

Appeal Decisions

Site visit made on 28 August 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2024

Appeal A Ref: APP/T0355/W/24/3338697

Brookfield Lodge, Datchet Road, Horton, Slough SL3 9PS

- 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 Daljit Bhail against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/03087.
 - The development proposed is described as Limited infill of space between existing summer house and Lodge.
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Appeal B Ref: APP/T0355/Y/24/3338701

Brookfield Lodge, Datchet Road, Horton, Slough SL3 9PS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Daljit Bhail against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/03088.
 - The works proposed are described as being the same as for Appeal A.
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Decisions

1. The appeals are both dismissed.

Applications for Costs

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

Preliminary Matters

3. The descriptions of the proposed development and works in the above respective headers for Appeals A and B are taken from the original application forms. However, the descriptions in the Council's decision notices, and as set out in the appeal form, refer to the proposals as being *a single storey side extension to link the main dwelling to the Summer Room with new mansard roof providing habitable accommodation within the roofspace*. Whilst that is a more detailed description, for clarity, I note from the submitted plans that the link referred to would consist of two floors,

albeit with the first floor being contained within a mansard roof, and with that first floor and mansard roof also extending across on top of the existing summer room. I have determined the appeal on that basis.

Main Issues

4. The main issues are, for Appeal A:

- i) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- ii) whether the proposal would preserve the significance of the Grade II listed building known as Brookfield (Ref: 1319361) (the LB), and any of the features of special architectural or historic interest that it possesses;

and for Appeal B, only that relating to bullet point (ii) above.

Reasons

Whether inappropriate development in the Green Belt

5. Policy QP5 of the Royal Borough of Windsor and Maidenhead Borough Local Plan 2013-2033 (the Local Plan) states, amongst other things, that the Metropolitan Green Belt will be protected against inappropriate development. It goes on to say that planning permission will not be granted for inappropriate development (as defined by the Framework), unless very special circumstances are demonstrated. This is consistent with the Framework, which in paragraphs 154 and 155 sets out the categories of development which would be exceptions to being regarded inappropriate, subject to certain conditions. The appeal development falls under the category of an extension of a building. In considering whether or not it would be inappropriate development, a determination has to be made as to whether it would result in disproportionate additions over and above the size of the original building.
6. Neither policy QP5 or the Framework set out specific criteria for interpreting what would amount to disproportionate additions. The parties have used floor space measurements to assess the extent to which the proposal would add to the original building, and I have no substantive basis to disagree in this case.
7. The parties dispute the percentage increase in floorspace with the Council referring to it as being approximately 100% and the Appellant approximately 47%, as set out in their respective Statements of Case. This difference between the parties arises from various factors, mainly relating to whether the existing 'summer house' outbuilding should be included within Brookfield Lodge's original floorspace, with the Council considering that it should not. In this respect I note that this outbuilding was labelled on planning application plans for the adjacent swimming pool associated with Brookfield House as being 'pool stores'. However, I saw no direct access connection between this building and the swimming pool with the former being used for general

household storage and with a door out to the courtyard serving Brookfield Lodge.

8. Even if the outbuilding was to be excluded from the original floor area of Brookfield Lodge, it also appears that the Council's calculations of floor area include the party walls with the abutting swimming pool building and the external walls of the proposal. Furthermore, I consider the inclusion of the outbuilding's floor area in the calculation of additional floor area would misrepresent that the building already exists having regard to impact on the Green Belt. The Council also claims that the Appellant's calculations of proposed floor area do not take account of the proposed second floor. However, particularly in light of the above factors, there is no substantive evidence to justify that claim.
9. No calculations have been provided in evidence for that scenario relating to the outbuilding's exclusion from the original floor area when taking account of those above factors, albeit inevitably likely to be higher than the Appellant's figures with the outbuilding included. However, given the nature of those other factors, I am satisfied that even in that scenario, the percentage increase in floor area would be unlikely to comprise disproportionate additions over and above the size of the original building in this case.
10. For the above reasons, I conclude on this issue that the proposed development would not be inappropriate development in the Green Belt having regard to the Framework and policy QP5 of the Local Plan.
11. As such, there is no requirement for me to separately assess the impact of the proposed development on the openness of the Green Belt, which is implicitly taken into account in considering the Framework paragraph 154 exception above.

Listed Building

12. The LB derives its significance primarily from what is described in the list entry as a 'handsome small country house', which dates from the 18th century, together with 19th century additions on its east and west sides. The three bay south elevation of the main Brookfield House, together with its east and west elevations represent the principal contributory external elements to the significance of the LB.
13. There are also various other extensions to that original house, including what was probably a rear annex, now known as Brookfield Lodge, connected to the northern side of the former via a link building. Brookfield Lodge is now in separate residential occupation from the main house and, along with the link building, appears to have been constructed in the 19th century, seeming to have started out as a separate building that had the mansard roof added to it. There are also further, more modern extensions to the north-east and north-west corners of the original house, the latter including an indoor swimming pool. I also understand that there is extant consent for a further addition on that side of the LB, relating to a first-floor extension to the west elevation of Brookfield House. Despite the various additions to the original 18th century house, its significance as a well-preserved Georgian country house remains.

14. Although not referred to in the list entry, Brookfield Lodge nevertheless forms part of the LB. However, its mansard design and yellow/brown brick represents a clear contrast with the main original house. It also appears from the evidence that it has been significantly rebuilt internally. Brookfield Lodge therefore provides limited architectural significance in the context of the LB. Nevertheless, it still has value in evidencing how the original house has been historically extended and developed. In this respect, Brookfield Lodge's main north elevation remains unimpeded by more recent additions to the LB.
15. The proposal would have a mansard design, with dormers of similar proportions to that on the north elevation of Brookfield Lodge, albeit that the proposed windows on the ground and first floors respectively would be at a lower level than those on the corresponding floors of that existing elevation. The proposed ridge height would also be lower than that of Brookfield Lodge, and the brickwork design would be intended to match existing. Furthermore, the ground floor windows would match those existing in the 'summer house'.
16. However, there is currently a distinct gap between the front elevation of Brookfield Lodge and that existing modest sized, single storey 'summer house'. Whilst the existing swimming pool currently physically links that outbuilding to the LB, it is set away from that front elevation. In filling that gap, and given its proposed height and mass to accommodate a first floor level, the proposal would intersect with and partially project in front of both the ground floor and mansard roof elements of that existing north elevation of Brookfield Lodge. The plans also show an awkward relationship between the lower part of the proposed mansard roof and one of the Lodge's ground floor front windows. It appears that the proposed roof would partially intersect with, or come very close to, that window with no clear details as to how that would be avoided.
17. As such, despite those various attributes referred to above, the proposal would form a dominant and jarring addition, drawing the eye away from the currently unimpeded nature of that existing main elevation of Brookfield Lodge. The overall combined length and height of the proposal, projecting directly from the rear of that one side of the Lodge's north elevation along the whole western side of the courtyard would add to that dominating effect.
18. The above factors relate to the integrity of the LB in its own right, regardless of the extent to which the proposal would be visible from surrounding vantage points. Nevertheless, as well as the extent of visibility from within the site, which in terms of prominence, would be largely restricted to the immediate courtyard area to the rear of Brookfield Lodge, it is likely that the proposal, due to its height, would also be seen to varying extents from the adjacent Datchet Road in the close vicinity of the appeal site. However, such views would be limited to the upper parts of the proposal due to the extent of screening provided by the existing roadside boundary treatment and high solid access gates. Roadside trees would add to any screening or filtering effect, albeit likely to be less so in winter months with any leaf fall. Views of the proposals would also not be clearly in the context of those principal external contributors to the significance of the LB relating to its south, east and west elevations.

19. I note that there have been two previous appeal decisions¹ relating to proposed links between Brookfield Lodge and the 'summer house', the first of which was dismissed and the second allowed. However, they both differed from that now proposed in that they related to single storeys with no first-floor accommodation. With the latter allowed scheme, my colleague found that it would not harm the significance of the LB. However, whilst it would have the same footprint as the current proposal, and would not project as far in front of Brookfield Lodge as the former dismissed scheme, its height would be noticeably lower than that now proposed. Furthermore, the roof would also be of significantly lesser massing than the now intended mansard. Notwithstanding that clear difference between the current scheme and that previously allowed, I have in any case determined this appeal on its own merits.
20. For the above reasons, despite not directly affecting the principal external contributors to the significance of the LB referred to above, the proposal would weaken the evidential value of Brookfield Lodge and harm the significance of the LB as a whole. As such, it would fail to preserve the special interest of the LB. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
21. Paragraph 205 of the Framework states that 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 206 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
22. Given the relatively small-scale nature of the proposed works in the context of the LB as a whole and that the fabric of the original house would not be affected, the harm caused to the LB would be less than substantial in this case. Having regard to paragraph 208 of the Framework, as I have found there would be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The Appellant refers to the benefits of the proposal associated with providing a suitable family home with additional space to accord with national and local living standards, including in respect of improved health, access, room sizes and privacy, claiming the current 2-bedroom house to be sub-standard; and aiding essential repairs and conservation.
24. I acknowledge the opportunity to create a larger family home, and therefore there would be some public benefit in providing good quality additional residential accommodation, albeit still as a single dwelling, including a completely new, modern element. However, there is no substantive evidence to indicate that the existing dwelling comprising Brookfield Lodge is an unsuitable living environment that is dependent on the proposal for its on-going viable use as such, also noting that it is currently occupied; or that it could not on its own be refurbished to improve standards and to enable long-term cost savings and the general preservation of the LB. Furthermore, I have no substantive evidence to indicate that the proposal would be

¹ Appeal Refs APP/T0355/Y/21/3282346 & 3282347 and APP/T0355/W/22/3313272 & 3313273

necessary to enable any such improvements, or any needed repairs and conservation measures, in viability terms. I therefore afford limited weight to these benefits.

25. It is proposed to incorporate measures to adapt to and mitigate climate change, having regard to policies SP2 and QP3 of the Local Plan in this respect. Paragraph 164 of the Framework also sets out that significant weight should be given to the need to support energy efficiency and low carbon heating improvements. In respect of the proposed solar panels, intended to be positioned on the west side of the proposed mansard roof, I note that these were referred to in the original Design and Access Statement but without plan details. The same applies in respect of the appeal submissions, notwithstanding the inclusion of just a section drawing through one such panel on the roof concerned. I therefore do not have the full details of such panels to properly consider them, notwithstanding the claim that they are projected to generate 1+ kWh of electricity per year. Even so, together with provision of the electric car charging point, these features would be likely only to make a relatively small contribution to environmental sustainability objectives. The public benefits associated with them would therefore be limited.
26. I note the Appellant's claims of inconsistency in the Council's decision making and the approach of its officers, including with regard to proposals granted permission that relate more directly to the principal elevations of Brookfield House itself. Regardless of this, along with the previous appeal proposals referred to above, the works concerned relate to different schemes and circumstances to that under consideration. Furthermore, and in any case, I have determined this appeal on its own merits based on all the submitted evidence and my observations.
27. For the above reasons, the public benefits would be insufficient to outweigh the less than substantial harm that would be caused to the LB.
28. In light of the above, I conclude on this issue that the proposal would fail to preserve the significance of the LB and features of special architectural and historic interest that it possesses. The proposal would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons, it would be contrary to policy HE1 of the Local Plan which, amongst other things, states that the historic environment will be conserved and enhanced in a manner appropriate to its significance; and that heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset or its setting, will not be permitted without a clear justification in accordance with legislation and national policy. The proposals would also be contrary to paragraph 203 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.
29. The Appellant also refers to Local Plan policy QP3 which relates to the character and design of new development. This policy is not referred to by the Council in its decision notice, with policy HE1 being specifically relevant to this main issue. Nevertheless, in so far as policy QP3 states that a proposal will be considered high quality design and acceptable where it, amongst other things, respects and enhances the historic character of the

environment, for the same reasons that I have given above, the proposal would also be contrary to that policy in this respect. Other elements of that policy together with policies HOU1 and HOU2 of the Horton and Wraysbury Neighbourhood Plan (the Neighbourhood Plan) relate more generally to good quality design and so are not specifically relevant to my consideration of the effect on the historic environment.

Other Matters

30. The Appellant refers to other policy criteria in Local Plan policy QP3 and Neighbourhood Plan policies HOU1 and SUSTDEV 02, including for parking, amenity space, amenities of occupants of adjoining properties, accessibility and capability of adaption to meet future needs, and drainage and flooding. However, those other issues are not in contention by the main parties and I have no reason to consider differently. Furthermore, I have no substantive basis to consider that any compliance in these respects would be anything other than a neutral factor. Additionally, the referred to Neighbourhood Plan policy SUSTDEV 01 is a general policy that relates to the presumption in favour of sustainable development.
31. The Appellant refers to no objections having been received from the Parish Council who comment that the proposal appears to be very similar to that previous scheme allowed on appeal. However, regardless of this, as previously clarified, I have determined this appeal on its merits based on all of the submitted evidence and my observations.

Conclusion

32. In respect of Appeal A I have found that the proposed development would not be inappropriate development in the Green Belt. Nevertheless, in light of my conclusion on the second main issue for Appeal A and the sole one for Appeal B, for the reasons I have given, both appeals should be dismissed.

A Dawe

INSPECTOR