would have a visually awkwardly siting to one side of the main front elevation of the host dwelling. Consequently, the proposal would be an overly large addition to the dwelling and would have an appearance out of keeping in the street scene.

6. I acknowledge there is tall vegetation along the front boundary that would screen the development to some extent in public views. This can be seen from the street scene photographs that support the appeal. However, the development would be visible through this vegetation and would be seen in views from the driveway. The proposal would be an unsympathetic addition visually harmful to the appearance of the host dwelling. I do not consider the existing vegetation screening would sufficiently visually mitigate the proposal.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and area. The proposal would, therefore conflict with Policies 6 and 37 of the Bromley Local Plan (2019). These policies seek, amongst other matters, new development, including residential extensions, to be of a high-quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
8. The proposed development would not be located in a Conservation Area or near any heritage assets. It would not interrupt important views, such as landmarks or skylines. The Council raises no objection to construction materials. The proposal would not harm the living conditions of existing residential occupiers, noting that no objections to the proposal have been raised by third parties. Whilst these are merits of the proposal, they do not outweigh my above concern, nor do they justify the development.

Lime tree

9. The proposed development would bring built development into close proximity to an existing lime tree. This mature tree is an attractive feature within the street scene and is of high visual amenity value for this reason. The TPO that is in place affords this tree protection. This makes it all the more important to protect the lime tree from harm to ensure its longevity is not undermined. The premature loss of this tree would have a negative and significant visual impact to the street scene.
10. At the time of the Council's consideration and determination of the planning application any potential impact on the tree from construction or future pressure within the Root Protection Area (RPA) had not been assessed. Given the size of the tree and the proximity of the proposed development, there is a risk of direct harm to the tree roots from any digging required for foundations within the RPA. Whilst an Arboricultural Report has been produced, I have not taken it into account for those reasons set out in the preliminary matters section above.
11. I cannot be certain that the lime tree would not be harmed as a result of the proposed development and/or that its long-term protection would be

sufficiently secured. The proposed development, therefore, has a significant potential to negatively impact upon the tree and have a detrimental impact on its wellbeing in the long-term that could lead to pressure to remove the tree in the future. This would be an erosion of the statutory protection placed upon the tree by the serving of the TPO. As a consequence, the proposal should be resisted.

12. For these reasons, I conclude that the proposed development would be harmful to the TPO lime tree. The proposal would, therefore conflict with Policies 73 and 74 of the Bromley Local Plan. These policies seek, amongst other matters, new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
13. Concern has been raised to the Council's handling of the planning matters pertaining to the tree. However, this is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, this concern would not lead me to alter my above findings.

Conclusion

14. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR