
Appeal Decision

Site visit made on 17 January 2017

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: APP/J0350/D/16/3162532

2 Oak View Gardens, Slough, SL3 8BL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Malik against the decision of Slough Borough Council.
 - The application Ref. P/16204/001, dated 26 April 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the erection of a two storey side extension with roof modifications.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension with roof modifications at 2 Oak View Gardens, Slough, SL3 8BL, in accordance with the terms of the application, Ref. P/16204/001, dated 26 April 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the external walls and roof of the extension hereby approved shall match those of the existing dwelling.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the west facing elevation of the extension.
 - 4) No development shall commence until the tree protection measures and subsequent construction works detailed in the submitted Arboricultural Impact Assessment prepared by 'agb Environmental Ltd', dated 29/03/2016, have been implemented, in accordance with the recommendations set out in *BS 5837:2012 – Trees in relation to design, demolition and constructions- Recommendations*. These measures shall be implemented prior to works beginning on site, and shall be provided and maintained during the period of construction works.

Procedural matter

2. I note that the 'Proposed Side Elev B' shown on drawing 2OAKVIEW/PL20 is incorrect in that it shows the new side elevation having the same length as the existing flank wall of the house whereas the plans of the proposal show the front wall being an extension in line with the existing front wall of the
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'reception' room including the bay window. For the avoidance of doubt I have considered the plans on the basis that the floor plans and front elevation (Elev A) are correct and I have judged the proposed side elevation accordingly.

Main issue

3. The main issue is the effect of the proposed extension on the character and appearance of the host property and on the wider locality, including the effect on an Oak tree, subject to a Tree Preservation Order (TPO), in the garden of a neighbouring property.

Reasons

Background

4. The appeal site contains a two storey detached property situated in a mainly residential area. The property is one of a group of similar properties which lie in a small backland cul-de-sac with a private driveway access between properties in the frontage of Oak View Gardens. The access is controlled by electrically operated gates. Adjoining the house to the west is a single storey block of garages fronting a garage court sited to the rear of the neighbouring property No. 21 Langley Broom, which has a long rear garden containing an Oak tree subject to a TPO. The house itself is of a narrow design with a double gable front with one gable located behind the other.
5. It is proposed to extend the property to the west with a two storey side extension filling in nearly up to the side boundary of the site. The extension would have a gable at the front with a bay window to match the existing house and there would be a gable roof feature in the rear elevation.

Policy context

6. The development plan includes saved policies in the Council's Core Strategy Development Plan Document (2008) and the adopted Local Plan for Slough (2004). These predate the National Planning Policy Framework (2012) (NPPF) and I will consider whether the provisions of individual policies are consistent with the NPPF as they arise within the main issues.

Effect on character and appearance

7. In assessing this effect I have taken account of the guidance in the Council's Supplementary Planning Guidance on Residential Extensions (2010).
8. The three properties at the end of the cul-de-sac have a uniformity of design. Although the proposal would make the appeal site property materially larger and would reduce the space around it, in visual terms this space is already much contained by the presence of the adjacent garage block. The proximity of the extension to the side boundary of the site, even though 'wedge' shaped, would not result in the enlarged property dominating its surroundings. Further, I find that the design of the proposed addition based on the gable form of the existing house would not appear materially out of place in the short frontage of the cul-de-sac which is well away from the wider public realm.
9. Overall, I find that the scale and design of the extension proposed would be visually appropriate and would generally accord with the requirements of Core Policy 8 on design and the environment, and Local Plan Policies H15, H16, EN1 and EN2 on amenity space and the need to ensure that the development is in

keeping with the existing property and the identifiable character of the surrounding area. These policies broadly accord with the guidance in the NPPF which has a core principle of ensuring quality design and a good standard of amenity in new development.

Effect on the TPO tree

10. In considering this issue I have had regard to the assessment made by the Council's Tree Officer and to the Arboricultural Impact Assessment produced by the Consultants 'agb- Environmental' on behalf of the appellant.
11. I note that there are two TPO trees (referred to as T1 and T2) in adjoining land which affect this site but it is agreed by the Council that T2 in the school field to the rear of the site is not likely to be harmed by the proposal. In relation to T1, a mature Oak in the adjoining garden of 21 Langley Broom, the parties agree that the tree is showing signs of stress. It also appeared to me at the site visit that part of the crown of the tree has already been reduced so that it no longer overhangs the garden of the appeal site property. The Council's objections to the extension relate to the disturbance to the tree roots within the root protection area (RPA) and to the proximity of the tree to the proposed side extension where the subsequent occupiers may have concerns about safety and the effects of debris coming from the tree.
12. The 'agb' Assessment includes the results of trial pits to establish the extent of root system and past excavations on the land. The assessment concludes that with crown reduction being carried out to T1 and piled foundations to the extension will minimise the extent of excavation required which may affect the root system.
13. Taking into account my observations on site; the works to T1 that have already taken place; and the degree of physical alterations to the surrounding land, including the presence of the garage block, on balance, I am satisfied that with the implementation of the detailed provisions of the proposed Method Statement, the proposed extension is unlikely to further threaten the future well-being of the tree and harm the amenity of the area, or cause greater concern to the occupiers. I therefore find that the proposal does not conflict with Core Policy 8 or the general provisions of the NPPF.

Planning balance

14. Bringing together the conclusions I have reached on the main issues, I have found that in the circumstances of the site, the proposed side extension is of an appropriate design which respects the form of the existing property and would maintain and not harm the wider character and appearance of the area. On balance, I am also satisfied that with special measures being undertaken in the construction of the extension, the work proposed would be unlikely to harm the protected trees adjacent to the site as they currently exist. Therefore, I find that the proposal generally accords with the relevant policies in the development plan that I have identified together with the general guidance in the NPPF in favour of sustainable development.
15. These factors in favour of the development are not outweighed by any other consideration and therefore I will allow the appeal.
16. The Council recommends two conditions be imposed in addition to the standard conditions on the timing of the development and the external materials to be

used. I agree that it is reasonable and necessary to impose a condition to restrict rights to install windows in the flank wall of the extension to ensure that the neighbouring property is not overlooked so that the occupiers do not suffer from a loss of privacy. Further, given my comments above in regard to T1, I agree that the tree protection measures specified in the Assessment must be implemented in full to ensure the satisfactory protection of the TPO trees. I will therefore impose these conditions.

Conclusions

17. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR