



Appeal Decision

Site visit made on 23 April 2026

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2026

Appeal Ref: APP/A5270/W/25/3377124

11 North Avenue, West Ealing, Ealing W13 8AP

- 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 Keiron Gavan against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 244832FUL.
 - The development proposed is the formation of a vehicular crossing, including the installation of a drop kerb
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner above from the Council's Decision Notice as it is more concise than that included on the Application Form.

Main Issue

3. The main issues are:
 - Whether the proposed development would affect a mature street tree and consequently the character and appearance of the site and area;
 - Whether the proposal would provide a safe access, having regard to pedestrian and highway safety.

Reasons

Character and appearance

4. North Avenue is located within the St Stephen's Conservation Area (CA). The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. North Avenue is verdant in character. This is largely due to established street trees and grass verges, including the mature tree which is located within the grass verge directly to the front of the appeal property. The proposed dropped kerb and vehicular crossing would inevitably necessitate vehicles manoeuvring close to the trunk of this tree and passing beneath its canopy. Consequently, the proposal poses a risk of damage to the structure and root system of the tree.

6. I acknowledge the Appellant's suggestion that the construction of the crossover could be overseen by a qualified arboriculturist who would develop a mitigation plan for the proposed works based on a professional site survey. The Appellant further outlines examples of potential mitigation measures and suggests that a method statement could be provided post-decision. I have also considered an updated proposed block plan which includes some measures which could help safeguard the tree, but is not supported by a detailed survey or arboricultural method statement.
7. Securing this information via planning condition is inappropriate as it fails the tests of necessity and reasonableness set out in the Planning Practice Guidance (PPG). A pre-commencement condition cannot rectify a lack of baseline evidence that is fundamental to determining the proposal's acceptability in principle. Given the proposed dropped kerb and crossover's proximity to the street tree, technical arboricultural evidence must be provided upfront to demonstrate that harm can be successfully mitigated, rather than reserved for a later date.
8. In the absence of a detailed survey or arboricultural method statement, it has not been demonstrated that the proposed vehicular crossover could be constructed and utilised without resulting in the damage or eventual loss of the tree. Given its prominent position and significant contribution to the streetscape, the loss of the tree would unacceptably harm the character and appearance of the area, including the CA, urban greening and local ecology.
9. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. In this case, the harm identified to the CA, while less than substantial, is nevertheless a matter of considerable importance and weight. The public benefits of the scheme are limited, primarily consisting of the provision of off-road parking for the current and future occupiers of the dwelling. While I am mindful of the appellant's desire to secure improved parking provision these are essentially private benefits.
11. The Framework makes it clear that the conservation of heritage assets is a core planning principle. Private residential improvements do not carry sufficient public weight to outweigh the identified harm to the character and appearance of the Conservation Area, to which I must give great weight.
12. Accordingly, the proposal is contrary to Policies G5 and G7 of The London Plan (2021) (LP), Policy 5.10 of the Ealing Development Management DPD (2013) and the standards set out in the Vehicle Crossovers: Application Pack for Residents (2011). Taken together, these seek to protect and enhance the urban forest and ensure that new infrastructure does not degrade the quality of the local environment.

Pedestrian and Highway Safety

13. Given that the proposed crossover would be located in proximity to the mature street tree, it would clearly present a level of visual obstruction for drivers exiting the site across the footway. However, I must consider this within the existing local context.

14. On my site visit, I noted that the majority of houses in North Avenue benefit from dropped kerbs with crossovers, many of which are close to mature trees within the streetscape. I also note the examples provided by the Appellant of the Council's continued practice of planting trees in close proximity to existing crossovers within the locality. Consequently, street trees and vehicle crossovers appear to co-exist in proximity within North Avenue and its wider environs. It seems that motorists and pedestrians successfully navigate this arrangement as a matter of routine.
15. In view of this, on balance, I find that the proposals would not result in an unacceptable impact on pedestrian or highway safety. Consequently, the proposal complies with LP Policy T4, which requires that development be safe and should not increase hazards on the transport network.

Other matters

16. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter which has any bearing on the planning merits before me in this appeal and does not alter my findings.

Conclusion

17. Whilst I have found that the proposals would not unduly harm highway or pedestrian safety, this does not outweigh the identified harm to the character and appearance of the streetscene, including the CA. As such, the proposal conflicts with the development plan as a whole. Material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with the plan. For the reasons set out above, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR