



Appeal Decision

Site visit made on 26 February 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/P3610/D/24/3355872

10 Drumaline Ridge Worcester Park, KT4 7JT

- 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 Lateef Mirza against the decision of Epsom & Ewell Borough Council
 - The application Ref is 24/00901/FLH.
 - The development proposed is conversion of garage into habitable accommodation with the replacement of the garage door with window and addition of porch area to the rear, erection of first floor side extension including alterations to fenestration.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into habitable accommodation with the replacement of the garage door with window and addition of porch area to the rear, erection of first floor side extension including alterations to fenestration at 10 Drumaline Ridge Worcester Park, KT4 7JT in accordance with the terms of the application, Ref: 24/00901/FLH, subject to the conditions set out in the schedule at the end of this decision letter.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the protected woodland trees adjacent the appeal site.

Reasons

3. The appeal property is a detached property at the western end of a short cul de sac along the western side of Drumaline Ridge and within a predominantly residential area. To the west of the property is a large area of woodland, protected under a Tree Preservation Order 379/W1B which links to further areas of woodland to the north and to the south. This area of woodland is an attractive feature and part of the landscape distinctiveness of the local area.
4. The proposal seeks to convert the existing garage to the western side of the house to habitable space with a first floor extension over and add a single storey porch extension to the immediate rear of the garage.
5. The application was accompanied by a detailed arboricultural report and arboricultural impact assessment together with an arboricultural method statement. Although there were some factual errors in the reports, I am satisfied from the details of the report and accompanying plans that the correct property, proposals and trees were assessed. The Council's Tree Officer has raised an objection

although it is not clear to me, from the information provided, whether the Tree Officer had received and considered the submitted arboricultural information. There is no reference to the reports and accompanying information in the Tree Officer's comments as reported in Officer's report on the application.

6. There are no trees to be affected within the appeal site itself. There are a small number of trees in adjacent gardens, but these are a sufficient distance from the development that they would not be directly affected, subject to appropriate protective fencing being in place during the construction works..
7. There is a reasonable distance between most of the trees within the adjacent woodland area and the boundary of the site. Within the adjacent woodland there is one ash tree fairly closely sited to the boundary with the site, approximately in line with the existing garage. The submitted arboricultural assessment report has assessed that the proposed development would only marginally be within the canopy spread and root protection area of that ash tree within the woodland, closest to the site and the part of the site affected, namely the existing garage, which is already in place.
8. The ground floor habitable accommodation as a result of the converted garage would have windows to the front and none to the side and there would be no windows in the storage area to the rear with a lightweight porch beyond. At first floor the new accommodation would provide a dressing area and bathroom and the proposed side facing window would not serve a habitable space. Given the nature of the accommodation to be provided and the windows proposed to serve those spaces, I do not consider that the trees in the adjacent woodland would negatively impact the living conditions of the occupants of the extended house.
9. It is not clear whether the Tree Officer's reference to pruning requests is specific to this particular property or a more general reference to properties adjoining the woodland. However, given the distance between the property and the woodland, and the detailed arboricultural report before me, I am not persuaded that concerns over future pruning requests and the removal of trees would justify withholding planning permission in the particular circumstances of this case.
10. The Tree Officer has also raised concerns about possible subsidence. The proposed porch would be very modest in scale and lightweight and the arboricultural report refers to utilising existing service runs rather than requiring new services. The position of any new services, if required, would also be controlled by condition.
11. Subject to the imposition of conditions that would ensure that all the recommendations of the arboricultural report are followed and protection put in place as recommended, I am satisfied that there would be no material harm to the existing trees within the woodland TPO 379/W1B and therefore no resultant harm to the woodland integrity and to the landscape character and distinctiveness of the local area. There would be no conflict with Policy CS3 of the Council's Core Strategy 2007, Policies DM5 and DM10 of the Development Management Policies Document 2015 and the National Planning Policy Framework and in particular Section 12 and 15, all of which amongst other matters seek a high standard of design which respects the local context, including trees within the landscape.

Conditions

12. In terms of conditions, the materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.
13. Conditions are required to ensure the protection of existing trees, including in respect of service runs and that the works are carried out in accordance with all the details of the Arboricultural Method Statement submitted with the application.
14. In order to be effective, it is my view that the tree protection works require to be in place prior to any other development works commencing. The condition therefore requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1-193; 2-193; 3-193; 4-193; 5-193.
- 4) No site clearance, preparatory work or construction works shall commence on the development hereby permitted until the tree protection measures have been implemented in accordance with the measures set out in the BS:5837 Arboricultural Report and Arboricultural Impact Assessment and BS:5837 Arboricultural Method Statement and Tree Constraints and Tree Protection Plan No: TPP- 01 Rev A, all under Ref: AC.2024.509 by Arbor Cultural Ltd and thereafter the development shall be carried out in full accordance with the information and protection measures set out in these reports.

- 5) Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled or uprooted during the construction of the development hereby approved.
- 6) No service runs shall be provided within the root protection area of any tree to be retained at the site or on adjacent land unless details are first submitted to and approved in writing by the Local Planning Authority.

End of Conditions