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## 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: 16 March 2020**

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**Appeal Ref: APP/T0355/W/19/3233111**

**Former The Little House, Charters Road, Sunningdale, Ascot SL5 9QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Kebbell Homes Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/00197, dated 26 November 2018, was refused by notice dated 2 May 2019.
  - The application sought planning permission for 'redevelopment of the site to provide 6 x 3 bedroom apartments under planning permission 15/0309 (allowed on appeal) without complying with condition 2 (approved plans) to substitute approved drawings'; without complying with a condition attached to planning permission Ref 17/01066, dated 8 August 2017.
  - The condition in dispute is No 15 which states that: 'The development hereby permitted shall be carried out in accordance with the approved plans listed below'; namely FD15-1312-50, FD16-1361-P050A, 1361-P140A, 1361-P135A, FD16-1361-P200A, FD16-1361-P160, FD16-1361-P130, FD16-1361-P125, FD16-1361-P120, FD16-1361-P115, FD16-1361-P110, FD16-1361-P105.
  - The reason given for the condition is: To ensure that the development is carried out in accordance with the approved particulars and plans.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. Shortly before the arranged site visit, I was informed that no access could be provided. I was unable to gain access to the site itself but made observations from the public realm and the neighbouring property. From these positions, I was able to make a full assessment of the appeal proposal.

### Main issue

3. The main issue is the effect of the proposed plan amendments on the character and appearance of the area, including its effect on trees.

### Reasons

4. The proposal seeks to vary the approved planning layout to the front of the site and the design and position of the approved garages that flank the entrance to the development. A number of different arrangements to both this area and the habitable accommodation have gained planning permission. Whilst these form

material planning considerations, none of the schemes are identical to the one before me.

5. The appellant has drawn particular attention to the 2012 approval<sup>1</sup> and the 2017 approval<sup>2</sup>. From my site visit I observed that redevelopment of the land is advanced. The 2012 approval allowed for a comparable area of hard standing and footprint of garaging to the current scheme. However, the design and location of the garages was different being set closer to the side boundaries of the plot. Moreover, the 2012 habitable accommodation was for two detached dwellings, very different to a single purpose-built block of flats. I am also mindful that the permission is no longer extant. The 2017 approval allowed for the same apartment building as the proposal before me but a different parking and garaging arrangement. The garages would in that scheme have smaller footprints and alternative siting and design details being set away from the flank boundaries. The area of hard standing would have been greater than proposed here, including the space between the flats and garaging.
6. I acknowledge that the proposed garage design has intentionally incorporated a crown roof form to minimise the overall height. However, I consider that this does not adequately mitigate the harmful effects of the proposal on the character and appearance of the area. The proposal would increase the footprint of the garaging and employ a parapet design that adds to the visual bulk and mass. Furthermore, it would move the garages to the edges of the site increasing the overall width of the built form and hard standing. This would create a prominent and centrally located parking court, flanked by triple garages. The proposal would appear as a cramped form of development that substantially erodes the sense of openness at the front of the site. This space is important as it provides necessary relief from the substantial mass, scale and width of the purpose-built single apartment block that the garaging and parking would serve. Whilst I note the various approvals at the site, and other examples of garaging forwardmost of the habitable accommodation in the street scene, none are identical to the proposal before me such as to set any form of precedent.
7. Charters Road is characterised by residential development within a verdant setting. It is identified as a Leafy Residential Suburb<sup>3</sup> and the trees to the front and flanks of the appeal site contribute positively to this. They help to mitigate the impact of the scale and mass of the built form under construction. The proposal details work to trees on the western boundary of the site which would reduce them and erode their contribution to the verdant setting. I acknowledge that these trees do not appear to be specifically cited within the site wide TPO<sup>4</sup> and accept the C-classification of the trees within the appellant's assessment<sup>5</sup>. However, the works would reduce their amenity value and the mitigating qualities they provide to the mass and scale of the overall site development. The scheme affords little additional space to provide meaningful compensation measures in terms of additional planting. Whilst I find that the degree of future pressure on trees in terms of reduction or removal is likely to be limited, due to the non-habitable nature of the garage, I find that the proposed works to trees

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<sup>1</sup> LPA ref: 12/00325/FUL

<sup>2</sup> LPA ref: 17/01066/VAR

<sup>3</sup> Royal Borough of Windsor and Maidenhead Townscape Assessment Volume 3: Ascot Group dated June 2010

<sup>4</sup> Tree Preservation Order No.9 of 1984

<sup>5</sup> Arboricultural Impact Assessment and Method Statement by ACD Environmental, dated 22 November 2018

would contribute to the harmful effect on the character and appearance of the area.

8. In conclusion on the main issue, the proposed amendments would result in a cramped development harmful to the character and appearance of the area, including a harmful effect on trees. As such the proposal would be contrary to 'saved' Policies DG1, H10, H11, and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003), Policies NP/DG1, NP/DG2, NP/DG3, and NP/EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 – Adopted April 2014, and paragraphs 127 and 130 of the Framework. These policies seek high standards of design that achieve a suitable scale of development in keeping with the established character of the area and the protection of important trees. Furthermore, paragraph 130 states that the quality of approved development should not be materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

### **Other matters**

9. The appeal site is located within the 5 km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The area of dispute is whether the previously agreed financial contribution that has already been paid is adequate to mitigate the effects of the development on the designation. However, given the harm I have previously identified, the determination of this appeal does not turn on this matter.
10. The Council has stated that they cannot demonstrate a five-year housing land supply. However, the proposed amendments do not affect the amount / mix of housing; and even applying the 'presumption in favour of development', the adverse impacts would significantly and demonstrably outweigh the benefits.
11. Finally, the Council 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.

### **Conclusion**

12. For the reasons given above I conclude that the appeal should be dismissed.

*James Taylor*

INSPECTOR