



Appeal Decision

Site visit made on 10 June 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Kenneth Stone BSC (Hons), Dip TP, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 3rd of September 2025

Appeal Ref: APP/A1910/D/25/3363915

51, Betjeman Way, Hemel Hempstead, Hertfordshire HP1 3HJ

- 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 and Mrs J Court against the decision of Dacorum Borough Council.
 - The application Ref is 24/02668/FHA.
 - The development proposed is a new side car port.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on a mature oak tree subject to a Tree Preservation Order (TPO).

Reasons for the Recommendation

4. The appeal site is located in a residential area at the end of a small cul-de-sac of houses. The appeal site contains a two storey semi-detached house, with driveway parking at the front. The garden of the property is located to the rear and side of the dwelling.
5. The large mature oak tree subject to the TPO is located to the side of the property and is clearly visible from the surrounding houses and when approaching the property from the road. The proposal would see a new side car port in close proximity to the tree. It is clear from the plans that the canopy of the protected tree would extend over the top of the car port and the Councils Trees and Woodland Team have indicated that the Root Protection Area (RPA) of the tree would be within the build area. Given the size of the tree I agree that this is likely to be the case.
6. If the roots of the tree were damaged during construction this would put the health of the tree at risk. Whilst I accept that there are construction methods that exist that could protect tree roots from damage, no detailed construction method or arboriculture evidence has been provided by the appellant to provide the certainty that the proposed development could be implemented without damage to the Oak tree in this case.

7. I do understand that commissioning reports and specialist input to planning applications can be expensive, but the evidence they provide is often necessary to fully understand potential impacts. The appellant is correct that in some cases it can be suitable to impose planning conditions following the grant of planning permission relating to tree protection measures, such as arboriculture reports and a construction method statement / management plans. However, it is important the potential effects are first understood, and whether such methods or techniques could be successfully implemented in this case, which they are not in this case.
8. Notwithstanding this, development closer to the tree may result in an increase in pressure to heavily prune or remove the tree in the future. As well as being subject to a TPO, the tree is of high visual amenity value and makes a positive contribution to the residential area. The potential risks to the tree from the proposed development are therefore not considered acceptable.
9. The proposed development conflicts with the National Planning Policy Framework (2024) (the Framework) which recognises that trees make an important contribution to the character and quality of urban environments. It also conflicts with saved Policy 99 of the Dacorum Borough Local Plan (1991-2011) (Adopted 21 April 2004) which seeks to preserve trees and protect them from development and Policy CS11 and Policy CS12 of the Core Strategy 2006-2031 (Adopted 25 September 2013) which seek, amongst other things, to preserve attractive streetscapes and retain important trees, respectively.

Conclusion and Recommendation

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR