



Appeal Decision

Site visit made on 25 June 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/X0360/D/25/3366977

Wyse Hill Lodge, The Village, Finchampstead, RG40 4JR

- 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 Pete Abbott against the decision of Wokingham Borough Council.
 - The application Ref is 250414.
 - The development proposed is creation of a new access and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a new access and associated landscaping at Wyse Hill Lodge, The Village, Finchampstead RG40 4JR in accordance with the terms of the application, Ref: 250414, subject to the conditions set out in the schedule at the end of this decision letter.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the protected Oak Tree and other protected trees, and on the character and appearance of the local area.

Reasons

3. The appeal property is a detached, single storey dwelling on the south side of Fleet Hill, accessed from a shared private driveway leading off Fleet Hill to the immediate east of the dwelling and leading to parking spaces at the side of the dwelling. There are a number of individual and groups of trees within the appeal site and particularly along the Fleet Hill frontage protected under Tree Preservation Order Nos 1691-2019 and 1910-2022.
4. The proposal is for the formation of a new vehicular access onto Fleet Hill at the western end of the appeal site together with an area of hardstanding to accommodate vehicles with turning area.
5. The Council has referred to the very large oak tree at the north western end of the site as being a Veteran Tree. In describing the oak tree as a veteran tree, the Council has referred to it being recorded on the Woodland Trust Ancient Tree Inventory Ref: 65229 and exhibiting the features of veteranisation. The Council has not elaborated on the features it seeks to rely upon to reach this conclusion. Paragraph 193 of the National Planning Policy Framework (Framework) is clear that development resulting in the loss or deterioration or irreplaceable habitats

which include veteran trees should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The glossary to the Framework confirms that an ancient or veteran tree is a tree which because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value.

6. The Appellant has disputed that the tree is a veteran tree. I have taken into account the comments made by the Appellant in this regard in respect of the status of the Woodland Trust Ancient Tree Inventory and taken on its own this would not be sufficient to confirm that the tree should be classified as a veteran tree. The criteria under the Framework include the word 'and' which suggests that all three criteria of age, size and condition need to be met. From my own site visit as well as the information in front of me, I do not consider that the tree meets the definition set out in the Framework to be classified as a veteran tree, including in terms of age, size and condition, and particularly in terms of condition, to indicate exceptional biodiversity, cultural or heritage value. I do not therefore consider that further consideration requires to be directed to Paragraph 193 c) of the Framework.
7. Nonetheless the tree, taken individually but more particularly in combination with others along the frontage makes a significant contribution to the street scene and to the verdant character and appearance of the local area. The proposal has been accompanied by a detailed Arboricultural Impact Assessment & Method Statement by SEED Arboriculture Ltd, which assesses the trees on the site in detail and makes clear recommendations regarding the detailed requirements for all the works involved both within the site and in culverting the ditch on the northern boundary of the site to enable vehicular access. I am satisfied that the assessment accords with BS5837:2012 and in this regard I have particularly considered the extent of incursion into the root protection areas, the existing and proposed levels, the extent of use of the tree protection system, and the extent of works in relation to the trees at the access point and in respect of the existing ditch. Taking all these matters into account, I am satisfied that the proposals are thorough and appropriate to protect the trees on the site and that subject to the imposition of appropriate conditions, would not lead to unacceptable damage to the protected trees.
8. In terms of the wider street scene, there are a number of access points along Fleet Hill, particularly on the north side of the road. Although the proposed new access would create a new break in the frontage, I do not consider that it would be detrimental to the verdant frontage along Fleet Hill. The attractive verdant character and appearance of the local area would be retained.
9. I am therefore satisfied the proposed development would respect the protected oak tree and the other protected trees and the character and appearance of the local area. There would be no conflict with Policies CC03 and TB21 of the Council's adopted Managing Development Delivery Local Plan and the Framework and in particular Sections 12 and 15, all of which seek to protect the character and appearance of the local area including protecting and retaining existing trees.

Conditions

10. The approved plans should be listed in the interests of good planning and for the avoidance of doubt. The development requires to be carried out in accordance with the submitted information in respect of the proposed access and visibility splays in the interests of highway safety, although further information is required to be submitted and approved in respect of the materials for the access works both to

protect highway safety as well as the existing trees. Works on or affecting the public highway will also require to be undertaken in accordance with the relevant highways' legislation and regulations. The development also requires to be carried out in accordance with the materials shown on the approved plans and the submitted arboricultural report to safeguard the protected trees and the character and appearance of the local area. Given the information included in the arboricultural assessment as submitted, there is no requirement for a further assessment to be prepared. A condition should be added as requested by the drainage officer for details of the size of the pipe at the access point to avoid flooding.

11. However, given the nature of the application within the domestic curtilage of a residential dwelling, I do not consider that further landscaping details are required. There would not appear to be any new boundary treatments proposed that require to be the subject of a condition.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

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 the following approved plans: Location Plan, 114/100 REV B, 114/101 REV A, 114/102 REV A, 114/200 REV E, 114/201 REV E, 114/202 REV B, 2208008 – 02 & 2208008 - TK02.
- 3) The development hereby permitted shall be carried out in strict accordance with the materials shown on the approved plans.
- 4) Notwithstanding condition 3, the development hereby permitted shall not be first brought into use until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The surface shall thereafter be retained and maintained.
- 5) Prior to its installation, details of the size of the pipe to be used at the access point shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details and thereafter so retained and maintained

- 6) The development hereby permitted shall not be first brought into use until the proposed vehicular access shall have been formed and provided with visibility splays as shown on the approved drawing number 2208008 - 02. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.
- 7) The development hereby permitted shall not be first brought into use until the turning space has been provided in full accordance with the approved plans. The turning space shall thereafter be retained in accordance with the approved details and shall be used for no other purpose.
- 8) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 9) The development hereby permitted shall be undertaken in strict accordance with the information set out in the Arboricultural Impact Assessment & Method Statement including the Tree Constraints Plan, Arboricultural Impact Plan and Tree Protection Plan by SEED Arboriculture Ltd Ref: 1453-AMS-VI-B dated 4 February 2025.