



Appeal Decision

Site Visit made on 26 November 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/T0355/W/20/3257603

Land adjacent to The Garden Lodge, Bagshot Road, ASCOT, SL5 9JG

- 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 Alchemistico Ltd against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00837, dated 31 March 2020, was refused by notice dated 7 July 2020.
 - The development proposed is construction of a detached dwelling with integral garage following demolition of the existing outbuilding/garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address in the application form referred to St Mary's Lodge. The appellant has used a revised site address in the appeal form which is more closely aligned with the site address set out in the Council's decision notice. However, I consider the site address identified by the appellant is the most accurate description of the site as it lies adjacent to the Garden Lodge. Accordingly, I have used this in the banner above.
3. During the course of the appeal the appellant submitted a completed S106 legal agreement dated 26th October 2020. This was to secure mitigation and monitoring measures for effects on the Thames Basin Heath Special Protection Area (SPA). In addition, the appellant, as part of their Statement of Case submitted a Preliminary Ecological Appraisal Report addressing the potential impact on bats. The Council's ecologist has had the opportunity to comment on this report and accordingly I am satisfied that no party would be prejudiced, and I have accepted these documents.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) protected species, with particular regard to bats.

Reasons

Character and Appearance

5. The appeal site is located on a prominent corner position at the junction of St Mary's Road and Bagshot Road. The character of this attractive residential area is defined by generally very large dwellings set in extensive grounds. Within the immediate proximity of the site, dwellings generally display an appearance of grandeur with a strong horizontal emphasis within their plots. The extensive vegetation and tree cover provides a pleasant verdant backdrop to the built environment, providing a woodland setting which contributes significantly to its character.
6. The site and the immediate area is described within the Council's townscape appraisal¹ as a 'Villas in a Woodland townscape'. Specific characteristics that contribute to this townscape include its tranquil peaceful environment, extremely low-density residential suburb comprising large, irregular plots and dwellings with extremely large footprints set within large garden plots. The built form makes a substantial contribution to the character of this area.
7. The proposed dwelling would be sited fairly deep in the plot with a gravelled driveway to the front onto St Mary's Road. The plot width is narrower than the general character of the surrounding dwellings along St Mary's Road, although there are narrower plot widths in the wider area. However, the corner location results in a significant challenge to accommodate a dwelling that is sympathetic to the horizontal emphasis of dwellings together with retaining the spacious character that defines the villas in a woodland townscape.
8. Notwithstanding the evolution of the scheme from previous decisions², the proposed design is uncharacteristic of surrounding dwellings and in an attempt to integrate it into the plot, it appears contrived. The front elevation incorporates a two-storey front projection with two narrow front gables. This gives it more of a vertical emphasis. With this sitting forward of the main building it becomes a dominant aspect and given the set back nature of the side elevations, this projection with its narrow vertical gables becomes a prominent vertical feature.
9. The proposed canopy to the front is angled in an attempt to increase the horizontal emphasis of the dwelling but does not sit well and appears an awkward addition to the front of the dwelling. Whilst the first-floor addition over the garage provides increased massing at first floor level, the varying set back elements do not provide a horizontal emphasis to the building. Rather the disparate elements appear contrived and do not give the appearance of an integrated high-quality design response to the site given its prominent location. Whilst the large bay windows, horizontal weatherboards and tile band attempt to provide some horizontal emphasis, the overall appearance is one of a disjointed design still with a vertical appearance. The design appears odd and is symptomatic of the constrained nature of the plot. In this regard, it would not integrate well with the horizontal emphasis of the surrounding larger dwellings.
10. Furthermore, the site is visible along Bagshot Road due to the lack of significant vegetation screening on the boundary. I did not find the boundary with Bagshot Road to be well screened on my visit. The first-floor

¹ Royal Borough of Windsor and Maidenhead Townscape Appraisal – Vol 3 Ascot

² APP/T0355/W/16/3153088 & APP/T0355/W/18/3200613

accommodation above the garage adds considerable bulk to the side elevation on this boundary. Considering the proximity to the site boundary, and the level of screening now present at the site and the incongruous design I consider the dwelling would become dominant and intrusive in the street scene along Bagshot Road. The limited screening of the appeal site would only serve to highlight this and the constrained nature of the plot. Whilst I note the proposal for a scheme of landscaping, I do not consider this would effectively mitigate the impact of the dwelling in the street scene.

11. Although the adjacent Garden Lodge has a side elevation facing Bagshot Road, this is well screened behind conifers. In any event, this does not have the same incongruous appearance the appeal proposal would.
12. For the reasons above, the proposal would result in harm to the character and appearance of the area. Accordingly, it would be in conflict with Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted 2003) (Local Plan) and Policies NP/DG1, NP/DG2 and NP/DG3 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026. Amongst other matters, these policies seek that development proposals should be of the highest standards of design in order to create attractive residential areas, should not harm the character and appearance of the area with regard to scale or layout, and should respond positively to townscape, integrate with local surroundings and local context as well as the built environment.
13. The proposal would also be contrary to Paragraph 127 of the National Planning Policy Framework (the Framework) which states that development should be visually attractive as a result of layout and should be sympathetic to local character, including the surrounding built environment and landscape setting.

Protected Species

14. Given the surrounding tree cover on site and the existing outbuilding, there is a likelihood that bats could be present on the site. The Council have reviewed the submitted ecological appraisal by the appellant and are satisfied that it provides sufficient information to assess the potential effects the proposal could have on protected species and other habitats. The report concludes that with the protection of existing trees and an appropriate designed landscaping scheme this will enhance the site for traversing and foraging bats and will not have a harmful impact on biodiversity. In this regard, the Council has suggested conditions in respect of a Construction Environmental Management Plan, a scheme of landscaping and a lighting strategy. In my judgement, were planning permission to be granted, such conditions would be likely to mitigate the impact of the proposal on protected species.
15. Against this background, in respect of this main issue, consequently, the proposal will not result in harm to protected species, specifically bats. Accordingly, the scheme would not be in conflict with the aims of the Framework which seeks to protect and enhance biodiversity.

Other Matters

16. The appeal site lies within 2km of the SPA, designated for its populations of woodlark, nightjar and the Dartford Warbler. The SPA is sensitive to increased recreational pressure. The parties agree that the proposed dwelling in

combination with other development would contribute to the pressure. The SPD sets out a strategy to secure Suitable Alternative Natural Greenspace (SANG) to draw visitors away from the SPA and reduce recreational pressure on it.

17. The completed S106 agreement would appear to secure the necessary avoidance and mitigation measures and access monitoring arrangements to mitigate the impact on the SPA, which would be directed to the Council's identified Suitable Alternative Natural Greenspace (SANG) at Allen's Field. This is in line with the Council's preferred approach to SPA mitigation on smaller housing sites in line with the Council's Thames Basin Heath SPA Supplementary Planning Document (2010). Whilst this appears to have overcome the Council's concerns regarding the effect of the development on the SPA, in light of my findings on the main issue above, I do not consider it necessary to look at this matter in detail.
18. The appellant has referred to a number of examples of existing developments in the area which they consider are relevant to the scheme before me. I observed each of these on my visit. This demonstrates there are examples of dwellings in narrower plots with limited spacing to the boundaries. However, some of these were permitted prior to the adoption of the neighbourhood plan. Whilst I acknowledge the emerging neighbourhood plan and townscape appraisal may have informed these schemes, the neighbourhood plan and the more stringent design policy was not adopted. Thus, these decisions do not provide a justification for the scheme before me.
19. In respect of more recent decisions, the development at the Covert³, is located off the main road further along a quiet cul de sac. Further, whilst they have narrower plot widths than the prevailing character, the dwellings are set back into the site from the highway and are seen in a different context to the scheme before me which has a prominent corner siting along a main road. In addition, the group of dwellings⁴ further north east along Bagshot Road do have narrower plots, but again are set back from the main road. However, the evidence before me does not indicate these are recent permissions and the planning circumstances behind them may not be comparable to the scheme before me.
20. In any event, I acknowledge the existence of dwellings with narrower plot widths within the area. In this regard they contribute to the area's character. However, it is the site-specific circumstances and the immediate character of the area within the vicinity of the site, to which I attach greatest importance. Even if I was to find that the narrower plot in this instance acceptable, for the reasons above, given the prominence of the site and proposed elevations, it is essential that the design is of the highest quality. In this instance the contrived design on this prominent plot would only serve to emphasise the narrowness of the plot resulting in the dwelling appearing incongruous within it. Thus, it would not be visually acceptable.

Planning Balance

21. The Council is unable to demonstrate a 5-year supply of housing and therefore paragraph 11 of the Framework is engaged. However, I have not been provided with the exact nature of the shortfall.

³ 18/04120

⁴ Nagina, Cheynings, Marlowe and Galileo

22. The proposal would contribute one dwelling to the area's housing stock in line with the Government's aim in Framework Paragraph 59 to significantly boost the supply of homes. It would also contribute to small sites delivery in the area. However, any benefits that might be associated with one dwelling would be modest and would not outweigh the considerable harm I have found to the area's character and appearance. I attach significant weight to this harm given the attractive townscape character. Whilst the proposal would be acceptable in relation to the effect on protected species, this is a neutral matter.
23. In summary, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework (specifically Paragraphs 59, 68, 127 and 130) taken as a whole. The proposal would conflict with the development plan and the other considerations including the Framework, do not outweigh this finding.

Conclusion

24. Therefore, for the reasons above, I see no reason to take a decision other than in accordance with the development plan. Accordingly, the appeal does not succeed.

S Thomas

INSPECTOR