
Appeal Decision

Site visit made on 5 November 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/T0355/W/19/3233759

Sandhills and Sandhills Cottage, Cross Road, Sunningdale SL5 9RU

- 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 Andrew Searchfield, Searchfield Homes Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/00414, dated 28 January 2019, was refused by notice dated 24 June 2019.
 - The development proposed is the construction of 8 three bedroom apartments to include refuse storage, new vehicular and pedestrian access with additional access from Ridgemont Road, associated parking to include basement parking following demolition of the existing dwellings and garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Borough Local Plan Submission Document has been submitted for examination. The National Planning Policy Framework (2019) (the Framework) sets out that weight may be given to relevant policies in emerging plans according to their stage of preparation. The Council have referred to emerging policies SP3 and NR4 in their submission, however, at this stage the preparation of the emerging Local Plan is ongoing and therefore I give these policies limited weight in my consideration of the appeal proposal.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of neighbouring occupiers;
 - The protected trees; and
 - The Thames Basin Heaths Special Protection Area

Reasons

Character and Appearance

4. The appeal site comprises a corner plot on the junction of Cross Road and Ridgemont Road. It is currently occupied by a large detached dwelling with

detached buildings located to the rear and a large garden area. The surrounding area is predominantly single residence homes, set within spacious and heavily landscaped curtilages, giving a verdant and attractive appearance.

5. The proposed development would involve the demolition of the existing properties and their replacement with a new building comprising 8 three bedroomed apartments. The proposal would include the provision of new vehicular and pedestrian accesses. Parking would be within a basement level, accessed from Cross Road, as well as to the front of the property, accessed off Ridgemont Road.
6. The proposed building would occupy a significantly larger area of the appeal site than the existing properties, which would be particularly noticeable from Ridgemont Road as a result of its substantially increased width. This would be further exacerbated by the removal of part of the hedging to facilitate the access point hedging from within the site. I note that the building lines have been respected along both Cross Road and Ridgemont Road however I do not find this to be sufficient to mitigate the increased size, bulk and scale of the proposed property. Although a degree of separation would be retained between the proposed building and the side elevation of the adjacent property, Kings Hill, this would be significantly less spacious than the prevailing form and character of the large properties in the immediate surroundings.
7. The proposed design would incorporate a number of gable features, particularly to the front elevation, and would include dormer windows. I acknowledge that a focus has been on providing a horizontal eaves line and I also accept that there are other examples of dormer windows in the area. Whilst the Appellant states that the varied heights and recessed areas are to break the building down, I find that this does not sufficiently mitigate the overall scale, bulk and width of the building but rather adds excessive detailing to the overall appearance. The Appellant considers that the proposal would have a much less grandiose design than other recent developments in the vicinity however I have limited details of these before me and in the context of the surrounding properties, the design and appearance would be over detailed, prominent and incongruous within the street scene.
8. I note the Appellant's comments in relation to the height of the building in relation to Derry House. Nevertheless, whilst the height may be comparable to some existing properties, in combination with the overall increased scale of the building within the site, this would result in a dominant feature within the street scene.
9. Consequently, as a result of its overall scale, bulk, width and design, in combination with its prominent corner position, I find that the proposed development would appear dominant and incongruous within its surroundings. The development would result in the overdevelopment of the appeal site which would be at odds with the spacious character of the immediate area.
10. I have had regard to the examples of other apartments identified by the Appellant in the vicinity of the appeal site and acknowledge that this presents a variety in the housing types in the area. However, these apartments are set within different contexts and do not set a precedent for the proposed development.

11. I acknowledge that, following the previous appeal decision, the two buildings have been reduced to one building, concentrating the development into a single building which is materially different from the previous proposal. I also understand that this serves to increase the amount of space around the building. Nevertheless, whilst the proposed development presents some improvements to the previous scheme, I still find that it would be unacceptable for the above reasons.
12. Consequently, I find that the proposed development would have an adverse impact on the character and appearance of the area for the above reasons. The proposal would therefore fail to comply with Saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Local Plan). Collectively, these seek to ensure that the design of new buildings is of a high standard, compatible with the established street façade and avoid harm to the character of the surrounding area, amongst other things. It would also be at odds with the aims of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP) Policies NP/DG1, NP/DG2 and NP/DG3 which require new development to respond positively to the local townscape and retain and enhance the sylvan nature of the area, amongst other things. It would also be at odds with the aims of Section 12 of the Framework.

Living Conditions

13. The appeal site is located adjacent to existing residential properties to the side and rear. The adjoining property to the side, Kings Hill, is sited in proximity to the shared side boundary with the appeal site. However, directly adjacent to the boundary is a single storey part of the building which may be a garage or ancillary domestic accommodation. Nevertheless, the property is still located in proximity to the appeal site. At present there is a dense hedge in excess of 6 metres on the boundary, as well as trees within the appeal site and the adjoining site. This provides substantial screening and Kings Hill is not readily visible from the appeal site.
14. However, I acknowledge that the proposed dwelling would be partially visible above the existing hedge from the adjoining site, and although this would only be part of the roof, the increased proximity of the building to the adjacent dwelling would have the potential to give rise to a sense of overbearing and loss of the spacious feel between the two sites. Furthermore, whilst I note the hedge is shown as being retained on the submitted plans, should it be removed, reduced or die in the future, the proposed development would have a significant impact on the outlook and privacy of the occupiers of this adjoining property.
15. The proposed vehicular access to the underground parking area would be located in proximity to the boundary with the adjacent dwelling to the rear, The Belfry. Part of the garden for this property is directly adjacent and the proposed development of 8 units would potentially result in a number of vehicles utilising this access. The Council have not raised concerns in relation to the impact on the occupiers of The Belfry as a result of the distance from the property itself. However, the proximity of the vehicular access to the property's useable garden space could potentially give rise to a degree of harm in this regard. Nevertheless, I find that the proposal would give rise to some harm to the living conditions of the occupiers of Kings Hill for the above reasons.

16. Consequently, the proposed development would fail to comply with paragraph 127 of the Framework which seeks to create places that have a high standard of amenity for existing and future users, amongst other things.

Protected Trees

17. The appeal site is well landscaped, with a number of trees within and on the boundaries of the site. The surrounding area is also very verdant in character which contributes to the attractive appearance of the surroundings. There is a Tree Protection Order (TPO) applied to a group of trees along the side boundary with Kings Hill. The proposed development would involve the removal of some smaller, lower quality trees and a Strawberry Tree. Much of the existing hedge would be retained other than to allow for access and a group of trees to the rear corner of the site would be retained. In addition, new planting could be secured by condition.
18. The Strawberry Tree, whilst an attractive addition to the appeal site, is not highly visible from the surroundings. It is set within a backdrop of other, protected trees, some of which are within the Kings Hill curtilage. Whilst, its removal would result in the loss of a contributor to the verdant character of the site, it is not subject to any protection and I have had regard to the fact that it could therefore be removed at any time. Its limited contribution to the street scene would mean that its removal would not unduly harm the character and appearance of the area.
19. The Council has raised concerns over the impact of the proposal on the protected Lime Tree (T9) located on the adjoining site. I have had regard to the root protection area (RPA) of this tree as indicated on the revised Tree Protection Plan (Rev E). The proposed building appears to be in proximity to the RPA of this tree and this proximity is such that if the RPA encroached any further it would be likely that there would be some damage to this tree, potentially resulting in its loss. Whilst I accept that further investigation could be secured by condition, as a result of the indicated position of the proposed building in such proximity to the RPA, notwithstanding the indicated ground protection area, it has not been sufficiently demonstrated to me at this stage that the proposed development would not have the potential to result in damage to this tree.
20. I accept that some plants and small shrubs can be planted in shallow soils therefore I consider that the introduction of suitable landscaping around the basement car park access could be achieved, further details of which could be secured by way of condition.
21. On the basis of the information before me, I find that the proposed development could potentially result in harm or loss of the protected lime tree. At this stage it has not been adequately demonstrated that suitable protection for this tree could be achieved. Accordingly, the proposal fails to comply with Saved Policies N6, DG1 and H11 of the Local Plan which requires suitable landscaping and maintenance. It would also be at odds with the requirements of Policy NP/EN2 of the NP which requires the retention of mature or important trees.

Thames Basin Heaths Special Protection Area

22. The appeal site is located within 5km of the Thames Heaths Special Protection Area (THSPA), and as such the proposed development would be likely to have an adverse impact on this area, which is protected by European and national legislation.
23. The Council have undertaken an Appropriate Assessment and has adopted a SPA mitigation strategy comprising the Thames Basin Heaths Special Protection Area SPD which requires appropriate mitigation measures including financial contributions. The Appellant has provided a Legal Agreement dated 14 November 2019 to provide a payment of £4,800.00 towards the costs of a mitigation package towards the management and monitoring of public access and the impact of the development on the THSPA, and a payment of £56,682.00 towards the provision and maintenance of the Allen's Field SANG. The Council have reviewed this, and I have been provided with written confirmation that the Council consider this to be acceptable and sufficient to overcome refusal reason 4 and comply with the requirements of the SPD and NP Policy NP/EN4. However, due to the proposed development being in conflict with the policies of the development plan it is not necessary for me to consider this matter further as the provision of the contributions would not be sufficient to outweigh the harm arising from the proposed development for the above reasons.

Other Matters

24. The Council advise that there is some shortfall in their 5-year housing land supply, which would mean that the policies for the supply of housing would not be up to date. The policies referred to by the Council in this case however relate to achieving suitable and high-quality development therefore I consider these policies to be up to date and therefore carry weight. In the absence of a 5-year supply of housing land, the tilted balance should be applied.
25. I do not dispute the fact that the proposed development would provide a more intensive form of development within the settlement which would make some contribution to the supply of housing. I also note that the principle of residential development in this location would be acceptable. The Appellant has identified that the site is in an area with good public transport accessibility and there would be economic benefits in terms of employment for local builders. I have also had regard to the use of previously developed land and the provision of a choice of homes in the area.
26. I find that these represent benefits arising from the proposed development and, taken collectively, they carry weight. However, as a result of the small-scale nature of the proposed development the benefits in this case would not be sufficient to outweigh the harm I have identified above.
27. Local objections have been made raising a number of concerns in addition to the above matters. However, it is not necessary for me to conclude on all of these concerns as they would not alter my findings above.

Conclusion

28. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR