



Appeal Decision

Site visit made on 15 June 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/T0355/W/20/3265865

Hill House, Cross Road, Sunningdale SL5 9RX

- 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 Dudley Mills of Kebbell Country Homes Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00780, dated 18 March 2020, was refused by notice dated 3 August 2020.
 - The development proposed is erection of 10 no. apartments with basement parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are potential likely significant effects on the Thames Basin Heaths Special Protection Area, and under this appeal I am the competent authority for the purposes of the habitats regulations, a matter which I will return to later in my decision.
3. New evidence was submitted by the appellant under the appeal, comprising updated biodiversity reporting and drawings pursuant to illustrating the relationship with a previous planning permission at the site. The Council and other interested parties will have had an opportunity to comment on the new evidence and put forward their representations for consideration. The new evidence has been accepted and the appeal has been dealt with accordingly.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The site is located on land associated with Hill House, which sits at an elevated position on the north eastern extent of Cross Road, within an area described as a 'leafy residential suburb'¹. Directly adjacent to the site is Sunningdale Heath Golf course and a single storey clubhouse, and another site where planning permission² was granted for a building comprising apartments, which is consistent in scale with the residential buildings directly opposite on the south western extent of Cross Road.

¹ Royal Borough of Windsor and Maidenhead Townscape Assessment 2010

² 16/02220/FULL

6. Further afield, there are a number of larger dwellings falling within a different townscape area, described as 'villas in a woodland setting'. These are beyond the south western extent of Cross Road and clearly severable from the site in relation to their context. In terms of the site, there are a significant number of mature trees populating its grounds and along its boundaries, and in particular trees along the south western boundary provide effective screening of views from along Cross Road. A number of trees are subject to tree preservation orders, due to their importance in underpinning the leafy residential suburb typology. Within the site exists Hill House, which is generally consistent with the scale of other buildings nearby.
7. The site has a detailed planning history, where, among other things, a proposal for an apartment building was granted planning permission³ and which in essence establishes the principle of development and the acceptability of a replacement building in terms of character and appearance. Moreover, the details put forward would appear to illustrate a building that is consistent with the scale of other residential buildings in the vicinity.
8. Conversely, and more recently, a larger apartment building was considered under appeal⁴, where the proposal was ultimately dismissed in part because of apparent incongruous bulk. Subsequent to this, an apartment building with reduced bulk was granted planning permission⁵ by the Council, severable in character and appearance in comparison to the proposal dismissed at appeal largely due to subservient rear proportions.
9. The proposal appears at least in part to have been re-designed in response to the reasoning under the forgoing appeal and subsequent to the most recent planning permission and would deliver a new building comprising 10 no. apartments with basement parking following demolition of Hill House. Consequently, the frontage of the new building when viewed from the direction of Cross Road would now present itself in an almost identical manner to that of the buildings already granted planning permission at the site.
10. However, the rear proportions of the proposal would still be substantial and far in excess of the most recent building permitted at the site, including the building permitted adjacent to the south west, the existing golf course building to the north east, and other residential buildings opposite on the south western extent of Cross Road. This is all notwithstanding the relatively low density of the units proposed. Consequently, when viewed from eastern vantage points in particular, it would present itself as an incongruous addition to the street scene, a conclusion consistent with the forgoing appeal decision.
11. For example, there are already glimpses of Hill House through the eastern boundary of the site, and notwithstanding the street scene image or most recent planning permission, it has not been demonstrated that the substantial bulk of the proposal (notwithstanding some reductions in height compared to Hill House) would be adequately screened from this perspective, or other perspectives from this direction. It is clear from the foregoing appeal decision, in conjunction with my site visit, and based on the evidence in front of me, that there is a tangible risk of additional visual impacts as a result of a bulkier proposal at the site.

³ 17/00120

⁴ APP/T0355/W/19/3221751

⁵ 20/03102/FULL

12. In addition to the bulk of the overall proposal, it appears that the building would present itself as two distinctly different sections of built form. The front of the building would be of traditional design and materials. Whereas the rear of the building would be of more contemporary design and materials.
13. There may be an apparent variation of materials in the area but there is no evidence of such a split design approach in other buildings within the vicinity. Consequently, this would compound the incongruity of the proposal. It is not clear how the use of different design detailing, such as materials palette, would make the rear proportions subordinate, as the scale of the building would still be self-evident even if the materials were not the same.
14. Further on this split design, it is clear that the most recent planning permission at the site achieves rear proportions that are subservient to the main built form of the building, that originally received planning permission at the site. The proposal reintroduces rear proportions much more akin to the previous proposal that failed at appeal where, notwithstanding some limited amendments to height and elevational details in this case, the depth and width are still appreciable and altogether depart from the most recent planning permission to the degree where it again does not appear to have a subservient relationship with the main built form.
15. It is acknowledged that the proposal may result in apartments on every site on this side of Cross Road from the A30 London Road to Sunningdale Heath Golf Club. However, it remains the case that the extant planning permission at the site would be more in keeping with the scale of these other buildings. Ultimately, the proposal in this case culminates in something too large in comparison to the prevailing development, both existing and potentially forthcoming.
16. In terms of potential effects on trees, although the proposal would deliver a much larger building at the site, the plot of land within which it sits is significant and I cannot conclude that it would be cramped to the degree where boundary trees would become overly impinged upon. In this context, the revised proposal has been able to evolve the design of the building's second floor so that it no longer sits close against some of the trees that were of original concern to the Council.
17. It is understood that limited pruning of one particular tree⁶ would be explicitly required to facilitate the proposal. However, given the significant number of trees within the site, and their collective value, it is considered limited pruning to one tree would not undermine the contribution they make as a whole. Consequently, even in the unlikely worst case scenario, where limited pruning would sufficiently inhibit photosynthesis, harm derived from the proposal in this context would be limited.
18. Further pressures on boundary trees are predicted by the Council, on the basis that future occupiers would be overshadowed, among other things. Notwithstanding that Hill House is already existing, in conjunction with the other approved proposal at the site, there is no evidence of a purported overshadowing effect before me. In addition, there is no evidence that the proposal would physically impede the canopy spread or root system of the other trees to the extent where their health would be negatively affected.

⁶ T17

19. Notwithstanding foregoing appeals, in consideration of the above, coupled with design evolution associated with the planning history of the site, it is not clear why such development pressures on trees would still exist and cannot be appropriately resisted or controlled under the existing tree preservation order regime, or some other planning mechanism, perhaps a planning condition. Accordingly, the collective physical integrity of the trees on the site would appear to be preserved under the proposal, which would not give rise to harmful effects on character and appearance in this context.
20. Overall, notwithstanding my conclusion on trees, the proposal would still deliver a building of uncharacteristic bulk which would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 2003; Policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2014. Among other things, these policies seek to ensure that proposals respect the distinctiveness of an area.

Other Matters

21. Notwithstanding potential likely significant effects on the Thames Basin Heaths Special Protection Area, or any potential planning obligations required or provided therein, as I am dismissing the appeal for other reasons, it is not necessary for me to make a definitive finding on this particular matter.
22. Similarly, in terms of effects of the proposal on biodiversity, although the matter was a reason for refusal, subsequent evidence submitted by the appellant has satisfied the Council's position. Notwithstanding any other interested party comments, as I am dismissing the appeal for other reasons, I have not dealt with these biodiversity matters further.
23. The principle of development is not disputed, and it is acknowledged that the proposal would have social and economic benefits, pursuant to the supply of homes and the use of previously developed land, which is encouraged over greenfield land. Furthermore, it is not disputed whether the Council can demonstrate a five year housing land supply, however the appellant has not put forward their position on what they think the level of shortfall is.
24. Consequently, it is not clear how the assessment of windfall sites relates to the wider housing land supply position, and the proposal's contribution to that position. I cannot conclude that the proposal would carry any more than limited weight in this context. Furthermore, even if the shortfall was substantial, the limited quantum of development would in itself mean that associated benefits would carry limited weight in any event. Accordingly, adverse impacts identified under the main issue would significantly and demonstrably outweigh the benefits in this case, and the presumption in favour of sustainable development would not apply.

Conclusion

25. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR