



Appeal Decision

Site visit made on 19 November 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/R0335/W/24/3347361

Winkfield Park, Winkfield Row, Bracknell, Berkshire RG42 6NA

- 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 Winkfield Park Developments Limited against the decision of Bracknell Forest Borough Council.
 - The application Ref is 22/00715/FUL.
 - The development proposed is for the construction of a new-build two-storey dwellinghouse (C3) and associated external works and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which better reflects the location than that used in the application form. The appellant has used the same address in the appeal form and so I am satisfied that no party would be prejudiced as a result.
3. The appellant has confirmed that the company making the appeal is as set out above, which is slightly different to the name used in the application and appeal forms (Charles Winkfield Park Developments Limited). I am satisfied that the appellant can make the appeal and that no prejudice would arise.
4. Since the determination of the appeal application by the Council, the Bracknell Forest Local Plan (BFLP) has been adopted, in March 2024. It replaces the former Bracknell Forest Borough Local Plan, dated January 2002, and the former Core Strategy Development Plan Document, dated February 2008. I have determined the appeal on the current planning policy position. Both main parties have had the opportunity to comment on this change, and so no prejudice would be caused.

Main Issues

5. The main issues are the effect of the proposal on (1) the character and appearance of the area, in particular trees, and (2) biodiversity.

Reasons

Character and Appearance

6. The site lies within the large, landscaped Winkfield Park estate, set in a countryside location. The estate includes a recent development of apartments, together with other dwellings and buildings. The appeal site itself consists of

land adjacent to the site boundary with the B3017. Within and close to the site are large trees and other vegetation.

7. The proposal seeks to erect a two-storey dwelling on the site, with habitable accommodation over two floors. I understand that some residential properties within the estate have a shared communal space which is controlled by a management company. Occupiers of the proposal would also have access to this space, and so the new dwelling would have no enclosed garden of its own.
8. Trees within Winkfield Park are protected by a Tree Preservation Order (TPO) and positively contribute to the rural character and landscape of the area. The plans show that the proposed dwelling would be located within or close to the root protection area of several trees, one said to be a veteran oak, although the extent of the necessary root protection areas is disputed.
9. The proposed dwelling would have a broadly similar footprint and size to a triple garage building approved as part of earlier planning permissions¹. The concrete foundations and hardstanding for the garage have already been built and I do not doubt that the garage represents a realistic fallback. The proposal would use the existing foundations and no tree removal is proposed. As such, construction of the proposal is unlikely to cause materially greater harm to the longevity of the trees.
10. However, the proposal would introduce a new residential use to the site. It would include windows on all sides of the proposed dwelling. Having regard to the shading diagrams submitted, and the close location and large size of the trees, they would be an oppressive presence to future occupiers of the dwelling, adversely affecting the light and outlook available to them. They would similarly overshadow the lawn and other areas close to the dwelling, even if these areas are unenclosed.
11. As a result, future occupiers may well put pressure on the Council, and on the tree owners, for the trees to be significantly pruned or felled. Despite the TPO and any covenant, such requests would be difficult to resist once the dwelling is occupied. As such, the relationship between the proposal and the trees would be unsustainable, making harm to them and their contribution to the area likely. In contrast, the approved garage would not contain a full residential use and so would result in less pressure for tree reduction or removal. Accordingly, it does not justify the proposal.
12. For the reasons given above, the proposal would harm the character and appearance of the area, in particular trees. It would therefore conflict with BFLP Policy LP54, which seeks the sustainable retention and protection of trees. It would similarly conflict with the Character Area Assessments Supplementary Planning Document, March 2010, which seeks to retain trees in keeping with the local woodland character and landscape pattern.

Biodiversity

13. The approved Landscape and Ecological Management Plan² identifies that the appeal site forms part of an ecological corridor. This links priority habitat woodland with a river and ponds nearby. The western boundary of the estate, including the appeal site, is also intended to be maintained as a dark corridor

¹ LPA references 09/00287/FUL and 12/00342/EXT as amended by application 21/01000/FUL.

² LPA reference 22/00129/COND

for bats, a species protected under the Conservation of Habitats Regulations 2017.

14. The proposal would result in additional built form within the corridor. This would have the effect of weakening or degrading it. The same is true of the approved triple garage. However, for the reasons I have already given, the proposal is more likely to lead to the trees hereabouts being pruned or felled, compared to the approved garage. As such, the proposal would cause greater harm to the ecological benefits of the trees than would the fallback.
15. Furthermore, being for full residential use, the proposal would generate light spill greater than that caused by the approved garage. This is because of the more intensive nature and overnight use of the proposal, as well as the larger number of windows proposed. Consequently, the proposal would have a detrimental effect on bats using the corridor, a species which is notably sensitive to light.
16. For the reasons given above, the proposal would have a harmful effect on biodiversity. Consequently, it would conflict with BFLP policies LP30 and LP53 which require development to protect, enhance and buffer ecological features and green infrastructure, including corridors.

Other Matters

17. The proposal would add to housing supply. Future occupiers would make social and economic contributions to the area, for example to local businesses. Construction of the proposal would also have economic advantages. It would make more efficient use of land on a site that is previously developed. However, being for one dwelling, these contributions would be small. I therefore give the benefits of the proposal limited weight and they do not overcome the concerns I raise above.

Planning Balance and Conclusion

18. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR