



Appeal Decision

Site visit made on 21 July 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/N0410/D/25/3367288

15A Penn Meadow, Stoke Poges, Buckinghamshire, SL2 4EB

- 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 Jasraj Kalsi against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/3734/FA.
 - The development proposed is a double storey side extension with roof extension and new rear facing dormer window. Demolition of two existing outbuildings and proposed new garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed development on the protected Oak tree located in the adjacent garden at 4 Amicia Gardens; and secondly, the effect of the proposed extensions on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal dwelling is a modern two storey house located at the end of a short spur off the central green in Penn Meadow, an established residential cul-de-sac. Penn Meadow is characterised by its spacious layout of mainly semi-detached, post-war houses. The plots are wide and there are noticeable gaps between pairs of dwellings, especially above ground floor. A number of houses have been extended to the front and/or rear but first floor side extensions are uncommon and where they occur spaciousness is preserved.
4. Trees are an important landscape feature, both on the green where there are a number of large specimens, and to the rear of dwellings where they can be seen above and between the houses. Together with the frontages which are either open or marked by low boundaries and vegetation these provide a pleasant, green setting.
5. There is a large Oak tree just beyond the southern boundary of the appeal site, in the garden of 4 Amicia Gardens. This tree which is the subject of a Tree Preservation Order (TPO) has significant amenity value. It provides a prominent end-stop to the spur when viewed from the green in Penn Meadow. It is one of few trees seen in this direction and noticeably taller than other vegetation nearby. The

- proposed extension would bring the built footprint closer to the tree and the extension would be noticeably overshadowed by it.
6. An arboricultural survey report, prepared by Arbtech, was submitted with the application. The survey appears to have been carried out solely from the appeal site. The report assessed the Oak tree as being a mature specimen in good condition and with an estimated remaining contribution of 40+ years. The Council's Tree Officer commented that the report appeared to provide a fair representation on the quality of trees but that a more detailed assessment of the Oak tree would have been advisable to ensure data collected was accurate and to assess whether the tree had any veteran characteristics.
 7. An objection submitted by a third party, arboricultural consultants Hellis Solutions Limited, pointed out that in 2015 Arbtech had provided a tree survey in support of an earlier planning application at the appeal site which found that the Oak tree was a veteran tree. Other discrepancies between the 2015 report and the 2024 report were noted. These discrepancies raise doubts regarding the accuracy of the submitted survey and the true status of the tree.
 8. Following a site visit the Council's Tree Officer concluded that the tree should have been classified as a veteran tree. Arbtech, for the appellant, provided a counter argument based on the RAVEN 2.0 methodology. This was reviewed by the Tree Officer who remained of the view that the tree was a veteran tree but accepted this was an opinion that did not concur with the Arbtech RAVEN assessment.
 9. It appears to me that, although it is clear that the Oak tree is in any case a fine specimen and has significant amenity value, material doubt remains as to whether its recent categorisation as mature rather than veteran is accurate. This is an important distinction.
 10. The National Planning Policy Framework (NPPF) sets out in paragraph 193 (c) that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists" The NPPF explains that examples of wholly exceptional reasons would include "infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat". These would not apply in the case of the appeal proposal.
 11. Both the proposed two storey side extension and the proposed garage would impinge on the root protection area (RPA) of the Oak tree as shown on the Arbtech Tree Constraints Plan and reproduced on submitted plan ref C02 – Proposed Site Plan. The Hellis Solutions Limited objection suggests that the drawing may not be accurate and may underestimate the RPA. In any case BS:5837 Trees in relation to design, development and construction – Recommendation (BS:5837) recommends at paragraph 7.4 that "no construction, including the installation of new hard surfacing, occurs within the root protection area of a veteran tree".
 12. As noted, the tree has significant amenity value, whatever its classification. Moreover, the potential exists for damage or disturbance due to the proposed development, including root disturbance and potential pressure for pruning or lopping due to its size, proximity and overshadowing. In the absence of more

conclusive evidence as to whether or not the Oak tree is a veteran tree, I shall take a precautionary approach.

13. I therefore conclude on the first main issue that there is insufficient evidence to demonstrate that the proposed development would not have a materially detrimental effect on the Oak tree in the garden of 4 Amicia Gardens.
14. In consequence, I cannot conclude that there would be no conflict with Policies EP4 and L10 of the South Bucks District Local Plan (LP), 1999, Policy CP9 of the South Bucks District Core Strategy (CS), 2011 or with paragraph 193 of the NPPF or guidance contained in BS:5737. Taken together, these resist development that would harm landscape character or nature conservation interests unless the importance of the development outweighs the harm caused. Specifically, works affecting trees the subject of a TPO will not be permitted where this would damage public amenity or contribution to character, except in special circumstances which do not apply in this case. This conflict carries sufficient weight to justify dismissing the appeal.
15. Turning to character and appearance, the appeal dwelling is a modern detached house that was permitted some ten years ago. It sits back on its plot, slightly behind the building line of adjacent dwellings in Penn Meadow. It is of similar height to other dwellings and reflects the prevailing spacious layout with noticeable gaps between the house and the plot boundaries.
16. The proposed two storey side extension would increase the width of the house by about a third and would materially reduce the gap between the house and the boundary with gardens in Amicia Gardens. The height of the roof would be increased and would incorporate a crown roof to provide space for accommodation in the roof space. A new garage would be constructed to replace one that has been demolished and a small garden shed would be removed.
17. The extensions and alterations would have a significant effect on the scale of the dwelling, but in isolation I find that they would be sympathetic to its original character and appearance. The crown roof would be modest and the increase in roof height would not be disproportionate.
18. Nevertheless, in the context of the appeal site and the surrounding area, where the pattern of development is regular and the layout spacious, I find that the loss of space between the dwelling and the southern boundary, together with the increase in the scale of the dwelling, including its width and height, would result in a cramped and incongruous appearance where it would stand out as a large dwelling on a relatively narrow plot. This would be detrimental to the character and appearance of the appeal site and Penn Meadow.
19. The Council does not object to the proposed replacement garage and in terms of its character and appearance I agree it would be acceptable. Likewise, I find the proposed replacement boundary and low sliding gates, which form a side boundary to the appeal site, would have a satisfactory appearance in the context of the street scene.
20. It is concluded on the second main issue that whilst the proposed garage and boundary treatment would have an acceptable effect, the proposed extensions and alterations to the dwelling, owing to their scale and location within the plot would have a materially detrimental effect on the character and appearance of the appeal

site and the surrounding area. In consequence, they would conflict with LP Policies EP3, EP4 and H11 and CS Policy CP8. Taken together and amongst other things, these expect new development to be of a high standard of design so as to be in scale, including height, with and sited so that it is in keeping with surrounding development. It should take account of existing landscape features and not adversely affect the character of the locality, so as to make a positive contribution to the character of the area.

21. The appellant raises a number of matters which, it is suggested, support the development including the modernisation of the dwelling, removal of low quality outbuildings, provision of a garage and the enhancement of boundary treatment. However, these would not alter or outweigh the potential harm to the protected Oak tree or the harm to the character and appearance of the area resulting from the proposed two storey side extension and roof alterations.
22. It is suggested by the appellant that the Council has erred in its consideration of the proposed development. I have addressed some of the alleged matters above. In addition, the evidence does not support the allegation that the Council did not engage in timely communication and, since the benefits of the development would be private and the harms identified material, I do not find that the Council had inadequate consideration of the planning balance.
23. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR