



Appeal Decision

Site visit made on 4 February 2025

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/T0355/D/24/3355151

Greenways, Hibbert Road, Maidenhead, Windsor and Maidenhead SL6 1UT

- 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 Robert K Williams c/o Fairview New Homes against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref is 23/02472.
- The development proposed is described as 'Retention of existing decking within curtilage and associated timber screens.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the proposed development commenced in August 2023, but has not been completed. This was confirmed on my site visit. For the avoidance of doubt, I have determined the appeal on this basis and on the plans and annotated photos submitted with the application/appeal.
3. The appeal site is located within the Green Belt. The Council concludes in its officer report, that the decking and screens would not constitute inappropriate development in the Green Belt. From the evidence before me, I have no reason to take a different view. Therefore, I have not considered this matter in my determination of the appeal.
4. The Council's reason for refusal cites perceived harmful effects on the setting of the listed building and the character and appearance of the area, which is clarified in the officers report as the 'immediate area'. Given the overlap between these matters, I have considered them under the single issue of the building's setting.
5. Greenways Cottage forms part of a Grade II listed building 'Greenways Cottage Hazel Cottage Hope Cottage Pear Tree Cottage Rose Cottage'¹. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
6. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 after the Council issued its decision. I have had regard to the revised Framework in my determination of the appeal.

¹ National Heritage List For England List Entry Number: 1117499.

Main Issue

7. The main issue is whether the proposed development would preserve the setting of the Grade II listed building.

Reasons

Special interest and significance

8. Greenways Cottage is an end property of a, Grade II listed, row of five cottages, which occupies a prominent position at the junction of Hibbert Road and The Causeway. The listed building dates from circa 1780 and was extended in 1870. It is constructed of brick with a tile roof.
9. From the evidence before me, the special interest and significance of the listed building are largely derived from its historic and architectural interests, in its illustration of late-18th century vernacular domestic architecture and its consciously balanced and aesthetically pleasing form and design.
10. In addition and pertinent to the appeal, the associated domestic gardens/land immediately surrounding the listed building and with which it is visually, physically, historically and functionally associated, are the main spaces from which the asset and its significance are appreciated. They provide a, mostly, open and verdant setting which positively contributes to its special interest and significance.
11. In relation to the above, there is an acknowledged status differentiation between the primary front and the secondary rear elevations of the listed building and the adjacent spaces serving them. Moreover, at the rear, additions to and alterations of the individual properties within the row have considerably disrupted the coherence of the listed building's historic form and design. Whilst it can reasonably be concluded that these factors lessen the contribution that the rear elevation and adjacent space make to the heritage merit of the asset, it remains that they still provide some positive support to its special interest and significance.
12. The rear of the cottages and the interiors are not cited in the listing description. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest and significance of an asset.

Effects

13. Paragraph 212 of the Framework sets out, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that, significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
14. The garden at the rear of the appeal property is a mainly rectangular space that gently slopes down away from the cottage. The land is bound by a combination of trees/hedges and timber panel fences.
15. There are some inconsistencies between the submitted plan and annotated photos as to the dimensions of the decking and screens. It is imperative that plans are accurate to avoid any uncertainty as to what is proposed. Nevertheless, with

reference to the plan, the decking would be positioned a distance of approximately 3043mm from the rear of the property, and would cover an area of about 4500mm by 4400mm. As annotated on the photos, allowing for the slope in the land, the combined height of the decking and screens would be between approximately 2250mm and 2400mm. The structure would be built of treated/painted wood.

16. As development within the setting of the listed building, the decking and screens would not affect the historic fabric of the asset. Moreover, the majority of the building's setting, particularly the open land to the front, would remain undisturbed. As such, the proposal would preserve and not harm these elements and spaces which contribute to the building's special interest and significance.
17. Nonetheless, the sizeable footprint of the decking, combined with the substantial height and close-slatted form of the privacy screens, which would be of a greater height than the adjacent boundary fences, would result in an unduly prominent structure within the rear garden. This, in conjunction with the structure's close proximity to the rear of the listed building at the top of the slope of the land, would weaken the authenticity of how the asset as a whole is experienced and adversely disrupt the ability to appreciate its special interest and significance. This would lessen the contribution that this part of the asset's setting makes to its heritage value.
18. I acknowledge the structure's context in terms of the secondary status of the building's rear elevation and associated space, as well as the individualisation of the other cottages within the row and their gardens. However, of themselves, these factors do not mean that the proposal would not result in harmful effects to the special interest and significance of the listed building, or justify the proposal.
19. In any event, I am not aware of the details or circumstances regarding any of the previous alterations to the other cottages. Moreover, from what I was able to see on my site visit, other freestanding structures within adjacent rear gardens were of a more temporary nature/form, or positioned further away from the listed building. I have judged the proposal on its own merits.
20. The appellant submits that the proposal would not affect the significance of the asset as it would not be visible from public routes. However, listed buildings are safeguarded for their inherent special interest and significance, which includes any contribution made by their setting, irrespective of whether or not public views of the building can be gained. In any event, the structure and its harmful effects would be readily perceived from adjacent properties and their associated gardens. Additionally, although trees/vegetation provide some screening to the appeal property's rear garden along Hibbert Road, at the time of my site visit this was somewhat depleted and allowed glimpsed views of the incomplete structure.
21. I note the appellant's assertion that the decking as installed is a 'like for like replacement of a previous structure in the same location'. However, although a signed witness statement has been included on this matter, no other corroborative evidence has been presented, and I note a submitted representation contradicts this claim. In any event, I have determined the appeal on the basis of the proposed new structure as a whole, comprising decking and screens.
22. Drawing all of the above together, I find that the proposed development would not preserve the setting of the listed building. In this respect, it would harm the significance of this designated heritage asset.

Public benefits and balance

23. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the proposed development, I find the harm to the significance of the listed building would be 'less than substantial' and at the lower end of that scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
24. As the appellant contends no harm would arise to the significance of the asset as a result of the proposed development, no 'public benefits' have been submitted for consideration in any balance. Whilst any 'benefits' arising from the provision of the proposed structure would largely be private in nature to any occupants of the property, there would be some economic benefits generated by its manufacture/installation. Nonetheless, given the structure's form and nature, these would be negligible. Moreover, there is nothing before me which demonstrates that the structure is necessary to secure the ongoing residential use of the listed building.
25. In the above respects, clear and convincing justification for the proposal has not been provided. In giving considerable importance and weight to the harm to the significance of the designated heritage asset, I find that this would not be outweighed by the negligible public benefits arising from the proposed development.
26. Accordingly, I conclude that the proposed development would not preserve the setting of the Grade II listed building. As such, it would conflict with the statutory presumption set out in section 66(1) of the Act. It would also not accord with Policies HE1 and QP3 of the Royal Borough of Windsor and Maidenhead, Borough Local Plan 2013-2033 (2022) in so far as they seek development to conserve and enhance the historic environment in a manner appropriate to its significance, and respect and enhance local historic character. It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Matters

27. I note the representation by neighbours that they have 'no issue' with the proposal, and that it was recommended for approval by Bray Parish Council. I am also aware that the Council raised no objections to it in terms of its location within the Green Belt and in relation to flood risk and the living conditions of neighbours. However, these are neutral considerations, and weigh neither for nor against the appeal.

Conclusion

28. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen INSPECTOR