

Appeal Decision

Site visit made on 4 September 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/T0355/W/24/3343796

Land West of Braywick Corner, Ascot Road, Maidenhead, SL6 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Lee-Robinson of Yeoman Homes against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02234.
 - The development proposed is the construction of two x four-bedroom detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal covered issues relating to bio-diversity net gain and carbon offset. During the appeal process the appellant has submitted an executed unilateral agreement that covered these matters. The Council has confirmed that their previous concerns have now been addressed and therefore they no longer seek to pursue the reasons for refusal that covered these issues. I agree that suitable arrangements have been put in place to ensure that suitable biodiversity net gain and carbon offset contributions would be secured and I have determined the appeal on that basis.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area including its effect on protected trees.

Reasons

4. There has been a previous relevant appeal decision at the appeal site¹ which involved a proposal for four new private dwellings.
5. Like the previous Inspector, I observed that the appeal site comprises land off Ascot Road, adjacent to a spur road which provides access to a small number of dwellings and consists of an area of trees which are subject to a Tree Preservation Order together with various shrubs and undergrowth and low fencing.

¹ APP/T0355 /W/22/3299837

6. The surrounding area is of a mixed character with residential properties and strategic employment land. I agree with the previous Inspector who observed that the dwellings along Ascot Road are predominantly generally large, detached properties set back within spacious well vegetated plots which gives the area a spacious feel. Moreover, notwithstanding the fact that the appeal site is located next to a busy road I also agree that the trees and other vegetation provide a pleasant verdant and sylvan character which positively contributes to the area. I would add that the appeal site provides an important woodland feature near to a busy junction that also helps to provide a green attractive buffer between the road and the existing dwellings along the spur road.
7. The proposal would result in the loss of a significant number of trees. Although there would be some high-quality replacement trees, due to the position of the proposed houses the core of the existing wooded site would be substantially removed to be replaced by two detached properties and associated domestic gardens and paraphernalia. This would have an urbanising impact which would cause significant harm to the character and appearance of the area. The introduction of access points, driveways and parking areas would open the site to public views from Ascot Road which would harmfully diminish the existing woodland appearance that makes such an important contribution to the character of the area.
8. I have taken account of the Tree Survey & Arboricultural Impact Assessment (TS&AIA). I accept that many of the trees to be removed suffer from ash die-back and are categorised as being of low quality. I also note that the highways teams requested that overhanging growth and dead trees should be removed from the site as they were causing a danger to highway safety. However, according to the TS&AIA, except for some Elders, other trees that would be removed have a life expectancy of at least 10 years. The Council do not consider that the appeal site would be subject to rapid unsustainable decline due to ash die back, but rather anticipate that this woodland area would be capable of self-sustained regeneration.
9. For my part, even if the appellant's predictions are correct resulting in a rapid decline in the health of the ash trees on the appeal site, the urbanising impact that the introduction of the proposed dwellings, which would be visible from Ascot Road, would unacceptably harm the character and appearance of the area. Like the previous Inspector the appeal site did not have a particularly unkempt appearance at the time of my site visit. Rather for the reasons set out above it continues to make a positive contribution to the character and appearance of the area which the proposal would unacceptably harm.
10. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. I afford the harm the proposal would have on the character and appearance of the area significant weight. The proposed development would therefore not accord with Policies QP3 and NR3 of the Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-2033 which among other things seek to ensure development should respect the local natural character of the environment paying particular regard to layouts and trees and should consider the impact of proposed development on existing trees and woodland and protect and

retain trees. Further, the proposal would also be at odds with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character, including the landscape setting.

Other Matters

11. I turn now to consider housing supply. The Council accept that they cannot demonstrate a five-year supply of housing as they can only demonstrate a housing land supply of 4.83 years.
12. This is below Government expectations. Although the proposal would undoubtedly be valuable in boosting housing stock in circumstances where there is an existing shortfall and the appeal site could be considered a windfall site, given that it would only result in the addition of two dwellings that tempers its weight.
13. I accept that the proposal would have a cumulative effect in the supply of housing and would have limited economic, social and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support services and local facilities.
14. As outlined, I also accept that the proposal would satisfactorily meet biodiversity net gain and carbon offset requirements. Overall, therefore taking account of its contribution to addressing the housing land supply shortfall and all other matters, I afford the totality of benefits moderate weight.

Planning Balance

15. As set out I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I have found that the proposal would unacceptably harm the character and appearance of the area. I have afforded this matter significant weight. As a result, the proposal would conflict with the development plan and the Framework as a whole.
16. I have determined this appeal on the basis that the Council can only demonstrate a housing land supply of 4.83 years. As a result, Paragraph 11(d) of the Framework is engaged. However, for the reasons set out above, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
17. Consequently, the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the scheme.
18. In reaching that view I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. National policies relating to housing land supply are proposed to change as part of this consultation, but as these changes are at the consultation stage they can only be given limited weight in the determination of the appeal.
19. Even if I were to take account of the proposed changes that would not change the weight I would afford to the benefits of the scheme. That is because I have already taken account of the fact that the Council cannot

demonstrate a five-year housing land supply and the proposal would help to meet that shortfall but overall, as set out above, the weight is tempered by the small number of dwellings involved.

Conclusions

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR