
Appeal Decision

Site visit made on 23 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal Ref: APP/J1915/W/25/3369474

Bengeo Wick, Sacombe Road, Hertford, Hertfordshire SG14 3HG

- 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 & Mrs L & L Clover against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/2041/FUL.
 - The development proposed is erection of new detached dwelling with air source heat pump.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Landscape Strategy was provided by the appellant with their appeal submission. The strategy and landscaping plans do not fundamentally alter the appeal scheme and the Council has had the opportunity to comment on this document. I am therefore satisfied that no party would be prejudiced by my consideration of the Landscape Strategy in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the wider area, including its effect on protected trees.

Reasons

4. The Orchard comprises a cul-de-sac of large detached houses with a variety of designs. The dwellings are set back from the road and located within spacious plots. The area is heavily vegetated with mature hedges and trees which provides an attractive verdant character and appearance, with the residential plots nestled within the vegetation.
5. Within the appeal site the trees nearest to the existing dwelling are subject to Tree Preservation Order P/TPO 458, and the woodland in the southern part of the site is subject to Tree Protection Order P/TPO 13. On my visit I observed that there were a number of mature trees and hedgerow present at, or, on the boundary of the site that positively contributed to the mature canopy and verdant character and appearance of the plot and wider area.
6. However, the proposed dwelling and its external spaces which includes a driveway, parking spaces and garden would be in close proximity to, or under the canopy of, a number of trees. These are well-established and currently positively

contribute to the verdant character and appearance of the wider area and could continue to do so for many years.

7. I understand that the appellant intends to live in the house for at least three years and may be happy with the impacts of the trees. However, it is possible that, given the proximity to the trees and their canopies, the proposal would introduce post-development pressure from future occupiers to undertake works to address potential safety issues, shading and leaf fall. Of particular note, the canopy of T21 would cover two parking spaces which could lead to pressure to lop and thin the trees due to undesirable leaf fall and bird deposits. The canopies of T2 to T21 inclusive would surround the area of garden nearest to the house which could lead to similar pressure owing to a shading effect and leaf fall.
8. A separate consent regime exists where works to these protected trees would require approval from the Council. However, the proximity of the development to these trees would introduce a much-increased pressure for these consents than otherwise would not be present, particularly in relation to the living conditions of future residents which may be difficult to resist. This would significantly increase the likelihood of harm to the character and appearance of the area through incremental post-development works to these trees that positively contribute to the area.
9. I therefore cannot be certain that the development would not have an adverse effect on the appearance of trees on the site which are subject to a Tree Protection Order. Harm to these protected trees would result in harm to the verdant character and appearance of the area.
10. Planning permission was granted for the dwelling at 3A The Orchard¹ (No 3A). However, the timeline provided by the Council shows that these permissions were granted before the Tree Protection Order came into effect. As such, the trees in the area had a lower level of protection than they do today. Consequently, the approval of No 3A is not directly comparable to the appeal before me, which has been determined on its own merits.
11. A condition removing permitted development right from the proposed dwelling would not reduce the pressure from future occupiers to undertake works to the protected trees.
12. Nevertheless, I conclude that the proposed development could therefore increase the pressure to lop and thin the protected trees, which in turn would result in significant harm to the character and appearance of the area. The development would conflict with EHDP Policies DES2 and DES3 insofar as they require development to conserve, enhance or strengthen the character and distinctive features of the district's landscape, and to retain, protect and enhance existing landscape features which are of amenity value.

Other Considerations

13. The provision of one additional unit would make a small contribution to the existing housing supply. Economic advantages would also arise from the construction and occupation of a new house, although these would be limited by the scale of the scheme. The proposal would also provide a self-build dwelling. However,

¹ Planning application refs. 3/98/0290/OP and 3/99/0519/RP

notwithstanding the self-build proforma I have no mechanism, such as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), before me to secure the new dwelling as a self-build property. However, notwithstanding this the provision of one self-build dwelling would make a small contribution to the existing supply of self-build housing. For these reasons, the cumulative benefits would be limited and consequently would not be such as to outweigh the significant harm identified above.

Conclusion

14. I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR