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## Appeal Decision

Site visit made on 8 June 2020

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2020**

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**Appeal Ref: APP/R0335/W/20/3245883**

**13 and 15 Windlesham Road, Bracknell RG42 1TY**

- 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 Matt Taylor on behalf of Churchgate Premier Homes against the decision of Bracknell Forest Borough Council.
  - The application Ref 19/00756/FUL, dated 19 August 2019, was refused by notice dated 18 December 2019.
  - The development proposed is 4no new dwellings (2x semi-detached pairs) with associated landscaping and parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application that is now the subject of this appeal was originally refused for two separate reasons. However, the Council has confirmed in writing that it no longer wishes to defend its second reason for refusal relating to the Thames Basin Heaths Special Protection Area (the SPA). I shall determine the appeal on this basis.
3. There is nothing before me to indicate that the emerging Bracknell Town Neighbourhood Plan is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.
4. An additional plan<sup>1</sup> has been submitted by the appellant at appeal stage, which provides a site section and planting details. No alterations to the designs of the proposed dwellings or to the intended site layout have been put forward and the planting details are merely indicative at this stage. I am content that no party with an interest in this appeal is prejudiced by me accepting the additional plan and giving due consideration to it.

### Main Issues

5. The main issues are:
  - The effect upon the character of the Queensway Public Right of Way (the PROW); and
  - The effect upon the SPA.

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<sup>1</sup> 2594-PL-105 Rev E

## Reasons

### *Character of the PROW*

6. The appeal site is comprised of garden land that is, for the most part, situated to the rear of Nos 13 and 15 Windlesham Road (Nos 13 and 15). The site sits alongside the PROW, which runs an approximate north-south axis and is comprised of a footpath that is typically served by wide soft-landscaped verges to both of its sides.
7. The PROW links Moordale Avenue to Priestwood Avenue and offers pathed connections to both Windlesham Road and Meadow Vale Primary School (the school) in proximity to the site. Consistent with these various connections, I am of the understanding that the PROW is a popular and well-used route. Indeed, I myself observed it being walked by residents and being used for exercising dogs.
8. Owing much to the plentiful array of planted features that are situated to its verges and boundaries, the PROW has a green and sylvan character and appearance. It offers an attractive natural environment for its users and provides valuable relief from surrounding urban development. I note that outward views from the PROW are not solely influenced by existing vegetation. Indeed, towards its southern end, several residential properties have a close relationship to the PROW and are readily visible. I also observed, from inspection, available views of development situated to the opposite northern side of Moordale Avenue.
9. Nevertheless, views of surrounding development from the PROW are typically restricted and/or fleeting in nature. Indeed, whilst various buildings contained within the school's grounds are visible, the closest such buildings to the PROW are low-level and of limited visual prominence. Furthermore, various properties that front Windlesham Road's western side are served by long rear garden areas. Notwithstanding changing land levels, the distances involved help to ensure that development (to the PROW's eastern side) typically has a discreet and low-key presence. This is particularly when noting the various intervening planted features that also exist.
10. I acknowledge that there are blocks of flats of three storeys positioned close to the PROW towards its southern end, which are taller in height when compared to the dwellings that are proposed. However, the site is set away from these existing blocks and to the central part of the PROW where the nearest buildings, in comparison, are lower in height and tend to be setback longer distances.
11. Due to changing land levels, the proposed dwellings would be set beneath the ridge height exhibited by Nos 13 and 15. However, they would be setback only a comparatively short distance from the PROW's eastern edge. Whilst of similar intended design and appearance when compared to the typical composition of existing residential properties in the local area, the proposed dwellings would incorporate dormer window openings and second floor living space at roof level. The four dwellings, when considered together, would represent development of considerable scale and bulk. They would appear as unexpected and jarring additions in a particularly prominent location close to where footpath access from Windlesham Road connects into the PROW.

12. There are existing trees and other planted elements located to the site's southern and western boundaries, which provide a soft edge to the site. However, these planted buffers are not thick or substantial in nature. Indeed, I observed the single row of trees that aligns the site's western boundary to provide a far from impenetrable screen to views. This is even though the trees were in leaf at the point in time of my inspection.
13. I have noted reference to a Tree Preservation Order (TPO) being in place that potentially covers the trees situated alongside the site's western boundary. Whilst I have not been provided with evidence to confirm this, I am content that the trees, being of value and situated on public land, are not at risk of removal and I have considered the appeal on this basis.
14. It is the intention for existing boundary planting to be retained and supplemented as part of the proposal. The submitted indicative planting details illustrates this and includes a continuous row of new planting to the site's western edge. However, new planting, even if semi-mature when planted, would take time to fully establish and could not be relied upon to provide a permanent and solid buffer to views. This is because planting is ever evolving and dependent upon regular maintenance to retain a consistent form and may be reduced in scale or extent in the future. It is also the case that, due to the space constraints of the site, any scheme of new planting could not realistically be significant in scope. This is particularly so to the site's southern edge adjacent to where proposed Plot 4 would be sited.
15. For the above reasons, the proposal would cause harm to the green and sylvan character of the PROW. The proposal conflicts with saved Policy EN20 of the Bracknell Forest Borough Local Plan (January 2002) (the Local Plan) and Policy CS7 of the Core Strategy Development Plan Document (February 2008) (the Core Strategy) in so far as these policies require development to be in sympathy with the appearance and character of the local environment and be appropriate in scale, mass, design, materials, layout and siting, both in itself and in relation to adjoining buildings, spaces and views.

#### *The SPA*

16. The site lies in proximity to the SPA and therefore The Conservation of Habitats and Species Regulations 2017 apply. These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the implications of the project in view of the relevant site's conservation objectives. This aligns with the requirements of retained Policy NRM6 of The South East Plan (May 2009), saved Policy EN3 of the Local Plan, Policy CS14 of the Core Strategy and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (April 2018).
17. The site is located closer than 5km to the SPA and thus the proposal would be likely to have a significant effect upon it. I note from the evidence before me that the Council, in the process of determining the planning application that is now the subject of this appeal, undertook its own appropriate assessment. This ultimately identified a total SPA-related financial contribution for the proposal of £27,292 to mitigate the effects of the proposed development.

18. A completed legal agreement dated 2 June 2020, which has been signed by the main parties to this appeal and the relevant landowners is before me which secures the relevant financial contributions set out in the Council's evidence. This has allowed the Council to formally withdraw its second reason for refusing to grant planning permission.
19. Nevertheless, for the purposes of this appeal, I am the competent authority and must undertake my own appropriate assessment prior to considering the issue of mitigation. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment nor to pursue this matter any further as part of this decision. For the avoidance of doubt, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my conclusions on this appeal.

### **Other Matters**

20. I have noted objections/concerns raised by interested parties with respect to matters including drainage, highway safety, parking, noise and disturbance and the effect upon protected trees. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

### **Planning Balance**

21. The proposal would deliver four additional housing units and the National Planning Policy Framework (February 2019) reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. The site is centrally located and offers good connections to a wide range of locally based facilities and services. Nevertheless, four additional housing units would not make a noticeable difference to the Boroughwide housing supply situation and I apportion moderate weight to the benefit of their intended provision.
22. The scheme's benefits would not outweigh the significant harm and associated policy conflict that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

### **Conclusion**

23. For the above reasons, the appeal is dismissed.

*Andrew Smith*

INSPECTOR