

Appeal Decision

Site visit made on 2 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/T0355/W/17/3166697

Lynwood Chase, Devenish Lane, Sunningdale, Ascot SL5 9QU

- 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 Martin Brebner (Wentworth Homes) against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00531, dated 11 February 2016, was refused by notice dated 27 September 2016.
 - The development proposed is erection of 2 detached two storey houses with rooms in the roof and integrated garages following the demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 detached two storey houses with rooms in the roof and integrated garages following the demolition of existing dwelling at Lynwood Chase, Devenish Lane, Sunningdale, Ascot SL5 9QU in accordance with the terms of the application, 16/00531, dated 11 February 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: DP1288.P.011-A, DP1288.P.101 Rev D, DP1288.P.102 Rev E, DP1288.P.103 Rev D, DP1288.P.104 Rev D, DP1288.P.105 Rev C, DP1288.P.201 Rev B, DP1288.P.202 Rev B, DP1288.P.203 Rev B, DP1288.P.204 Rev C, DP1288.P.205 Rev C and DP1288.P.010 Rev C.
 - 3) No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
 - 4) Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
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- 5) All the trees shown on the approved plans and in the *ACD Environmental Consultants 'Arboricultural Impact Assessment & Method Statement '* (dated 18/02/2016 with a Revision dated 08.07.2016) as "to be retained" and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) No part of the development shall be occupied until vehicle parking space has been provided within the site in accordance with the approved plans. The space approved shall be thereafter retained for the parking of vehicles.
- 7) No further windows shall be inserted at first floor level or above in the side elevations or at roof level of the rear elevations of the permitted dwellings without the prior written approval of the Local Planning Authority.

Preliminary Matter

2. Whilst the name of the Appellant on the appeal form is different to that set out on the application form the company name is the same on both forms. As such I use the name from the appeal form in the banner above, along with the company name.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the site and the surrounding area including the effect on protected trees.

Reasons

4. Devenish Lane is a low density residential area which lies within the Council's Townscape Assessment zone 'Villas in a Woodland Setting'. It is predominantly characterised by large detached two to two and a half storey properties of variable and individual designs, set back from the highway with private driveways, parking and garages. Dwellings are sited within sizable gardens with mature trees, hedgerows and other planting. Overall these factors contribute to the overall sense of spaciousness within the locality.
5. I recognise that the proposal would introduce two detached two and a half storey properties within the appeal site, dividing it into two separate plots. However the plot widths and overall size would not appear uncharacteristic within the locality. Furthermore the properties would be of a scale reflective of neighbouring dwellings and would be of different designs. The scheme would utilise the existing two access points into the site and whilst sited further forward than the existing dwelling would still be significantly set back from the lane.

6. I saw on my site visit that views of the appeal site from within the street scene are dominated by the existing hedgerow forming the front boundary treatment and the adjacent substantial mature copper beech. Other hedgerows and vegetation along the site boundary including another protected tree, a mature oak located to the rear of the site, are also visible in the background. The scheme proposes to retain the majority of trees within the site including two that are protected. Whilst the proposal would bring development closer to both side boundaries, the proposed separation distances between neighbouring properties would still be significant and would not be uncharacteristic of the area.
7. Overall I consider that due to the scale, height, design and siting of the properties within their plots, the significant set back from the lane and side boundaries and the retention of most trees, the proposal would not adversely affect the sense of spaciousness in the area and therefore would not give rise to a materially different character.
8. Consequently I conclude that the proposal would not result in material harm to the character and appearance of the surrounding area. As such the scheme would comply with the Royal Borough of Windsor and Maidenhead Local Plan (2003) (LP) Policies DG1 and H11 which both include seeking development that would be compatible with the local character of an area.
9. It would also accord with the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014) (NP) Policies NP/DG1, NP/DG2 and NP/DG3 which overall seek development that responds positively to the local townscape and character and is of good design. The proposal would also comply with LP Policy N6 and NP Policy NP/EN2 which both include seeking the retention of trees.

Other matters

10. My attention has been drawn by local residents to the amount of residential development in the locality that has been approved over recent years, most being prior to the adoption of the NP. Whilst I saw these developments on my site visit, I am mindful that I must determine this appeal on its own individual merits and in accordance with the policy framework that is before me.
11. With regard to the impact on flooding, surface water drainage and the capacity of existing infrastructure, whilst I note the concerns of local residents in this respect, there is no substantive evidence before me to demonstrate that development would exacerbate any existing problems in respect of these issues. I also note that the statutory agencies for these matters have raised no objections and I have no reason to disagree.
12. Residents are also concerned about disruption caused at the construction stage, particularly in relation to traffic and parking. Clearly building work often involves some form of disturbance, but it would be for a temporary period and some aspects could be mitigated by a condition to require a management plan to include matters relating to highway safety.
13. As regards concerns raised about neighbours' loss of privacy, the Council does not object on these grounds subject to the imposition of a condition restricting the installation of further windows. Furthermore I am satisfied that the proposed separation distances between the new dwellings and existing

properties would not result in significant overlooking. Consequently the living conditions of neighbours would not be prejudiced.

Conditions

14. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). Subject to a few wording changes to ensure succinctness, I am satisfied that the conditions meet the tests set out in the PPG and I impose all of them.
15. A condition specifying the approved plans is necessary to ensure certainty. In order to ensure that the character and appearance of the development is satisfactory I attach conditions concerning the materials to be used and the protection of trees during construction, though for the latter I also include reference to the Arboricultural report commissioned by the Appellant to aid clarity.
16. Conditions requiring the approval of a management plan prior to commencement of the scheme and the provision of parking prior to occupation are imposed to ensure highway safety.
17. A condition regarding the installation of further windows is imposed in the interests of the living conditions of neighbouring residents.

Conclusion

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

Y. Wright

INSPECTOR