
Appeal Decision

Site visit made on 1 October 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/T0355/W/20/3255176

The Garth, Altwood Close, Maidenhead, Berkshire SL6 4PP

- 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 Kevin McCabe against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02814, dated 9 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is construction of 1 x 4 bedroom detached dwelling with new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted revised plans as part of the appeal¹, which includes changes to the proposed car parking layout and amendments to the planting of trees. Further changes include the proposed access to the highway. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on what interested people's views were sought.
3. If I were to determine the appeal on the basis of the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area, including its effect on a protected tree; and
 - Living conditions of neighbouring occupiers of Maple Dean, with particular regard to their privacy.

Reasons

Character and appearance

¹ 2019/KM/AC/TG drawing No. 3 Prop

5. The appeal site comprises the rear garden of the residential property known as The Garth. The site is located on Altwood Close, which is a residential area with significant amounts of mature vegetation. The streets are generally lined with wide grass verges separating the footways from the highways, and it was apparent from my site visit that there are a number of trees located within these verges. The Council have indicated that their Townscape Assessment considers Altwood Close as a leafy residential suburb.
6. Altwood Close forms a loop of established residential development, with the appeal site located within a corner plot. Development towards the south of the appeal site is characterised by large detached dwellings in large expansive plots. These are generally set back from the edge of the highway with boundary treatments of low hedges and walls. This further reinforces the verdant nature of the street scene. There is a strong defined building line along this road, with the front elevation of June Croft being broadly in line with the side elevation of the Garth. There are differences in architectural style of the dwellings in the vicinity of the site, but there is a strong rhythm of development.
7. The appeal proposal is for the construction of a new four bedroom detached dwelling. It would be located towards the south of the appeal site, adjacent to the neighbouring property known as June Croft. The proposal would include a new access from the highway adjacent to the existing driveway for June Croft, and a hardstanding area which could accommodate spaces for two parked vehicles.
8. The proposed dwelling would be sited a considerable distance forward of the front elevation of the neighbouring dwelling of June Croft. Its position within the plot would mean that it would also sit proud of the side elevation of the Garth, with a relatively small setback from the edge of the highway to accommodate the vehicular parking. Whilst I noted during my site visit that June Croft sits slightly further back from the edge of the highway than other dwellings on this side of Altwood Close; this distance is not of a degree which means it appears proud of the established building line. The appeal proposal would be located considerably farther forward than each of the dwellings on this side of the road. It would have a front elevation which is not consistent with any defined building line on the street. This would make it appear as an incongruous addition to the street scene.
9. The proposed dwelling would be situated in a somewhat narrow plot, with the boundary for the Garth and June Croft being located approximately 1 metre from the side elevations. This minimal separation distance on either side of the proposed dwelling would lead to a cramped appearance. This is not in keeping with surrounding development which sits in large expansive plots with large separation distances between them.
10. The proposal would not provide any landscaping at the front of the proposed dwelling, with an area of hardstanding between the dwelling and footway. The front boundary treatment would be a low brick wall. Whilst large driveways are prevalent within the vicinity of the appeal site, they are somewhat softened by the use of soft landscaping including low hedgerows. As such, the lack of any landscaping scheme at the front of the dwelling would not be in keeping with the character of the area.

11. Notwithstanding, that the dwelling would include design features which are prevalent in the locality, including brick with rendered timber infill panels at the first floor, due to the siting and size of the proposal, it would appear as a cramped incongruous addition to the street scene. This would harm the character and appearance of the area.
12. The appeal site benefits from several mature beech trees along its northern and western boundary, which are subject to Tree Preservation Order 063/2002. In addition to these protected trees, the western boundary currently has substantial mature hedgerows. Furthermore, it was apparent from my site visit that the grass verge along the western boundary of the site has a number of trees within it. This includes an existing tree located in the verge in the approximate location of the proposed access which is not shown on any plans, and would need to be removed to facilitate the development. Cumulatively, these existing trees and hedgerows within the site adds to the street scenes pleasing verdant nature, and provides a positive contribution to the character and appearance of the area.
13. The application is supported by an arboricultural report². This report identifies that protected tree T7 would be directly affected by the proposal. This is a mature beech tree which has been categorised as a tree of high quality with a remaining life expectancy of at least 40 years. This tree is of a considerable height and spread, and as such is highly visible within the street scene, and provides an important contribution to the character and appearance of the area
14. In order to facilitate the development, it would be necessary to reduce one of the lower limbs of this tree by approximately 2 metres. In addition part of the proposed dwellings foundations and the proposed hardstanding would fall within the root protection area (RPA) of this tree. Several technical solutions have been put forward to protect the RPA of the tree, including the use of a single pile with a suspended floor.
15. Whilst I note that this construction method may provide protection for the RPA, the arboricultural reports highlight that the areas of hard standing should be minimised to allow for a positive rooting environment. I have noted the comments from the Council's tree officer that given the trees location next to large amounts of hardstanding, primarily the highway to the west, the existing root structure may already be compromised. Furthermore, given the age of the tree and these existing constraints this mature tree is likely to be sensitive to any changes, and less resilient than a younger specimen. As such, any works around the RPA are likely to stress the tree and significantly affect its long term health.
16. The protected tree would share a close spatial relationship with the proposed dwelling. Future residents of the dwelling would likely wish to fell or prune the tree, due to perceived risk of falling branches, or the impact on their living conditions. Given the close relationship to the tree and proposed dwelling, I find that there is a high probability of this occurring in the future. It would not be possible to restrict felling or pruning of this tree through a planning condition, especially if there is a risk to safety. Whilst I note the appellants comments that there are existing situations where trees are in close proximity

² Arboricultural Method Statement, Impact Assessment and Tree Protection Plan in accordance with BS 5837:2012 prepared by SouthOaks Arboricultural Consultancy

to dwellings, it is my view in this instance a dwelling in this close proximity to such a mature tree would likely lead to future pressure on the tree.

17. Given the prominence of this mature tree in the street scene, its loss would have a significant impact on the character and appearance of the area. Based on the evidence before me, I am not satisfied that the proposal would adequately protect this tree.
18. The Council have drawn my attention to two Tree Preservation Order Applications³ which included planning conditions requiring the planting of replacement trees on the site. They contend that the construction of a new dwelling in this location would preclude the planting of these replacement trees. Whilst I have not been provided with the full details of those permissions, the replacement trees would provide an important contribution to the verdant character and appearance of the area. Whilst a planning condition could secure the planting of these replacement trees as part of a landscaping scheme, from the information provided I am not certain that these could be positioned in an appropriate location.
19. Accordingly, I find the proposal would significantly harm the character and appearance of the area, including its effect on the protected tree. It would conflict with policies N6, DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) and the objectives of the Framework, which seek, amongst other things that development is of a high standard of design, and is sympathetic to local character.

Living Conditions

20. The rear garden of the dwelling known as 'Maple Dean' would be located approximately 9.5 metres from the rear elevation of the proposed dwelling. The Council have raised concerns that due to the siting of the proposed dwelling, there would be overlooking into this garden.
21. There would be two bedrooms on the first floor at the rear of the proposed dwelling, each served by a window which would face the garden of Maple Dean. I note that one of these would be set back slightly, which would increase the distance from the window which serves this bedroom. Whilst the proposal may introduce a small degree of overlooking, I am satisfied that there is adequate separation distance between these windows and the garden of Maple Dean to ensure that there would be no undue harm to the privacy of occupiers of this property. Furthermore, given the residential nature of the area, the garden of Maple Dean is already somewhat overlooked by neighbouring properties, including The Garth. Moreover, in residential locations such as this, it is not uncommon for there to be a small degree of overlooking between neighbouring properties.
22. Consequently, I find the proposal would not harm the living conditions of the occupiers of Maple Dean in respect of privacy. There is no conflict with paragraph 127 of the Framework which seeks, amongst other things that development provides a high standard of amenity for existing and future users.

³ Reference 18/02071/TPO and 18/02571

Other matters

23. The appellant has drawn my attention to several examples of infill development on Altwood Close which have reduced gaps between the detached dwellings. This includes the neighbouring dwelling of Maple Dean. I viewed these dwellings during my site visit, and it was apparent that there has been recent development in the locality of the appeal site. However, I have not been provided with the full details of those schemes, so I cannot be certain of the circumstances which led to them being found acceptable by the Council. In any event, I do not consider that these examples are directly comparable to the appeal site.
24. There have not been any recent developments on the stretch of Altwood Close which the appeal site fronts. This section of the street scene has maintained its original form and dwellings are well spaced out, with a defined building line set back from the highway. As I have found above, the introduction of the appeal proposal would be contrary to the current pattern of development and would appear as an incongruous addition to the street scene. In any event, all applications and appeals must be determined on their own planning merits which is what I have done.

Planning Balance and Conclusions

25. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. In the context of the development plan, I have found that the proposed development would be contrary to policies DG1, H10, H11 and N6 of the LP. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
27. The appellant contends that the proposal would provide a contribution towards the Council's 5 year housing supply. The proposal would provide a single dwelling appropriate for a local family in a location with good accessibility to local transport links and services. However, the provision of a single dwelling would make only a limited contribution towards the housing supply. The proposal would also provide minor economic benefits. The construction of the site would likely provide short term employment benefits and new residents would provide limited support to the existing facilities in the area.
28. However, I have found that the proposal would result in significant harm to the character and appearance of the area, including to a protected tree. Together these are matters to which I afford significant weight in decision making terms. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to achieve well designed places that contribute to protecting and enhancing the natural and built environment.
29. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

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

S Shapland

INSPECTOR