
Appeal Decision

Site visit made on 12 January 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2021

Appeal Ref: APP/T0355/W/20/3260273

Pine Lodge, Hatch Lane, Windsor, SL4 3RW

- 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 Beechcroft Developments Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/03351, dated 27 November 2019, was refused by notice dated 4 September 2020.
 - The development proposed is the redevelopment of the former Thames Hospice to provide a retirement housing development of x45 dwellings comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5-storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The third parties mention the submission of an alternative planning application; however, I have not given that any consideration and dealt with this appeal solely on the merits of this particular submission.
3. The above description of development is taken from the appeal form, which tallies with the decision notice.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on neighbouring trees and;
 - whether the intended occupants would have adequate outdoor amenity areas.

Reasons

The effect on character and appearance

5. The Council characterises the area as Victorian Village, with larger 2 and 3 storey buildings on irregular narrow plots and no front gardens. Building styles are typically mid-late Victorian and early Edwardian, with rich detailing.

6. The site is occupied by an accumulation of various buildings with different styles and forms. They are generally low in height and sited well away from the site boundaries. None of the buildings are notable, the oldest building is dated as 1851 which was a lodge associated with the parkland of the nearby Clewer Manor House.
7. At the front of the appeal site is Hatch Lane which is a predominately Victorian street, largely consisting of houses slightly set back from the road with mature trees and hedges.
8. From Hatch Lane there is a footpath which follows along the northern edge of the site, which is wide, tarmacked and lit. It appeared to be well used as I noticed during my site visit perhaps as it is a short cut between neighbourhoods and is attractive being underneath a row of trees. The footpath continues beyond the rear of the site, where there are school playing fields and a recent housing development called Longbourn.
9. The footpath is fenced along the site boundary, but there are extensive views of the appeal site above it and similarly from the east due to the openness of the sports field.
10. The Design and Access Statement shows the evolution of the scheme. Hatch Lane would be fronted by two storey traditional style dwellings which would emulate that character. However, three buildings, would be located further into the site which would be 3 storeys high and deep in plan form. Two of these (A and B) would be located close to the footpath and would be visible.
11. The proposal shows that buildings A and B would have predominately flat roofs. The periphery would be pitched with hipped ends, but this would not disguise the flat roof behind. Moreover, the roofs would accentuate the buildings bulk.
12. The north elevation of building A would face the footpath, this would have an unbroken façade with repetitively uniform fenestration. This massing and detailing would not offer interest from the footpath, appearing utilitarian. There would be eaves height dormers, but these are numerous and in a regimented line, which would draw attention to the expanse of roof.
13. Building B is more broken in form. However, the eastern elevation has minimal fenestration and lacks interest. As a result, the eye would be focussed on the overall expanse of walling which would appear overly dominating. The roof form would also compound the impact as the flat roof would be discernible.
14. These buildings would have a considerable plan depth which would not be relieved by either the massing or detailing in the above elevations. The buildings' expanse would be readily apparent from the footpath particularly as it is so close. There would not be sufficient space around the buildings to offset their apparent bulk and therefore buildings A and B as designed would appear cramped.
15. The site is currently very unimposing on the footpath which allows for a sense of openness and appreciation of the adjacent trees. This character would be changed to one which would be enclosed and dominated by buildings.
16. I observed the new houses at Longbourn, which are 3 storeys. However, these have broken massing, which together with appropriate detailing, ensures they do not detract from the area.

17. The Design and Access Statement highlights other similar developments, however they do not justify the detailed scheme for this particular site.
18. As a result of the design for buildings A and B, I therefore conclude that the proposal, would harm the character of the area.
19. Policies DG1, H10 and H11 of The Royal Borough of Windsor and Maidenhead Local Plan (LP) seek compatibility with the street in particular with regard to scale, roofscape as well as high standards of design, enhancement of the existing environment and respect for the scale and density of the surroundings. The Borough Wide Design Guide provides detailed design criteria to create a sense of place. Particular attention is given to scale and massing and the need to respond to context as well as the importance of roofscapes. The contribution of detailing is also highlighted. The Borough Townscape Assessment identifies the area as Victorian Villas and provides detailed analysis of the character of the area.
20. Windsor Neighbourhood Plan Policy Des.01 highlights the need for appropriate massing, placement of buildings and architectural details.
21. The National Planning Policy Framework (the Framework) paragraphs 124, 127 and 130 require good design, response to context and a strong sense of place. The National Design Guide provides more detailed measures on these objectives. In particular it highlights the need for form and massing to respond to the surroundings. The proposal would conflict with the above policies and guidance.

Trees

22. There are currently trees within the site but both parties accept that they are insignificant and do not warrant retention. There are however notable oak trees (shown as TG47) with trunks on the neighbouring Longbourn gardens where the branches have encroached onto this site. They are the subject of a preservation order made in 2005 and described in the revised Arboricultural Report as in fair condition and 16m high. Currently their encroachment on to the site is inconsequential as the buildings are set back.
23. The proposed layout shows that the footprint of building B would be very close to the edge of the trees' canopy. Habitable rooms and private gardens would face the trees and at such proximity would be enclosed and suffer impaired daylighting.
24. These trees are a striking feature of the footpath, both for the extensive size of their protruding branches and the canopy formed overhead. However, the Arboricultural Report specifies their crown lifting to 5m: such removal of the branches would undermine the trees' distinctive shape and contribution to the character of the footpath.
25. Just outside the site, to the south, are veteran oak trees, which are covered by another preservation order. The nearest is T20, which is described in the aforementioned report as 20m tall and in fair condition.
26. Two parking bays would be within T20's Root Protection Area. The report indicates that only 1% of the area would be affected. Indeed, the roots that would be likely to be affected would be very small being furthest from the trunk. Moreover, the report states that the bays can be formed without

excavation and could be of a permeable and porous surface. In this regard the proposal would not be harmful.

27. However there would be a ground floor sitting room directly opposite the T20 tree as well as two private garden areas. Due to the height of the tree and aspect of the dwelling and gardens, they would be overshadowed. The proposal would lead to pressure for pruning, which would impair the stature and prospects of the tree.
28. The proposal would harm the above trees. Policy N6 of the LP requires development to respect existing trees. Paragraph 8 of the Framework seeks to protect and enhance the natural environment. The proposal would be in conflict.

Amenity areas

29. The submission details the intended amenity areas for the dwellings. The houses would each have their own amenity area, which would be large. The three blocks of flats would have shared amenity space, with some ground floor units having their own space.
30. The submission shows that the proposed spaces would be adequately sized and of usable shape. They would be well related and accessible to the units.
31. I therefore conclude that the proposal makes adequate provision for the intended residents.
32. Policy DG1 of the LP requires landscaped amenity areas. The proposal would not be in conflict with this policy.

Other matters

33. I am aware of concerns from the third parties about the impact on their living conditions. I did see the site from 13 Longbourn. However, the new buildings would be sufficiently distanced to avoid problems of privacy and shadowing.
34. There is a Special Area of Conservation on the other side of Windsor, but this is sufficiently distanced not to be harmed by the proposal. A survey of the appeal site indicates that bats are unlikely to be roosting but may use the site for foraging. However, this would not preclude development.

Planning Balance

35. Both parties acknowledge that the Council has a 4.08 years housing land supply and is not meeting its requirements. Paragraph 11 (d) of the Framework applies.
36. There are extensive community services, facilities, and public transport in the area and such accessibility would support the proposal. Its construction would have economic and social benefits. The new dwellings would also make a contribution towards housing land supply and 45 new dwellings would be significant. The proposal also provides specific accommodation for the 55+ age group which is an increasing need. Fourteen of these houses would be affordable as confirmed in the submitted Section 106 agreement.
37. The existing site has been used by a hospice and they are currently building a new facility elsewhere. The appeal site is brownfield and such reuse is

promoted by the Framework. Similarly, the efficient use of sites and density are highlighted in the Framework.

38. The proposal would harm the character and appearance of the area and the adjacent trees. Accordingly, the proposal contravenes paragraphs 8, 124, 127 and 130 of the Framework which seek to safeguard the natural environment as well as promote well designed places. The land supply shortfall questions the development plan housing policies, but the general thrust of policies, which require good design and response to the context of the site and surroundings and protection of significant trees, is still an appropriate strategy.
39. In overall balance, I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

40. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR