



Appeal Decision

Site visit made on 21 June 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/Z2260/D/24/3338046

19 Station Approach Road, Ramsgate, Kent CT11 7RN

- 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 Neaves against the decision of Thanet District Council.
 - The application Ref is FH/TH/23/0706.
 - The development proposed is a new vehicular access and hardstanding to front to provide 2 off-street parking spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

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. The width of the drop kerb has been reduced during the course of the Council's consideration of the planning application. In the interests of clarity, I have considered the proposal as amended.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development upon the existing mature highway Ash tree and highway safety.

Reasons

5. The proposal would be in close proximity to an existing mature highway Ash tree. Highway trees are an important local asset. This tree is an attractive feature within the street scene and is of high visual amenity value for this reason. This makes it all the more important to protect the Ash 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.
6. To create the vehicular cross-over excavation would be required within the root protection area (RPA) of the Ash tree with a consequent risk of root damage. The Council's Tree Officer indicates that this would be so despite the vehicle cross-over having been reduced in width. The appellant comments that the Arboricultural Report indicates that with careful excavation works the tree root

- can be protected. However, from the information before me there is no clear indication that the Council's Highway and Tree advisers have seen sight of this report. Therefore, this assertion holds little weight in favour of the proposal.
7. Given the size of the tree and the proximity of the proposed cross-over to it, there is a risk of direct harm to the tree roots from any digging required within the RPA. Due to the siting of the tree, it would be unlikely to survive the disturbance of construction. As such, its long-term protection would not 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.
 8. Subsequent to the determination of the planning application the Council have placed a tree preservation order (TPO) upon the Ash tree. The TPO affords this tree protection. This makes it all the more important to protect the Ash tree from harm to ensure its longevity is not undermined. Loss of this tree 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.
 9. The trunk of the tree, given its proximity to the proposed cross-over, would be extremely likely to obstruct sight lines when vehicles exit the vehicular access. The applicant has stated that the Ash tree has been pruned recently and that there is no issue with visibility. However, I saw that the trunk of the tree is of some size and as such would obscure visibility of on-coming traffic. Therefore, safe visibility would not be guaranteed. As such, there would be an increased risk of accidents and increased danger to road users.
 10. I have been provided a plan that shows potential sight lines from both the back of the pedestrian highway and the edge of the pedestrian kerb. It is suggested that the sight line from the kerb would achieve an acceptable level of visibility. However, the tree is sited within the pavement at the edge of the kerb. Visibility of on-coming traffic would be obstructed by the tree when traversing the pedestrian footway. The annotated sight lines do not overcome my highway safety concerns or justify the proposed development.
 11. For these reasons, I conclude that the proposed development would have a harmful impact upon the existing mature highway Ash tree and highway safety. The proposal would, therefore conflict with Policy QD02 of the Thanet Local Plan and the provisions of the Framework. That policy seeks, amongst other matters, development to retain and protect existing features, including trees that positively contribute to the quality and character of an area and to provide safe and satisfactory access. The Framework states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change and requires planning decisions to ensure places are safe, inclusive and accessible.

Conclusion

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

Nicola Davies

INSPECTOR