
Appeal Decision

Site visit made on 2 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/T0355/W/19/3238358

The Chalet, Ravensdale Road, Ascot, Windsor and Maidenhead SL5 9HJ

- 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 Stephen Bennett against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/01655, dated 19 May 2015, was refused by notice dated 4 June 2019.
 - The development proposed is described as a 'detached dwelling with integral garage following demolition of existing dwelling – renewal of approved application ref: 12/00882 decision date 1st June 2012'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Stephen Bennett against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Procedural matter

3. Within their evidence the appellant has submitted an ecological walk-over survey by AAe Environmental Consultants, dated September 2019 (ecology report). The parties have had opportunity to comment on the evidence and I have therefore taken it into account in my determination of the appeal.

Main issues

4. The main issues are the effect of the proposals on i) the character and appearance of the area, including protected trees; and ii) the effect of the proposal on ecology.

Reasons

Character and appearance of the area, including protected trees

5. The appeal site is located within a suburban residential cul-de-sac characterised predominantly by large detached houses in spacious verdant plots. A significant feature of the area is its sylvan context. The proposal is a resubmission of a 2012 scheme that was granted planning permission¹ to

¹ LPA Ref: 12/00882

replace the existing house and re-orientate the siting of the built form closer to a north-south axis. However, the original approval has lapsed, and it falls to me to consider the proposal afresh against the current development plan and any relevant material considerations.

6. Since the 2012 approval there have been a number of material changes in circumstances including the approval and construction of four dwellings to the north-west, and additional planning history on the site itself, including a dismissed planning appeal in 2017². Furthermore, the policy context has evolved with the adoption of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan 2011-2026 (NP) in April 2014. This now forms a part of the development plan. Furthermore, the National Planning Policy Framework (the Framework) has been amended and has a stronger emphasis on good design. Additionally, the appellant has drawn attention to the emerging local plan as a material consideration. However, based on the evidence provided and the stage it has reached towards adoption I afford this limited weight.
7. The proposed built form would have a greater scale and bulk than the existing wide-fronted, two-storey dwelling. It would occupy much of the existing open space to the rear of the house by extending the footprint to the west over the existing lawn. Whilst this would be mitigated to some degree by the new drive to the north, the proposal would appear hemmed in by trees and the recent development to the north-west. The proposal would be sited in very close proximity to this new housing, in particular the two-storey side elevation of one of the new houses that is approximately a metre from the shared boundary. Whilst the proposal would be of similar scale and proportions, these dwellings benefit from more open settings and the two-storey elements are separated by at least single-storey garaging. Unlike the appeal scheme, this creates a suitable relief from their scale and mass.
8. Additionally, the sylvan context is of great significance to the overall character and appearance of the area. The proposal would result in the loss of some trees and presents little opportunity for replacement planting. Moreover, the proposed reorientation of the built form and its siting in such close proximity to the trees to the south is significant. I am mindful that the arboricultural evidence provided by the appellant is from 2012 or based on surveys from then without a recent site visit. The lack of contemporaneous site assessment poses concern, especially in light of the more recent 2017 appeal Inspector's findings on a comparable development, to which I place significant weight.
9. The post-development pressure on the protected trees would be significant due to the orientation to the south. The concern is mitigated to a degree by the removal of four trees from this area. It would also be mitigated by the relatively high and less dense canopy of the Pines compared to other trees, and the relatively high canopy of the Sweet Chestnut. Furthermore, I am also mindful that, unlike the 2017 appeal, this is a scheme for one dwelling and not two, and therefore benefits from a larger garden, which includes the open space outside of the proposed family room and breakfast area. However, given the scale of the proposed dwelling I consider that the open space is limited and not commensurate with the scale of the dwelling. Furthermore, from the proximity of the trees there would be an impact on light to the single-aspect, habitable dining and drawing rooms.

² APP/T0355/W/17/3177412

10. Consistent with the 2017 Inspector's findings I consider that whilst the root protection areas of two trees would be encroached upon, this could be controlled adequately by condition. However, the effect on the living environment for future occupiers of the proposal, and the lack of balance between the utility of the space the protected trees enclose and the amenity they provide, would lead to a significant risk of pressure to severely cut-back or fell them. Their loss would further reduce the wooded setting of the site and its contribution to the sylvan character of the area.
11. In conclusion, due to its siting, scale and massing the proposal would be harmful to the character and appearance of the area, including protected trees. This would be contrary to 'saved' Policies N6, DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP); and Policies NP/DG1, NP/DG2, NP/EN2 and NP/EN3 of the NP. These policies seek to ensure high quality design and landscaping that is compatible with its context having regard to scale and impacts on trees.
12. Whilst I note the age of the adopted development plan policies, paragraph 213 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. I afford the policies significant weight given their degree of consistency with the Framework.
13. Furthermore, I find conflict between the proposal and section 12 of the Framework. For example, paragraph 127 requires development to be sympathetic to local character, including the surrounding built environment and landscape setting, and maintain a strong sense of place. Furthermore, paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
14. Even if the development plan policies were out-of-date, I consider that the public benefits of redeveloping a site for a replacement dwelling would be very limited and the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Ecology

15. The Council's third reason for refusal was based on no ecological survey being submitted as part of the planning application. As set out above, the appellant has provided the information as part of their appeal evidence. The appellant's ecology report sets out that no further survey work is required and makes a number of recommendations to protect and enhance ecological interests at the site. In light of this evidence the Council has withdrawn this reason for refusal.
16. Adequate information is available to assess the potential impact on ecology. I consider that no ecological harm is likely to occur subject to the recommended mitigation and enhancement set out within the ecology report. If I were minded to allow the appeal, this could be secured by conditions.
17. Therefore, based on the evidence provided, the proposal would not cause harm to ecology and would not conflict with Policy NP/EN4 of the NP. Furthermore,

the proposal would not be contrary to section 15 of the Framework. These policies seek to protect and enhance biodiversity.

Conclusion

18. In conclusion, whilst I have found no harm in relation to ecology this does not mitigate the harm I have identified in relation to the character and appearance of the area, including protected trees. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR