



Appeal Decision

Site visit made on 8 November 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/Q3630/W/17/3179520

41 Oak Tree Close, Virginia Water, GU25 4JG

- 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 Mervyn Griffiths against the decision of Runnymede Borough Council.
 - The application Ref RU.16/1797, dated 25 October 2016, was refused by notice dated 14 June 2017.
 - The development proposed is demolition of an existing bungalow and the construction of two new four bedroom two storey houses, with associated external works and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing bungalow and the construction of two new four-bedroom two-storey houses, with associated external works and landscaping at 41 Oak Tree Close, Virginia Water, GU25 4JG in accordance with the terms of the application, Ref RU.16/1797, dated 25 October 2016, subject to the conditions set out in the Annex to this letter.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. The site accommodates a bungalow with a large rear garden laid to grass. There is a significant slope upward from the road frontage, towards the northern rear and eastern side boundaries, and this is replicated on neighbouring properties, particularly 40 Oak Tree Close to the east. Much of the site boundary is marked by large hedges predominantly comprised of conifer species.
4. The appeal proposal incorporates the construction of two, two-storey dwellings, which would be arranged alongside each other, although the changes in levels across the site would result in differences in their ground levels. Separate back gardens are proposed, along with a partially shared driveway with garage and hardstand parking places. Oak Tree Close has a low-density appearance that is composed of detached homes in a verdant setting. During my visit to the area, I observed some higher density residential development on small plots. In

some parts of the street, houses appear to be closer to their neighbours, with smaller distances between their flank elevations, than in other parts.

5. The arrangement of the proposed homes would set back one from the street, enabling the front elevation of one house to appear more prominent than the other. Their limited separation would be similar to other separating distances that I saw in the street. Additionally, the rear gardens proposed for each of the dwellings would be smaller than those of other properties in the street, although they would be similar in proportion to the higher-density development nearby. The existing block is already larger than the others in the street as a result of its fan-shaped arrangement on a roundabout, and whilst the proposed dwellings would be closer to their sites' rear boundaries than other on Oak Tree Close, they would not be out of character with others in the surrounding area.
6. The rear garden areas would have suitable dimensions to allow separation between the proposed homes and those to the rear, in line with other similar separations in the area. Although the subdivision of this large site would not be representative of existing development in Oak Tree Close, it would reflect other development in close proximity, and sufficient space would be provided around the proposed dwellings to avoid a cramped appearance. Although the rear garden of plot 2 would not achieve the required clearance set out in *Runnymede Borough Local Plan Second Alteration 2001* (the Local Plan) Policy HO9, in balancing all of the above considerations, I consider that there would be limited harm to existing pattern of development.
7. The plans indicate that a side corner of a proposed dwelling would be in close proximity to the existing hedge along the site's boundary with No. 40. Both main parties have provided arboricultural evidence, with the Council suggesting that part of the hedge would need to be removed to accommodate the building, and that regrowth or regeneration of the affected plants would not occur. I note also that the occupier of No. 40 has expressed concerns that are similar to the Council's, with additional comments on privacy and overlooking.
8. I share these concerns regarding possible impacts on the hedge, given its prominence in views from adjoining properties and its contribution to the landscape character of the area. In response to the Council's evidence, the appellant submitted a response clarifying the works that would be undertaken, and the protective measures that would be required to ensure the hedge's longevity. This includes details of scaffolding during construction, indicating that this would not need to be as extensive as the Council's estimate, thereby allowing clearance from the hedge. Along with additional suggested measures to preserve the hedge during construction, which I have specified in the conditions attached to this appeal, I am satisfied that there would be sufficient protection during the development's construction phase, to prevent damaging effects to the health of the hedge.
9. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. Although there would be a conflict with Local Plan Policy HO9 as I mentioned above, there would be limited harm and the proposal would therefore not conflict with the development plan as a whole. This includes Policies BE2 and NE14, which encourage the preservation of the existing built and landscape character of the area, and are generally consistent with the provisions of the *National Planning Policy Framework*.

Other issues

10. The occupiers of surrounding properties have expressed concerns regarding the impact of the proposed development. I am satisfied that the proposed arrangement of windows within the upper floor of the proposed dwellings would minimise overlooking of other properties, and that there would be no significant impact on the privacy of surrounding occupiers. Whilst the development would be visible from other properties, it would appear behind the existing hedges, and in most views be limited to glimpses. Accordingly, it would not significantly enclose the gardens of adjoining properties, or appear unreasonably overbearing.
11. Concerns were also raised over the proposed parking provision and potential effects on highway congestion. I have taken account of the advice given in respect of the proposal by the County Highway Authority, and agree that the likely trip generation and the layout of the street would not create detrimental conditions. The effects of construction were also issues of concern, but I am satisfied that these, along with other issues raised, can be addressed through the inclusion of relevant planning conditions.

Conditions

12. The Council has provided a list of conditions on which the appellant has provided comments, and against which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG)¹. These are set out in the Annex to this letter. Condition 2 is to provide certainty and to ensure that the proposal is built in accordance with the approved plans. Condition 3 is required to preserve the character and appearance of the site and area, and Condition 4 has been included to ensure that drainage is treated appropriately and sustainably. Condition 5 is required to preserve the living conditions of occupiers of surrounding properties and to minimise any adverse impacts of construction, including potential effects on highway safety.
13. I have included the Council's suggested tree protection condition as Condition 6, but have incorporated a reference to the appellant's supplementary evidence. This is necessary to ensure the protection of existing landscape features and preservation of the character and appearance of the area and the living conditions of surrounding occupiers. Condition 7 has been applied for similar reasons.

Conclusion

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

G Rollings

INSPECTOR

¹ PPG reference ID: 21a-003-20140306; revision date: 06 03 2014.

ANNEX – LIST 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: 061414-01 rev B; 061414-02 rev B; 061414-03 rev A; 061414-PLOT1-P1 rev A; 061414-PLOT2-P1 rev A; 061414-ROOF-01 rev A; 061414-PLOT1-E1 rev A; 061414-PLOT2-E1 rev A; 061414-SECT-01 rev A; 061414-SECT-02 rev A.
- 3) Before the above-ground construction of the development hereby permitted is commenced, samples of the materials to be used in the external elevations shall be submitted to and approved by the Local Planning Authority and no variations in such materials when approved shall be made without the prior approval, in writing, of the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided the submitted details shall:
 - i. information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.
- 5) No development shall commence until a Construction Transport Management Plan, to include details of:
 - i. parking for vehicles of site personnel, operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials
 - iv. a programme of works (including measures for traffic management); and
 - v. vehicle size limitations

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 6) Notwithstanding information shown on the submitted Tree Protection Plan, prior to the commencement of any works including site clearance and demolition, further details of how existing trees within the site including the boundary hedge, are to be protected for the duration of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall include ground protection to protect the root zones of the trees that make up the hedge along its full length. The Plan and measures should include the recommendations set out in the *Arboricultural Statement* dated November 2017 and prepared by Aspect Arboriculture, unless otherwise agreed by the Local Planning Authority. The approved tree protection measures shall be retained for the duration of the construction.
- 7)
 - (a) No above ground development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of the development. This scheme shall include indications of all changes to levels, hard surfaces, walls, fences, access features, minor structure, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development.
 - (b) All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the Local Planning Authority. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.