The Planning Inspectorate

Appeal Decision

Site visit made on 8 June 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/T0355/D/23/3318499

29 York Road, Windsor, Berkshire SL4 3NX

- 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 Simon Arthur against the decision of the Royal Borough of Windsor and Maidenhead.
- The application Ref: 22/02431, dated 5 September 2022, was refused by notice dated 20 December 2022.
- The development proposed is described as Two storey extensions on South and West elevations with new and raised main roof, small single storey extensions on North and East elevations.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal reflects a design that I understand obtained planning permission previously at the site in 2006. From my review of the information before me, there is no indication that this planning permission was technically commenced within the required timescale. Whilst I acknowledge the previous planning permission, this was determined some time ago, and the planning policy context has changed and ultimately moved on. It is also incumbent on me to determine the case before me against the relevant development plan policies that now exist. As a result, I do not attribute the previous planning permission any meaningful weight in my assessment of the appeal proposal.

Main Issues

3. The main issues are the effects of the proposal on:

   - the character and appearance of the area; and
   - trees subject to Tree Preservation Orders within and adjacent to the appeal site.

Reasons

Character and appearance

4. The appeal property is a detached two storey dwelling situated on a corner plot at the junction of York Road with York Avenue. The surrounding area is characterised by a pleasant residential environment, and properties are

situated in spacious plots, set back from the highway with intervening landscape gardens and tree lined streets.

5. The characteristics of properties in the surrounding area to the appeal site vary in terms of their period of construction and design. A number of the properties along York Road have also evidently been significantly adapted over time, as a consequence there is mix of styles in the area.

6. The proposal would result in a considerable enlargement of the appeal property. This would include two storey extensions to the side towards York Avenue, to the rear within the garden and the existing ridgeline of the main dwelling would increase as a consequence. It is also proposed to construct single storey extensions to the front and to the other side elevation. The property would extend across the majority of the width of the plot and would be perceived predominately as a singular overall physical form.

7. In my view, without steps in ridge levels, building lines or other detailing to add visual interest and break up its physical form, as found elsewhere in the surrounding area, the proposal would present as a poor-quality design response, which would be exacerbated due to its scale and positioning on a corner plot.

8. I also have more general concerns with the design approach taken to the front elevation, the breaking of the eaves line with gabled peaks above the windows would result in an odd design feature, that is not reflective of the general approach found along the street scene.

9. Further, the overall massing of the proposed gabled elevation to York Avenue would appear visually oppressive as perceived from this direction due to its overall scale, appearance and proximity to the site boundary.

10. For the above reasons, I therefore find conflict with Policy QP3 of the Borough Local Plan 2013 to 2033 (the BLP), which amongst other matters, requires new development to contribute towards achieving sustainable high quality design that respects and enhances the local environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing and proportions. The proposal would also conflict with Policy DES.01 of the Windsor Neighbourhood Plan 2019 to 2034 (the NP) and associated Design Guide, which amongst other matters explains that new development should blend in and be compatible with surrounding properties. The proposal would also not accord with paragraph 130 of the National Planning Policy Framework (2021) (The Framework), which amongst other matters requires development to be sympathetic to local character and history, including the surrounding built environment.

Trees

11. The Willow tree to the north of the appeal site that is in close proximity to the side component of the appeal proposal is subject to a Tree Preservation Order[1] and I also understand that there is a further Tree Preservation Order relating to a Walnut tree[2] within the rear garden of the appeal property.

[1] TPO 065 2004
[2] TPO 006 of 2013

12. Policy NR 3 of the BLP explains that where trees are present on site or within influencing distance of the site, applications will need to be accompanied by, amongst other matters, an appropriate tree survey, tree constraints and tree protection plans. Policy NR 3 continues that the tree survey, tree constraints and tree protection plans shall comply with BS5837.

13. The planning application subject to this appeal was not accompanied via such documents, or similar, and the submissions through the appellant's appeal statement on this matter refer only to the comments from the Council's then tree officer when assessing the previous planning application back in 2006. Since that time, new development plan policies have been adopted, the Walnut tree has been subject to a Tree Preservation Order, and the Willow tree has continued to grow.

14. Paragraph 131 of the National Planning Policy Framework 2021 explains that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It further sets out that decisions should ensure that existing trees are retained wherever possible.

15. From my site visit it was evident to me that these two trees provide an important contribution to the character of the street scene. In particular, the appeal proposal would be in close proximity to the Willow tree and could potentially involve foundation works within its Root Protection Area and the removal of lower branches which ultimately could result in harm to the visual amenity of this tree and have a deteriorating impact upon its health. Whilst further away from the proposal, I also have uncertainty about the effects of the proposal upon the Walnut tree. Without any clear submissions before me about the effects of the development upon either the Willow tree or the Walnut tree, I am left in a position whereby I do not have adequate information before me to establish how these trees would be affected by the proposal now or within the future.

16. On the above basis, the proposal would conflict with Policy NR 3 of the BLP and paragraph 131 of the Framework.

Conclusion

17. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

J Evans

INSPECTOR