



Appeal Decision

Site visit made on 24 July 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/R0335/W/24/3339177

Ashirwad, 1 Roman Way, Warfield, Bracknell Forest RG42 7UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nat Modhwadia against the decision of Bracknell Forest Council.
 - The application Ref is 23/00328/FUL.
 - The development proposed is the change of use of adjacent amenity land to residential land and proposed erection of a two-storey front and side extension with a first-floor extension over an existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner above from the Council's decision notice as it is more concise than that included on the application form.

Main Issues

3. The main issue is the effect on the character and appearance of the host dwelling and area in terms of the proposed extension, the loss of amenity land and effect on protected trees.

Reasons

Proposed extension

4. 'Saved' Policy EN20 of the Bracknell Forest Borough Local Plan (2002) (LP) and Policy CS7 of the Core Strategy Development Plan Document (2008) (CS) and the National Planning Policy Framework ('the framework') seek to secure high quality development which responds to the character and appearance of the area. Sections 4.5 and 4.6 of the Bracknell Forest Council Design Guide Supplementary Planning Document (SPD) advises that proposed extensions should reflect the scale, proportions and design of the original building and should have a small footprint relative to the host dwelling.
5. The proposed side extension would be excessively wide. Combined with the overly large front extension, it would give rise to a very deep side elevation in comparison to the host dwelling. The proposals would project forward of the main building line and would also unacceptably dominate the front elevation of

the property. Cumulatively, the scheme would unduly increase the bulk and mass of the appellant's home. The development proposed would subsume the original house and appear overly prominent within the street scene.

6. The appeal property has a simple pitched roof form, with a single storey garage located forward of the front elevation. The appeal scheme would include a mix of design features and an overly complicated roof form. This would give rise to a cluttered design which would be at odds with the host dwelling.
7. The appeal proposal would fail to secure a high quality of design which successfully responds to the scale, proportions and design of the original house. Consequently, the appeal scheme would unacceptably harm the character and appearance of the host dwelling and the area. The proposals would conflict with CS Policy CS7 and LP 'Saved' Policy EN20, as well as guidance within the SPD and the provisions of the framework.

Loss of amenity land

8. Taken together, LP 'Saved' Policies H12 and EN20 seek to protect landscape areas from inappropriate development. The change of use of such areas to residential use should not be permitted where the site contributes to the character and appearance of the area.
9. The appeal property occupies a prominent position at the entrance to Roman Way. The appellant's home is separated from Harvest Ride by an area of amenity land. This landscaped area forms part of a wider wooded green corridor along Harvest Ride, as well as an attractive gateway to Roman Way. It includes a mixture of predominantly native tree species, as well as an understorey of vegetation. The Council advises that this area formed a landscape buffer within the original planning consent for the site. I recognise that the appellant has purchased this land and that it has previously not been managed. Nonetheless, as I have described, it forms an attractive landscape feature which positively contributes to the character and appearance of the area.
10. The proposal to extend the appellant's residential curtilage into the green space represents a significant intrusion into this landscaped area. Whilst I recognise that the mature trees within this area would be retained, the landscape buffer would be notably reduced in depth. The proposed side extension would project into the landscaped area and would stand significantly closer to Harvest Ride than the current arrangement. The overly large appeal extensions would be unacceptably visible through the reduced buffer.
11. I note that the landscape buffer between properties on Saxon Drive is less generous than that adjacent to the appellant's home. However, that site is not a prominent corner plot and the side elevation of the property facing Harvest Ride is significantly less bulky than the appeal proposals. The circumstances of that site are different to the appeal proposal. I have therefore afforded limited weight to this matter when considering the appeal.
12. Taking all of the above into account, the proposed change of use of the amenity land to residential curtilage would unacceptably harm the character and appearance of the site and area. Consequently, the proposals would conflict with LP 'Saved' Policies H12 and EN20 in this respect.

Protected Trees

13. Tree Preservation Order 1398 (TPO) covers trees within the landscape buffer. LP 'Saved' Policy EN1 advises that development should not result in the destruction of trees. 'Saved' Policy EN20 and CS Policy CS7P requires proposals to retain and enhance the landscape. Policy WNP11 of the Warfield Neighbourhood Plan 2013-2026 (2018) (WNP) seeks to protect mature trees.
14. The appellant's Tree Survey includes a Tree Protection Plan which demonstrates that the proposed development would not encroach into the root protection areas of the trees to be retained. Details of a protective barrier which, had the appeal been successful, would have been installed to protect the trees during development are also indicated. Therefore, the proposals would not harm protected trees in this respect.
15. The appellant's Tree Survey pre-dates TPO 1398 and therefore does not specifically identify protected trees. Nonetheless, it appears that the only protected trees identified for removal are G18, located within Area 1 of the TPO. The Tree Survey classifies this group as Category C specimens, which have a future lifespan of less than 10 years and are unlikely to form mature trees. In view of this, subject to a condition requiring replacement trees to be planted, their removal as part of the development would have been justified had the scheme been satisfactory in all other ways.
16. In conclusion, the proposed development would not be harmful to protected trees and consequently the proposals would not unduly impact the character and appearance of the site or area in this respect. Therefore, there would be no conflict with LP 'Saved' Policies EN1 and EN20 and Policy WNP11 of the WNP in this respect.

Other Matters

17. I have considered several matters raised by the appellant in support of the proposals. I note that the current scheme is smaller than the proposals considered under pre-app and that he considers his proposals would not set a precedent.
18. I acknowledge that the site is not located within a sensitive area, such as a Green Belt or Conservation Area. Also, the proposal would not be detrimental to highway safety or the living conditions of neighbouring occupiers.
19. Whilst No.2 Roman Way has a front extension, that structure is significantly smaller overall than the appeal scheme and is contained within the curtilage of the property, without intruding into a landscape buffer. As such the circumstances of that scheme differ significantly from the appeal proposal. Also, each development must be considered on its own merits. I have therefore afforded limited weight to this in support of allowing the appeal.
20. None of these matters, considered individually or collectively, would justify or overcome the overall harm that I have identified to the character and appearance of the site and area.

Conclusion

21. I have found that there would be no harm to the character and appearance of the area in terms of impact on protected trees. However, this would not be sufficient to outweigh the significant harm to the character and appearance of the area due to the unacceptable design of the proposed extension and the loss

of the amenity space. Therefore, the proposals conflict with the development plan as a whole and I conclude the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR