



Appeal Decision

Site visit made on 28 October 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/T0355/W/21/3288290

Knoll House, St Leonard's Hill, Windsor, Berkshire SL4 4AL

- 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 James Ambo against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00803, dated 15 March 2021, was refused by notice dated 9 July 2021.
 - The development proposed is replacement of existing house with new dwelling of two storeys plus lower ground floor and rooms in roof, detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for a partial award of costs has been made by Mr James Ambo against the Council of the Royal Borough of Windsor and Maidenhead. This is the subject of a separate decision.

Preliminary Matter

3. Since the application was determined, the Council has adopted the Borough Local Plan 2013-2033 (the BLP) on 8 February 2022. This now forms the development plan alongside adopted neighbourhood plans and saved Policy NRM6 of the South East Plan. The Local Plan 1999 (including Adopted Alterations 2003) has accordingly been withdrawn and its policies no longer attract any weight. The main parties have had the opportunity to comment on the relevance of this change in policy context to their respective cases during the course of the appeal. I have taken these comments into account and considered the proposal against the current development plan.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of neighbouring occupants, with respect to light, outlook and privacy.

Reasons

Character and appearance

5. St Leonard's Hill is a long, private road of often substantial, detached homes set within sylvan surroundings. The dwellings are of individual design, many

traditional in form but with some in more contemporary styles. Many dwellings sit well back from the road and are screened by significant soft landscaping. Under the Council's Townscape Assessment, St Leonard's Hill falls within the 'leafy residential suburbs' classification. The site is covered by a woodland Tree Preservation Order dating from 1960 and St Leonard's Hill is also designated as a green route under the Windsor Neighbourhood Plan (June 2021) (the WNP).

6. The appeal site, containing the existing Knoll House, forms part of a stretch of dwellings set closer to the road and each other, and which stand at an angle to the road on a staggered building line wherein the front elevation of one dwelling aligns almost with the rear elevation of the next. The appeal site and its neighbours to either side also stand on sloping sites which fall to the rear, behind which, at a much lower ground level, are dwellings on Hemwood Road.
7. Although many dwellings within the immediate surroundings of the appeal site are large in scale, I saw that this is often due to them having large footprints more so than substantial height. In many cases, the dwellings maintain relatively low profiles, with shallow hipped roofs that serve to reduce the upper massing of the dwelling. Others, such as Tudor Hollow next door, are large but are set down into their sites which reduces their prominence in the street scene. The existing Knoll House reflects this context, having a lower ground floor set below the street level and through a simple, two storey form with pitched roof, presents a relatively modest massing and understated form to the street. There is also consistency in the overall ridge heights of Knoll House, Clearview and Tudor Hollow, notwithstanding the different roof forms.
8. The proposed replacement dwelling would be significantly larger in size than the existing Knoll House. Whilst still presenting two main storeys at the front and three at the rear, it would include further accommodation within a large crown roof. The footprint of the dwelling would extend significantly closer to the neighbouring dwelling at Clearview on the eastern side of the site, and further to the rear. This enlarged footprint would be maintained at each floor level and at the roof, resulting in a substantial increase in bulk at high level. In addition, a detached, two storey garage is proposed to the front of the site, the lower level being set below the ground level.
9. I recognise that the wider townscape along St Leonard's Hill includes dwellings of similar or even greater size, but many are set in larger plots, deeper into their plots, or partly concealed by mature vegetation. As a result, they are not seen as part of a continuous street scene where patterns can be discerned. Conversely, the narrower plots of the appeal site and its neighbours either side means they are viewed in context with each other. This being the case, the overall massing of the dwelling would result in it being disproportionately larger than its closest neighbours, particularly Clearview to the east. Given the increase in size, the proposed dwelling would form a conspicuous and dominant addition to this part of the road.
10. I recognise that the proposed Georgian-style architecture is seen elsewhere along St Leonard's Hill. However, the front elevation would span seven window bays over two floors, with a prominent central gable, projecting portico and balcony that would appear significantly grander than the architecture of the dwellings to either side. Other elements, notably the large crown roof, would exacerbate the impact of the dwelling by adding substantial massing above the prevailing roof height of the dwellings to either side. The combination of larger

footprint and greatly increased height and bulk would also result in the dwelling appearing oversized for its plot. The proposed garage would stand out at the front of the site and add further to the quantum of development. Seen from the street, the garage and dwelling together would appear squeezed onto the site in a cluttered arrangement that would fail to reflect the more proportionate layouts of neighbouring dwellings to either side and within the area.

11. At the rear, the substantial flat façade, with three floors of large windows and the crown roof above containing a recessed balcony, would continue the dominant scale and grandiose design of the front and would contrast starkly with the more muted composition of neighbouring rear elevations. The proposed deep pool house extending into the rear garden would add to the overpowering scale of the dwelling at the rear, which would dominate views from the dwellings to the side and those behind on Hemwood Road.
12. A number of existing trees would be removed, none of which are opposed by the Council. However, the Council includes a separate reason for refusal which points to the lack of space for meaningful new landscaping, which would conflict with the characteristics of the 'leafy residential suburb'. The appellant has provided sketches and indicative planting schedules showing a new hedge to the front boundary, two planting areas either side of the garage and a new rear garden layout. From the evidence before me, previous areas of greenery to the front and side of the site have been removed, leading to the more open and somewhat denuded appearance of the site at the time of my visit.
13. It is evident that the site enjoyed more soft landscaping in the past, particularly to the sides of the site, a characteristic feature of the road which creates physical separation between the dwellings. I recognise that there is variety to the landscaping and boundary treatments of other dwellings, and there appears to be scope for enough landscaping at the front of the site to address the presently exposed frontage. However, this planting would not compare to that of other dwellings, or even the site's previous appearance, with low hedgerows proposed in place of taller bushes and trees to the sides, a consequence of the wider footprint proposed. Therefore, whilst I accept the landscaping to the front would go some way to maintaining the leafy character of the area, it would not provide significant concealment of the dwelling from the street and would not adequately mitigate the adverse visual impacts identified above.
14. In reaching a view, I have had regard to the townscape analysis provided by the appellant, noting examples of developments granted elsewhere along St Leonard's Hill. However, the full circumstances of these other schemes are not before me, which limits the extent to which I can compare with the appeal proposal. In any event, I have determined the appeal on its own merits.
15. For these reasons, I conclude that the proposed dwelling would significantly harm the character and appearance of the area, in conflict with Policy QP3 of the BLP and Policy DES01 of the WNP, which together seek sustainable, high quality design in new development that respects and enhances the local, natural or historic character of the environment, paying particular regard to factors including urban grain, layouts, rhythm, density, height, scale, bulk, massing, proportions, trees and materials. There would also be conflict with the similar aims of the National Planning Policy Framework (the Framework) to achieve high quality, beautiful and sustainable buildings and places.

Living Conditions

16. As part of my visit, I observed the site from the dwellings to either side, Clearview and Tudor Hollow, and a dwelling to the rear, 31 Hemwood Road. I have also had regard to the Borough Wide Design Guide (June 2020) (the BWDG) which resists development that would have a significant adverse effect on the privacy of neighbouring properties and seeks quality outlook to the external environment from habitable rooms, without adjacent buildings, walls, parked vehicles or storage materials being overbearing or visually intrusive.
17. To the west, Tudor Hollow stands forward of Knoll House, with the majority of the side elevation of Knoll House extending beyond the rear elevation of Tudor Hollow. There is also an existing balcony at first floor level which wraps around the rear and side of Knoll House, and a tall side window, that affords clear views into the garden of Tudor Hollow and towards its rear windows.
18. However, the existing Knoll House has a lower ridge height on its western side which helps to mitigate for the difference in land levels to Tudor House. Having observed on site, this lower ridge height, combined with the sloping roof pitch and the space retained between the dwellings, helps to reduce the sense of enclosure the massing of Knoll House might otherwise create to the rear of Tudor Hollow.
19. The appellant points to proposed dwelling not extending closer to Tudor Hollow, to other dwellings utilising the full widths of their plots. This may not be an issue where dwellings stand in line with each other, but due to the staggered arrangement of the dwellings, virtually the entire massing of the side elevation would face the rear patio of Tudor Hollow. It would extend significantly rearwards and upwards compared to the existing arrangement, creating a dominant wall of development that would tower over the rear patio area. Whilst I acknowledge the appellant's evidence that the proposed dwelling would not lead to material losses of sunlight or daylight and that views of the side wall from within the dwelling would be more limited, having observed from Tudor Hollow, I find there would be a harmful increase in the sense of enclosure to the rear patio as a result of the proposal.
20. I accept that overlooking of Tudor Hollow is already possible and that the intention to omit a side balcony and provide obscurely glaze upper level windows would represent an improvement in terms of privacy; however, this would not offset the harm identified in respect of enclosure. Separately, I note concern that the windows of the proposed garage would face towards the front windows of Tudor Hollow. However, this would occur at a very acute angle. Consequently, I am satisfied that these windows would not lead to a harmful loss of privacy.
21. Clearview, to the east, stands rearward of Knoll House. It has a number of side windows which afford views over the rear garden of the appeal site, including two which serve the kitchen. The owners of Clearview have undertaken single storey extensions at the front and rear which have brought development closer to the common boundary and added further side windows towards the front.
22. The additional massing of the proposed dwelling would be clearly seen from these windows; though it would not extend so far as to enclose the kitchen windows. A door and window within the front extension of the dwelling would be subject to the closer massing of the dwelling; however, these windows

already face towards the side wall of Knoll House and there would not be a significant change in outlook as a result of the proposal, nor does the appellant's evidence suggest a material loss of light to any of the windows in Clearview. Concern is also raised in respect of the proposed pool house, but this would be set largely below the level of the ground floor windows of Clearview, in which position it would not significantly block light or views.

23. I saw there is clear intervisibility between the rear terrace of Knoll House and the side windows serving the kitchen of Clearview, albeit with some physical separation and oblique angles of view. However, the proposal would bring the rear elevation closer to these windows, and with it the rear balcony and windows, which would increase in size and number. This would increase the potential for more invasive views into the windows of Clearview. The removal of several trees close to the common boundary would also open up views over the rear balcony and front and rear gardens of Clearview. This would result in a harmful undermining of privacy for neighbouring occupants.
24. 31 Hemwood Road stands to the rear, at a significantly lower ground level. There is intervisibility between the dwelling, albeit with some filtering of views from intervening trees. The lower level of No 31 means upward views toward the appeal dwelling are not as invasive due to glare on the windows.
25. The proposal would bring the rear elevation closer to No 31, with a significant increase in both the number and size of windows facing the neighbouring dwelling, together with a replacement balcony at upper ground floor level, two Juliet balconies at first floor level and terrace at road level. This would result in a tangible increase in the potential for overlooking of occupants of No 31. Even considering the distances between the windows and that some filtering of views may occur through boundary landscaping, the large number of windows facing No 31 would still effect a harmful perception of overlooking much greater than exists at present.
26. The overall increase in scale of the dwelling, and in particular the much closer position of the pool house, would also result in it having a dominant and overbearing presence that would harm the outlook from the rear windows and garden of No 31, an effect exacerbated by the difference in ground level.
27. For these reasons, I conclude that the proposal would result in overbearing and enclosing effects that would diminish neighbours' outlook, along with increased potential for overlooking that would result in a harmful loss of privacy. Together, this would result in significant harm to neighbours' living conditions, in conflict with Policy QP3 of the BLP, which requires that development has no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties, with the guidance of the BWDG and with the aims of the Framework to create places with a high standard of amenity for existing and future users.

Other Matters

Carbon Emissions

28. Policy SP2 of the BLP requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change, and refers applicants to various existing and future supplementary planning documents and guidance. One of these is the Environment and Climate Strategy (December 2020) which seeks a 50% reduction in emissions

by 2025. With the BLP, this provides a wider strategic framework and 'plan of action' to achieve the target of net zero carbon emissions by 2050. The Council has also produced an interim position statement (IPS) with forms a material consideration that sets out the approach to addressing these climate policies in advance of the adoption of a new supplementary planning document.

29. The IPS requires that new residential development achieve net zero carbon emissions unless demonstrated otherwise, to be set out in a detailed energy assessment. Where a net zero outcome cannot be fully achieved on-site, the IPS sets out that any shortfall may be provided through a cash in lieu contribution to the Borough's Carbon Offset Fund, to be used for delivering carbon reduction projects in the Royal Borough.
30. The appellant has provided evidence suggesting that the re-build of the dwelling could achieve net zero. A unilateral undertaking has been submitted which includes provision for payment of a financial contribution in line with the formulas set out in the IPS where a shortfall against net zero in fact occurs.
31. On the evidence before me, I am satisfied that the development would incorporate measures to significantly reduce carbon emissions, and that the submitted UU is necessary to make the development acceptable in planning terms to achieve an overall net zero carbon outcome. Therefore, the proposal accords with the stated aims of Policy SP2 and the Framework with respect to reducing carbon emissions.

Matters Not in Dispute

32. The Council did not refuse permission in respect of other matters including parking, highway safety, ecology, flood risk and drainage or land instability. I have had regard to comments made in these matters, and some others, by interested parties. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues, and taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Conclusion

33. For the reasons set out, the proposed replacement dwelling would harm the character and appearance of the area and the living conditions of neighbouring occupants. The proposal would therefore result in conflict with the development plan, taken as a whole.
34. There would be some benefits arising in terms of economic activity generated by the construction of the dwelling and sustainability measures incorporated into the design, but these would only attract limited weight in favour of the proposal and would not be sufficient to justify a decision other than in accordance with the development plan.
35. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR