



Appeal Decision

Site visit made on 6 September 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/J0350/W/23/3317878

209 Littlebrook Avenue, Slough SL2 2PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Auvtar Lakhan against Slough Borough Council.
 - The application Ref P/17039/002, is dated 26 September 2022.
 - The development proposed is described as “recreational room”.
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Decision

1. The appeal is dismissed and planning permission for a recreational room is refused.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council have prepared an appeal statement which advises that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identify that the principal concerns relate to the effect of the development on the character and appearance of the area, including nearby trees. The Council have supplied a number of Policies, of which Core Policies 8 of the Slough Local Development Framework Core Strategy 2006–2026 (2008) (CS) and Policies EN1 and EN3 of The Local Plan for Slough (2004) (LP) appear to be pertinent to that matter.
3. The appellant’s submission refers to an application for a Certificate of Lawful Proposed Development. Nonetheless the application forms make clear that this appeal relates to a Householder Application for Planning Permission for works or extension to a dwelling. I have determined the appeal on the basis of what has been applied for.
4. It is stated that the Council’s submission relates to previous proposals for the erection of a dwelling house. Whilst part of the Council’s evidence relates to earlier proposals for the erection of a dwelling house, nonetheless there is commentary on the proposal, and I have no reason to assume that the putative reasons for refusal are not directly based on the current scheme.

Main Issues

5. The main issue is the effect of the development on the character and appearance of the area, including nearby trees.

Reasons

6. Littlebrook Avenue is located in a residential area which comprises blocks of flats and short rows of terraces which are grouped around small parking courts. This siting and form results in a degree of spaciousness around the buildings. The appeal site is a two-storey modern end of terrace dwelling with a large irregularly-shaped garden to the side. The garden, which is bordered by timber fencing, wraps around a parking court and adjoins the side elevation of 10 Parkview Chase. The garden contains trees and there is a significant belt of tree planting to the immediate rear of the site and the neighbouring properties. Some of these trees are protected by a Tree Preservation Order (TPO). This landscaping forms an important landscape setting to the area, which along with the separation between buildings, contributes to a spacious, green and verdant character to the area, to which the appeal site makes a positive contribution.
7. The proposal would result in the erection of a single storey flat roof recreational room. The top of the building would be visible from the surrounding area above the boundary fencing. Nonetheless, and notwithstanding the horizontal emphasis of the building, by virtue of its scale, siting and form, it would clearly be read as an ancillary outbuilding to the main dwelling. Furthermore, whilst the building would be located close to the site's boundaries, it would be visually separated from the appeal property and 10 Parkview Chase. This, in combination with the building's modest scale and single storey height would retain the characteristic spaciousness between dwellings.
8. As part of the development an oak tree would be removed. This tree is identified as T3 in the appellant's Arboricultural Report Implications Assessment (AR). Consent has been granted by the Council for the felling of this tree¹. Therefore, there is no objection to the removal of this tree.
9. The development would be located in the root protection area for an oak tree sited on the eastern boundary of the site and an oak tree on land to the rear of the site, identified as trees T1 and T2 in the appellant's AR. The evidence presented indicates that these trees would be retained and protected during the construction of the development.
10. Nonetheless, there would be limited separation between the proposed recreational room and the tree identified as T1 in the appellant's AR, and openings to the room would face this tree. Given the distances that would be involved, this mature tree would likely cause users of the recreational room concerns which may include overshadowing and the nuisance of leaf litter.
11. Even if users of the proposed recreational room did not consider these matters a nuisance, taking account of the size of the tree, its proximity to the proposed building and the resulting level of encroachment, users would likely be fearful of branches falling onto this building. This would create increased pressure to remove or substantially prune the tree and in turn this would have an adverse visual effect on the appearance of the area.
12. In light of this, whilst I have found that the proposal would not appear out of keeping with the pattern of development in the surrounding area, and that the building works could be carried out in a manner which safeguards protected trees, nonetheless I find that the future pressure to prune or fell a significant

¹ Reference tpo/2022/10

tree would have a harmful effect on the character and appearance of the area. Therefore, the proposal would conflict with Core Policy 8 of the CS and Policies EN1 and EN3 of the LP. These policies collectively require that development is of a high design quality which is compatible with its surroundings including in terms of visual impact and relationship to mature trees. They also state that existing mature trees which make a significant contribution to the landscape should be retained.

Other Matters

13. The appellant states that the scale of the proposed recreational room has been reduced. Whilst this may well be the case, nonetheless this does not overcome the conflict I have found in relation to the main issue.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Nichola Robinson

INSPECTOR