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## Appeal Decision

Site visit made on 8 November 2024

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> December 2024**

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**Appeal Ref: APP/W5780/W/24/3344501**

**75 & 77 Mayesbrook Road, Goodmayes, Ilford IG3 9PJ**

- 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 Mohammed Hassien Belyani against the decision of the Council of the London Borough of Redbridge.
  - The application Ref is 2771/23.
  - The development proposed is detached rear outbuildings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with specific regard to the loss of a tree.

### Reasons

4. The appeal site comprises a pair of semi-detached properties. Both properties have long rear gardens where there are existing outbuildings located at the bottom of these gardens. To the rear of the site is Goodmayes Park Recreation Ground and Orchard Playing Fields which is a large area of public open space. There is a footpath leading to the park running along the side boundary of no. 75. There is a large Willow tree located at the appeal site. Due to its overall size, form and stature, the tree is highly prominent in the immediate area and is highly visible from the park, the footpath and the street. Combined with its overall good health, the tree makes a significant positive contribution to the character and appearance of the area. The tree is subject to a Tree Preservation Order<sup>1</sup> (TPO).
5. The proposed development involves the demolition of the existing outbuildings and the construction of a pair of larger single storey outbuildings. Although they would be in a similar position to the existing buildings, they would be of a greater depth and sited closer to the rear of the dwellinghouses. Due to their proposed siting, the evidence outlines that the construction of the outbuildings would require the removal of the existing Willow tree.

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<sup>1</sup> TPO 06/23

6. As a compensatory measure, it is proposed to plant up to six new trees at the site. These, however, would take a considerable time to become established in order to be able to offer a similar amenity value to the current tree. I therefore do not consider that replacement planting would justify the loss of the existing tree.
7. The Arboricultural Impact Assessment<sup>2</sup> outlines how the existing tree would need to be pollarded in future at regular intervals. Whilst good tree management is an inevitable aspect of good husbandry, I do not consider that in this case it would justify its removal. Whilst it is suggested its health and amenity could be adversely impacted as a result, I have also considered the appeal on the basis of its current health and amenity value.
8. I therefore find that the removal of the tree would cause significant harm to the character and appearance of the area. The proposed development would therefore be contrary to Policies LP26, LP38 and LP39 of the Redbridge Local Plan (2018) and Policies G6 and G7 of the London Plan (2021). Collectively these policies seek to ensure that existing trees of value are retained, having regard to their protection status and amenity value, and where possible integrated into developments.

### **Other Matters**

9. I have been referred to a certificate of lawful development<sup>3</sup> that confirms a specific outbuilding at no. 75 would not require planning permission. Such an application is not, however, subject to the policies of the development plan, as in this case. It also pre-dates the TPO and the evidence does not show that consent has been given elsewhere for its removal. I therefore give this limited weight in the appeal.
10. I acknowledge the appellant's frustration in terms of the timing of the making of the TPO during the application stage. This, however, would not be a reason to allow harmful development and my conclusion is based on the amenity value of the tree and not solely the fact it is subject to a TPO.

### **Conclusion**

11. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR

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<sup>2</sup> Andrew Day Arboricultural Consultancy – 21 February 2024

<sup>3</sup> Planning Application Ref 1063/19