



Appeal Decision

Site visit made on 6 June 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/T0355/D/23/3317732

Little Friars, 15 Orchard Road, Old Windsor, Windsor SL4 2RZ

- 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 Yahya Al-Manthri against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02601, dated 22 September 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as a part first, part two storey front extension with front canopy, part single part two storey side/rear extension, first floor rear and single storey rear extension and alteration of fenestration and alteration to front elevation to include rendering.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - Habitats and protected species; and
 - The character and appearance of the area.

Reasons

Habitats and Protected Species

3. Policy NR2 of the Royal Borough of Windsor and Maidenhead Local Plan 2022 (the Local Plan) safeguards habitats and protected species by ensuring development proposals demonstrate how they maintain, protect and enhance the biodiversity of application sites.
4. The proposed development is likely to require considerable works to the existing roof. Limited biodiversity evidence has been submitted to show the proposed development would maintain, protect and enhance biodiversity.
5. The appellant has suggested these matters could be controlled via a planning condition. However, I cannot rule out that there is habitat on site that could support biodiversity including protected species. If I were to adopt this approach, the full impact of the proposal on habitats and protected species would not be known before planning permission is granted.
6. I acknowledge the appellant made a previous identical application under Ref: 19/02074/FUL and this was approved in September 2019. However, the Council has since adopted a new Local Plan in 2022. Point 4 of Policy NR2 of

this Local Plan indicates that development proposals shall be accompanied by ecological reports to aid assessment of the proposal.

7. Therefore, and in the absence of evidence to the contrary, it has not been clearly demonstrated that the proposed development would maintain, protect and enhance habitats and protected species. The proposal would therefore unacceptably conflict with the relevant provisions of Policy NR2 of the Local Plan and the National Planning Policy Framework. These, amongst other things, seek to conserve and enhance biodiversity.

Character and Appearance

8. The appeal site is located toward the end of a side road on Orchard Road. The immediate street scene is mixed with no distinct building type or character prevailing.
9. While, the proposed development would increase the height of the building as well as its width and depth, the existing lower eaves chalet bungalow character of the host building would be retained. The side extension would also incorporate a set back with lower ridge height and materials could be controlled by condition.
10. The height of the proposed development would not exceed the height of the adjoining dwelling at 13 Orchard Road and would retain appropriate spacing between the built form given the diverse character of the area and varied plot sizes.
11. The development would not project beyond a front projection at No 13, therefore respecting the building line. Any rearward projection would also have limited visual harm given the varied street scene.
12. For these reasons, the proposed development, including its roofscape, would not appear over-dominant or out of keeping with the form, scale, and architectural style of the original building and the wider street scene.
13. Accordingly, it would have an acceptable impact upon the character and appearance of the area complying with the relevant provisions of Local Plan Policy QP3 and the Royal Borough of Windsor and Maidenhead Borough Wide Design Guide 2020. All of which seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area.

Conclusion

14. While I have found the appeal scheme to comply with the development plan in some respects, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
15. The appeal scheme would therefore conflict with the development plan when read as a whole for the reasons I have given, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

N Praine

INSPECTOR