



Appeal Decision

Site visit made on 8 October 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2019

Appeal Ref: APP/T0355/D/19/3233993

53 Windsor Road, Maidenhead, Berks, SL6 2DN

- 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 Mr M Herridge against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref: 19/00468 dated 16 February 2019, was refused by notice dated 13 May 2019.
 - The development proposed is a new carport.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the protection and future health of a protected tree.

Reasons

3. The appeal site is comprised of a detached dwelling with a front plot of around 10 metres (m) in depth primarily surfaced with block paving. The front of the plot is enclosed from the Windsor Road by an approximately 2m high brick wall with an opening comprising a wooden fence and gateway. Within the appeal site behind the fence and wall, a modestly sized unpaved area accommodates a large black pine, protected by Tree Preservation Order (TPO) 113 of 2002 (herein T1). This part of Windsor Road has a verdant appearance from the hedgerows, trees and front gardens off the thoroughfare. However, T1 makes a particularly positive and important contribution to the character and appearance, by reason of its height, structure and prominence.
4. The carport would extend approximately 8.4m in width by around 5m in depth between the side boundary and the undeveloped area around the trunk of T1, occupying a significant proportion of the eastern part of its Root Protection Area (RPA). The Council has raised a specific concern about the need and ability of the development to ensure rain water is discharged evenly across the ground underneath the car port, to percolate to the root system of T1, preventing the drying out of a significant proportion of the RPA under the carport, to the detriment to T1.
5. Having considered the contents of the appellant's arboricultural report and in noting its overall conclusions in relation to the development, I see no specific

reference within it that directly addresses the concern in respect of drying out of the roots. Additionally, there is no confirmation of a qualified arboricultural input into the appeal statement to answer this specific concern raised by the Council's adviser. There is a reference to rain water discharge over the drive area on the appellant's plan, and the appeal statement confirms the position of the downpipes to direct the water towards T1. Notwithstanding this, the Council's suggested condition, and the appellant's suggested irrigation system, it is not clear from the evidence before me that the development could ensure a sufficiently even distribution of water across the sheltered area under the carport, to ensure there is no detriment to T1.

6. I note the appellant's comments about the Council's suggested alternative development, positioning the carport further from the tree and removing some of the paving. However, I have not seen any further details of that alternative suggested scheme, and therefore it is not clear what degree of paving removal and rainwater re-distribution might address the concerns raised. Consequently, as advanced by the appellant, I cannot take these comments as confirmation that increasing the amount of water discharged close to the trunk, and some amended rain water pipework, would secure the long term protection of T1.
7. Therefore, for the reasons set out above, the proposed development would not be likely to adequately secure the protection and future health of a protected tree. It would be contrary to Policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (the Local Plan) which requires that new development should allow for the retention of existing suitable trees that form a feature of a site where this is practicable. Furthermore, harm to and/or ultimate loss of the tree would also conflict with Policy DG1 of the Local Plan, which requires that development should not cause harm to the character and appearance of an area through the loss of important features.
8. The appellant has set out measures incorporated into the scheme to address some previous concerns raised by the Council. The carport would be supported by the front wall such that most of the supporting posts could sit on the pavements without foundations. The arboricultural report identifies that subject to appropriate mitigation measures, the limited physical ground works within the RPA would not have any significant impact upon the roots of T1. I am satisfied that any potential harm to roots from the physical works could be dealt with by planning conditions that were suggested by the Council in respect of arboricultural supervision and requiring further details of foundations. However, this does not mitigate or alleviate the concerns set out above.

Conclusion

9. For the reasons set out above and having considered all the matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR