



Appeal Decision

Site visit made on 4 February 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th May 2025

Appeal Ref: APP/T0355/W/24/3348014

6 Silwood Close, Ascot SL5 7DX

- 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 R Graham against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00557.
 - The development proposed is erection of a replacement dwelling and detached garage/store with associated landscaping following demolition of existing house and integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a replacement dwelling and detached garage/store with associated landscaping following demolition of existing house and integral garage at 6 Silwood Close, Ascot SL5 7DX in accordance with the terms of the application, Ref 24/00557, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
3. A revised Unilateral Undertaking (UU), dated 29 April 2025, has been submitted during the appeal process to secure a financial contribution towards the Council's carbon off-set fund. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether the proposal would adequately minimise carbon dioxide emissions.

Reasons

Character and Appearance

5. The appeal site currently comprises a detached brick built 2 storey dwelling, set within a reasonably sized plot. It is within a small residential cul-de-sac, Silwood Close, comprising of 9 dwellings. A tall hedge encloses the site along the site's frontage, and the rear garden is also enclosed with established vegetation, with several mature trees situated along the side and rear boundaries.

6. Silwood Close consists of large, detached properties in relatively spacious plots, predominantly 2 or 2 and a half storeys. The majority of the properties, including the replacement dwellings at Nos 4, 7 and 8 Silwood Close, are of a more traditional design and brick built. However, rather than there being 'a clear and established street scene', as submitted by the Council, each property is slightly different in their design, form and layout, and there is a variety in the colour and type of brick which adds to the variability between the properties in the cul-de-sac. The properties are also positioned differently within their plots, with some set back from the Close further than others, as well as the relationship with neighbouring properties differing. Nevertheless, there is an element of consistency between them by the use of pitched roofs, projecting single or twin gables, and use of prominent porches/entrances to define the entry. The plots are also defined by established vegetation which contributes to the verdant nature of the cul-de-sac. These consistent design features, together with the size of the properties and their plot size, contribute positively to the character and appearance of the immediate area.
7. The proposal comprises the introduction of a contemporary dwelling to the cul-de-sac. Whilst the dwelling would have high eaves with a shallow pitched roof, the roof form would be a contemporary adaptation of the twin gables seen elsewhere in the cul-de-sac. The twin gables would also create a central entrance in the middle. Therefore, despite its clearly modern appearance, the design and form of the proposal would include design features consistent in the cul-de-sac. This would allow it to sit sympathetically alongside the more traditional dwellings in Silwood Close. The use of front and rear facing gable roof elements would not be incongruous in the streetscene, with these features already present on some of the neighbouring properties.
8. Therefore, rather than the combination of the roof and façade resulting in a 'muddled appearance', as submitted by the Council, the proposal would maintain the integrity of the modern design, whilst retaining design features that would be sympathetic to the traditional form of Silwood Close. This would be in accordance with the supporting text set out in paragraph 7.38 of the Borough Wide Design Guide Supplementary Planning Document (the Design SPD) (June 2020), which states that developments can take a contemporary approach but should be sympathetic to local character or street scene.
9. It is noted that principle 7.10 of the Design SPD emphasises that 'Window design visible in the public realm should be high quality and create visually balanced and harmonious compositions'. However, I consider that the use of large timber framed square panels along the front, side and rear elevations, which are either cladded or glazed, would be proportionate and visually balanced within the elevations. It would be an honest and well-considered feature of a contemporary approach to the built form. Whilst the windows would differ to the 'timber sash windows' common on the other Silwood Close dwellings, these are, as recognised by the comments from the Design Review Panel, characteristic of a HUF HAUS build project. Therefore, there are strong architectural reasons for the window design in these circumstances.
10. Whilst I accept that Silwood Close has 'no other examples of contemporary designs directly relatable to the proposed development', this is not a prerequisite for a contemporary building to be acceptable. The Design SPD recognises that buildings where the elements have been well put together will be pleasing to the eye, will last well and will complement the spaces they face, whatever the style of architecture. I am satisfied that the proposal would result in an unassuming but well designed,

contemporary addition to the street scene, which would reflect the overall form and layout of the cul-de-sac. It would not result in a 'starkly contrasting aesthetic', as alleged by the Council, and would be suitable in this location.

11. The layout and siting of the proposal would also be sensitive to the surrounding dwellings, set back from the highway slightly further than the existing property. This would be appropriate in a street scene where the position of the neighbouring dwellings vary, both with each other and the highway of Silwood Close.
12. The photomontages of the proposed street scene, with the retained front hedge in situ, might be slightly 'disingenuous in terms of the screening of the proposal from the street scene'. However, even if this was the case, the established vegetation would undoubtedly mitigate the visual impact of the proposal, to some degree. The landscaping proposals also include 'details for a replacement and more robust side boundary hedge adjacent to no 8, more defined tree planting on both front roadside corners, a recessed driveway gate and a new archway pedestrian opening in the existing front boundary beech hedge'. Cumulatively, this would assist in softening any visual impact, as well as providing for a more prominent entrance to define the entry, which is a recognised characteristic of the cul-de-sac. Furthermore, as I have found the proposal to be a suitable addition to the street scene, there would be no harm that would have to be hidden as such.
13. The Design SPD states that 'where materials and details are used to reflect traditional building forms or vernacular architecture, then they should be a genuine reflection of those traditions rather than 'stick-on' features. For instance, chimneys should relate to fireplaces, and weatherboarding should be timber'. However, I am not convinced that the proposed pitched roof would represent the type of 'stick-on' feature that the Design SPD discourages, as alleged by the Council. Whilst it would be shallower than those found elsewhere in Silwood Close, it would be an integral part of its architectural design. It would be constructed of interlocking flat profile slate roof tiles, finished in grey, which would be a genuine modern reflection of the traditional roof materials found in the cul-de-sac.
14. The form and design of the detached garaged proposed alongside the house would differ to the more 'traditional styled' garages in the close. However, due to its flat roof and single storey nature, it would maintain the contemporary integrity of the proposal and would sit relatively unassumingly within the cul-de-sac.
15. Prior to the submission of the planning application, the appellant attended a Design Review Panel (DRP). The feedback from the DRP concluded that 'the Panel considers that the proposed new house is of an appropriate design and will enhance the character and appearance of the Silwood Close. It is felt that the design is more sensitive to the defining characteristics of the area than the previously submitted scheme and the new house appears to sit comfortably within its plots and surrounds. It is suggested that the contribution of the development to the appearance of the cul-de-sac could be further enhance through the design and delivery of an appropriate landscaping scheme to the site frontage'.
16. Paragraph 138 of the Framework sets out that 'local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels. For the reasons set

out above, I am satisfied that the proposal would achieve a high quality and innovative design, refined through a DRP process which recommended that the 'proposed design is of high quality and appropriate for the site'.

17. In coming to my conclusion on this matter, I am mindful of criterion b) of Paragraph 139 of the Framework which states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
18. Therefore, to conclude, the proposal would not harm the character and appearance of the area. It would be in accordance with Policy QP3 of the Borough Local Plan 2013 -2033 (Local Plan) (2022), policies NP/DG1 and NP/DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014). These policies, in combination, seek to ensure that new development will be expected to contribute towards achieving sustainable high quality design in the Borough, by respecting the local character and appearance of the area, paying particular regard to, amongst others, layouts, height, scale, bulk, massing, proportions, and materials.
19. It would also be in accordance with Section 12 of the Framework which seek good design sympathetic to the local area, stating that regard should be had to recommendations of design review panels, as well as recognising the significant weight to be attached to outstanding or innovative designs. It would also accord with the principles set out in the Design SPD, which supports the local plan policies, providing an overarching borough wide framework for detailed guidance on design related matters in order to achieve design excellence.

Carbon Dioxide Emissions

20. Policy SP2 of the Local Plan requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Criterion 3 of Policy SP2 refers applicants to various existing and future supplementary planning documents and guidance. At the time the application was determined, the Council's 'Interim Sustainability Position Statement' (ISPS) (March 2021) stated that proposed residential developments are required to be net-carbon zero, unless demonstrated that this would not be feasible. The net-zero carbon outcome should be achieved on-site where feasible. Where it is demonstrated that this outcome cannot be fully achieved on-site, any shortfall may be provided through a financial contribution to the Council's Carbon Offset Fund which will be ring fenced to secure delivery of greenhouse gas reduction elsewhere in the borough.
21. However, since the planning application was determined, the Council has adopted the Sustainability Supplementary Planning Document (the SPD). This supersedes the ISPS. The SPD requires a Sustainability and Energy Statement to be submitted which demonstrates how the development would minimise emissions on site, with any residual emissions to be offset by means of a financial contribution to the Council's Carbon Offset Fund. It also sets out a new rate in order to calculate any carbon offset payment. Notably, the engrossed UU dated 29 April 2025 refers to the new SPD.

22. An Energy & Sustainability Statement¹, with associated SAP calculations, alongside a completed GLA Carbon Emissions Reporting Spreadsheet, have been submitted with the appeal. This concludes that the proposal, by incorporating the proposed energy strategy/measures, would exceed the Council's requirements and would achieve net zero operational carbon with an 106% reduction in CO2 emissions over Building Regulations 2021 and a high 95 A EPC rating. I am satisfied that a suitably worded condition would ensure the proposal would be implemented in accordance with the Energy and Sustainability Statement.
23. Furthermore, the submitted UU would secure a review of the carbon dioxide emissions of the proposal following practical completion, which is to include the preparation of a post construction report. The UU also includes a clause which sets out that in the event of a shortfall arising between the modelled performance of the carbon dioxide emissions of the proposal and the actual carbon dioxide emissions of the proposal, that a sum, payable to the Council's Carbon Offset Fund, would be required to minimise that shortfall, calculated in line with the new SPD.
24. I am satisfied that the UU would meet the tests set out in Regulation 122 of the CIL Regulations 2010. The proposal would therefore adequately minimise carbon dioxide emissions. It would comply with Policies SP2 and EP1 of the Local Plan and the SPD which require developments to achieve a reduction in carbon dioxide emissions and avoid an unacceptable effect on environmental quality.

Other Matters

25. Tetworth Hall which is a Grade II listed building is situated to the southwest of the appeal site, approximately 75m away. Within the grounds of Tetworth Hall is Tetworth Cottage, also Grade II listed, and situated approximately 55m away. The setting of these designated heritage assets is best experienced from within their own immediate surroundings, which would be unaffected by the proposal. Therefore, I am satisfied that the setting, and thus the significance, of both Tetworth Hall and Tetworth Cottage would be preserved. I also note the Council did not raise any concerns in regard to this matter.
26. The appeal site lies within the Green Belt. The proposal would represent a replacement building, in the same use as the existing building and not materially larger. It would therefore fall under the exception set out in criterion 'd' of paragraph 154 of the Framework. The proposal would preserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. Consequently, it does not constitute inappropriate development in the Green Belt in accordance with Paragraph 154 of the Framework. The Council have not objected in this regard.

Conditions

27. The Council have suggested 17 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

¹ Prepared by SRE Ltd

28. A condition regarding further details of the materials to be used externally is necessary to safeguard the character and appearance of the area. As already alluded to, a condition is also necessary, in the interests of climate change mitigation, to ensure the development is carried out in accordance with the Energy and Sustainability Statement.
29. A condition which requires a Sustainable Drainage Strategy to be submitted and approved is considered necessary to ensure that the development is provided with a satisfactory method of surface water drainage as well as in the interests of flood risk management onsite and elsewhere. In order to conserve the character and appearance of the area, details of both hard and soft landscape works are considered necessary. Furthermore, in order to safeguard the trees on site, a condition to ensure the tree protection measures as set out in the Arboricultural Planning Report are implemented is considered both reasonable and necessary.
30. To ensure that impacts on protected species and other biodiversity are minimised, a condition requiring a Construction Environmental Management Plan is necessary. Also in the interests of biodiversity and nature conservation, conditions requiring details of the biodiversity enhancements, details of any external lighting to be used and details of a Biodiversity Management Plan, based on the net gain information, are all reasonable and necessary.
31. In the interests of highway safety, a condition is considered necessary to ensure that the parking and turning areas are all constructed and maintained as approved. To encourage travel by sustainable alternatives, details of secure cycle parking facilities is considered necessary.
32. To ensure convenience of arrangements for refuse and recycling storage and collection and in the interests of highway safety, a condition which requires details of refuse and recycling is necessary and reasonable. Furthermore, to ensure that the development is provided with adequate electric vehicle charging, a condition to require the necessary EV charging points to be provided is reasonable.
33. Finally, the Council have also suggested the removal of permitted development rights in relation to alterations, extensions and outbuildings. They have also suggested that the upper floor windows in the side elevations are either non opening or with an opening top-light that is a minimum of 1.7m above the finished internal floor level and fitted with obscure glass. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, in these circumstances, I do consider that in order to protect the character and appearance of the area and the Green Belt, as well as to protect the living conditions of the occupants of the neighbouring properties, in regard to privacy, these conditions are considered reasonable and necessary.

Conclusion

34. The appeal scheme would comply with the development plan and as such, having considered all other matters raised, the appeal is allowed, subject to the conditions set out above.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: -
 - b100d proposed house and garage, floor and roof plans
 - b111c proposed house, front and rear elevations
 - b112c proposed house, side elevations
 - b113b proposed garage plans and elevations
 - b120i proposed site plan and street scene elevations
 - b121a OS map
 - b122b proposed block plan
 - 890/0 Landscape proposals
- 3) The construction of the external surfaces of the development hereby permitted shall not be commenced until details of the materials to be used have first been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details.
- 4) The development shall be carried out and maintained in accordance with the approved details and in accordance with the details set out in the Energy & Sustainability Statement (Version 2 Revision B) by SRE, dated 12/07/24.
- 5) No development shall commence on site until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - i. a timetable for its implementation, and
 - ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 6) Prior to the commencement of the development hereby permitted above ground floor slab level, details of both hard and soft landscape works, shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or

defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

- 7) Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Arboricultural Planning Report (including Arboricultural Method Statement and Tree Protection Plan) prepared AD Tree Consulting, dated 08/08/23. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the local planning authority.
- 8) Prior to the commencement of the development hereby permitted (including demolition, ground works and vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on the adjacent habitats and protected and priority species during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 9) Prior to commencement of development above slab level, details of the biodiversity enhancements to include the planting of native trees and shrubs, use of appropriate SUDS, enhancement of lawns using wildflower mixes, installation of bird and bat boxes, creation of log piles and hibernacula and gaps at the bases of fences to allow hedgehogs to traverse through the site, shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved and a brief letter report confirming that the enhancements have been installed, including a simple plan showing their location and photographs of the enhancements in situ shall be submitted to and approved in writing by the local planning authority.
- 10) Prior to occupation of the development hereby permitted, a report detailing the external lighting scheme (if to be installed) shall be submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices: a) A layout plan with beam orientation b) A schedule of equipment c) Measures to avoid glare d) An isolux contour

map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance for commuting and foraging bats and location of bird and bat boxes e) Hours of operation of any external lighting The approved external lighting scheme shall thereafter be implemented as agreed.

- 11) Prior to the commencement of the development above slab level, details of a Biodiversity Management Plan (based on the net gain information provided) that details how the habitats on site will be created, established, enhanced, managed and monitored in perpetuity, has been submitted to and approved in writing by the local planning authority. The Biodiversity Management Plan shall thereafter be implemented/installed in full as agreed.
- 12) No part of the development shall be occupied until all vehicle parking and turning spaces have been provided in accordance with the plans hereby approved. The space approved shall be kept available for parking and turning in association with the development.
- 13) No part of the development shall be occupied until a plan showing how covered and secure cycle parking facilities can be satisfactorily provided on site has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 14) Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of refuse and recycling storage sufficient for the intended development has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before first occupation and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such, unless otherwise agreed in writing by the local planning authority.
- 15) No part of the development shall be occupied until one active and one passive electric vehicle charging point has been provided. These facilities shall thereafter be retained and kept available in association with the development at all times.
- 16) Irrespective of the provisions of Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the local planning authority.
- 17) The upper floor windows in the side elevations of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening top-light that is a minimum of 1.7m above the finished internal floor level and fitted with obscure glass and the window shall not be altered.