
Appeal Decision

Site visit made on 19 March 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/T0355/D/20/3245975

Santana, 54 Llanvair Drive, Ascot SL5 9LN

- 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 Mrs Joit Uppal against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01453, dated 28 May 2019, was refused by notice dated 28 November 2019.
 - The development proposed is a single storey rear gym extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear gym extension at Santana, 54 Llanvair Drive, Ascot SL5 9LN in accordance with the terms of the application Ref 19/01453, dated 28 May 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The Council's decision notice refers to Policy NR3 of the emerging Royal Borough of Windsor and Maidenhead Local Plan Submission Version 2019 (LP). The LP is at an advanced stage and has been submitted for examination. However, as I do not have evidence before me as to whether there have been any significant objections to the above policy and the Inspector's report has not yet been published, having regard to the advice provided in the National Planning Policy Framework¹, I give this policy in the emerging Development Plan limited weight as a material consideration.

Main Issue

3. The main issue is the effect of the proposed development on the existing trees having particular regard to the protected Scots Pine trees immediately to the east of the site subject to a Tree Preservation Order.

Reasons

4. The appeal site forms part of the garden area of a substantial two storey detached property set back from the road within in a mature well-established residential area. It is located within a large spacious landscaped plot, including a number of mature established trees within and immediately adjacent to the site, some of which are protected by a Tree Preservation Order (TPO). The

¹ Paragraph 48 of the National Planning Policy Framework (2019)

proposal would involve the construction of a single storey flat roofed gym extension between an existing single storey swimming pool extension and a small plant room close to the eastern boundary of the site.

5. The proposed extension would be located adjacent to two protected Scots Pine trees (T28 and T29) immediately to the east of the site. The protected trees are identified in the appellant's submitted arboricultural assessment as of a low quality where retention is recommended mainly due to their arboricultural value (Category C1)². However, the Council's Tree Team assessed these trees to be of a high/moderate arboricultural quality (Categories A/B), where retention is of a high priority, due to their landscape qualities (Category 2)³. From my observation during my site visit, these established trees individually and as part of the adjoining group of trees, make a contribution to the visual amenity and the sylvan character and appearance of the area.
6. The Council's concerns relate to the impact of the proposed extension within the Root Protection Area (RPA) of the Protected Trees, in combination with previous buildings work on the site. British Standard *Trees in Relation to Design, Demolition and Construction – Recommendations* (BS5837:2012) requires an assessment of the likely long term implications of the scheme for the trees. The Standard is a significant material consideration.
7. Whilst I note the Council's concerns regarding the cumulative impact of the development on the site, based on the evidence before me, the proposed extension would be located in a relatively small area of the RPA for the protected trees⁴. I observed during my site visit that the area within the RPA is already largely covered by an existing paved area with a low retaining wall and the small plant room. The submitted cross-sectional plans (Sections C-C and E-E) on Drawing no. 1117-01/313 Rev. A illustrate that the foundations and groundwork for the proposed extension would have little or no greater impact than those associated with the plant room and existing structures within the RPA of the protected trees on the site.
8. Therefore, in my view, based on the evidence before me, given the modest scale, layout and design of the proposed extension, I consider that the proposal would result in minimal additional disturbance within the RPA and impact on the long term health and stability of the protected trees, subject to the proposed tree mitigation measures outlined in the appellant's submitted arboricultural assessment in this particular case.
9. Consequently, I conclude that the proposed development would adequately secure the protection of the important protected Scots Pine trees (T28 and T29) which contribute to the character and appearance of the area. This would be consistent with Policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted 2003) and Policy NP/EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2014. These policies, amongst other things, seek a balanced approach to ensure that development proposals protect and retain important trees and features which contribute to the character of the surrounding area and carry out any protection measures considered necessary to protect trees during building operations.

² John Cromar's Arboricultural Company Limited Report on Impact on Trees dated 24 May 2019

³ Council's Tree Team Observations – Appendix 4 of Robin Bretherick Associates Appeal Statement 29 Jan 2020

⁴ John Cromar's Arboricultural Company Limited Report on Impact on Trees dated 24 May 2019 Paragraph 05.07

Conditions

10. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed conditions requiring that the external surfaces of the development match those of the existing property and details of the hard and soft landscaping works.
11. In addition, a condition relating to the protection of the existing trees is necessary in accordance with the recommendations of the appellant's submitted arboricultural assessment in order to ensure their survival and to protect the visual amenity of the trees.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: - Drawing no. 1117-01/310 Rev. A received on 15 August 2019, Drawing no. 1117-01/311 Rev. A received on 15 August 2019, Drawing no. 1117-01/312 Rev. A received on 15 August 2019 and Drawing no. 1117-01/313 Rev. A received on 15 August 2019.
- 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) Prior to any development above ground finish floor level of the building hereby approved as part of the detailed application, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape 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.

Hard landscaping - These details shall include a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of: means of enclosures (e.g. embankments, fences, walls and gate piers); 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).

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.

- 5) No site clearance, preparatory work or development shall take place until full details of any further investigations and tree protection measures as set out in the Report on Impact on Trees prepared by John Cromar's Arboricultural Company Limited dated 24 May 2019, have been submitted to and approved in writing by the Local Planning Authority. These measures shall include a scheme for the protection of the retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The approved details and scheme for the protection of the retained trees shall be carried out as approved.