
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: 11th December 2023

Appeal A Ref: APP/T0355/W/22/3313272

Brookfield Lodge, Datchet Road, Horton, Slough, SL3 9PS

- 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 Daljit Bhail against the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02544/FULL, is dated 16 September 2022.
 - The development proposed is single storey link extension between existing cottage and summer room.
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Appeal B Ref: APP/T0355/Y/22/3313273

Brookfield Lodge, Datchet Road, Horton, Slough, SL3 9PS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Daljit Bhail against the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02545/LBC, is dated 16 September 2022.
 - The works proposed are single storey link extension between existing cottage and summer room.
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Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for single storey link extension between existing cottage and summer room, at Brookfield Lodge, Datchet Road, Horton, Slough, SL3 9PS, in accordance with the terms of the application, Ref: 22/02544/FULL, dated 16 September 2022, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: TQRQM19241125522136, EE 01 VER 2.0, FE 01 VER 1.0, FP 01 VER 3.0, and EP 01 VER 3.0.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for single storey link extension between existing cottage and summer room, at Brookfield Lodge, Datchet Road, Horton, Slough, SL3 9PS, in accordance with the terms of the application, Ref: 22/02545/LBC, dated 16 September 2022, and the plans submitted with it subject to the following conditions:

- 1) The works hereby approved shall begin not later than 3 years from the date of this decision.
- 2) The works hereby approved shall not commence above floor level until product details and samples of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Details shall include the bonding and pointing style for the brickwork and manufacturer information where relevant. The samples shall be made available on site for inspection. The works shall be carried out in accordance with the approved details.

Applications for costs

3. Applications for costs were made by Daljit Bhail against the Council of the Royal Borough of Windsor and Maidenhead. These applications are the subject of separate Decisions.

Preliminary Matters

4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
5. The appellant has queried whether an appropriate level of consultation was carried out before the appeal was submitted. Evidence provided by the Council clarifies that consultation took the form of a site notice, advert in the local press and letters sent to immediate neighbours. The proposal is for a modest extension that would be well contained within the curtilage of the existing building, and well away from neighbouring dwellings. On this basis I am satisfied that this is not a matter that I need to consider further.
6. The appellant agreed to a revised description for the proposal. It is not clear why the Council considered this to be necessary, or what benefit the revised description has. It is very similar to the original description. I have reverted to the original description on this basis.

Background and Main Issues

7. The appeals result from the Council's failure to determine the applications within the prescribed period. There is no formal decision on the applications, as jurisdiction over that was taken away when the appeals were lodged. However, I note the assessment and conclusions submitted by the Council during the appeal process, which refer to harm to the listed building.
8. The appeal site is within the Green Belt. I have reviewed the findings of the Inspector who determined the appeals¹ for the previous proposal at the site and found that it would not be inappropriate development in the Green Belt. The Council has not disputed this position, and I see no reason to take a different view. I therefore accept that the proposal would not be inappropriate development in the Green Belt, as defined in Policy QP5 of the Borough Local Plan 2013-2033 (LP) and the National Planning Policy Framework (the Framework).

¹ Refs: APP/T0355/Y/21/3282346 and APP/T0355/W/21/3282347

9. Accordingly, the main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as Brookfield².

Reasons

10. The appeal building is a grade II listed building. 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.
11. The appeal building is a small dwelling that stands to the rear of and is attached to Brookfield House. Brookfield House dates from the 18th century and is described in the list entry as a handsome small country house. It is roughly square on plan and has a formal composition, comprising three bays over three floors, with primary elevations facing out to the east, south and west. The architectural quality of these elevations are primary contributors to the building's special interest.
12. The appeal building is attached to the north of the main house and faces away from these primary elevations. Evidence suggests that it has been subject to a significant level of intervention, and it does not have any obvious architectural similarities to the main building. It is illustrative of how the house has developed over time and thus contributes to the special interest of the listed building; however, given the extent of alteration that it has seen and its lack of architectural quality, the special interest of this part of the listed building is limited.
13. The proposal would see a modest link added to one side of the Lodge, that would connect it to an existing outbuilding. The link would take the same form and materials as the outbuilding. It would modestly extend across the front of the Lodge; however, the form and identity of the Lodge would not be harmed by this, particularly as it would sit at a low level, with a lower floor level than the lodge; and would utilise materials that match the existing outbuilding so as to not draw the eye. It would primarily be visible from within the enclosed yard at the rear of the Lodge, which has no visual association with the wider environs of Brookfield House. For these reasons, the limited special interest of this part of the listed building would not be harmed by the proposal.
14. I note that the previous proposal that was dismissed at appeal was for a similar link extension. The Inspector found that it would harm the special interest of the listed building. I do not have full details of this previous scheme before me; but, on reading the appeal decision, I can conclude that it would have introduced materials and a form of building that would have appeared quite out of place alongside brick elevations and tiled roofs. I am satisfied that the alternative view that I have taken regarding the proposal before me is reasonable, given the clear differences between the proposals.
15. The Council refers to the significance of the walled enclosure. It is not clear what is meant by this. The extension would sit up against an existing brick wall which appears to be part of a recent extension to Brookfield House. Building against this wall in terms of the impact on its fabric or the loss of the view of the wall from the rear yard would not be harmful.

² List entry number: 1319361

16. Historic England guidance establishes that the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change³. Although Brookfield House has been subject to a considerable number of interventions over the past few years, this is not a matter that I need to consider further as I have found that the proposal would not cause harm.
17. In summary, the proposal would not harm the significance of the listed building known as Brookfield. In coming to this view I have had regard to the duty placed on me by the LBCA. It would thus accord with Paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would accord with Policies QP3 and HE1 of the LP, which together seek to ensure that development proposals are well designed and that the historic environment is conserved and enhanced.
18. The Council referred to Policy BE2 of the Horton and Wraysbury Neighbourhood Plan 2019 in its statement of case. This Policy is however only relevant to non-designated heritage assets, and as such is not relevant to the appeal proposal.

Conditions

19. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provide certainty.
20. I have imposed a condition to secure details of materials to safeguard the special interest of the listed building.

Conclusion

21. For the reasons above I conclude that both appeals should be allowed, and the applications for planning permission and listed building consent should be granted.

A Tucker

INSPECTOR

³ Historic England Managing Significance in Decision-Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2