



Appeal Decision

Site visit made on 30 June 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6TH August 2025

Appeal Ref: APP/T0355/D/25/3362160

Tall Timbers, 5 Horton Close, Maidenhead SL6 8TP

- 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 Stephen Mullens against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/02031/FULL.
 - The development proposed is new front pitched canopy roof, single storey front/side extension 2 no. front dormers, 1 no. rear dormer, loft conversion, part single part two storey rear/side extension, rear terrace, alterations to steps and fenestration, following demolition of existing elements.
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Decision

1. The appeal is allowed and planning permission is granted for new front pitched canopy roof, single storey front/side extension 2 no. front dormers, 1 no. rear dormer, loft conversion, part single part two storey rear/side extension, rear terrace, alterations to steps and fenestration, following demolition of existing elements at Tall Timbers, 5 Horton Close, Maidenhead SL6 8TP in accordance with the terms of the application, Ref 24/02031/FULL, subject to the conditions in the attached schedule.

Preliminary Matter

2. A Daylight/Sunlight Report was submitted with the appeal but based on the information before me this was not before the Council during the consideration of the application. The appeal is following the Householder Appeal Service, which does not typically allow new evidence to be submitted after the Council's determination. I have therefore proceeded to determine the appeal on the basis of the same evidence that the Council determined the application upon.

Main Issue

3. The main issue relevant to this appeal is the effect of the proposal upon a tree covered by a Tree Preservation Order (TPO).

Reasons

4. Tall Timbers is a two-storey dwelling and the tree in question, which is subject to a TPO¹ is located within the house's back garden. Planning permission was granted for various extensions to the property² and a Certificate of Lawfulness³ was issued for the construction of a two-storey rear extension. The appellant notes that the

¹ Ref: 9/70/15/325/JA

² Council Ref: 23/02031/FULL

³ Council Ref: 24/00709/CPD

purpose of the application that led to this appeal was to combine the approvals to create one homogenous design.

5. The tree in question is a large Sequoiadendron (Tree T4) but there are also several other trees within and around the appeal site. The tree is partially visible above and between the appeal dwelling and those around it and given its substantial scale it contributes to the semi-rural character that is prevalent on Horton Close, due to the significant number of trees in the area.
6. An Arboricultural Impact Assessment (AIA) was prepared for the appeal site and the Root Protection Areas (RPA) were plotted for several trees near the dwelling. The proposed extensions to the dwelling would be sited outside of the RPAs for all of the trees identified in the AIA. While noting concerns from the Council regarding whether roots for Tree T4 could have grown under the existing terrace to the rear of the dwelling, the AIA has mapped out the RPA with the roots, on the balance of probability, growing around the terrace. Taking into consideration the information before me there is no substantive evidence that would lead me to come to a different conclusion on the likely extent of the RPA. The proposed rear extension would be built generally in line with this existing terrace and as such, it should not cause substantial harm to the RPA for Tree T4, subject to a condition requiring the works are undertaken in accordance with matters set out in the AIA.
7. A new terrace is proposed to the rear of the extended dwelling, and this would be within the RPA of Tree T4. The AIA and the submitted plans identify that this terrace would be built from timber with localised support posts and would have an air void beneath the new structure to allow any root growth present to be allowed to continue to thrive. As such, based on the evidence before me, subject to the development following the advice in the AIA concerning the siting of the support posts, the proposed development would not have a significantly detrimental effect upon the RPA for Tree T4 and thus would not harm the health or longevity of the tree.
8. Several bedrooms are proposed on the first and second floor of the rear extension, as well as a large shared living space on the ground floor. The windows for these rooms would be located facing towards Tree T4 which is to the rear of the dwelling and is a tall evergreen tree. The canopy of the tree is relatively sparse and at my site visit I saw sunlight was still able to pass through the canopy, despite the considerable height of the tree and the evergreen nature of it. Additionally, the tree is set back a modest distance from the house and once extended the affected rooms would not be significantly closer to it. Taking into consideration the nature of the tree and the location of the affected rooms, it is likely that these rooms would not be substantially overshadowed by the tree throughout the year, even considering that the tree may continue to grow taller.
9. Additionally, given the significant scale of the tree and the modest size of the proposed extension, concerns regarding damage that may be caused to the house are unlikely to be significantly different to those occupying the house as it currently is. Furthermore, the AIA identifies that no part of the new structure would have the tree canopy overhanging it and as such, the building works could progress safely without the need for any facilitation pruning and that the implementation of the proposal would not necessitate pruning of the retained trees. It also notes that the retained trees are at a satisfactory distance from the proposed new building outline and highly unlikely to give rise to any inconvenience. Based on the tree, the

location of it and the scheme before me I find no substantive reason to conclude otherwise.

10. Consequently, the siting of Tree T4 would not cause unacceptable overshadowing of the proposed rooms and thus the development would not result in increased demand for works to be done to the tree. As a result, the tree would continue to make a positive contribution towards the semi-rural character of the area.
11. Therefore, for the reasons given above, the development would not harm the health or longevity of Tree T4 nor would the siting of the development lead to increased demand for works which may affect the tree and its positive contribution towards the character of the area. Consequently, the proposal would comply with Policies QP3 and NR3 of the Borough Local Plan 2013 – 2033. These expect development, amongst other matters, to protect and retain trees.

Other Matters

12. Concerns have been raised regarding a gate and dropped kerb that has been installed to the rear of the appeal dwelling's garden. However, the proposal before me does not seek permission for said gate or dropped kerb and matters concerned with access onto Boulters Court from the appeal dwelling or what alternative schemes may be built in the future are not relevant to this appeal proposal. These would need to be subject to a separate application and the merits of that case would be considered at that time.
13. If noise and disruption during construction works did occur there is environmental protection legislation that should provide a route to an amenable solution.

Conditions

14. I have considered the matter of conditions against the tests in the National Planning Policy Framework. Where appropriate I have adjusted the wording of the suggested conditions in the interest of clarity. Further to the statutory commencement condition [1] a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty [2].
15. Condition 3 is necessary in the interests of the character and appearance of the area. The plans identify that the materials would be similar to existing which would preserve the character and appearance of the dwelling and the wider area. In this instance, it has not been demonstrated that it is necessary to seek approval for further details of the materials via a condition. Consequently, I have adjusted the suggested condition accordingly.
16. Condition 4 is necessary in the interests of the living conditions of the neighbouring occupiers, with regard to privacy.
17. Condition 5 is necessary in the interests of ensuring the development would not increase flood risk elsewhere.
18. Whilst not suggested by the Council, condition 6 is necessary to ensure the construction of the development would not harm Tree T4 and other nearby trees. The AIA sets out the principal tree protection measures that will be necessary to implement the scheme without adverse harm to trees to be retained. There is sufficient information in the preliminary method statement in a manner that would

protect nearby trees and there is no need to seek approval of further information in the full site-specific method statement. The preliminary method statement also sets out the tree protection measures that must be undertaken prior to any works in the vicinity of the trees and the condition requires that development shall be carried out and maintained in accordance with matters set out in the AIA.

19. It has not been substantiated that a condition requiring biodiversity enhancements is necessary to make the development acceptable in planning terms. Accordingly, I have not included the Council's suggested condition to do so.

Conclusion

20. Therefore, the proposed development would be in accordance with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Consequently, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos P100; P101; P102; P103; and P105.
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 4) No window(s) shall be inserted at first floor level in the flank elevations of the extension hereby permitted.
- 5) The development hereby permitted shall be carried out and maintained in accordance with the flood risk management measures set out in the Flood Risk Assessment prepared by Liska Environmental, dated November 2024.
- 6) The development hereby permitted shall be carried out and maintained in accordance with the Tree Protection Measures and Preliminary Method Statement for Development Works and Recommendations set out in the Arboricultural Impact Assessment, prepared by GHA Trees Arboricultural Consultancy, dated 22 July 2024.

End of Schedule