
Appeal Decision

Site visit made on 6 June 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 4 July 2017

Appeal Ref: APP/J0350/W/16/3160238

Land adjacent to 10 Layburn Crescent, Slough SL3 8QN.

- 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 Muhammed and Amir Ahmed and Mohammad against the decision of Slough Borough Council.
 - The application Ref P/16504/001, dated 25 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is the erection of a three bedroom detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellants' name, site address and description of development from the Appeal Form as these are more concise than the versions provided on the Application Form.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and trees.

Reasons

Character and appearance

4. The appeal site comprises an area of open amenity land to the east of 10 Layburn Crescent, a two-storey, end-terrace property. The surrounding area is residential in nature and part of a planned post-war estate development. The appeal site forms one of a number of parcels of open land in the immediate area which in my view, have a positive 'greening' influence on the street-scene helping to maintain a sense of spaciousness in what is otherwise a built-up area.
 5. The appeal scheme seeks permission for the erection of a relatively simple two-storey detached property. Rather than the design which would largely replicate the style of surrounding dwellings, it is the loss of openness on what the Council describe as a space with 'high amenity value' that is the issue.
 6. Policy OSC8 of "*The Local Plan for Slough 2004*" (the LP) states: '*development proposals which would result in the loss of green spaces will not be permitted unless the amenity value of the green space can be largely retained and*
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enhanced through development of part of the site'. Although the appeal site is not allocated as a formal area of open space, it is evidently an intrinsic part of the original estate layout and makes a positive contribution to the amenity of the area.

7. The proposed dwelling and associated curtilage would occupy approximately half of the site. There can be little doubt that the dwelling, parking areas, attendant vehicles and domestic boundary treatments would completely transform the appearance of the site and erode its green and open character. Consequently and notwithstanding that some of the open area would remain, the development would fail to retain the amenity value of the green space as required by Policy OSC8.
8. Notwithstanding that the scheme would deliver additional housing in an area of need and make efficient use of the land, it would cause unacceptable harm to the character and appearance of the area and would conflict with Core Policies 8 and 9 of the "*Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document*" (the CS), Policies OSC8, H13 and EN1 of the LP and the "*National Planning Policy Framework*" (the Framework). Collectively these seek high quality, sustainable development that is compatible with its surroundings.
9. In coming to that view, I have considered the appellant's argument that the development would compare favourably to the Council's decision to grant planning permission for a change of use to residential garden on land adjacent to 8 Layburn Crescent. However, I find the nature of that scheme and its location to be materially different to the one before me. That being the case, I have afforded this permission little weight and considered the appeal scheme on its own merits.

Trees

10. There are two established Ash trees within the appeal site that are the subject of a Tree Preservation Order (TPO). Both are prominent in public views and make a significant contribution to the area's character. Despite some defects both are sizeable specimens with a reasonable life expectancy.
11. From the submissions before me, it is evident that there is some dispute regarding the effect of the development on the long term viability of the trees particularly T2 which would be located close to the rear elevation of the house. Whilst neither tree would be felled, the Council objects on the basis that the development would extend into the root protection area (rpa) of T2 which would lead to its demise.
12. The photographs supplied by the Council cast doubt on the accuracy of the appellant's Tree Survey. According to the Council, the separation distance between the main rear elevation of the proposed house and the centre of T2 would be approximately 2 metres, resulting in the 6 metre radius of the crown encroaching over the proposed footprint by approximately 4 metres. In my view this would result in significant encroachment in the rpa of T2. With cognisance to the advice in paragraph 7.1.3 of BS 5837:2012¹, this would have a significant adverse effect on its life expectancy.

¹ "*Trees in relation to design, demolition and construction – Recommendations*"

13. Even if I am wrong about that, I consider that the extent of the canopies in relation to the property would be such that the outlook of the garden and the rear of the dwelling would be dominated by the trees. The amount of resultant overshadowing combined with the perceived safety risk by future residents from falling branches together with the inconvenience of seasonal leaf litter would inevitably lead to pressure to fell if a useable garden were to be maintained and the living conditions of future occupiers to be safeguarded. Accordingly, I consider that there is a strong likelihood that the development would lead to pressure to fell T2 by future occupants.
14. I have considered the opposing views on the health and longevity of T2. The Appellant's Arboriculturalist states that T2 has a number of defects which may compromise its potential size and life expectancy. On the contrary, the Council has confirmed that despite 'minor' defects the trees have a reasonable life expectancy. In the absence of any agreement between the main parties on this matter, I have adopted a precautionary approach in respect of T2 and conclude that it does have sufficient safe and useful life expectancy such that it is likely to continue to make a positive contribution to the character and appearance of the area.
15. I have also had regard to the appellant's view that a replacement tree could be provided. However, the replanting would take some considerable time to mature and in the meantime there would be a significant harmful effect on the character and appearance of the area. Moreover, I do not know where such a tree would be sited and it is inevitable that it would eventually grow to a significant height. Accordingly I cannot be sure that a replacement tree would have an acceptable relationship with the proposed development.
16. Based on the foregoing, I conclude that the proposal would conflict with Core Policies 8 and 9 of the CS and Policy H13 of the LP in terms of the need to safeguard local character. There would also be conflict with the Framework which advises that planning permission should be refused for development resulting in the loss or deterioration of aged trees unless the benefits of the development would outweigh their loss.

Conclusion

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

D. M. Young

Inspector