



Appeal Decision

Hearing Held on 17 January 2024 and 24 January 2024

Site visit made on 16 January 2024 (unaccompanied) and 24 January 2024 (accompanied)

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/R0335/W/23/3330085

Chussex, Crowthorne Road, Bracknell RG12 7EH

- 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 T and P T Rajani against the decision of Bracknell Forest Council.
 - The application Ref 21/00674/FUL/RFULZ, dated 18 June 2021, was refused by notice dated 27 March 2023.
 - The development proposed is erection of 2 storey building providing 5 x 1 bed flats and 1 x 2 bed flat with associated parking, refuse and cycle store, following removal of existing bungalow and ancillary building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged the 2022 Housing Delivery Test (HDT) results and the revised National Planning Policy Framework (2023) (the Framework) were published on 19 December 2023. I have given the Council and appellants the opportunity to comment upon these and taken the comments into account in determining this appeal. The numbering below reflects the new Framework.
3. In advance of the hearing the appellants submitted a planning obligation agreed with the Council. The Council confirmed it no longer objects to the scheme due to the effect upon Thames Basin Heaths Special Protection Area (the SPA). I have had regard to this in setting out the main issues below.
4. While not a reason the Council refused permission, in view of my duties under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA), the views of interested parties, and the evidence before me, I sought substantive views from the Council and appellants in respect of the effect of the proposal upon the setting and significance of designated heritage assets. This is reflected in my setting out of the main issues below.

Application for costs

5. An application for costs was made by Mr M T and P T Rajani against Bracknell Forest Council. The application is the subject of a separate Decision.

Main Issues

6. The main issues are the effect of the proposed development upon:

- the character and appearance of the area including with particular reference to protected trees; and,
- the setting and significance of the Church of St Michael and St Mary Magdalene, and White Cottage, as Grade II designated heritage assets.

Reasons

Character and appearance

7. The character and appearance of the area is one that encompasses a variety of ages, forms and layouts of buildings. It includes modern flatted developments south of Crowthorne Road, terraced and semi-detached post-war dwellings with greenspace areas to the east, bungalows, a cottage, a church, Parish Centre, detached dwellings and a car park on the western side of Crowthorne Road. The varied townscape is interspersed by a variety of primarily deciduous trees that provide a sylvan and softened appearance and backdrop, that positively contributes to the character and appearance of the area.
8. The appeal site includes a red-brick period bungalow and a modest outbuilding, set within a spacious and generously sized plot, within treed surrounds. Despite this, due to its state of repair and maintenance, the appeal site makes an overall neutral contribution to the character and appearance of the area.
9. The new building would be significantly wider with a greater set back within the site, closer to a number of trees, including two protected trees, rooted just outside the appeal site. A Council concern is that protected trees would adversely affect future occupiers' outdoor space, cause onerous maintenance, thereby resulting in pressure for works prejudicial to tree health and amenity.
10. I have read and heard professional opinions at length from well-qualified and experience experts. T3 is an early mature or middle-aged Sycamore of approximately 15-16m high with a radial crown spread varying between 1 – 6.5m. The main parties disagree about its categorisation. Though it may have been the subject of unsympathetic pruning over the appeal site before the Tree Preservation Order (TPO) was made, I saw no obvious disease or major defects. Its continued growth and its contribution to character, appearance and amenity would be likely to be over the (20-year) minimum indicated¹.
11. Tree T4 is an early mature or middle-aged category A Oak of approximately 16-17m high, with a radial crown spread 2 – 8m with a minimum expected 40-year contribution to amenity. Despite the apparent branch removal works over the appeal site and resulting asymmetrical crown, it appeared of reasonable overall health. Both trees make a discernible positive contribution to the character and appearance of the area, visible from Crowthorne Road passing the appeal site, Pendine Place, its adjacent greenspace, nearby footways, much of the car park rear of the site and part of a nearby footpath.
12. Oaks are not known for particularly quick, prolific, or vigorous adventitious growth. Though like many trees they seek balance so future growth over the appeal site cannot be ruled out, and the nature of its attachment is unknown.

¹ Arboricultural Impact Assessment by Alderwood Consulting Limited (14 October 2022).

Based upon its current size, age, and other more mature Oaks in the area, though extension growth might be limited, the appellants' estimation of a future stature at 15-16m high is very modest. Sycamores can be the subject of more prolific, vigorous and faster growth, with adventitious growth around approximately 0.6m per. T3 now has a more open environment, with significant growth occurring from the trunk over the appeal site. I saw nothing to suggest it was not well attached and will continue to grow.

13. Based upon what I heard, references to nearby trees and the written evidence before me, suggests both trees could reasonably reach 20-22m high and a radial spread of up to between approximately 6 – 10m. British Standard 5837:2012 advises that buildings should be sited to allow a tree's natural development with due consideration given to its predicted and ultimate height and spread, and seasonal nuisance². An Arboricultural Research Note³ that I was referred to suggests similar when considering tree planting.
14. A space of 300m² would be adequate for the number of occupiers. Some are likely to be accepting of or welcome the sylvan setting, and on hotter days shade may well be welcomed. However, typically trees will have leaf cover for much of the year including at times when it is not particularly hot or bright.
15. The trees are rooted on land above the new building ground floor surface and part of the new garden. Given T3 and T4's existing height and stature, that they are orientated south and west of the site, they would be likely to grow to result in a significant amount of shading. Cumulatively with the height and width of the proposed building, even with ultimate sizes less than suggested by the Council, and even were other non-protected trees for some reason removed, in the medium term it is likely the garden space would become a shaded, overshadowed, and darkened space for a significant proportion of the day over many months of the year when the trees are in leaf.
16. Both trees will have a significant leaf volume, autumn fall, the potential for high volumes of associated fruit and seed deposits which do not decompose particularly quickly. There would also be deadwood, sap, and honeydew, resulting in a nuisance factor. Even in the shorter term, the Sycamore is likely to grow to extend further over the site. The trees would create a nuisance factor that would grow with them. They are highly likely to result in some future occupiers finding the garden does not provide a suitable or satisfactory outdoor space for activities such as sitting outside, socialising, recreational pursuits, drying clothes, and storing paraphernalia outside a building.
17. The future ownership or tenancy of the development is not certain. There could be reasonable grounds for works that adversely affect the amenity contribution and health of the trees due to harmful effects upon daylight and overshadowing, that the Council or an Inspector might find it necessary to permit, and the land or tree owner are duty bound or compelled to undertake.
18. The scope for proactive maintenance to allow healthy development of the trees is very limited because the trees are not under the ownership of the appellants. Common law rights allow pruning only to the boundary. This would not allow compliance with a common condition upon TPO consents for all works to be

² Paragraph 5.3.4 of British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

³ Arboricultural Research Note issued by the DOE Arboricultural Advisory and Information Service (May 1990).

undertaken in accordance with British Standard 3998:2010. This condition aims to ensure works are undertaken in a way so as to minimise harm to tree health. Therefore, I am not persuaded that future pro-active works, whether by planning condition, or a separate future consent, could be undertaken in accordance with the recommendations of BS 3998:2010.

19. There might not be pressure for proactive works. However, the proposal is likely to result in future harmful living conditions to occupiers and/or significant pressure to undertake works to mitigate adverse effects in the future. This could be regarded as symptomatic of overdevelopment of the site. It is likely to result in pressure for harmful works that could ultimately result in the destruction of the trees. These are matters that attract significant weight against the scheme.
20. At my visit, White Cottage, The Rectory and Magdalene House had sizeable trees close to their front and/or side elevations. Though the rear spaces appeared to have openness with limited tree cover, these properties are viewed as having close relationships with trees and a sylvan character. The resulting future relationship and juxtaposition could not be said to be strident or out of keeping with the character and appearance of the area because of this. However, this does not mitigate the other harm I have found above.
21. I was pointed towards a large Beech with much of the crown over a rear garden of a single dwelling, which reinforces my concerns about this appeal proposal. I was not made aware if there have been applications, and it is not clear whether the occupiers will have a personal preference to make any future applications for works to the tree, and the outcome is not certain. Therefore, this attracts limited weight. I am provided with examples of other decisions⁴, where Inspectors for other decisions, have found proposals would result in future conflict with protected trees. The circumstances of each differ in terms of the position of trees, and each proposed layout differs from the appeal proposal, so they attract limited weight.
22. BS 5837:2012 defines an RPA⁵ as tool indicating the minimum area deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of the roots and soil structure is a priority. It does not specifically expect the protection of roots outside the RPA. However, much of T3 and T4's wider rooting area would remain, for roots outside the RPA.
23. The main parties agreed the Oak's trunk diameter is 810mm, resulting in an RPA of approximately 297m² with an average radius of 9.7m. There is little disagreement that the Oak's roots will be under the rear car park, although I find the Council's indicative RPA with minor deviations from a circular form, well-reasoned considering existing surfaces and structures, and I am satisfied reflects of advice in BS 5837:2012.
24. Based upon what I heard, the engineer's drawings of the retaining wall appear to provide adequate structural support for bank retention, and it is not clear why their construction would require much excavation outside their extent. On this basis there might be a very minor incursion into the RPA. However, given this and that the remaining RPA would remain protected, based upon the submissions I heard, on-balance it would appear unlikely there would be any

⁴ APP/R0335/W/23/3314766; APP/R0335/W/21/3271797; APP/R0335/D/23/3318381

⁵ Paragraph 3.7 of British Standard 5837:2012.

- significant harm to tree health from the wall. Moreover, I see no reason why a minor change to the alignment could also not be incorporated to avoid the RPA.
25. Seeding or chipping within the RPA could secure landscaping without harming tree health. With suitable protection measures to ensure the RPAs are fenced off and protected, and the form of landscaping, secured by planning conditions, I am satisfied there would be highly unlikely to be any adverse effects of significance upon the RPAs and protected trees health from these operations.
 26. However, for the reasons set out above, the proposed development would be likely to be detrimental to the future health and growth of protected trees that would result in harm to the character and appearance of the area. This would conflict with the aims of Policies EN1 and EN20 of the Bracknell Forest Local Plan (2002) (the LP), Policy CS1 of the Core Strategy Development Plan Document (2008) (the CS) and Policy EV4 of the Bracknell Town Neighbourhood Plan (2021) (the NP). Amongst other things these require that developments protect or enhance natural resources, the character and appearance of the area, retain beneficial landscape features such as trees in a good condition, and avoids the destruction or loss of trees.
 27. Though CS1 does not fully reflect the three limbs of sustainable development in the Framework, I was informed this should not affect the weight given to it. There is no requirement for policies to address all matters, and these should be considered in the overall planning balance. Given the aims of CS1 and harm I find, I see reason to reduce the weight given to the conflict. As Policy CS7 is not referred to in the reason for refusal, I have not concluded against it.

Designated heritage assets

28. Section 66(1) of the LBCAA requires special regard is had to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses. Paragraph 195 of the Framework highlights designated heritage assets are an irreplaceable resource. Paragraph 205 requires when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification (paragraph 206).
29. The new building would be approximately 80m east of the Church of St Michael and St Mary Magdalene (herein the Church). It has 17th, 19th and 20th century elements. Its special architectural and historic interest includes its three-stage construction, architectural composition with several ornate features, its visual prominence and appearance as a high-status building. The main Church is by JW Hugall in the Early English style. It incorporates lancet, quatrefoil, trefoil and three-light windows, ornamented stone sills, heads and surrounds, within elevations incorporating projecting plinths, buttresses, and columns. Among the monuments described in the listing, the stained-glass east window by Burne-Jones (1876) represents the Last Judgement.
30. Though it was once experienced in a more open rural setting, I was informed by an interested party that the new town was laid out in such a way as to retain the visibility and eminence of the Church. Also, that subsequent development such as bungalows north of the appeal site intentionally retained views to it. Though the detail of the design rationale is not before me, much of the subsequent development now within its setting, is either away from the

Church, or is such that it is low level, or there is space around buildings to maintain visibility of its special aesthetic value.

31. This surrounding development, and trees not being in leaf, resulted in the Church having a wide, open setting at my visit. Much of its eastern elevational form and features and the tower, were clearly visible either side of the appeal site bungalow, above part of the pitched roof, and neighbouring bungalows. Views vary with perspective and position and would be much more filtered when trees are in leaf. However, there would still be some filtered views and it would still be experienced as a notable high-status building of aesthetic value, in partially open and well vegetated surrounds, including from the east side of Crowthorne Road and greenspace at Pendine Place. These various elements of its setting positively contribute to its significance.
32. Given its wide plot, limited development and proximity, the appeal site positively contributes to the setting and the appreciation of the aesthetic value of the Church. The limited width and roof form of the bungalow, and visibility of the Church around and above it, means the appeal site makes a positive contribution to the setting and significance of the Church. Of note, are the views from the public greenspace and footways east of Pendine Place and limited sections of Crowthorne Road near the appeal site frontage, from where views of the tower, and the large eastern three light window and surround can be appreciated.
33. The new building would be set back, and only marginally higher than the existing ridge. However, the ridge would have a considerably greater width over a significant proportion of the plot width. Its height, scale and proximity would significantly inhibit the visibility and appreciation of a significant proportion of the eastern side of the Church and some of the tower, including features of special interest. For a significant proportion of the year, the effect of the building would be a particularly detrimental one, harmfully diminishing the contribution of the appeal site to the setting and significance of the Church.
34. The effect would be clearly apparent from the public greenspace and footways east of Pendine Place and limited sections of Crowthorne Road either side of the existing building. Therefore, it would harmfully affect the way in which the Church is experienced, and conditions could not mitigate the harm. Having regard to factors such as the extent of the effect and that it would vary with seasonality, the harm would be of a moderate level.
35. White Cottage has 17th century origins with 20th century alterations but exhibits traditional vernacular techniques and materials. It is part-timber framed with brick in-fill and painted brick, under a tile roof with gable end chimneys, a planked entrance door and casement windows. Its special interest is in the architectural and historic values of its construction, forms, materials, and evolution, as what would once have been a rural cottage fronting a historic thoroughfare. At my visit part of the front elevation had recently fallen, but there is no suggestion it would not ultimately be repaired.
36. As the building has a wide curtilage, much subsequent development within its setting is away from White Cottage. Its most extensive visibility is from the south and east of it. While it had a localised partly filtered sylvan setting, this was much greater than the extent of its curtilage from many directions. Though development to its south and east contributes little to its significance,

the contribution of much of the remaining setting to its significance is as a spacious sylvan backdrop retaining a semblance of its historic rural character.

37. The appeal site contributes to this by virtue of its close proximity, it being modest period 1920's bungalow and outbuilding, some period forms and being of limited scale with a spacious plot, providing a relatively open undeveloped setting. It makes a neutral contribution to the setting and significance of White Cottage, and I do not share the Council's view it is largely only the curtilage of White Cottage that contributes to its significance, or that the appeal site makes no contribution to the legibility of White Cottage.
38. Some aspects of the proposed design would be undertaken in a sympathetic way which limits the impact, including the materials and the set back within the plot to reduce the built form when viewed from southeast of the cottage. However, by virtue of its height, the increased extent of its width, its depth, and proximity, the development would not appear subservient to White Cottage and overall would urbanise and erode the partly rural character around it. Noting the seasonality of surrounding trees and despite the scope of achievable landscaping, the proposal would be more prominent in its setting viewed from the east and a short section of highway to its south. Overall, the level of harm to its significance is of a limited level.
39. Therefore, for the reasons set out above the proposed development would be harmful to the setting and significance of the Church and White Cottage. This harm would be less than substantial harm. However, it would not preserve their setting, in conflict with the aims of the LBCAA. It would also conflict with the aims of Policies HE2 and HE3 of the NP insofar as it expects development to preserve or enhance the setting of listed buildings. However, as the policy test sets a higher bar beyond that of the Framework and the LBCAA, I attach reduced weight to the conflict with the HE3 requirement to enhance a setting.

Other Matters

40. I understand the bottle neck well on the appeal site will soon become locally listed, and it is the subject of an application for statutory listing. In-light of any substantive evidence to the contrary, presently it is classed as a non-designated heritage asset (NDHA). Its architectural and historic interest and significance is in its age and construction reflecting bygone lifestyles, as a surviving and in-tact Victorian brick bottle neck well, which is almost entirely below ground level, where it widens out significantly beyond the neck.
41. Having considered the substantive evidence before me and the hearing discussion, I conclude that the setting of the Well contributes very little to its significance. It is within the RPAs and is not proposed to be lost, damaged, or filled. Suitably worded planning conditions could secure its condition and in perpetuity retention, which is currently not secured. Therefore, the proposal would not result in harm to the significance of the NDHA.
42. Circular 06/2005 referenced in paragraph 185 of the Framework advises that it is essential the presence or otherwise of protected species, and the extent that they may be affected is established before planning permission is granted. The Bat Survey (September 2021) (the BS) concluded that 1 – 2 brown long-eared bats are likely to be using the bungalow roof space as an occasional summer roost, so its loss would have an effect upon a European Protected Species, requiring a mitigation licence.

43. The BS explains licence requirements, outlines a mitigation strategy including a pre-works inspection, demolition supervision, and provisions for alternative bat roosting. The parties agree that further surveys, appropriate mitigation addressed through the licensing process and planning conditions could ensure there would not be a negative effect on the conservation status of bats. Other ecological mitigation in respect of what are understood to be fox earths, and for nesting birds, would be satisfactory and could be secured by suitably worded planning conditions.
44. The appeal site lies within the 5km zone of influence (ZoI) of the SPA. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a project is likely to result in a likely significant effect (LSE) on a European site (the SPA), a competent authority is required to make an Appropriate Assessment (AA) of its implications upon the integrity of that site in view of its conservation objectives. Any LSEs need to be considered alone and in combination, adopting the precautionary principle.
45. The SPA is a network of heathland sites designated because they provide habitat for internationally important populations of Nightjar, Woodlark and Dartford Warbler (the qualifying features). The SPA conservation objectives are to ensure its integrity is maintained and restored by maintaining and restoring the extent and distribution of the habitats of the qualifying features, the structure, function, and processes of the habitats of the qualifying features, and the population and distribution of the qualifying features within the SPA.
46. The three bird species nest at ground or low level and can be disturbed or harmed by recreational activities by visitors and related habitat damage such as erosion. The SPA Avoidance Strategy Supplementary Planning Document (2018) (the TBHSPD) identifies that an increase in the number of dwellings within the 400m – 5km ZoI is likely to increase the number of visits to the SPA, resulting in LSEs, so if un-mitigated, this scheme would have LSEs on the SPA.
47. The TBHSPD sets out a package of avoidance measures comprising contributions towards Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM), endorsed by Natural England (NE), collected by planning obligations. SANGs are alternative spaces for visitors and the SAMM is a joint project that manages and monitors the cumulative impact of development and visitors on the SPA including through measures such as increased wardening, education, and promotional materials.
48. The appellants' planning obligation secures index linked SANG and SAMM contributions in accordance with the TBHSPD against the landowner and any successors in title, with a clause so the development is not occupied until the SANG enhancement works are carried out. There is SANG capacity, established mechanisms by which both contributions are transferred, spent, and works undertaken in a timely manner to mitigate the effects of the development.
49. NE agrees the measures are deliverable and sufficient to avoid adverse impacts upon the SPA. I am satisfied there are sufficient established mechanisms to ensure the delivery of proportionate and relevant mitigation as set out in the TBHSPD. Therefore, following an AA, the mitigation would be appropriately secured and delivered in a timely manner and the planning obligation meets the statutory requirements in Regulation 122 of the CIL Regulations and the tests in paragraph 57 of the Framework.

50. When considered alone and in combination with other plans and projects, the appeal scheme would not adversely affect, and would maintain the integrity of the SPA. Therefore, it would not conflict with the Regulations, Policy NRM6 of the South East Plan (2009), Policy EN3 of the LP, Policy CS14 of the CS, and the TBHSPD, which require that development protects and provides sufficient mitigation against adverse effects upon the integrity of the SPA. The Council screened out LSEs from increased traffic upon the SPA and other designated sites⁶, given the findings of the evidence base for the emerging local plan⁷. NE agrees there would not be LSEs on these Habitats sites.

Heritage Balance

51. The proposed development would result in less than substantial harm to the setting and significance of two Grade II listed buildings. Framework paragraph 208 states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the development. However, great weight should be given to an asset's conservation, and less than substantial harm should not be equated with a less than substantial planning objection.
52. There would be a moderate temporary economic benefit during construction, and once complete a limited on-going spend in the local economy and support to local services and facilities. The Council confirmed it achieved a HDT measurement of 226% and it can demonstrate a deliverable Housing Land Supply (HLS) of 4.39 years. Based upon what I heard and the evidence before me, I am satisfied the HLS position is of the order set out by the Council.
53. Having regard to Framework objectives for maximising the use of land, delivering housing, and the Council's housing requirements and HLS, a net increase of 5 dwellings would be a moderate public benefit. The scheme could achieve a biodiversity net gain secured by planning conditions. Given the existing habitats, the protection of the RPAs, and scope within the appeal site for improvements, it appears likely there would be a moderate public benefit at best. Though there is nothing to suggest it would be lost or infilled, the retention of the well, as a locally unusual and well-preserved example would be a moderate benefit.
54. The opportunity to tidy-up the site and compliance with certain aspects of development plan and Framework design policies such as the forms, design and materials are noted. However, there is nothing of substance before me to suggest the development is necessary to improve the site. Overall, given the harm I have found to the setting and significance of designated heritage assets and to the future health and amenity of protected trees, there would be overall harm to the character and appearance of the area as a whole.
55. The provision of a new sustainable urban drainage system and matters such as reducing anti-social behaviour, could result in limited public benefits. The existing dwelling is unlikely to be energy efficient. Despite this and securing 10% renewable energy generation by condition, even if it were demonstrated the proposed measures would result in a net reduction in energy use from the

⁶ The Windsor Forest and Great Park Special Area of Conservation (SAC), the Thursley, Ash, Pirbright and Chobham SAC, and the Chilterns Beechwoods SAC.

⁷ The Habitats Regulations Assessment Pre-Submission Bracknell Forest Local Plan (2021), Air Quality Assessment of the Pre-Submission Bracknell Forest Local Plan (2021) and Addendum to the Habitats Regulations Assessment of the Pre-Submission Bracknell Forest Local Plan (2023).

appeal site, there is no suggestion they would off-set the energy use of the new dwellings, so this attracts limited weight as a public benefit.

56. The matters secured by the planning obligation are to mitigate the effects on the SPA, and not resulting in harm to other Habitats sites, are neutral matters. It is not advanced that the changes to the access would be anything other than a neutral matter overall. Were I to agree the proposal is compliant or could be made compliant by the imposition of suitably worded planning conditions, with policies in respect of matters such as accessibility, parking standards, the living conditions of future occupiers not referenced above, and neighbouring occupiers, and construction effects, these would be neutral matters.
57. Overall, the public benefits constitute a moderate overall public benefit that attracts moderate weight. Consequently, when giving great importance and weight to the special regard I must have to the desirability of preserving the setting of the Church and White Cottage, the harm that would arise from the appeal scheme would not be outweighed by its public benefits. Accordingly, there would be a conflict with paragraph 207 of the Framework and Policy HE2 of the NP as the harm to designated heritage assets would not have a clear and convincing justification, which attracts great weight.

Planning Balance & Conclusion

58. In accordance with paragraph 11 d) i) of the Framework, the application of policies that protect areas or assets of particular importance provide a clear reason for refusing the development, for which the policies of the Framework have not been met. Consequently, the tilted balance does not apply.
59. The proposed development would result in harmful effects to the setting and significance of two Grade II Listed Buildings, which attracts great weight. It would also be highly likely to result in works that are detrimental to the future health and growth of protected trees, which would result in harm to the character and appearance of the area. The policy compliance and benefits in favour of the scheme attract moderate weight. Therefore, the harm from the development, significantly outweighs the benefits of the development.
60. For the reasons set out above, the proposed development is contrary to the development plan read as a whole, the Framework read as a whole, and section 66(1) of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Nick Cobbold, Bell-Cornwell;

Mr Jonathan Fulcher, Arboricultural Consultant of Alderwood;

Mr Bill Munday, Consultant to the Appellants;

Mr Pramod Rajani, Appellant.

FOR THE COUNCIL:

Mrs Sarah Fryer BA (Hons) DipTP MRTPI, Principal Planning Officer of Bracknell Forest Council;

Mr Jay Stoodley National Diploma in Arboriculture BTEC (1989) Surrey County Diploma (1889) Lantra professional tree inspection, Tree Officer of Bracknell Forest Council;

Jonathan Mullis, Heritage Consultant at Jacobs representing Bracknell Forest Council;

Will Rendall, Planning Officer of Bracknell Forest Council.

INTERESTED PARTIES:

Ms Diana Henfrey (Former Town Councillor);

Ms Jane Minns (Former Owner);

Mrs Sharon Bridges (Local Resident);

Mrs Miranda Morant (Local Resident).

DOCUMENTS SUBMITTED AT THE HEARING:

CR-1: Habitat Regulations Assessment Pre-Submission Bracknell Forest Local Plan (March 2021);

CR-2: Air Quality Assessment of the Pre-Submission Bracknell Forest Local Plan (March 2021);

CR-3: Bracknell Forest Local Plan (2002) front cover.