



Appeal Decision

Site visit made on 12 April 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by F Wilkinson BSc (hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 MAY 2024

Appeal Ref: APP/Z5630/D/24/3338595

89 Beechcroft Avenue, New Malden, Kingston Upon Thames KT3 3EE

- 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 Radu Burghilea against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application ref is 23/02189/HOU.
 - The development proposed is described as 'driveway alterations including a new dwarf wall, new permeable paving, new bin and bike stores'.
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Decision

1. The appeal is allowed and planning permission is granted for driveway alterations including a new dwarf wall, new permeable paving, new bin and bike stores at 89 Beechcroft Avenue, New Malden, Kingston Upon Thames, KT3 3EE in accordance with the terms of the application, ref. 23/02189/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan; B109784 - 1500 A; and B109784 - 3100 A.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with regard to surrounding street trees.

Reasons for the Recommendation

4. The appeal property, like others within the area, forms a two-storey dwelling set back from the public realm by a small front garden. A low wall and vehicular access delineate the boundary between the appeal site and the highway. Pavements and grass verges adjoin either side of the road to create an open and spacious street scene. Street trees, one of which is within close proximity to the appeal site, soften the visual bulk of the dwellings flanking the highway, positively contributing to the character and appearance of the area.

5. The proposal would involve the widening of the existing vehicular access, reducing the distance between the vehicular crossover and the street tree. Section 2(f) of the Kingston and Sutton Shared Environmental Service Vehicular Crossover Policy and Application Pack (2018) requires new vehicular crossings to be outside of a street tree's root protection area (RPA), calculated as 12 times the stem diameter measured at a height of 1.5 metres above the ground level, in order to safeguard the tree.
6. The Block Plan submitted as part of the application gives a diameter of the street tree closest to the site boundary of 0.47 metres. Nevertheless, the diameter within the Planning Statement is given as approximately 0.15 metres, calculated from a circumference of 0.47 metres. Based on my site visit I conclude that the diameter of the tree is approximately 0.15 metres, giving a RPA of around 1.8 metres.
7. The submitted plans clearly demonstrates a distance between the proposed vehicular crossover and the street tree in excess of 1.8 metres. Whilst part of the proposed replacement wall would be within the RPA, the appellant states that they would utilise the foundations of the existing wall, thus further excavation of foundations is unlikely to be required. Therefore, the proposal would safeguard the street tree and its positive contribution to the character and appearance of the area would be maintained.
8. Consequently, the proposal would not harm the character or appearance of the area with regard to surrounding street trees. It would thus, in regard to this main issue, accord with Policies CS8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework Core Strategy (2012), Policy G7 of the London Plan (2021), and the Royal Borough of Kingston Upon Thames Local Development Framework Residential Design SPD (2013) which, when read together, require new development to respect and maintain elements identified as contributing to the character and local distinctiveness of a street and to not adversely affect trees that are important to the character of the area.

Conditions

9. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty. As the materials are clearly stipulated within the submitted plans, it is unnecessary to impose a separate materials condition.
10. The proposal is a householder development and would be utilised in such a manner. No additional condition is therefore required in relation to its use. Given the low speeds at which vehicles would exit the appeal site, a condition securing visibility splays would be unnecessary.

Conclusion and Recommendation

11. The appeal scheme would comply with the development plan as a whole. As such, I recommend it be allowed, subject to the conditions set out above.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

F Wilkinson

INSPECTOR