
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/20/3265991
Wilbury Cottage, Beech Hill Road SL5 0BN

- 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 S Sahota of Tej Properties Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/02434, dated 15 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is erection of two storey building with accommodation in the roof to provide 7 no. apartments and altered access, parking and landscaping following demolition of existing dwellinghouse.
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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 an updated site layout drawing. 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 Wilbury Cottage, which sits within an area described as a Victorian Village¹ wherein Beech Hill Road is predominantly characterised by rows of terraced and semi-detached properties around two storeys in height with consistent traditional materials, and well established building lines.

¹ Royal Borough of Windsor and Maidenhead Townscape Assessment 2010

6. It is acknowledged that there is some deviation from this character, owing to the presence of detached properties and commercial frontages nearby, albeit any departure is limited and subservient to the prevailing pattern of development along Beech Hill Road and mostly concentrated along Rise Road. The existing cottage at the site is a small unassuming building set within an appreciably sized plot, viewed and softened within the leafy character and appearance of Beech Hill Road, and consequently it makes a limited and inconspicuous contribution to the street scene.
7. The proposal would introduce a much larger building onto the site compared to what is existing. It would therefore present itself as a much more noticeable and conspicuous addition to the street scene, even with natural boundary features. Consequently, its nature would be much more prominent, emphasising its discordance with the prevailing pattern of development, comprising mostly smaller semi-detached and terraced properties with strong building lines, reflective of the Victorian Village typology along Beech Hill Road.
8. Even in the context of the eastern extent of Beech Hill Road in isolation, where there is a relatively lower density in the general pattern of development, the existing properties therein are unassuming in comparison to the proposal, which would dominate the prevailing character and appearance of the street. The appellant provides a number of comparisons pursuant to the detailed design of other properties nearby, the majority of which appear to be on Rise Road, which is of limited value because the proposal sits within the context of Beech Hill Road. I have therefore given these comparisons limited weight.
9. There is no evidence of a pattern of development comprising larger detached buildings within the setting of Beech Hill Road, at least of the scale proposed in this case. Consequently, at a fundamental level, the form of the building would conflict with its context, looking out of place, and by reason of scale is set apart from the existing cottage's role in the street scene. Furthermore, the use of more contemporary materials would see further departures from the character of other buildings in the vicinity, including the existing cottage itself. Altogether therefore, the proposal's built form would harm the character and appearance of the area.
10. The area is permeated with mature vegetation, comprising hedgerows and trees. In this context, the site includes a number of locally important trees, including those covered by tree preservation order, which together make a positive contribution to an otherwise soft and leafy vernacular along Beech Hill Road. In particular, a Blue Atlas Cedar (T3) subject to a tree preservation order is located along the western boundary of the site and other trees (T1 and T15 through T23) along the southern boundary of the site. Given the relatively small size of the existing cottage relative to the plot, the existing trees and the dwelling currently exist in relative harmony.
11. Ridge House and Fox Dene Cottage immediately adjacent to the site would appear to constrain a significant proportion of the root protection zones associated with a number of the trees on site, wherein there is no conclusive evidence of root growth. In this context, the garden area of Wilbury Cottage is seen as vital for the long term health of the trees. Similar to the forgoing assessment of the effects resultant from the proposal's built form, given the proposal would introduce a much larger building onto the site compared to what is existing, there would be a breach of root protection areas.

12. This breach in and of itself may not be significant and is mitigated somewhat by the favourable siting of the proposal further away from the root protection area of the Blue Atlas Cedar, when compared to the existing cottage. It is even arguable, given this favourable siting, that there would be potential benefits. However, this point is not clear as although the siting of the building may be favourable, the absence of a soil assessment and foundation design for the cross-over and other hardstanding, creates doubt about the overall effects of the proposal.
13. Furthermore, it is not clear that the submitted root radar survey is comprehensive, appearing to cover approximately 50% of the trees' root protection areas. It is not clear that the findings of roots beneath Beech Hill Road can be reliably extrapolated to conclude that there is an integral and functioning root system throughout the rest of the site and beneath adjacent properties.
14. Therefore, I cannot reliably conclude that the root system is of a sufficient extent to mitigate the encroachment of the proposal. Consequently, and altogether, I cannot be confident that the proposal would not give rise to development pressures on the trees, that would result in poor long term health and deterioration.
15. Overall, the proposal would have harmful effects on the character and appearance of the area. This would conflict with Policies DG1, N6, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 2003, and Policies NP/DG1, NP/DG2, NP/DG3 and NP/EN2 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

16. 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.
17. Similarly, in terms of the effects of the proposal on highway safety, 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 highways matters further.
18. 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.
19. 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.

20. 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

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

Liam Page

INSPECTOR