



Appeal Decision

Site visit made on 4 May 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/T0355/W/21/3287700

Tarn Hows, Waltham Road, Maidenhead, Berkshire SL6 3NH

- 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 Mrs Alison Jones against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01929, dated 13 June 2021, was refused by notice dated 16 September 2021.
 - The development proposed is demolition of existing garage and construction of new 3 bedroom detached dwelling including vehicular access onto Waltham Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the appeal form was submitted in the name of Mr Wayne Jones, as per section 78 of the Town and Country Planning Act 1990 (as amended), the appeal will proceed in the name of the original applicant, Mrs Alison Jones. This approach has been confirmed in correspondence with the parties.
3. Since determination of the appeal application, the Borough Local Plan (2013 – 2033) (Local Plan) has been formally adopted by the Council, and now forms part of the Council's development plan. Given that the appellant has had opportunity to comment, I am satisfied that I can determine this appeal with regard to the latest development plan policies, without prejudice to the main parties. I have therefore proceeded on this basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the biodiversity of the appeal site.

Reasons

Character and Appearance

5. The appeal property comprises a large, two-storey detached dwelling located on the eastern side of Waltham Road, and has a connected single storey garage on the northern side of its plot. Whilst there is an airfield opposite, the area is nonetheless residential in character, and is made up of similarly sized detached houses, which typically benefit from wide frontages. Notwithstanding

the variations in architectural style between properties, they share a broad similarity in terms of size and scale, which gives a coherent rhythm to the pattern and arrangement of built form along the road. This contributes positively to the overarching street scene.

6. The proposed development would subdivide the existing plot, to create an additional residential dwelling in place of the current garage. Whilst its proposed height would be broadly reflective of the properties either side, its width and footprint would be significantly smaller. As a result, the new dwelling would appear uncharacteristically narrow when viewed alongside its neighbouring properties, leading to an incongruous mismatch between them in terms of size and scale. In this context, the new dwelling would appear overly cramped and constrained, which would upset the coherent rhythm of built form along the road.
7. The development would therefore harm the character and appearance of the area. It would conflict with Policy QP3 of the Local Plan, which requires new development to respect and enhance local character, paying particular regard to height, scale, bulk and massing. The development would also conflict with guidance set out in the Council's Design Guide (2020)¹, which reiterates that new development should reflect and integrate well with the spacing, heights, bulk, massing and building footprints of existing buildings. Finally, the development would conflict with the overarching design principles of the National Planning Policy Framework (2021) (Framework).

Biodiversity

8. The Council's ecologist has indicated that the existing garage may be suitable for use by roosting bats, and therefore requested a bat survey/report to determine whether these protected species are present, and if so, what measures could be employed to help mitigate against any impact arising from the proposal.
9. Whilst the appellant has said that an informal inspection of the appeal property has revealed no evidence of any bats being present, no further evidence has been submitted to support this supposition. I am therefore unable to properly consider any potential impact of the development on the biodiversity of the site (and specifically protected species), nor can I assess whether any particular measures could be taken by the appellant in order to mitigate against any identified impact. A precautionary approach is therefore needed.
10. Circular 06/2005² (Circular) is clear that the presence of protected species should usually be established before planning permission is granted, "*otherwise all relevant material considerations may not have been addressed in making the decision*". The Circular goes on to say that "*the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances*". There is no evidence before me to suggest there are any such exceptional circumstances in this instance. Without knowing the effect the proposal may have on protected species, it is not possible to demonstrate that these could be adequately mitigated.

¹ Royal Borough of Windsor & Maidenhead, Borough Wide Design Guide (June 2020)

² Paragraph 99, Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System

11. In the absence of any substantive evidence before me on which I can conclude otherwise, the proposal would conflict with Policy NR2 of the Local Plan, which seeks to ensure new development properly safeguards the biodiversity of a development site, including any protected species. As set out above, the development would also conflict the advice contained in the Circular, as well as the provisions of the Framework, which places great emphasis on the protection of biodiversity. It is not for me to comment on previous decisions of the Council on this topic.

Other Matters

12. Whilst I note planning permission has previously been granted for the subdivision of the appeal site to accommodate two separate dwellings (ref 18/00944/FULL), the approved dwellings in this scheme would have been much closer in size to one another, which means there would have been less visual disparity between the new dwellings. In turn, they would have integrated more effectively with the street scene. In terms of the extension consented under ref 20/00244/FULL, its impact on the street scene would be materially different to the proposal, as it would be read as part of the existing dwelling, as opposed to a separate dwelling in its own right.
13. Although there are other examples of plot subdivision in the locality, none of these are properly comparable to the proposal. The new dwellings on the Williant Close are commensurate in size and scale with neighbouring properties. As for the new dwelling on Cannon Lane, the neighbouring dwellings are more modest in scale (and include terraced and semi-detached properties), which again means a narrower dwelling can be accommodated in this location without appearing incongruous in the street scene.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR