
Appeal Decision

Site visit made on 25 February 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/T0355/D/19/3242452

15 Holmes Close, Ascot SL5 9TJ

- 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 & Mrs D & T Page against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02293, dated 14 August 2019, was refused by notice dated 8 November 2019.
 - The development proposed is garage conversion, side extension with front and rear dormers, first floor side extension, single storey rear extension and alterations to fenestration, following demolition of the existing rear conservatory.
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Decision

1. The appeal is allowed, and planning permission is granted for garage conversion, side extension with front and rear dormers, first floor side extension, single storey rear extension and alterations to fenestration, following demolition of the existing rear conservatory at 15 Holmes Close, Ascot SL5 9TJ in accordance with the terms of the application, Ref 19/02293, dated 14 August 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to the relationship with protected trees near the site.

Reasons

3. The area where the appeal site is located has a pleasant and verdant appearance. This is, in part, due to the frequent mature trees and hedgerows both within and outside plots. Many of these features are protected by a Tree Preservation Order (TPO), including a Lime (T1) and a Scots Pine (T2) in the plots adjacent to the appeal site that have been identified in the Arboricultural Report (AR) as Category B trees.
4. The proposed side extension would bring the built form at the appeal site closer to T1 and T2, encroaching on their root protection areas (RPA's). Disturbance within such areas has the potential to impact significantly upon tree health and vitality. The relevant BS standards seek to avoid structures in RPA's without justification. Notwithstanding this, there would only be a minor incursion into the RPA's with the vast majority of the areas being unaffected.

5. I acknowledge that woody and non-woody roots can extend radially for a distance much greater than the height of the tree where unimpeded and be likely to be located in the uppermost part of the soil. Nonetheless, there is a hedgerow that separates the site from T1 and T2. There has been no clear evidence to the contrary of the AR where it suggests that the hedge would have affected the spread of the tree roots towards the appeal site. Moreover, there is limited information to indicate why traditional foundations would not be acceptable in this instance given the size of the incursion and that no drainage or services would go beyond the extension itself.
6. Measures to protect the trees during construction are proposed along with an arboricultural method statement (AMS). The Council have not raised concerns that the scheme would lead to additional pressure from pruning or removal of the trees in the future. From my observations on site and the evidence before me I have reached the same conclusion. Conditions are imposed in relation to the provision of final protection and construction details.
7. Therefore, in light of the above factors, I am satisfied that the development would not cause damage to a large proportion of the roots of T1 and T2. As such, the future health and longevity of the trees would not be significantly affected or compromised by the proposal.
8. Consequently, the appeal scheme would not harm the character and appearance of the area. It would accord with Policies N6, DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan and Policies DG2, DG3 and EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026. These, in part, seek to retain mature or important trees with landscape features an integral part of development and ensure schemes respect the character and appearance of the streetscene, surrounding area and established features.

Conditions

9. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the National Planning Policy Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty. A condition is imposed requiring the external materials of the scheme to match those at the existing building to protect the character and appearance of the area.
11. The AMS refers to the need for discussions and clarification of matters including the type of protective fencing and the installation of foundations within the RPAs. Therefore, to ensure the continued health and protection of the trees, conditions relating to tree protection and a method statement are imposed. For the same reason a condition is imposed requiring details of hard landscaping works to be agreed. These details are required prior to the commencement of the development as they partly relate to the initial works. As no landscape features are to be lost and given the extent of the existing features of the site, a requirement for additional soft landscaping is not necessary.

Conclusion

12. For the reasons given, and having taken all other matters raised into account, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

Stuart Willis

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: Existing 3D's drawing no FLU.866.04 Rev A; Existing Elevations drawing no FLU.866.03 Rev A; Existing Floor Plans drawing no FLU.866.02 Rev A; Existing Site Plan and Location drawing no FLU.866.01 Rev A; Proposed 3D's drawing No FLU.866.09 Rev E; Proposed Elevations drawing no FLU.866.08 Rev E; Proposed Block Plan drawing no FLU.866.10 Rev B; Proposed Site Plan and Location drawing no FLU.866.05 Rev F; Proposed Ground Floor Plan drawing no FLU.866.06 Rev D; and Proposed First Floor Plan FLU.866.07 Rev E.
- 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 works or development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the local planning authority. The Tree Protection Plan and AMS shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

Nothing shall be stored or placed in any fenced area (construction exclusion zone) in accordance with this condition and details of any alterations of the ground levels or excavation within those areas shall be included in the AMS. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

- 5) No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - the proposed positions, dimensions, materials and finished levels of: means of enclosures (e.g. embankments, fences, walls and gate piers);
 - vehicular and pedestrian access; hard surfaces (e.g. driveways, car parking, footpaths, patios, decking);
 - outdoor structures (e.g. outbuildings, garages, carports);
 - minor structures (e.g. sheds, refuse and storage areas, cycle storage existing and proposed overhead and underground utility services including associated structures (e.g. manhole covers, meters, access points, vertical supports);
 - ditches, drains and other earthworks (e.g. land profiling, excavations/soil mounding); and
 - an implementation programme.

Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.

All works shall be carried out in accordance with the approved details following the completion of the development and retained thereafter in accordance with the approved details.