



Appeal Decisions

Site visit made on 7 November 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal A Ref: APP/T0355/W/23/3320781

3 The Hyde, Ray Mill Road West, MAIDENHEAD, SL6 8SD

- 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 A Adnani against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 23/00039/FULL, dated 4 January 2023, was refused by notice dated 10 March 2023.
 - The development proposed is installation of solar panels.
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Appeal B Ref: APP/T0355/Y/23/3320779

3 The Hyde, Ray Mill Road West, MAIDENHEAD, SL6 8SD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr A Adnani against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 23/00040/LBC, dated 4 January 2023, was refused by notice dated 10 March 2023.
 - The works proposed are installation of solar panels.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as The Hyde¹.

Reasons

5. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

¹ List entry number: 1319374

6. The Hyde dates from the early 19th century and was originally built as a substantial dwelling that sat in large grounds. It is now divided into three dwellings and is surrounded by modern development, which has reduced its curtilage. Although the alignment of the driveway has changed, it is still approached from the northwest.
7. The appeal building is part of the listed building, and distinct from the other two portions as it comprises the original service wing. The more formal part of the listed building is to the south and has low pitched hipped roofs with wide eaves and formal facades with carefully aligned sash windows, a glazed veranda, and French casements. These details as well as its rendered walls give it an elegant appearance.
8. The service wing is more modest. It is lower and has simpler casement windows and walls of painted brick. Nevertheless, it has low pitched hipped roofs that are similar to the main range and are an integral component of the Georgian Villa. The roof form was retained when the north range was extended in 2014. Its west elevation stands alongside the more formal west elevation of the main part of the house and is prominent to view when the building is approached from the northwest. As well as these complimentary physical characteristics and internal details such as its surviving plan form and historic fabric, the significance of the service wing also lies in the way it illustrates how the building would have functioned as a high status residence.
9. 8 photovoltaic (PV) panels would be mounted on the west facing roof. Although the service wing roof is set back from the main roof and is at a lower level, it is still highly prominent to view when the building is approached. The modern appearance of the panels, which would be exacerbated by the clumsy offset positioning of the two rows, would appear entirely at odds with the traditional appearance of the existing roofs. They would draw the eye and detract from the fine view of the main west facing elevation of the building that emerges as one moves closer along the driveway. Their appearance would cause considerable harm to the elegant and refined appearance of the building, particularly as they would be so easily viewed on approach and in the context of its carefully composed west front.
10. Some vegetation grows to the west side of the building that serves to mark the areas of curtilage associated with the separate dwellings. I accept that this would modestly mitigate the visual impact of the PV panels, but it is not sufficient to hide them from view. Furthermore, there can be no guarantee that this vegetation will not be pruned heavily or removed in the future.
11. The impact of the installation of the PV panels would be reversible. Whilst I accept that this means that physical damage to historic fabric would be minimal, and such details could be controlled by condition if the appeals were allowed, it is likely that the PV panels would be in place for many years, so the harm that would arise would be for the long term.
12. A further 8 PV panels would be mounted on the inner facing roof slopes. These would be away from the principal elevations of the building, and would not be so prominent to view. There are limited opportunities to view the east face of the building and these roofs from the grounds and very minor views from the surrounding roads where the tops of the roofs are just glimpsed between other development. Where the east facing panels would be visible they would be set

well back from the main east front, and partly obscured by an intermediate wing. I am satisfied that this element of the proposal would not be harmful.

13. I have found that the fitting of 8 PV panels to the west facing roof as proposed would cause considerable harm to the special interest of the listed building. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
14. The proposal would reduce the carbon footprint of the dwelling. It is suggested that it could provide almost half of its annual energy use. This is a public benefit that should attract considerable weight, particularly in light of the Council's declared climate emergency, and Paragraph 158 of the Framework which says that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
15. The weight I give to this is however lessened by a lack of evidence to show that less harmful alternatives have been considered. It might be possible to develop a more modest proposal that would have less harm upon the building's significance and may still deliver considerable benefits if coupled with other carefully considered measures to improve the building's thermal performance.
16. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. On this basis I am not satisfied that the public benefits are sufficient to outweigh the harm identified.
17. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would be contrary to Policies HE1 and QP3 of the Borough Local Plan 2013-2033, which together seek to ensure that development proposals conserve the historic environment.

Conclusion

18. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR