
Appeal Decision

Site visit made on 7 January 2020 by Scott Britnell MSc FdA

Decision by MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/T0355/W/19/3236926 46 Twynham Road, Maidenhead SL6 5AS

- 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 A Mohazab against the decision of the Royal Borough of Windsor and Maidenhead Council.
 - The application Ref 19/01376, dated 17 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is described as, 'demolish existing dwelling and replace with new dwelling'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this matter is the effect of the proposal on the character and appearance of the streetscene and area, including the nearby off-site tree.

Reasons for the Recommendation

4. The appeal site comprises a detached bungalow set within a rectangular plot on the west side of Twynham Road. The site is located in an established residential area with Twynham Road consisting of a mix of property styles and sizes. The proposal seeks to demolish the existing bungalow and garage and to replace it with a four bedroom dwelling incorporating a new vehicular access.

Character and appearance

5. There is a varied mix of properties on Twynham Road with different roof forms and ridge heights. Although the proposal would be higher than the bungalow at No 48 to the south, it would not be significantly higher than No 44 to the north. Further, the properties on the west side of Twynham Road are generally two storeys in height from No 44 northwards, although there are a number of bungalows which add to the mix of ridge heights. This is reflected on the east side of the road and adds visual interest, which contributes to the character and appearance of the streetscene. Within this context, the height of the proposed dwelling would not appear out of place or incongruous.

6. Notwithstanding this, the proposed dwelling has a bulky design, which would appear incongruous within the streetscene and disproportionate in comparison to the neighbouring properties. The side elevations in particular would, due to the eaves heights and overall form and proportions, appear jarring within the streetscene. This would be especially apparent when approached from the north, as the proposed dwelling would project forward of No 44, exposing a large section of its north elevation.
7. The proposal also incorporates a large flat roof element. While this may not be directly visible from the road it would be clearly discernible, owing to the overall roof form, and would be a poor design feature that fails to respect the prevailing character of the area. While I note that there is a flat (or crown) roof at No 22 Westfield Road, that property is viewed in a different context to the appeal site, despite its proximity and being visible from it. That property is set within a large corner plot and is of a different design and scale to the appeal proposal. Consequently, I afford the presence of this nearby roof limited weight and do not consider that it justifies the unacceptable development proposed.
8. The pitched elements of the roof would be finished in slate, which would not reflect the dominant roofing material found within Twynham Road and would appear incongruous. The appellant has referred me to the use of slate at 37 Havelock Road, but that property is some distance from the appeal site and is viewed in a different context. I note that the appellant suggests they would be willing to accept a condition, should the appeal be allowed, that the roofing material be agreed with the Council prior to its construction. While this would ensure that the appearance of the pitched roof elements of the proposal would be acceptable, it would not overcome the harm identified above.
9. In considering this matter, I have noted the appellant's comments that the Council granted planning permission for extensions to No 44 Twynham Road in 2007. However, I do not have details of that planning permission before me and I am mindful that each case must be considered on its merits. Consequently, I do not consider that this overcomes the harm that I have identified or justifies the unacceptable development proposed.
10. In conclusion, the proposal would appear incongruous within the streetscene and would fail to respect the character and appearance of the area. There would be conflict with Policies DG1 and H11 of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP). These seek, among other things, to ensure that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties and that special attention should be given to the roofscape of buildings. Moreover, in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. The proposal also conflicts with Section 12 of the National Planning Policy Framework which states that planning decisions should ensure that developments are sympathetic to local character and history.

Off-site Tree

11. There is a large tree located on the grass verge to the front of No 48 Twynham Road near to the carriageway. Although at the time of my visit the tree was

completely bare, it is a large specimen and clearly important to the visual amenity of the street scene. As such I consider that it contributes positively to the character and appearance of the area. The appellant's Arboricultural and Planning Integration Report (APIR) indicates the tree to be of the highest amenity value and in good health, and I have no evidence before me to indicate otherwise. Both parties also agree that the proposed vehicle access would be located within a section of the tree's Root Protection Area (RPA).

12. The Council indicate that the Tree Officer did not review the arboricultural information during the assessment of the application. As a result, the second reason for refusal, which relates specifically to the tree, was attached as a precaution. However, the Tree Officer has now submitted comments on the proposal and the appellant has responded to these.
13. The APIR indicates that the new crossover/site access would be hand dug to ensure minimal root loss occurs, retaining as many roots as possible in the area of the dropped kerb. However, both parties indicate that roots will need to be cut. The appellant states that if it is determined, after hand digging starts and the roots are located and identified, that the impact on the tree would be too adverse, cutting would stop. However, it is not explained what would happen next in such circumstances, how the proposal would proceed or if the new crossover would need to be aborted.
14. Further, the proposal fails to indicate the extent of any proposed soft and hard landscaping or identify the location of underground services. I note that the appellant indicates existing services are located on the opposite side of the site and that soakaways can be provided outside of the RPA. As such, they do not consider that this level of detail is required at the planning stage. However, given the importance of the tree to the character and appearance of the area, it is imperative to establish these elements before any decision can be made.
15. In reaching this conclusion, I note the appellant's comments that there are construction methods that could be implemented that would preserve the majority of the tree roots. Again, full details of these need to be provided prior to a decision being made, to ensure that those works can be successfully carried out while ensuring that the health of the tree is protected.
16. I note the appellant's comments that the location of the tree is likely to lead to heaving in the near future. They also state that roots are already reaching the surface near to the tree trunk, which I observed on site, and that it is likely that they will need to be cut substantially. However, I have assessed the appeal with respect to the current conditions on and near the site. I have also considered the appellant's comments regarding the lack of communication with the Council during the application process regarding the tree. However, this is not a planning matter and is not determinative to my assessment of the appeal.
17. In light of the above, the proposal fails to demonstrate that the works can be carried out without causing harm to the nearby tree. There would be conflict with Policy N6 of the LP, which, among other things, confirms that where the contribution of trees to local amenity outweighs the justification for development, planning permission may be refused.

Conclusion and Recommendation

18. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR