



## Appeal Decision

Site visit made on 24 April 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2019

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Appeal Ref: APP/G5180/W/19/3222725

Trees, Coniston Road, Bromley BR1 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Richton Properties against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/18/02909/FULL1, dated 25 June 2018, was refused by notice dated 23 August 2018.
  - The development proposed is the demolition of existing dwelling and detached garage and the erection of a terrace of 5 no. dwellings (2 x 4 bedrooms and 3 x 3 bedrooms) with associated car parking, landscaping, cycle and refuse storage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issues before this appeal.
3. The Bromley Local Plan (LP) was adopted on 16 January 2019, after the determination of the planning application. The Council states that the Bromley Unitary Development Plan 2006 (BUDP) is now superseded and consequently whilst Policies T3, T18 and NE7 of the BUDP have been cited by the Council on its decision notice, I have not had regard to these policies in determining this appeal.

### Main Issues

4. The main issues are:
  - the effect of the development on highway safety, with particular regard to the effects of parking on Elstree Hill; and,
  - the effect of the development on the character and appearance of the appeal site and surrounding area through the loss of trees, including a protected tree.

## Reasons

### *Highway safety*

5. The appeal site is accessed from Coniston Road. However, the proposed development would include an area of parking for associated vehicles on Elstree Hill, which is a private road. It is recognised by both main parties that although Elstree Hill is a private road, a public right of passage exists. During my visit, I noted that a number of cars were parked on the opposite section of the road in front of the proposed parking area.
6. The appellant's have produced a further Highways Report<sup>1</sup> (HR) to support their submission. This HR clarifies the **extent of the appellant's ownership and** provides additional information regarding the proposed parking spaces, including dimensions of the road. The report seeks to address whether Elstree Hill has sufficient width to accommodate a safe passage for two-way vehicle movement and pedestrian movement alongside parking for the development proposal, and whether the verge proposed to be used for parking forms part of the highway.
7. I find that at the time of my visit, the level of parking was similar to the circumstances as shown in Figure 3.1 and 3.2 of the HR. In Figure 3.6 of the HR the existing circumstances of Elstree Hill is shown, where it identifies the footway/partial grass verge on the northern side of the carriageway is up to 2.5 metres wide; the gravel/ballast surface of the road is between 8 to 10 metres in width and the grass verge where the proposed parking to be located is 3 metres in width. Additionally, photographs provided in Figure 3.5 shows a vehicle parked **on the grass verge adjacent to the boundary wall at 'Trees'**.
8. The HR identifies that existing foot and pedestrian traffic is currently accommodated in the 8 to 10 metre wide stone surface highway. Reference has also been made to street geometry contained within Manual for Streets (MfS), which I note. Although it is not proposed to formally adopt the road, Figure 3.7 in the HR seeks to illustrate how it would be possible to create a 6 metre wide carriageway with 2 metre wide footways on both sides in accordance with guidance contained within MfS. The findings contained within the HR are not disputed by the Council.
9. On the information before me, and in the absence of any evidence to the contrary, I am not persuaded that in relative terms the proposed scheme would give rise to a significant harmful effect to highway safety in the locality taking into account the existing informal parking arrangements and the remaining width available on Elstree Hill to accommodate both motorists and pedestrians alike. Additionally, the general good visibility that is afforded to drivers in this area would be sufficient to prevent any conflict with other motorists or pedestrians. Due to the acceptability that I find with the proposed parking spaces on Elstree Hill, a satisfactory level of parking for the development is achieved in accordance with the levels specified in the LP.
10. For the reasons outlined above, I conclude that the proposed scheme would not unacceptably harm highway safety or result in any significant inconvenience for users of the private road. Therefore, the proposal would accord with the

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<sup>1</sup> Addendum Highways Report undertaken by Motion, dated 3 December 2018

amenity and highway safety aims of LP Policies 30 and 32, Policies 6.12 and 6.13 of the London Plan 2016 (LonP) and the Framework.

### *Trees*

11. The proposal would also require a number of trees to be removed. However, the Council have only raised concerns with regards to T27 (Oak) and T28 (Whitebeam) as identified in the original Arboricultural Survey<sup>2</sup> (the tree survey) undertaken to support the application. It is acknowledged that there is an area Tree Preservation Order (TPO) that covers part of the site towards Elstree Hill. It is acknowledged by both parties that the trees located in this area would not receive any harmful effects from the development. It appears that during the course of the application, there was some dispute over the status of both T27 and T28. However, in **the Council's submission** it clarifies that T28 is the only tree to be formally protected, which accords with the findings contained within the tree survey.
12. Both trees are mature and have been **categorised as 'B' in the appellant's** tree survey classifies them as having moderate/fair quality and value, with its retention desirable. The tree survey asserts that the loss of T27 and T28 and the few along the southern boundary will not detract from the landscape and will not have a detrimental visual impact upon the character and appearance of the area. Nonetheless, the evidence before me indicates that both T27 and T28 are generally in good condition with an expected 20+ years life expectancy.
13. Whilst only T28 benefits from a TPO, I find that both T27 and T28 to the front of the appeal site form a prominent feature in the street-scene, which positively contribute to the wider tree lined character of the surrounding area. Collectively the mature trees that are located on Coniston Road form an important feature to the character and appearance of the area. I note the landscape proposal in the submitted drawings. However, I do not find that this would provide sufficient mitigation against the loss of the existing mature trees, including one which is protected.
14. For the reasons outlined above, I therefore conclude that the development would significantly harm the character and appearance of the appeal site and surrounding area. As a consequence, it would not accord with the design, character and appearance, and environmental aims of LP Policy 73, LonP Policy 7.21 and paragraph 170 of the Framework.

### Other Matters

15. I acknowledge that the development would make some positive contribution to **the Council's supply of housing sites and that it would bring some social and economic** benefits to the area through the provision of new housing and during the construction phase of the development. However, I find these benefits to be relatively limited and not sufficient to outweigh or alter the harm identified in respect of my conclusions on the main issues. I have considered this proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

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<sup>2</sup> Arboricultural Survey and Planning Integration Report, by Quaife Woodlands, Ref AR/3724/jg dated 21 April 2018

## Conclusion

16. I have found that the proposed development would cause harm to the character and appearance of the appeal site and the surrounding area, including to a protected tree. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR