



Appeal Decision

Site visit made on 1 July 2014

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 July 2014

Appeal Ref: APP/T0355/A/14/2211641

Hunters Lodge and 1 & 2 Ascot Lodge, London Road, Ascot SL5 7EQ

- 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 N Craker (Shanly Homes Limited) against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 13/02708, dated 16 September 2013 was refused by notice dated 17 December 2013.
 - The development proposed is the demolition of the existing buildings and redevelopment to provide 10no dwellinghouses with associated parking/turning and landscaping.
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Decision

1. The appeal is dismissed.

The site, the surrounding area and the proposed development

2. The roughly triangular appeal site has an area of just less than 0.7ha and is located on the south side of London Road (A329), about 300m to the east of Ascot High Street. There are three existing properties on the site; Hunter's Lodge and Nos 1 and 2 Ascot Lodge. These are located centrally on the heavily treed site, most of which are subject to two Tree Preservation Orders (TPOs). The most noticeable trees comprise a large Lebanon Cedar in the middle of the site and the trees along its northern boundary with London Road. The site is level in its northern part but falls away steeply to the south towards the boundaries with dwellings along Wells Lane.

3. The area and this eastern approach to Ascot is mainly characterised by large to medium sized detached dwellings, set back from the surrounding roads and within verdant and well landscaped sites. However, to the south there are some smaller sites along Wells Lane which include 'Faith Cottage', 'Nut Tree Cottage' and 'Oakwell House'. The development known as 'Wellswood' lies to the west of the site and comprises 8 medium sized, detached and semi-detached, three storey houses set in landscaped gardens. This site formerly housed two dwellings. There are also some flatted developments close by, including the new development at Ascot Corner (under construction) to the east and the completed Sovereign Mews to the north west.

4. The proposal is to demolish the existing properties and to build 8 detached and 2 semi-detached houses on the site. Plots 2, 1, 10 and 9, along the London Road frontage, are shown as detached houses with lower, ground, first and second floors. Plot 8 is also detached and is indicated as having ground, first and second floors with a garage located to the front and immediately adjacent to house No 4 on the 'Wellswood' site. Plot 3, located centrally and to the north of the Lebanon Cedar tree, is also detached and is shown as a three storey house with ground, first and second floors. It shares a boundary with 'Little Queen Beeches' and 'The Stables' to the east. Two more centrally positioned detached houses are shown on plots 6 and 7. These

are three storeys (ground, first and second floors) and back on to the rear gardens of Nos 5 and 6 'Wellswood'.

5. The final two houses, on plots 4 and 5, are the semi-detached houses. These are on the steeper, southern part of the site close to the boundaries with 'Faith Cottage', 'Nut Tree Cottage', 'Oakwell House and the new development on the former site of 'The Bothy' in Wells Lane. These two houses are shown as having ground, first and second floors to their front (northern) elevations and lower ground, ground, first and second floors to their rear (southern elevation). The houses are of mixed sizes and designs. The London Road frontage ones have the appearance of tall town houses similar to some in Sovereign Mews. The ones in the middle of the site are more traditional in appearance and the semi-detached houses are different again and have the appearance of terraced town houses.

Preliminary matters, background information and relevant policy

6. There have been several other applications relating to the site since 2004. Two applications for the construction of 10 dwellings were refused permission in August 2005 and December 2012. Two applications were withdrawn. One was for 11 houses (October 2004) and the other was for 9 houses (March 2013). However, on 6 June 2013 planning permission was granted for 8 houses (Application No 13/00974) following demolition of the existing dwellings on the site. Demolition only, of the buildings on the site, was refused permission on 23 December 2013. There are two pending applications (14/00551 and 14/00616/CONDIT) relating to another proposal for 10 dwellings and details required by conditions.

7. The decision to refuse the application the subject of this appeal was made by the Head of Planning and Development under delegated powers. A full Design and Access Statement accompanied the application.

8. The development plan comprises the saved policies of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (RBWMLP) incorporating 'Alterations' which were adopted in June 2003. The most relevant policies in this case are Policy DG1 (guidelines for the assessment of new development); Policy H10 (standards of design and landscaping) and Policy H11 (density and effect on character and appearance).

9. The National Planning Policy Framework (NPPF) is a major material consideration and sets out a presumption in favour of sustainable development. Having noted the above policies I consider that they are up to date in relation to their consistency with the NPPF. National Planning Practice Guidance (PPG) which was introduced on 6 March 2014 is also a major material consideration. This cancels previous planning policy guidance documents and some circulars including Circular 11/95 on Conditions and agreements. However the Annex relating to Model Conditions is retained and planning guidance relating to conditions on legal agreements is set out in the PPG (ID21a-005-2014036). I have taken all relevant sections of the PPG into account.

10. The Royal Borough of Windsor and Maidenhead Townscape Assessment (RBWMTA) was approved in August 2010. This defines the broad areas of common townscape and their key characteristics and is also a material consideration in this case. So too is the Ascot Sunninghill and Sunningdale Neighbourhood Plan (ASSNP). This supports the development plan policies and those in the NPPF which seek to respect existing townscapes and to require good design.

11. The site also lies within the Thames Basin Heaths Special Protection Area (SPA). The Council's Thames Basin Heaths SPD sets out a preferred approach to ensure that new housing developments provide adequate mitigation measures for protecting and managing the ecological structure and function of the area to sustain the nationally

important breeding population of threatened bird species. In relation to the aims and objectives for this protection and management, the Council has an adopted Suitable Alternative Natural Greenspace (SANG) at Allen's Field. There is also a Strategic Access Management and Maintenance plan (SAMM) in place.

12. This proposal of 10 dwellings is within the 0.4km to 5km buffer zone around the SPA and thus a financial contribution (set out in a s106 agreement) is required as mitigation to ensure that additional residents of additional dwellings would not adversely impact upon the SPA.

13. The appellant has submitted a completed Unilateral Undertaking (UU) made under Section 106 of The Town and Country Planning Act 1990. This covers contributions to Affordable Housing, Education, Transport Public Open Space and other services; a SAMM contribution and a SANG contribution. These are all as set out in the Officer Report and the Council's appeal statement. The Council's Legal section has confirmed that the Land Registry Fee has been collected and that the UU has been entered as a Unilateral Notice on the registered title. I consider that the UU would be necessary in relation to the proposal and I am satisfied that the obligation meets the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the NPPF. I have taken it into account in reaching my decision.

14. I now turn to matters which do not form part of the main reasons for refusal. Firstly, with regard to the impact on protected trees, the Officer Report refers to the Tree Officer noting an improved relationship between the house on plot 3 and the Lebanon Cedar tree from a previous scheme. The loss of some trees had been accepted in the approval of the scheme for 8 houses referred to above. The only remaining concern appears to be that due to the number of dwellings on the site there are reduced opportunities for new tree planting.

15. However, this relates to the effect on overall character and appearance rather than relating to harm to any of the protected trees. I have read the Arboricultural Report and, having also noted that the Council does not refer to the impact on trees in their reasons for refusal, I am satisfied that the proposal would not detrimentally effect existing trees.

16. The Highway Authority does not raise any objections to the proposed scheme and is satisfied that the Council's parking and access standards would be met. Minor concerns about manoeuvrability within some plots are noted but I agree with the Council that such points could normally be covered by the imposition of conditions.

17. On matters relating to protected species, I also agree with the authority that, given that the impact was considered under the previously approved application, there appears to be no reason why this proposal should be refused on the basis of insufficient ecological surveys.

Main issues

18. The principle of redevelopment of the site for residential use is clearly acceptable. The only remaining disputes relate to Reasons for Refusal Nos 1 and 2. The main issues, therefore, are: firstly, the effect of the proposal on the character and appearance of this part of Ascot and, secondly, the effect on the living conditions of existing neighbouring residents.

19. During the course of my site visit various agreed measurements were taken on site to establish the approximate positions of the proposed dwellings on plots 4, 5, 6 and 7. I inspected the whole of the appeal site and the immediate surrounding area. I noted the new developments in progress at 'Ascot Corner' and Wells Lane, and also visited the completed development at Sovereign Mews which lies closer to the centre

of Ascot. I viewed the site from 'Nutmeg Cottage' and 'Oakwell House' in Wells Lane and from House No 5 in the 'Wellswood' development. I have also seen relevant drawings relating to the already approved 8 dwelling scheme for the site.

Effect on character and appearance

20. Having viewed the site from within its boundaries and from London Road, I share the Council's and others' concerns about the effect that this proposal would have on the character and appearance of the area. Whilst acknowledging that the existing dwellings in the locality are distinctly varied in size and design, most of the houses along the main road are perceived as being large villas set well back from the thoroughfare in woodland settings. This results in a distinctly semi-rural feel to the section of London Road between Cheapside Road to the east and St Georges Lane to the west. I agree, therefore, with the Council's interpretation that the character of this part of Ascot is 'semi-rural'.

21. Clearly, just before London Road meets the High Street, there is a much more urban character to the northern side of the road between Carbery Lane and the roundabout junction with the A330. However, when travelling along London Road to the east, there is a noticeable perception of leaving the built up area of Ascot centre and entering a 'semi-rural corridor' lined by mature trees. There are glimpses of the dwellings set well back within their generally large and wooded sites and the houses are well spaced out and do not give any impression of being cramped or tight within their verdant sites. The fact that the RBWMTA defines this area as 'semi-rural' reinforces my own view on this point.

22. The new developments at 'Wellswood' and 'Ascot Corner', although more open to the road and not in grounds which are obviously as spacious as some of the neighbouring properties are, nevertheless, still perceived as being within large landscaped sites. The 'Wellswood' houses are well spaced out with only two dwellings 'fronting' the road. The flats at 'Ascot Corner' have a more urban appearance. However, their overall scale and design is acceptable, in my view, and the development will still be perceived as being set within a well landscaped site along this 'semi-rural corridor' to the east of Ascot.

23. Based on the approximate check dimensions taken on site and having assessed the layout and positioning of the 10 dwellings, I consider that the proposed development would have a cramped and obtrusive appearance. Despite the fact that the approved scheme indicates 5 houses along the main road frontage, it is my view that the 'townhouse' type designs of the proposed houses on plots 2, 1, 10, 9 and 8 would be perceived as being out of character and obtrusive on this part of the site. The designs of the approved scheme are different and, although not as openly spaced out as other dwellings on nearby sites, they would still be seen as traditional villas behind the wooded boundary along this 'semi-rural corridor'. I acknowledge that these proposed frontage houses are similar in design to the dwellings in Sovereign Mews. However, this latter development is not located on the 'semi-rural corridor' and is adjacent to a much more densely packed area some distance away to the north west of London Road.

24. In addition to the impact of the above plots, I also consider that the grouping of 5 proposed dwellings in the middle and to the rear of the site (around the Lebanon Cedar tree) would also result in a cramped and out of character appearance on this particular site. This cramped appearance is emphasized when comparison is made with the already approved 8 dwelling scheme. Although plots 3 and 5 of this approved scheme are rather tight, plot 4 is set in a more spacious part of the site and would have all of the characteristics of a 'villa in a woodland setting'. In terms of its plot ratio

it would appear acceptable and appropriate in terms of its impact on the character and appearance of the area.

25. On the other hand the semi-detached houses on plots 4 and 5, when seen in close proximity to those on plots 6 and 7, would appear as being typical of dwellings on a much more densely developed residential estate. The overall effect, in my view, would be totally out of character on this site. I consider that the differences in house designs would also detract from the character and appearance of the area. The taller semi-detached (plots 4 and 5) and road frontage houses (plots 2, 1, 10, 9 and 8) are distinctly different in design the more traditional houses designed for plots 6 and 7.

26. The overall effect in terms of design would, in my view, result in a harmful hybrid scheme which would not accord with the aims and objectives of the development plan policies or with the NPPF design policies. I consider that the proposal is contrary to Policies DG1, H10 and H11 of the RBWMLP. These seek to ensure that new residential development schemes display high standards of design and landscaping and that development is not incompatible with the character and amenity of the area. Whilst acknowledging that the individual house designs might be acceptable in themselves, I find that the combination or mix of designs, together with the cramped layout amounts to a poor layout design overall.

27. In section 7 of the NPPF the Government attaches great importance to the design of the built environment and it is stated that good design is a key aspect of sustainable development; that good design is indivisible from good planning and that it should contribute positively to making places better for people. At paragraph 64 it indicates that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. I consider that the proposal is contrary to these aims and objectives and that this particular hybrid and tightly grouped scheme would be noticeably harmful to the character and appearance of this 'semi-rural' part of Ascot.

28. The Neighbourhood Plan (NP) policies are robust and comprehensive and reinforce the aims of the local plan policies and those of the NPPF in relation to the creation of developments of quality. The NP policies, as required by the NPPF, are based on sound objectives for the future of the area and upon an understanding and evaluation of the defining characteristics of the area. These defining characteristics would be significantly harmed by this particular proposal. In my view, the scheme would not lead to the establishment of a strong sense of place; it would not add to the overall quality of the area; it would not respond positively to local character; it would not reflect the identity of its surroundings and it would not, in my view, result in a visually attractive architectural scheme. In conclusion on this first issue, therefore, the appeal fails. I find that the proposal is contrary to the relevant policies of the RBWMLP; to policies in the NP and to policies in the NPPF.

The effect on the living conditions of existing and proposed residents

29. Having assessed the impact of the proposal on the living conditions of residents, again I share the concerns of the Council and others and particularly with regard to the impact of the proposed dwellings on plots 4 and 5. These are closer to the boundaries of 'Faith Cottage', 'Nut Tree Cottage' and 'Oakwell House' than the plot 4 dwelling of the approved scheme. Furthermore, the nearest part of this approved dwelling would comprise the lower hipped garage roof which, together with the main hipped roof slope away from the boundary. The appeal proposals for plots 4 and 5, on the other hand, are shown with mansard roofs and with a total height of around 12m.

30. I accept that the difference in levels; the orientation of the new proposed houses on plots 4 and 5 and the positioning of existing and proposed windows would not

result in any significant loss of daylight, direct sunlight or loss of privacy for the occupants of the dwellings along this part of Wells Lane. However, due to the differences in levels between the appeal site and the dwellings in Wells Lane the two new dwellings on plots 4 and 5 would be perceived as towering above the properties in Wells Lane. Having inspected the 'Nut Tree Cottage' and 'Oakwell House' sites and interiors, I consider that this would result in an overbearing effect for residents.

31. In particular, having viewed the site from an upper habitable room window to 'Oakwell House' I consider that the vertical emphasis and the overall height, bulk and massing of the houses on plots 4 and 5 would have an overbearing effect in terms of outlook for residents. Although 'Nut Tree Cottage' does not have any habitable windows directly facing the site, the bulk, massing and height of the proposed house on plot 4 would be significantly noticeable from this property. In effect, the proposed buildings on plots 4 and 5 are too high and too close to the boundary of the site.

32. Having viewed the site from the first floor of No 5 'Wellswood', I do not consider that there would be any significant loss of privacy or unacceptable overlooking for either existing or future residents. The distances between habitable room windows are acceptable and there would be no significant loss of direct sunlight or daylight. The houses on plots 6 and 7 would be slightly further away from the dwellings in 'Wellswood' and I do not consider that the new dwellings would have an unacceptable overbearing effect or impact on the outlook for existing residents.

33. However, in summary on the second issue, I conclude that the proposal would be significantly harmful to the living conditions of the occupants at 'Faith Cottage', 'Nut Tree Cottage' and 'Oakwell House'. This would be contrary to the aims and objectives of policy H11 of the RBWMLP as well as to NPPF policy which seeks to secure *'high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. The appeal also fails, therefore, on the second issue.

34. I have concluded that the proposed layout is cramped and of poor design and that it would be harmful to the living conditions of some existing residents. I do not consider, therefore, that planning permission ought to be granted for this proposal. The adverse impacts which I have identified above outweigh the presumption in favour of sustainable development set out in the NPPF as well as any other positive aspects of the proposal including any economic benefits.

Other Matters

35. In reaching my decision I have taken into account all other matters raised by the appellant, the Council and interested persons. These include the full planning history of the site (and particularly the approved scheme for 8 dwellings); the appellant's final comments dated 7 April 2014; the appellant's detailed assessment and comments on the Reasons for Refusal; the specific comments on all of the 10 proposed housing plots; the specific differences, positions and heights of the approved dwelling (plot 4) and the proposed dwellings (plots 4 and 5); the location of garages and effects on landscaping; the details set out in the Design and Access Statement; the Bat Survey; the Arboricultural documents and the Energy Statement. I have also taken into account all of the third party and interested person's submissions.

36. However, none carries sufficient weight to alter my conclusions on the main points at issue and nor is any other factor of such significance so as to change my decision that planning permission should not be granted for this particular proposal.

Anthony J Wharton

Inspector