



Appeal Decision

Site visit made on 12 February 2025 by S Indermaur

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/T0355/D/24/3352813

1 Dower Park, Windsor, Windsor and Maidenhead SL4 4BQ

- 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 Ms Ohene-Djan against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/01341.
 - The development proposed is described as “two storey side and rear extension to form living room/study and two bedrooms. Removal of chimney. Enclosure of porch. Changes to fenestration, render to lower walls.”
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; b) protected species; and c) protected trees.

Reasons for the Recommendation

Character and Appearance

4. The Council has raised no concerns in respect of the proposed single storey front/side extension in regard to this main issue. I have no reason to disagree with their conclusions. My findings here therefore focus on the remaining elements in the context of the Council's objections thereto.
5. The appeal property is a large two storey detached dwelling which, like others locally, is sat within a generous plot. It is positioned on a bend in the road. There is an established gap between the side elevation of the host property and the appeal site boundary, next to the bend. It is also set back from the front of the site. These elements give the street scene a pleasant sense of spaciousness.
6. Neighbouring properties surrounding the appeal dwelling also have a spacious feel as they are mostly set back and in from boundaries. As such, infilling the majority of the gap between the side elevation of the appeal property and the plot boundary would unacceptably erode the spacious qualities of the street scene. When

approaching the bend in the road, the property is positioned as the first dwelling visible, which makes it appear prominent, exacerbating the harm identified.

7. The public grass verge next to the side boundary and the privateness of the appeal property is demarcated by tall hedges, fences and entrance gates. As such, the verge would appear as separate and distinct to the pattern and spacing of the buildings within their plots. Views of trees from the front of the appeal site will remain above and to the side of the host dwelling, and space will remain between the appeal property and the neighbouring dwelling. Neither this, nor the above matter, would be sufficient to satisfactorily mitigate the harm I have found.
8. The proposal would cause harm to the character and appearance of the area. As such, it would conflict with Policy QP3 of the Borough Local Plan 2013 (LP). This states that development will be expected to contribute towards achieving high-quality design, respect and enhance local character and pay particular regard to urban grain, layout, rhythm, scale and massing amongst other things.
9. The proposal would also conflict with Policy DES.01 of the Windsor Neighbourhood Plan 2021 which sets out, amongst other things, that proposals should conserve local character and encourage high quality design through taking account of design guidance and principle 10.1 of the Borough Wide Design Guide Supplementary Planning Document 2020 which states that extensions which erode gaps that contribute to visual amenity and the character of the street will be resisted.

Protected Species

10. The appeal building is an older property, and the appeal site has a number of mature trees, woodland, grassland and hedges in its vicinity. There is therefore a greater possibility for there to be protected species located in the building's roof, immediate surroundings or be using the wider area for nesting or foraging. As the proposed extensions would remove a significant proportion of the roof and it is unclear when any works might take place, a precautionary principle should be adopted.
11. Survey information would need to demonstrate that any species present would not be harmed by works and any mitigation measures taken into account therein. Since development may cause harm in and of itself, in the absence of knowing for certain to the contrary, one could not use planning conditions to secure surveys to take place after a planning permission has been granted. Their presence may also affect what can go where and how.
12. The appellant has not submitted any such assessment. I do not therefore have sufficient information to be satisfied that protected species are not present on site and any harm thereto could be avoided or mitigated. As such, the proposal would conflict with Policy NR2 of the LP which outlines that schemes shall be accompanied by ecological reports and demonstrate how they maintain, protect and enhance the biodiversity of application sites including protected species.

Trees

13. The site falls within a Tree Preservation Order (TPO) area and there are mature trees located within a close proximity. The property, according to the Council's Townscape Assessment, is classified as being within 'Leafy Residential Suburbs'. As such, trees are a key feature of the character of the area.

14. The appellant has provided an Arboricultural Report which shows that the proposed extension would be outside of the root protection areas of all of the trees identified. The root protection areas of those trees which are to be retained will require protection from accidental damage throughout the construction process. This can be secured via a condition. The appellant's findings have not been disputed.
15. The proposal would not therefore cause harm to the TPO'd trees identified. In this regard, the proposal would not conflict with Policies NR3 or QP3 of the LP which together set out, amongst other things, that development proposals should carefully consider the individual and cumulative impact of development on existing trees and protect trees worthy of retention.

Conclusion and Recommendation

16. The proposal would cause harm to the character and appearance of the area, and I remain to be convinced it would not be harmful to protected species. This could not be outweighed by my findings on the third main issue due to a lack of harm being a neutral matter in any balance. There are no material considerations that justify granting permission in the face of the development plan conflict I have found. I therefore recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR