



Appeal Decision

Site visit made on 18 March 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 MARCH 2025

Appeal Ref: APP/C3620/D/25/3359732

1A Chestnut Ridge, Eastwick Drive, Great Bookham, Surrey KT23 3PP

- 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 Colin Crosweller against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1945/PLAH.
 - The development proposed is a lightweight car canopy, green oak four post frame with zinc roof.
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Decision

1. The appeal is allowed and planning permission is granted for a lightweight car canopy, green oak four post frame with zinc roof at 1A Chestnut Ridge, Eastwick Drive, Great Bookham, Surrey KT23 3PP in accordance with the terms of the application, Ref MO/2024/1945/PLAH, and shown on plans 100, 101 A, 102, 103 A, 104 A, 105 A, 106 and location plan.

Main Issues

2. The main issues are:
 - 1) The effect of the development on the character and appearance of the area, and
 - 2) The effect of the development on a tree protected by a Tree Preservation Order (TPO).

Reasons

Character and appearance

3. The appeal site comprises a detached home which addresses Eastwick Drive. The open sided car port which has been constructed sits forward of the main house, is near the boundary with the road and adjacent to the garden at number 1 The Spinney. The car port is a modestly sized open sided structure offering space for the parking of one vehicle. It is visible from the road and quite prominent in the street scene, especially on entering Eastwick Drive from Lower Road. Despite its lightweight and open sided nature, it remains a surprisingly strident structure due to the use of materials and its position. This use of materials, position and orientation of the car port is different to the parent house and to other detached garages and car ports that exist in the local area.
4. Despite this, I am unable to regard it as being so sufficiently prominent that it is detrimental to the character and appearance of the area. It does represent a feature that is different to the prevailing nature of homes and outbuildings in the area. This, however, does not necessarily equate to it being harmful to the areas

character. It is of a perfectly acceptable design in its own right and no doubt the materials will weather and soften over the course of time.

5. I therefore conclude that, whilst accepting that the car port is different and somewhat prominent, it is sufficiently modest in size such that it is not harmful to the character and appearance of the area. The development therefore complies with policy EN4 of the Mole Valley Local Plan (2020-2039) (MVLP) and policy BKEN2 of the Bookham Neighbourhood Development Plan (2015-2026) (BNDP) insofar as it is a high-quality design that makes a positive contribution to its local character.

Effect on trees

6. The car port has been constructed within the root protection area (RPA) of a horse chestnut tree which is near to the garage and protected by a TPO¹. The Council has expressed concern regarding potential damage to this tree during construction. Given the proximity of the car port to the tree I have no reason to disagree with this assessment and concur that some damage was likely to have occurred. However, given the modest nature of the car port and the fairly small area of the RPA that would have been affected, such damage was most likely minimal.
7. The implications of refusing permission for this proposal would, ultimately, be for the removal of this car port. This operation could cause further harm to the tree. If it is found that the works undertaken have damaged the tree leading to its ultimate loss, then the Council has powers to require replacement planting to mitigate this loss under Chapter VIII of the Town and Country Planning Act 1990 (as amended). However, I have no evidence before me to indicate that this is in prospect. I am also mindful that the appellant has stated that the car port was erected to mitigate the effects of falling debris and this, of itself, is likely to be a factor in minimising future works to the tree that could harm its long term health and viability.
8. I have considered the Tree Officer's request for replacement planting to be provided by way of condition. However, as the existing tree remains in situ at present and there are other powers available to the Council to require replacement planting if it is lost; I do not find such a condition to be reasonable or necessary here. Thus, such a condition would not pass the tests set out in the Planning Practice Guidance on the use of conditions in planning permissions.
9. I therefore conclude that whilst the proposed development may have caused some limited harm to the tree protected by a TPO, further works to the ground around the tree may cause further harm. Accordingly, I find that the development complies with policy EN9 of the MVLP and policy BKEN1 of the BNDP insofar as it adequately protects existing trees.

Conditions

10. The development is retrospective, and no further works are proposed. I have specified the plans that are approved in my formal decision set out above. I have concluded that additional replacement planting is not justified as no trees have been lost that would require any form of compensatory planting. Therefore, there is no requirement for me to impose any conditions on this planning permission.

¹ TPO/107/4/C of 1990

Conclusion

11. For the reasons given above, I conclude that the development is not harmful to the character and appearance of the area and has not resulted in unacceptable effects on a protected tree. The appeal therefore succeeds, and planning permission is granted.

N Bowden

INSPECTOR