
Appeal Decision

Site visit made on 18 April 2017

by Rory MacLeod BA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/T0355/D/17/3167767

8 Hancocks Mount, Ascot SL5 9PQ

- 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 J Thomas against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref: 16/03400, dated 21 October 2016, was refused by notice dated 4 January 2017.
- The development proposed is described as 'the erection of a single storey side extension and part conversion of existing garage to habitable accommodation'.

Preliminary Matter

1. The applicant has described the development as the erection of a single storey side extension and part conversion of existing garage to habitable accommodation. The works proposed to the garage include a two storey extension and so I have adopted the Council's description of the development.
2. I have considered it necessary to go back to the parties to request comments on additional planning conditions in relation to tree protection, and have taken comments received into consideration.

Decision

3. The appeal is allowed. Planning permission is granted for a two storey front/side extension at 8 Hancocks Mount, Ascot SL5 9PQ, in accordance with the terms of the application, Ref 16/03400, dated 21 October 2016, subject to the conditions set out in the attached schedule.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area with particular reference to the relationship with protected trees on the site.

Reasons

5. Hancocks Mount is characterised by large detached houses set in substantial grounds with mature trees and hedges to the road frontage. Within the front garden of the appeal site and relatively close to the building to be extended are a group of four trees located within a lawn. There are other mature trees at the site closer to the site frontage, three by the vehicular access and two closer

to the side boundary with the adjacent property Helford House. These frontage trees and the hedges to the front and side boundaries to some degree screen the group of four trees when viewed from positions along the footway to Hancocks Mount. All these trees are subject to formal protection by Tree Preservation Order 3/1990, an Area Order covering much of Hancocks Mount. These trees help to reinforce the verdant character and appearance of the area.

6. There is a wing to the western side of the house, projecting forward of the main front wall, that comprises garages facing the paved driveway. It is proposed to extend the garage block to provide an additional garage bay, with living accommodation over, maintaining the present design and using matching materials. This front extension would bring the building closer to the lawn with the group of four trees.
7. T1 is a mature sweet chestnut tree positioned close to the western boundary with Helford House; it has a high canopy that would overhang the proposed extension. T2 is a small mimosa that is proposed to be removed. It has a poor form with a pronounced lean towards the garage block and is screened by higher better quality trees at the site, when the site is viewed from the street. T3 is a tall pine tree with a limited canopy spread that would not extend over the proposed development. T4 is a mature oak tree with a wider canopy that would extend over the proposed development.
8. At the time of my site inspection two trenches were evident located on the line of the foundations for the proposed southern wall of the extension. The eastern trench, closest to the driveway and tree T4, had a few small tree roots visible, all less than 10mm in diameter. In the western trench, on rising land closer to tree T1, a few more roots could be seen but these too were of similar small diameter and few in number. There are photographs of the tree roots in the appellant's tree report.
9. The root spread for the sweet chestnut tree would be likely to extend over the western boundary into the garden of Helford House but would be predominantly over the grassed area within the front garden of the appeal site. The root spread for the pine and oak trees would be substantially over the grassed area within the appeal site. The appellant proposes a zone of ground protection between the southern wall of the proposed extension and a protective barrier close to the trunks to trees T1, T3 and T4. This should safeguard tree roots on the strip of land adjacent to the proposed building works where a greater density of tree roots may reasonably be anticipated.
10. The development would involve construction within the root protection areas for trees T1 and T4. However the trenches have revealed limited root incursion and following development there would remain an extensive grassed area within the appeal site that would sustain the majority of tree roots. Having regard to these matters and the proposed ground protection measures adjacent to the development itself, I am satisfied that trees T1, T3 and T4 would not be significantly affected by the development. In addition, given its state and limited visual contribution, the loss of tree T2 would not materially harm the character and appearance of the area. Overall I conclude that the character and appearance of the area in relation to protected trees on the site would therefore be safeguarded.
11. The proposal would thereby accord with the provisions of the development plan, saved policies DG1 and N6 of the Royal Borough of Windsor and

Maidenhead Local Plan 1999 (incorporating alterations adopted in June 2003). These policies, amongst other things, seek to ensure development which is sympathetic to local areas and to protect existing trees. For the same reasons the proposal is in conformity with policy NP/EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 that also promotes the retention and protection of existing trees.

12. The appellant has only referred to four trees in detail, but from my site inspection I conclude that other trees at the site would be too far from the development to be affected. I am also satisfied with the accuracy of the plotting of tree T1 on the submitted drawings.
13. There would be some limited canopy overhang but not to the extent that the development would prevent a good standard of amenity for future occupiers of the building. The affected dressing room / study at first floor level would be dual aspect, with a main window facing the driveway and only a secondary window towards the trees. Moreover, the removal of tree T2 would greatly improve lighting to the new room compared to that in the room over the end garage at present given the lean of the tree towards the garage block. If there are future pressures to prune or fell the remaining trees, the Council would have the opportunity to assess the reasonableness of any requests as the trees are formally protected.
14. I note the comments of the Parish Council in seeking a replacement tree for any lost as a result of the development but having regard to the present coverage of mature trees across the front garden to the appeal site, I consider in this instance that a replacement for tree T2 is not warranted.

Conditions

15. In addition to the standard 3 year time limitation for commencement of development, I have imposed a condition requiring compliance with approved plans for the avoidance of doubt. A condition requiring the use of matching materials is appropriate to safeguard the character and appearance of the area. In the interest of protecting retained trees during the course of development, I have included conditions stipulating adherence to specified protection measures. A final condition enables the provision of a replacement tree, to safeguard the character of the area, if a tree indicated for retention dies within 5 years of commencement of development.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans, elevations & site plan – sheet 2, SMW/Chartwood/TSP/001 and SMW/Chartwood/TPP/002.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No site clearance, preparatory work or development shall take place until the scheme for the protection of the retained trees shown on drawing SMW/Chartwood/TPP/002 (the tree protection plan) has been implemented in full and the protective measures shall be retained for the duration of all building works.
- 5) All building operations shall be carried out in accordance with measures set out in the Development Tree Report prepared by SMW (Tree) Consultancy Ltd dated 18 October 2016 and in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The provision of ground protection measures shall be carried out as specified in the Development Tree Report within the shaded area stipulated for ground protection in the tree protection plan SMW/Chartwood/TPP/002. No alterations or variations to the approved works or tree protection plan shall be made without the prior written consent of the local planning authority.
- 6) If any retained tree is cut down, uprooted or destroyed or dies within 5 years of the commencement of development, another tree shall be planted of such size and species and in such location and time as may be specified in writing by the local planning authority.