



Appeal Decision

Site visit made on 29 April 2025

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/A2280/D/25/3362696

6 Woodlands Road, Gillingham ME7 2BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Laura Wiseman against the decision of Medway Council.
 - The application Ref is MC/24/2528.
 - The application sought planning permission for extension to an existing driveway and formation of a new vehicular crossover without complying with conditions attached to planning permission Ref MC/20/1050, dated 24 July 2020.
 - The conditions in dispute are Nos 3 and 4 which state that:
 - 3) The soil cell system shall be installed in accordance with the product details (Green Blue Urban Rootspace 600 Cells System) received on 3 July 2020 and as specified in Version 2 of the Arboricultural Report (LS 580) dated the 9 July 2020.
 - 4) The proposed replacement tree (*Prunus x hillieri* Spire) and as detailed in Version 2 of the Arboricultural Report (LS 580) dated the 9 July 2020 shall be planted before the driveway is brought into first use and shall be retained thereafter.
 - The reasons given for the conditions are:
 - 3) Required to mitigate the impact of the approved works on the replacement tree in accordance with Policy BNE41 and BNE43 of the Medway Local Plan 2003.
 - 4) Required to ensure the replacement of a tree to mitigate the impact of the approved works on the amenity of the area in accordance with Policy BNE41 of the Medway Local Plan 2003.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the disputed conditions are necessary having regard to the effect on the streetscene.

Reasons

3. The frontage tree at the appeal site, which has been removed, was the subject of a Tree Preservation Order (TPO). The significant contribution it made to the appearance of the locality and its poor condition were reflected in the previous planning permission which required its replacement. The application the subject of this appeal intends that the replacement tree would be provided in the rear garden of the property rather than at the front. This would enable an additional parking space to be provided in a household where there is a family of four with cars and vans. The Appellant indicates that cars parked in the highway have been damaged

and photographs have been provided. It is also said that the additional space provided would reduce parking pressure in the street.

4. However, two off-road parking spaces would be provided anyway and there is no detailed evidence of significant parking pressure in the street. Moreover, I am not persuaded that a vehicle either reversing into or out of another parking space would necessarily reduce the risk of accidents occurring in Woodlands Road given the busy nature of the road. There is also no detailed evidence from another party, such as the Highway Authority, to corroborate a significant ongoing highway safety issue in Woodlands Road.
5. Concern is expressed that leaves from a tree in the front garden would damage vehicle paintwork and the drive. However, this is not a sound basis for accepting the appeal given that regular removal of such leaf fall may well prevent such problems.
6. It is argued that a rear garden location would be beneficial to the long term health of the tree due to factors such as protection from vehicle emissions and road salt, as well as better soil, growing conditions and potential for root development. However, there is no technical evidence to confirm that a tree in the rear garden would have greater longevity than one at the front and, if so, what the extent of this might be.
7. It is also claimed that the proposed location would offer benefits such as maintaining carbon capture, provide enhanced habitats, contribute to urban cooling, support biodiversity and improve soil health. However, there is no technical evidence demonstrating that a rear garden location would necessarily be more effective in these respects. Moreover, simply having a comparable effect to a tree at the front would not offer any advantage.
8. It is also explained that the technical requirements of planting a tree in the front garden that include soil preparation measures and installing a rootspace system, as well as other measures, would not be needed. It is claimed that this would result in significant cost savings which could be used to provide a higher quality tree and enhanced maintenance and care. However, this would only be achieved by planting the tree in a location where it would not be readily seen from Woodlands Road and therefore not make any significant contribution to the visual amenity of the street.
9. In the absence of a tree the frontage at the appeal site would have an unduly harsh and stark appearance, dominated by parked cars and the hard surface. Failure to replace the TPO tree at the front would unduly diminish the visual amenity of the locality. As a result, the additional parking space would be achieved at the unacceptable expense of the quality of the environment in Woodlands Road and the streetscene would be harmed.
10. I recognise the desire to plant a tree in the rear garden as opposed to the front. However, Medway Local Plan 2003, Policy BNE41, which is the most relevant of the policies referred to by the Council, seeks the replacement of felled trees the subject of a TPO in or adjacent to the site where the trees are to be felled. Whilst there is nothing within that policy that defines the extent of such a site, given the tree to be replaced grew in the front garden, any effect and benefit on the appearance of the locality would have been to the front of the property. In that

light, any replacement should compensate for that loss, and without evidence to the contrary, I find a rear garden location would not comply with the aims of the policy.

11. The National Planning Policy Framework indicates that decisions should ensure that developments satisfy a number of considerations. These include adding to the overall quality of the area and being visually attractive, which would not be achieved in this case.
12. Taking account of all other matters raised, in the above circumstances it is concluded that the disputed conditions are necessary to avoid harm to the streetscene. As a result, the appeal is dismissed.

M Evans

INSPECTOR