
Appeal Decision

Site visit made on 8 January 2026

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026.

Appeal Ref: APP/L3245/W/25/3375064

1 The Firs, Whitchurch, Shropshire SY13 1NL

- 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 Bruce against the decision of Shropshire Council.
 - The application Ref is 25/02054/FUL.
 - The development is proposed single storey rear/ side extension. Alterations to existing side single storey roof. Front porch addition, alterations to existing front single storey roof.
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Decision

1. The appeal is allowed and planning permission is granted for proposed single storey rear/ side extension. Alterations to existing side single storey roof. Front porch addition, alterations to existing front single storey roof at 1 The Firs, Whitchurch, Shropshire SY13 1NL in accordance with the terms of the application, Ref 25/02054/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Shropshire Council against Mr and Mrs Bruce. This application is the subject of a separate decision.

Preliminary Matter

3. The appellant has submitted an Arboricultural Impact Assessment (AIA), dated September 2025 and a Tree Protection Plan (TPP). The AIA and TPP were prepared after the Council's decision but were submitted with the appellant's Statement of Case. While the Council has reservations about accepting the AIA and TPP as part of the appeal, it has had an opportunity to comment on the AIA and TPP, as has the Council's Tree Team. Having regard to the principles established in *Holborn Studios Ltd¹*, I am satisfied that no party has been prejudiced in this regard, and I have taken the AIA and TPP into account in determining this appeal.

Main Issue

4. The effect of the proposed development on protected trees.

Reasons

5. The appeal property comprises a two-storey detached house. The house occupies a large corner plot position at the junction of The Firs and Chester Road. The property has a generous garden area that extends to the side, front and rear.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

6. The area nearby largely has a residential character with dwellings set within spacious plots. With an abundance of mature trees, garden hedges and other vegetation, the area and nearby street scene has an attractive, verdant appearance.
7. Two mature trees are located within the garden of the host property, one to the side and one at the rear. Both trees are protected by a tree preservation order. They are tall, attractive trees that have a high amenity value and contribute significantly to the character and appearance of the area. Indeed, the AIA identifies the trees as Category A – Trees of high quality, and Category B - Moderate quality trees. The Category A tree, a Copper Beech, and the Category B tree, a Western red cedar, are both highly visible in the surrounding area.
8. The root protection areas of the two trees dominate the site and in accordance with BS5837-2012, the rear extension would need to be constructed using a piled foundation. The detailed design of the piled foundation, as well as a dry-laid patio area, and ground protection measures, would need to be set out in a final arboricultural method statement (AMS). This would need to be secured by a suitably worded planning condition. As would the supervision of the works by a qualified arboriculturist.
9. In addition, while a TPP has been submitted, which identifies the location of tree protection measures around the trees during the construction phase, the protective measures would need to be secured as part of the AMS. The Council agrees with this approach, and subject to the suggested conditions, the proposal would ensure that the trees can be suitably protected.
10. The possibility of damage and harm to the trees could occur once construction works commence. As a consequence, the AMS, and mitigation measures would need to be approved prior to works commencing on site, as would the arboricultural supervision. I am satisfied that the conditions are necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of these conditions.
11. For the above reasons, I conclude that the proposed development would not be harmful to the protected trees. Therefore, the proposal would accord with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policies MD2 and MD12 of the Site Allocations and Management of Development Plan (December 2015), which together and amongst other things, requires development to protect environmental assets, such as trees.

Conditions

12. In addition to the conditions set out in the main issue, and the standard time limit condition, I have also, in the interests of certainty, attached a condition specifying the approved plans.
13. Although not suggested by the Council, a condition to secure that the proposed external materials match those of the original building or are those shown on the approved plans, is necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.

Conclusion

14. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 25005-EX-100; 25005-PL-101 Revision A; 25005-PL-102 Revision A; and 25005-PL-110 Revision A.
- 3) The external materials of the development hereby permitted shall match those used in the existing dwelling or shall be those specified on the approved plans.
- 4) No development shall commence until a final arboricultural method statement (the AMS) and tree protection plan, in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The AMS shall include specific details and technical drawings for the design and construction of the development, including foundations, flooring and irrigation beneath the development, and the new patio area within the root protection area of the protected western red cedar at the rear of the property, as well as the location of services and drainage infrastructure. The development shall thereafter be carried out in accordance with the approved details, and all tree protection measures shall be maintained in a satisfactory condition throughout the duration of the construction phase, until all equipment, machinery and surplus materials have been removed from the site.
- 5) No development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 4 has been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority. The scheme of supervision shall be implemented as approved.