



Appeal Decision

Site visit made on 5 May 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/T0355/W/21/3283139

Former Missanda, Wells Lane, Ascot SL5 7EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Pipeline Worldwide Ltd against Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02054/FUL, is dated 21 June 2021.
 - The development proposed is erection of 6 dwellings, associated parking and new shared vehicular access following the demolition of the existing dwelling and outbuildings.
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Decision

1. The appeal is dismissed and planning permission for the erection of 6 dwellings, associated parking and new shared vehicular access following the demolition of the existing dwelling and outbuildings is refused.

Preliminary Matters

2. The number of bedrooms in each house was included in the description on the application forms. However, this was amended over the course of the application, and the description above has been altered to reflect this.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The area to the north and west of Wells Lane is identified, in the *Royal Borough of Windsor and Maidenhead Townscape Assessment*, as being in one of the character areas called 'Villas in a Woodland Setting'. The key characteristics of this type of character area are, among other things, an extremely low density of large villas of a wide variety of styles and detailing, being generally reflective of Victorian or Edwardian periods though with modern properties interspersed. They stand well back in extremely large, irregularly shaped plots, and are served by long drives off an informal network of winding lanes. The areas are heavily treed, and the overall impression is of a tranquil, private rural context, with the villas standing in a woodland setting and not particularly dominant from the road.
5. Despite appearing to have influenced the evolution of some policies, I have not been told that the Townscape Assessment forms part of the development plan. However, as an informative document it is of assistance as it appears to

identify the wider characteristics of the designated areas, with their pressures and opportunities. Moreover, Policy NP/DG1 in the *Ascot, Sunninghill & Sunningdale Neighbourhood Plan* states that, in order to protect distinctiveness, development should respond positively to the local townscape. It adds that the Townscape Assessment should be used to inform the approach to be taken. Neighbourhood Plan Policy NP/DG2 then requires development to be of a similar footprint, density, separation, scale and bulk to surrounding buildings. This is supported by *Borough Local Plan* Policy QP3, which promotes development that respects the local character of the area and the townscape.

6. Along the eastern end of Wells Lane, the houses are of a range of styles and designs, in plots that contain and are bounded by an appreciable number of trees. This pattern of development, when taken with the carriageway's winding, informal nature and its enclosing planting, means the lane and the houses it serves have a tranquil, rural character. However, the dwellings tend not to be particularly large, do not generally sit in sizeable grounds, and do not all reflect Victorian or Edwardian architectural styles.
7. Inevitably with such townscape assessments, the different areas within each designation accord with the stated characteristics to varying extents. Indeed, this area is not one of the areas of 'Villas in a Woodland setting' identified as being in good condition or an intact example. Rather, although some of the characteristics of the 'Villas in a Woodland Setting' designation are apparent on this section of Wells Lane, accordance with other characteristics is not strong. Despite this, the informality of the housing, its scale and its surrounding mature planting nonetheless give this part of the lane a distinctive rural nature.
8. At present the appeal site does not comply fully with the characteristics in the Townscape Assessment for areas of 'Villas in a Woodland Setting'. On the one hand, and in accordance with the characteristics, it is a low-density development of a modern, distinctive 2-storey design on a large plot. Moreover, because of its scale and set back, even though there is limited frontage planting the house does not dominate the street scene. However, balanced against this, it is a relatively small dwelling with no substantial trees in its grounds, other than maybe along the rear and northern boundaries, and there is little robust planting to the front. Overall, despite these discrepancies, I consider that, because of the dwelling's scale and the plot size, the appeal site does not now harm or degrade the area's designation in the Townscape Assessment, but rather sits in it comfortably.
9. In any event, I find that the existing arrangement on the site respects the character and appearance of this stretch of the lane, as it is in keeping with the informal subdued nature of smaller-scale individually designed housing found along its length.
10. Although the buildings now proposed would each be a terrace of 3 dwellings, they would look like 2 large houses. Moreover, their design would draw on the Georgian style of architecture and would increase the level of landscaping on the site. In these respects, the scheme would therefore not conflict the Townscape Assessment designation.
11. However, the buildings would be of very similar designs, and, compared to their frontage lengths, their separation would not be that great. They would also be relatively close to the road, behind a parking area. Although some landscaping is proposed that would not be extensive. As a result, when seen

from Wells Lane, I consider they would, together, be dominant and be of a formality that would be at odds with the subdued rural characteristics generally found in the 'Villas in a Woodland Setting'.

12. Moreover, even if the site did not fall in the Townscape Assessment designation, the cumulative scale and prominence of these 2 large, similar and closely positioned buildings would be appreciably at odds with the informality of the smaller houses that are along this part of this rural lane. With limited planting proposed to soften their impact, integrate them into the townscape, conceal their prominence, or screen their parking, the scale of the buildings and their dominance would mean they would constitute a pronounced suburban intrusion into this length of Wells Lane, that would harmfully diminish its rural character and conflict with the existing pattern of development.
13. Overall, I therefore find the scheme would detract unacceptably from the character and appearance of this part of Wells Lane, and so be discordant and incongruous.
14. However, mindful that some landscaping details have been submitted, I am not satisfied there is a conflict with Neighbourhood Plan Policy NP/EN3, which requires the retention of trees and the details of additional planting.
15. In coming to this view, I have taken into account the sizeable block of flats immediately to the north. That though sits amongst relatively mature landscaping, and, despite the position of its access, it is perceived more against the larger buildings along London Road rather than the smaller, more informal properties on Wells Lane. Similarly, Windsor Grey Close, Queens Beeches and Little Queens Beeches are distinct and separate from Wells Lane and seen in a very different context, while the Shorts site is some distance away at the far end of the character area. As such, the contribution of these developments to the nature of the streetscape in which the appeal site sits is limited.
16. Reference was made to proposals at Oakfield Farm across the field on the opposite side of the lane. Given the separation I have no reason to consider that development would change the character of Wells Lane to any appreciable extent. While discussions may be on-going about a larger scheme on that site, in the absence of a planning permission and further details the weight it can be afforded is limited.
17. There is also an extant planning permission for 2 houses on the appeal site. I have been told by the Appellant that these are completely financially unviable, and so I consider the likelihood of their construction, and the weight I give them as a fall back, is limited. Even if they were to be built though, whilst they would be roughly in the position of the 2 terraces before me, they would be smaller and so any effect they had on the character and appearance of the streetscape or the surroundings would not be as pronounced. They could be extended as 'permitted development', but there is no basis to consider their floor areas would be increased in that way to any appreciable extent. The untenable nature of that scheme has not been substantiated, but, even if it was, I consider it would not offer a justification for the harm identified.
18. Accordingly, I conclude that the development would fail to respect and preserve the character or appearance of the area, and so would conflict with Local Plan Policy QP3 and Neighbourhood Plan Policies NP/DG1 and NP/DG2.

Other Matters

19. This site is within the settlement of Ascot, and to my mind, even accounting for the intervening hill, the services in the town centre are sufficiently close to be accessible by means other than by the private car.
20. Although 2 of the proposed terraced houses would have windows facing each other across the limited distance in between the buildings, those would be secondary windows with the rooms they serve having larger windows facing to the front or the back. As such, I am not satisfied this would cause an unreasonable loss of privacy.
21. Each property would have a relatively small rear garden, due to the change in levels. However, the communal area around would provide suitable space for outdoor pursuits, and would be close enough to each dwelling to be reasonably available for use. Therefore, the level of garden space or similar would be acceptable.
22. I have no reason to consider the scheme would fail to respond to climate change or achieve the necessary standards of energy efficiency if suitably conditioned.

Other considerations

23. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. In this instance the appellant has said there is a shortfall in housing land supply, with a supply of only 4 years available. If I am to assume this is correct, I recognise there is a benefit from the delivery of more houses. I appreciate too the benefits arising from it being a more efficient use of urban land than either the existing situation or the extant permission, and I appreciate social and economic benefits would arise. I consider though that these matters are significantly and demonstrably outweighed by the harm I have identified in relation to the character and appearance of the area. Accordingly, the development should be determined in line with the development plan.
24. The site is close to several internationally and nationally designated sites including the Thames Basin Heaths Special Protection Area and the Windsor Forest and Great Park Special Area of Conservation. However, given my findings I have not undertaken an Appropriate Assessment in connection with the development's effect on these sites, as the outcome would have no bearing on my decision.

Conclusion

25. For the above reasons I conclude the appeal should be dismissed and planning permission refused.

JP Sargent

INSPECTOR