



Appeal Decision

Site visit made on 17 December 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/T0355/W/24/3339410

Land between Green View, Holyport Street and Glenside, The Green, Holyport Road, Holyport, Maidenhead SL6 2JR

- 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 N Burgess against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 22/03274.
 - The development proposed is the erection of a pair of semi-detached dwellinghouses and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr N Burgess against the council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate decision.

Procedural Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Comments of the main parties were sought, with consideration made to those received in reaching the appeal decision.
4. The appeal site is within the Holyport Conservation Area, and the Rails, the George Inn and its brewhouse, and Holyport Real Tennis Court (also known as the Royal Berkshire Real Tennis Court) are grade II listed buildings. As required by Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to preserving or enhancing the character or appearance of a conservation area, and to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. There is no dispute between the main parties that Glenside / Warden House, Green View, the telephone box, and the war memorial are non-designated heritage assets (NDHAs). The appeal has been considered on that basis.
6. One of the reasons for refusal of the original application was the scheme failed to demonstrate that the houses would be net carbon zero and that a contribution had not been made towards a Carbon Offset Fund. During the

appeal process the appellant provided a signed and dated Unilateral Undertaking (UU) to provide contributions for carbon offset.

Main Issues

7. The main issues in this case are:-

- Whether or not the development would be inappropriate development in the green belt having regard to national and local policy;
- The effect upon the character and appearance of the area, having particular regard to whether the scheme would preserve or enhance the character or appearance of the conservation area, and its effect upon the settings of nearby listed buildings and non-designated heritage assets; and
- Whether the scheme would be acceptable in respect of carbon emissions.

Reasons

Inappropriate Development

8. The appeal site is part of a large paddock that is within the Metropolitan Green Belt. Currently used for equine grazing, this paddock forms a broad open area between the houses along Holyport Street, Holyport Lodge and the Holyport Real Tennis Court. The appeal site comprises the southernmost part of the paddock, being partly bounded on two sides by residential properties and their gardens, with a timber fence along the public highway frontage, behind which is a patch of brambles and scrub. There are other scattered pockets of scrub and trees within the paddock, and some single specimen trees.
9. The Framework requires that substantial weight is given to any harm to the green belt, including harm to its openness. Inappropriate development is by definition, harmful to the green belt and should not be approved except in very special circumstances. Policies SP1 and QP5 of the Borough Local Plan (2022) (LP) also seek to protect the green belt against inappropriate development, as defined in the Framework, unless very special circumstances are demonstrated. Certain forms of development are not considered inappropriate, again as defined in the Framework, and this can include limited infilling within or outside village settlement boundaries, with the latter being assessed against the concentration, scale, massing, extent, and density of built form on either side.
10. Around the Green and along Holyport Street there are a variety of ages and styles of mostly residential properties. As established with the previous appeal (ref: APP/T0355/W/22/3298401), the site would be a limited gap in a continuous frontage within the village. The quantum and density of the development would also be limited.
11. The pair of semi-detached houses would be set back from the public highway behind a shared access and drive. Whilst the dimensions of the houses appear to be a matter of dispute between the parties, the building would be of a reduced scale and mass than that previously considered. Although taller and deeper than those buildings either side, there would be a degree of articulation of the mass of the building, and it would be two storey and similar in height to those nearby. Accordingly, the scale and extent of the development, in the context of the green belt, would be limited. Moreover, it would visually and

spatially appear as part of the village. Taking all these factors together, the proposal would constitute limited infill within a village.

12. Consequently, the scheme would not be inappropriate development in the green belt, and would accord with the Framework in that regard. It would also thereby accord with the requirements of LP Policies SP1 and QP5.
13. On that basis it is not necessary to consider the effect of the development on the openness of the green belt, and very special circumstances are not required to justify the development.

Character and Appearance

14. The Green comprises an expansive linkage of numerous areas of open grassland that creates a distinctive identity to the village as well as providing long, panoramic views. Surrounding the Green there are a variety of mostly historic buildings, many of which are two storeys in height and constructed of local vernacular materials. A feature of the northern boundary to the Green is the presence of detached buildings that are spaciouly separated from each other. There are a variety of breadths of gaps, and they provide views beyond the Green, a characteristic identified in the Holyport Conservation Area Appraisal (2016). In the case of the properties near the appeal site, this spaciousness exposes the flank walls of nearby buildings. All these features, along with the dominance of the expansive openness of the Green, its focal importance within the village, and the permeability of views beyond buildings and boundary treatments, are part of the significance of the conservation area.
15. The Green is a social and community hub to the village, as denoted by the high-quality nature of the buildings around it. The cluster of the village pond, the phone box and the war memorial reflects the social and functional community importance of the Green within the village. The close proximity and visual contrasts of the iconic red cast iron form of the phone box with the vernacular style and materials of the war memorial create an attractive functional and social focal point. Despite their modest forms, these NDHAs are landmark buildings, visible from long distances away, as well as making positive contributions to the character and appearance of the conservation area.
16. Although now subdivided into two dwellings, Glenside / Warden House is an eye-catching building. Its distinctive half brick, half black and white appearance, its visible front and side elevations, and its intricate articulation and roofscape are part of the significance of this NDHA. It is a building that makes an impact within the area, and this impact is enhanced by its visual prominence resulting from its deliberate separation from those nearby.
17. By contrast, the mannered frontage of Green View has an elegant simplicity that also draws the eye. Like Glenside / Warden House, it is another high-status dwelling positioned to overlook the Green. One of its flank walls is clearly visible because of the openness of the appeal site, and the organic extension of the rear of this house over time is evident. With both these NDHAs the openness of the Green and the appeal site are integral elements of their setting, including contributing to their appreciation.

18. As identified by the previous Inspector, the site is a wide, verdant and prominent frontage gap between two sizeable high quality period buildings, providing views above the boundary fencing of the open nature of the paddock and the trees within it. The site separates the two NDHAs, allowing their individual distinctiveness to be appreciated and thereby enhance the conservation area. Whilst the appellant considers the appeal site to be an accidental gap rather than a meaningful one, its open nature has a rural use and ambience, with a visual presence that contributes positively to the character and appearance of the conservation area, and also to the settings of the nearby NDHAs.
19. Although carefully designed to present a frontage that appears as a single dwelling, the size and bulk of the building would be such that it would fill much of the existing gap and considerably reduce the permeability of views beyond the Green. In doing so the scheme would unacceptably erode the character and appearance of the conservation area as well as the settings of the neighbouring NDHAs. The presence of active individualised flank elevations, impressive chimney stacks, the incorporation of gables, and the use of the locally distinctive red brick, would provide visual interest. Nevertheless, the overall impression would be of a large building and one that would appear unacceptably bulky when compared to those either side. The long continuity of the ridgelines and dominance of the roofscape would all serve to exaggerate the bulk of the building, giving it an imposing prominence that would be to the detriment of the character and appearance of the conservation area.
20. Front boundary landscaping would provide a verdant setting to the houses, having a softer impact upon the character and appearance of the conservation area than the existing timber fence, as well as forming a leafy backdrop to the phone box and war memorial. This, along with the set back of the building into the site would result in it having a modest impact upon the setting of these two NDHAs. Landscaping would also provide a leafy visual linkage with the trees to the rear of the site, but it cannot be relied upon to screen a development for its lifetime, nor in this case would it mitigate the harmful impact of the building and the reduction of the spacing that exists with its neighbours. Furthermore, landscaping would not screen the wide breadth of the front elevation with its dominantly large, sweeping roof, and the deep, two storey extent of the flanks that would also be clearly apparent given its prominent corner position.
21. The rear gardens would have a curiously irregular shape, intruding domestic uses into the paddock well beyond the extent of those gardens nearby. It might be that such gardens would provide for family use, but irrespective of this, they serve to emphasise the incongruity and dominance of the scheme. Although the Green dominates the area, the open nature of the appeal site is one of the numerous gaps that provides views beyond it, and the site also forms an open setting to the nearby NDHAs. Such a large building in close proximity to the houses either side would unacceptably erode the distinctive permeability of the area and the attractive visual impact of these NDHAs and the contribution they make to the conservation area.
22. Near to the appeal site there are the listed buildings of the George Inn, its brewhouse, and the Rails. These form a group to the southern side of the Green, close to Ascot Road, whilst the Holyport Real Tennis Court is to the north of the site.

23. Those listed buildings to the south form an attractive and distinctive group of two storey buildings constructed of local materials and styles, and this and their age, is part of their special architectural and historic interest. The inn and brewhouse have a historic and existing community and social importance within the village. The clustered grouping of these listed buildings to one side of the Green near to a main road, reflects their contribution to the historic functioning and development of the village, and they can be seen from long distances away. This visibility is part of the settings of these listed buildings, as well as contributing towards the character and appearance of the conservation area. The appeal site is on the opposite side of the Green, and although the houses would be visible from these listed buildings, they would be seen as part of a row of detached buildings. The separation between the listed buildings and the proposed houses would be such that they would have a neutral impact on the settings of these designated heritage assets.
24. The appellant's Heritage Statement (2022) refers to the Holyport Real Tennis Court. This striking listed building has an imposing and eye-catching presence within the village as its impressive height, size, and form can be seen from long distances away. The houses would be separated from this building by the paddock. The dominance of this listed building within the area, along with the separation from the appeal site would make the houses appear as part of the totality of the development fringing the Green. The scheme would thereby have a neutral impact on the setting of this listed building.
25. The Framework requires that when considering the impact of development on the significance of designated heritage assets great weight should be given to their conservation. Whilst the scheme would have a neutral impact upon the settings of nearby listed buildings, it would have a harmful impact upon the character and appearance of the conservation area. This harm would be less than substantial as the scheme would affect only part of the conservation area, although such harm would be of considerable importance and weight. Under such circumstances, the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
26. There would be a modest, albeit time limited, economic public benefit arising from the construction of the homes, and future occupiers would make a small on-going contribution to local services and facilities. The provision of two homes would be an important, albeit modest social benefit, and biodiversity net gains would be a benefit of the scheme, as would the provision of bat and bird boxes, and energy efficiency measures, all of which would attract moderate weight in favour of the scheme. Nevertheless, the harm to the conservation area would be substantial, and the modest cumulative public benefits of two additional homes would not outweigh this harm.
27. For these reasons, the scheme would unacceptably harm the character and appearance of the area and would neither preserve nor enhance the character or appearance of the conservation area. There would also be harm to the settings of nearby NDHAs. The suggested conditions would not overcome these harms, and there would be conflict with the Act, with the Framework, and also with LP Policy HE1. As this policy seeks, amongst other things, that development must conserve and enhance the historic environment in a manner appropriate to its significance, the scheme would fail to accord with this requirement.

Carbon Emissions

28. LP Policy SP2 requires all development to demonstrate it has incorporated measures to adapt and mitigate climate change, and where the design of the building is such that it cannot achieve net-zero emissions, contributions will be sought to offset both regulated and unregulated emissions which arise from the use of the building. The Council's Position Statement on Sustainability and Energy Efficient Design (2021) (PS) explains that if net-zero carbon outcome cannot be achieved on-site, any shortfall can be provided through a contribution to a Carbon Offset Fund.
29. The appellant has produced an amended energy statement for the appeal, in which energy efficiency measures, including enhanced insulation and the use of air source heat pumps, would reduce carbon emissions. The design of the dwellings would preclude other measures such as solar panels, and the homes would not result in net-zero emissions. In order to make up the shortfall, a UU has been provided securing a carbon offset contribution. The contributions appear consistent with the requirements of the above referenced policy and with the PS, and as the Council has not commented upon the UU, there is no evidence to dispute this.
30. The scheme would incorporate measures to reduce and mitigate carbon emissions, and the UU would be directly related to the development, necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development. Having regard to this, the scheme would achieve an overall net zero carbon outcome as required by Policy SP2.

Other Matters

31. Local residents have raised a number of concerns, including highway safety, loss of privacy, flooding, loss of biodiversity, and the creation of a precedent. Each application and appeal has to be considered on its individual merits and it does not follow that the scheme would create a precedent. Following the findings on the main issues, there is no need to consider the other matters raised.
32. The appellant has concerns regarding the Council's handling of the application, including an inconsistency of decision making. Such matters fall to be pursued by other means and have no bearing on the consideration of the merits of the case.

Planning Balance

33. The Council has acknowledged that it does not have a five year housing land supply, with a shortfall of 4.69 years.
34. The scheme would result in substantial harm to the character and appearance of the area, to the conservation area, and to the settings of Glenside / Warden House and Green View, and modest harm to that of the phone box and the war memorial. The Framework requires great weight to be given to the conservation of designated heritage assets.
35. Weighing against these harms would be the modest benefits arising from the provision of two carbon offset family homes, from measures to provide for wildlife, and from time-limited and ongoing economic benefits arising from the

construction of the homes and from future occupiers respectively, who would benefit from the range of services and facilities within the village.

Nevertheless, these modest benefits neither individually nor cumulatively would outweigh the substantial harm to the character and appearance of the area and to the setting of nearby NDHAs, and would not outweigh the great weight to be afforded to the protection of the conservation area.

36. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Irrespective of the Council's housing land supply shortfall, the policies within the Framework that protect assets of particular importance, in this case the conservation area, provides a strong reason for refusing the scheme.

Conclusion

37. For the above reasons the scheme would conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR