



Appeal Decision

Site visit made on 16 February 2026

by D Marley BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Appeal Ref: APP/T0355/D/25/3373687

94 Priors Way, Maidenhead SL6 2EN

- 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 Mrs Patrycja Kaczmarek against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/01582.
 - The development proposed is single storey rear extension with steps, 1no. vent to the existing roof and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as it more accurately and concisely describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to protected trees.

Reasons

4. There is a large oak tree in the rear garden of 94 Priors Way, in proximity to the existing dwelling and subject to a Tree Preservation Order as part of a group of trees. Alongside other trees within the group, the tree is visible from a variety of public vantage points. On the evidence before me, the tree is in good physiological and structural condition with a long life expectancy. Given its overall height, extent and visibility, the identified tree both individually and as part of the group of which it forms a part makes an important positive contribution to local character by providing a verdant backdrop to the area.
5. The proposal would include the construction of a single-storey extension within part of the Root Protection Area ('RPA') of the tree. The extension would largely be set on a suspended floor with a partial void beneath, and would include piled foundations, some of which would be within the RPA of the tree.
6. Given the RPA identified within the arboricultural report, there is likely to be a significant root network within the area proposed for the extension which will contribute to the continued health of the tree. Whilst trial excavation would be

undertaken by hand to finalise the location of the proposed piling, this excavation may nevertheless expose tree roots that are in clumps or are of 25mm in diameter or greater. My attention has been drawn to the relevant section of BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' which identifies that such roots may be essential to the tree's health and stability and should only be severed following consultation with an arboriculturalist. No substantive evidence has been provided as to the likelihood of trial excavations exposing a larger root or clump essential to the tree's health, nor to the likely extent of such roots within the RPA.

7. Although the piles could be relocated by up to 300mm without impacting the wider foundation design, no substantive assessment is before me as to whether such relocation would likely be sufficient to avoid impact to a larger root or clump essential to the tree's health or stability, were these to be exposed during trial excavation. I therefore cannot conclude that either the indicative piling locations, or their relocation by up to 300mm, can be achieved without harm to the tree. Furthermore, the relocation of a pile by more than 300mm would require reassessment of the proposed foundations, and substantive evidence is not before me as to the effect of altered foundations on the submitted proposals.
8. I have considered whether pre-commencement conditions, including those suggested by the appellant, requiring final details of piling and foundation design to be submitted, would meet the relevant tests. However, given the uncertainty with regards pile location and foundation design, conditions on these matters would risk either nullifying the benefit of a permission by preventing its implementation, or of conflict between approved plans. A condition on these matters would not therefore meet the test of reasonableness, nor would this matter be satisfactorily addressed by other conditions suggested by the appellant.
9. Given the above matters cannot be adequately managed by condition, I cannot conclude that the proposal can take place without adverse impact to roots or clumps of roots of the identified tree that are essential to its health or stability. Adverse impacts to such roots would be likely to affect the tree's long term health and contribute to its future deterioration, increase pressure for its removal, and by doing so undermine the contribution of the tree to the character and appearance of the area, both individually and within the group of which it forms a part.
10. I acknowledge that the use of a floor void would otherwise avoid direct impact to the root network below the proposed extension, that no service runs are proposed within the RPA, that some hardstanding would be removed, and that the appellant has proposed a number of measures to facilitate gaseous exchange, ventilation, moisture and nutrient management, and thermal performance. These matters could have been adequately managed by condition, had I not found harm arising in other regards.
11. Equally, I acknowledge that, given the presence of existing built development in close proximity to the tree, the small area of overlap of the canopy, and the single storey nature of the extension, the proposal would not be likely to place increased pressure on future crown and canopy maintenance, nor would the proposed extension be likely to be subject to significantly increased shading when compared to existing development.

12. Although my attention has been drawn to a number of other planning permissions and associated conditions for development within other RPAs elsewhere, I do not have full details before me with regards the evidence that was presented in these applications as to the proposed foundation approach or the effect of such approaches on the relevant trees. As such, these other permissions have not led me to an alternative conclusion on this issue.
13. Whilst the appellant has stated that alternative more intrusive foundations would not result in harm to the tree, no substantive evidence has been provided as to the effect of such an approach. In any event, given my conclusions with regards the proposed piling approach, I consider that a more intrusive approach would likely result in harm to the tree.
14. Therefore, I conclude that the proposal would harm the character and appearance of the area, with particular regard to protected trees. The proposed development would conflict with Policies QP3 and NR3 of the Borough Local Plan 2013-2033. Amongst other matters, these policies require development proposals to consider the impact of development on, and protect and retain, trees.

Other Matters

15. I acknowledge that the proposal may not result in adverse impacts with regards highways matters. However, this weighs neutrally within the overall balance. Whilst the proposal would provide additional living space, this matter is a private benefit to the appellant and does not outweigh the harm I have identified.
16. I also acknowledge the appellant's concerns over the Council's handling of the planning application. However, this is not a matter which has any bearing on the planning merits before me in this appeal, and does not alter my findings. Equally, whilst I acknowledge the support of the Parish Council for the proposal, this does not justify a proposal I have found would be harmful.

Conclusion

17. The proposed development would conflict with the development plan and material considerations do not indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

D Marley

INSPECTOR