



Appeal Decision

Site Visit made on 16 February 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/T0355/D/20/3260378

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 the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00686, dated 14 March 2020, was refused by notice dated 10 September 2020.
 - The development proposed is a detached shed / store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted 1999, including alterations adopted 2003) (Local Plan). However, that policy relates to extensions, and makes no reference to detached outbuildings. Therefore that policy is not relevant to my assessment of the proposed development and the determination of the appeal.
3. The Council has referred to emerging policies in the emerging Borough Local Plan submission version (2017) and the emerging Borough Local Plan Submission Version Proposed Changes (2019). The Plan has not yet been found to be sound, and consequently any conflict or compliance with them has been given limited weight.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the protected trees on the site.

Reasons

Character and appearance

5. The appeal site contains a large two storey detached dwelling which is set back significantly from the road. A triple garage is connected to the property, and a driveway runs from the front of the plot to it. The area is a low-density residential area and a defining feature is its very leafy, woodland-type nature, with the tall trees at the appeal site contributing to its sylvan character. The

relatively open character of the frontage of the appeal site offers some visual relief from the thick hedging present at nearby properties.

6. The proposal, for a single storey outbuilding (storage shed), would be located in the front garden. It would be a structure of considerable size, relative to its surroundings. Its positioning very close to the road and its significant bulk and massing would mean that it would appear as a very dominant and obtrusive feature in the street scene. It would also considerably reduce the contribution that the garden area makes to the sense of spaciousness on this part of the street, which would undermine the character of Llanvair Drive when considered as a whole. The materials used and the access arrangements proposed would be appropriate, but these factors would not off-set the harm that the proposal would cause to the character and appearance of the area by reason of its large scale in an area where front gardens are predominantly undeveloped.
7. It has been suggested that the proposal could be largely screened by soft landscaping. Whilst information about the type of the proposed screening has been provided, the evidence is not clear as to the likely length of time that it might take to become established. As such, the proposal's harmful effect on the character and appearance of the area would persist whilst the screening grows. Moreover, due to the width of the proposal and its position, any proposed screening would need to encompass almost half of the whole frontage of this large plot. Due to this, and the height of the proposal, this extent of screening would, of itself, undermine the appeal site's contribution to spaciousness on this street. In these circumstances, I consider that a planning condition relating to soft landscaping would not make the proposed development acceptable in planning terms.
8. I observed the examples of nearby outbuildings highlighted by the appellant¹. The outbuildings at Nos 13 and 33 appeared modest in size, and are therefore not directly comparable. The outbuildings at Nos 17 and 58 were partially screened, but still appeared fairly dominant in the street scene, and accordingly, they confirm my view that the new outbuilding at the scale proposed would introduce an unduly strident feature in the street scene.
9. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the area. The proposal would conflict with Policy DG1 of the Local Plan and Policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan 2011 – 2026 (adopted 2014) (Neighbourhood Plan), which collectively seek to prevent harm to the character of the surrounding area. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework, which provides that planning decisions should ensure that developments are sympathetic to local character.

Protected trees

10. Several of the trees at the appeal site are protected by a Tree Preservation Order². As a group they contribute to the woodland-like setting which is a key feature of the character and appearance of the area. The evidence indicates that the driveway and the garage already impinge on the Root Protection Areas

¹ Including those at Nos 13, 17, 33 and 58 Llanvair Drive.

² Tree Preservation Order 042/1995/TPO

- (RPAs) of several trees at the appeal site, but the exact degree of any harm to functional roots has not been defined by the evidence provided by the parties.
11. No trees are proposed to be removed. The slab for the proposed shed would be raised above the existing ground level by the use of projecting piles, with the ground surface below the shed being unsurfaced. Hence, any ground disturbance would only occur via the supporting short-bored piles, meaning that any encroachment into the RPAs of relevant trees would be very limited. As the shed would be suspended by the use of piles, the 20% rule found in BS5837 would not apply to it. The greatest incursion into the RPAs would be through the proposed pathway. However, according to figures provided by the appellant, which have not been disputed by the Council, the proposed pathway would involve an incursion of approximately 4.25% into the RPA of T25, which would be well within the 20% rule. As such, I consider that the proposal would have a minimal impact on the RPAs of the relevant trees, meaning that their viability would be secured.
 12. An overriding justification for the proposal to be placed with the RPAs of the relevant trees has not been provided, and it has not been demonstrated that the encroachment into the RPAs of the relevant trees would be compensated for elsewhere (both required by BS5837), although the appellant has mentioned that land is available below the driveway. However, the construction methods proposed would ensure that the relevant trees would remain viable, and mitigation measures to improve the soil environment have been specified (again, both required by BS5837). Considering the minimal encroachment into the RPAs that the proposal would cause, it is considered that the deficiency with respect to the overriding justification and the compensatory measures is acceptable in this instance.
 13. Little detail has been provided with respect to how the proposed irrigation system would be maintained in the long-term. Nevertheless, the case studies provided demonstrate its likely effectiveness over several years, and therefore the proposed method does not fail on this point.
 14. In light of the above, I find that the proposal would have an acceptable effect on the protected trees on the site. The proposal would comply with Policy N6 of the Local Plan and Policy NP/EN2 of the Neighbourhood Plan, which collectively seek to ensure that development proposals retain important trees.

Conclusion

15. Whilst I have found the proposal to be acceptable in terms of protected trees, this does not overcome the conflict with the development plan in relation to matters of character and appearance. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR