



Appeal Decision

Site visit made on 18 June 2025

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2025

Appeal Ref: APP/T0355/W/24/3352745

Four Seasons, Ferry Road, Bray, Maidenhead SL6 2AT

- 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 J Burgess against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02830.
 - The development proposed is erection of x1 new detached dwelling with x1 new detached garage and associated landscaping following demolition of existing dwelling and associated outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new detached dwelling with detached garage and associated landscaping following demolition of existing dwelling and associated outbuildings at Four Seasons, Ferry Road, Bray, Maidenhead SL6 2AT in accordance with the terms of the application, Ref 23/02830, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (Framework) was published after the Council made its decision. Both main parties were given an opportunity to provide comments on any potential implications of this during the appeal. Additionally, the Sustainability Supplementary Planning Document (SPD) superseded the Sustainable Design and Construction SPD and the Interim Sustainability Position Statement after the decision was issued. However, the appellant had an opportunity to comment on this during the appeal process, and so I have not sought further views about the matter.
3. The Council contends that a letter from the appellant's arborist dated 5 February 2024, which was appended to the appellant's Statement of Case, did not form part of the application and should not be accepted at appeal. The letter seems to be referenced in the officer report, but the Council was able to consider it during the appeal in any case. As such, I have taken it into account in making this decision.

Main Issues

4. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt (GB);
 - (ii) if the proposal is inappropriate development, the effect of the proposal on the openness and purposes of the GB;
 - (iii) the effect of the proposal on the Bray Conservation Area (CA);

- (iv) the effect of the proposal on trees;
- (v) whether the proposal would incorporate satisfactory measures to adapt to and mitigate climate change; and
- (vi) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

5. The site includes a two-storey detached dwelling, garage, shed and surrounding residential land in the village of Bray, which is in the GB. The proposal includes the replacement of the buildings with a detached dwelling comprising two storeys plus a partially exposed basement served by lightwells, a separate triple garage and an outdoor swimming pool.
6. Paragraph 153 of the Framework explains that inappropriate development in the GB should not be approved except in very special circumstances. Paragraphs 154 and 155 of the Framework set out exceptions to inappropriate development. Policy QP5 of the Borough Local Plan 2013-2033 (LP) largely defers to the Framework's approach to GB considerations.
7. The main parties agree that none of the Framework's exceptions are applicable. I have therefore proceeded on the basis that the proposal would constitute inappropriate development in the GB and very special circumstances must exist to justify the scheme. I consider this matter later in this letter.

Openness and purposes

8. The Council has calculated that the proposed dwelling would be taller, wider, include more than twice the floorspace and almost double the footprint of the existing dwelling. The proposed garage would also be larger than the current one. While much of the basement would be contained below ground and the effects of that aspect of the dwelling would thereby be limited, the overall scheme would have a significant impact on the openness of the GB spatially.
9. The principal part of the site is set back from Ferry Road at the end of a driveway such that it effectively sits behind the garden of Vicarage Cottage. The Church of St Michael and its churchyard are to the rear, which are connected to Ferry Road by a public footpath named Church Path beside part of the site. Mature vegetation present along much of the site's boundary provides a high degree of containment.
10. The existing dwelling is nestled close to and largely screened from vantage points outside the site by the boundary vegetation. The proposed dwelling would be only marginally more visible beyond the vegetation from the churchyard and Church Path given that it would be larger and located centrally in the principal part of the site. Glimpsed views would also be possible from Ferry Road. However, the proposed garage would be less visible than the existing one, which can be seen from the site's access. Drawing this together, the visual impacts on the openness of the GB would be limited.

11. The Council contends that the increased footprint of the development on site would conflict with the purpose of the GB to assist in safeguarding the countryside from encroachment, which is identified at paragraph 143(c) of the Framework. However, as the site is clearly within the confines of the village and the proposal seeks to replace an existing property, I disagree.
12. The Council does not allege that any other elements of the scheme, such as the swimming pool, landscaping, or any potential boundary treatments, would adversely affect the GB. There are limited details in these respects, but a landscape condition could control any corresponding effects on the GB.

Conservation area

13. The Bray Conservation Area Appraisal sets out that the CA has a strong village atmosphere with architecture of varied styles and proportions that reflects the growth of the village from mediaeval times to the present day. The appraisal also specifies that it is an affluent area with almost celebrity status, historically as a hub for nightlife and high society, and today as the location of two of Britain's most prestigious restaurants. Despite this, the settlement retains a rural character that is assisted by open spaces within and surrounding the village.
14. While the site is identified as part of the village's medieval core, there are nevertheless a mix of properties along Ferry Road and adjacent to Church Path. Notably, Braydene End and Hill House, which are next to and opposite the site respectively, are sizeable dwellings with white coloured elevations. The latter also has a slate roof and a doric porch. Additionally, many nearby properties feature dwellings positioned centrally within their plots and timber framed sash windows.
15. The existing dwelling dates from the mid to late 20th century and the outbuildings are nondescript timber clad structures. Given their limited prominence as described above, the buildings have neutral impacts on the special interest and significance of the CA. However, the appraisal specifies that the site forms part of an important green space that provides a welcome sense of openness in the centre of the village, whereas its boundaries with the churchyard and Church Path are identified as important tree screens. For these reasons, the site positively contributes to the character and appearance of the CA as a whole.
16. The Council has no objection to the demolition of the existing buildings and, having regard to their contribution to the CA, I share that view. Additionally, given that outbuildings in the vicinity vary significantly in size and design, the proposed garage would not be harmful to the character or appearance of the CA.
17. The proposed dwelling would be Georgian inspired with white painted brick elevations, a slate tiled roof and timber framed sash windows that would be compatible with the design, features and materiality of nearby properties such as Hill House. It would be rather grand as a result of its size, large front entrance, basement lightwells and highly glazed rear elevation that includes symmetrical single storey pavilions and a round-headed stair window. However, it would not be overly imposing, incongruent or disproportionate due to the prevailing affluence of the village and its centralised position in the generous plot, away from the site's boundary. While basements are not commonplace in the CA, the Council has

permitted such nearby¹ and, in this case, the lightwells would be subtly concealed by parapets and accord with the Georgian inspired design approach.

18. The site would retain its spacious and verdant characteristics and continue to be highly screened. However, even if some boundary vegetation were to fail and not be replaced, which I have no reason to consider is likely, the overall development would not be prominent or out of keeping with the CA.
19. A condition to require details of the external materials to be used for the development, together with a brick sample panel and a sample of the roof tiles to be used would ensure that the precise finishes are befitting of the CA. The aforementioned landscaping condition would also ensure that the development integrates successfully with the CA.
20. Accordingly, the proposal would preserve the character and appearance of the CA as a whole and its special interest and significance would not be harmed. It does not conflict with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It also accords with LP policy QP3 and HE1, which require development to preserve or enhance the character, appearance and function of heritage assets and their settings and respect and enhance the local environment.

Trees

21. The Council's concerns relate to a sycamore and a lime tree. The former is next to the outbuildings near the site's boundary whereas the latter is in the rear garden of Vicarage Cottage. The appellant's Arboricultural and Planning Integration Report has been prepared by a certified arborist who identifies these as mature category B1² trees. An associated tree protection plan indicates the sycamore's root protection area (RPA) would be constrained by the outbuildings, but its crown would need to be pruned to provide clearance from one of the proposed dwelling's pavilions. The lime's RPA would extend right up to the front wall and basement of the proposed dwelling, but no works would be undertaken to its crown.
22. The arborist confirms that with careful working practices and monitoring there is sufficient scope for the scheme to be constructed and associated utilities and services to be installed without harming the trees. Compelling evidence from a similarly qualified person which might indicate otherwise has not been expressly provided. While the proximity of the sycamore's crown to the proposed dwelling may lead to pressure for ongoing pruning, this would require CA consent from the Council and thus only be undertaken in a considered manner. Similar work is currently needed in any case due to the existing garage.
23. There is sufficient prospect that harm to the trees could be avoided by a condition to require adherence to the contents of the arboricultural report and the installation of tree protection measures prior to development commencing. The proposal thereby accords with LP policy NR3, which sets out that development should protect trees.

Climate change

24. LP policy SP2 states that development should demonstrate how it has been designed to incorporate measures to adapt to and mitigate climate change with

¹ Council ref: 22/02709/FULL

² Categories as per BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations

reference to guidance in successor documents to the Sustainable Design and Construction SPD. Among other things, the Sustainability SPD specifies that 'net zero' carbon emission buildings should be delivered. Where this cannot be fully achieved, the shortfall is expected to be addressed by financial contributions to the Council's carbon offset fund. However, the appellant contends that these parts of the Sustainability SPD are not reflected in policy and so cannot be required. Appeal decisions³ have been provided which support this view.

25. There are no references to net zero schemes in LP policy SP2. Moreover, the Planning Practice Guidance⁴ states that policies for planning obligations should be set out in plans and examined in public and that it is inappropriate to set out formulaic approaches to obligations in SPDs. Consequently, while the scheme would not be net zero, this does not equate to conflict with LP policy SP2. I acknowledge that other appeal decisions have taken alternate approaches, but the specific arguments and considerations for those cases will have differed to those presented in this case, and I must make a decision on the evidence before me.
26. Further, the proposal is supported by a Sustainability and Energy Statement that considers a range of energy efficiency options having regard to site-specific constraints such as shading from trees. It sets out that various passive and active design measures will be used, including the installation of a ground source heat pump, which demonstrate that climate change adaptation and mitigation has been duly considered. A condition could secure the delivery of the measures specified.
27. The proposal would incorporate satisfactory measures to adapt to and mitigate climate change. In this respect it accords with LP policy SP2.

Other considerations

28. A lawful development certificate⁵ confirms that a single storey rear extension to the existing dwelling and two large, single storey outbuildings close to it may be constructed without an express grant of planning permission. While the outbuildings would principally include an indoor swimming pool and gym and office space and so not reflect the facilities now proposed precisely, there is nonetheless a real prospect that the development supported by the certificate would be implemented in the event the appeal is dismissed. As such, the permitted development scheme is a valid fallback consideration.
29. The appellant calculates that the proposed scheme would have a 30 percent smaller footprint, 16 percent less floor area and 10 percent less volume than the fallback scenario. While the calculations exclude the proposed basement and lightwells, the spatial and visual effects of these specific elements would be limited by being below ground and thus highly contained and concealed.
30. In any case, I consider the scheme's lesser footprint to be the principal factor in this case. The proposed dwelling would have a purposefully designed compact footprint. In contrast, the fallback scheme would comprise a disjointed and sprawling series of buildings, with the largest outbuilding considerably longer than existing dwelling. Moreover, there would be a small gap between that outbuilding and the permitted rear extension such that it would have similar effects to an

³ Appeal references: APP/T0355/W/22/3309308; APP/T0355/W/23/3333831

⁴ Reference ID: 23b-004-20190901

⁵ Council ref: 22/00019/CPD

extension to the dwelling. The spatial impacts on the openness of the GB would therefore be much greater than for the proposed development.

31. Additionally, while the permitted development would comprise a single storey and have similar visual effects on the openness of the GB due to the extent of boundary vegetation, the pair of outbuildings would be so disproportionately large and incongruous that they would harm the character and appearance of the CA, despite having limited public prominence. Accordingly, the fallback scheme would be more harmful than the proposed one.
32. The Council has reported that it can demonstrate 4.69 years of deliverable housing sites. The presumption in favour of sustainable development set out by paragraph 11(d) of the Framework is therefore applicable. However, I note that the proposal would not result in a net increase in housing or thus contribute to housing supply.
33. The church and Vicarage Cottage are listed buildings⁶. According to the list description, the former dates from the early 14th century. Its special interest and significance derive mainly from its age and the architectural richness of features such as its southern tower. The churchyard provides relief around it that enables its attributes to be appreciated and contributes to its special interest and significance, and so too does the site because of its spacious and verdant qualities. However, dwellings and other buildings are sited prominently at the edges of the churchyard. While glimpsed views of the proposed dwelling would be possible from the churchyard, this would be in keeping with its relationship with existing properties. As such, the setting of the church would be preserved.
34. Vicarage Cottage is an early 16th century, timber framed dwelling that was once probably a former hall house. Its special interest and significance are informed largely by its traditional vernacular construction and aesthetic. It is located within a spacious plot that provides rural qualities which contribute to its special interest and significance. The site reportedly once formed part of the curtilage of the listed building and its spacious and verdant qualities add to this. While the proposed dwelling would be larger than the existing one, as it would be set further back from Vicarage Cottage and a significant amount of intervening soft landscaping would be retained, the development would also preserve the setting of this listed building.
35. The Council has indicated that an impact assessment may be required to ascertain whether the proposed basement would affect Vicarage Cottage. However, there is no policy requirement for this, and the basement would be sufficiently far from the listed building to prevent adverse impacts in any event. There are other listed buildings in the vicinity but, for similar reasons for the church and Vicarage Cottage, I am satisfied that the settings of these would be preserved.
36. The site is within flood zone 2 and at risk of surface water flooding. However, the Council is satisfied that the sequential test for flood risk has been passed, and I have no reason to question their view. The appellant's Flood Risk Assessment and Outline Sustainable Drainage Strategy and associated technical note confirm that finished floor heights, the basement threshold and the lightwell parapets would be above than anticipated flood levels and thus prevent water ingress. The evidence provides sufficient certainty that the scheme could be appropriately designed to provide safe access/egress, flood resistance and resilience, and not increase flooding elsewhere. Further details are required such as in respect of ground

⁶ List entry numbers: 1136168; 1312994

investigations, swimming pool discharge and measures to mitigate flooding impacts on the garage, but there is enough scope for these to be addressed by pre-commencement conditions to require the approval of details of flood mitigation measures and drainage.

Conditions

37. In addition to the conditions discussed above, the standard time and approved plans ones would be needed in the interests of certainty.
38. The evidence indicates that there is some prospect of features of archaeological interest surviving in the area, but the investigation and preservation of remains could be appropriately addressed by a pre-commencement condition.
39. The appellant's ecological appraisal makes clear that the development would not harm protected or priority habitats or species provided that recommended working practices are followed. It also details appropriate wildlife enhancements. A condition to ensure that the development is carried out in accordance with the appraisal would ensure that the scheme is satisfactory in these respects.
40. The Council has recommended a condition to require the submission of a Biodiversity Gain Plan. However, the submission of the application preceded statutory requirements relating to the submission of such plans in order to demonstrate the provision of 10 percent biodiversity net gain⁷. Nevertheless, LP policy NR2 and paragraph 187 of the Framework require that biodiversity net gain is achieved. A condition would be able to address this matter.
41. A condition to require the approval and implementation of vehicular access, parking and turning facilities prior to the occupation of the dwelling would be needed for highway safety purposes. This would ensure that there would be enough space within the site for manoeuvring vehicles and egress could be achieved in a forward gear.
42. The Council has recommended conditions to require the provision of storage for cycles and waste receptacles. However, there is clearly sufficient space for such within the site and thus such conditions would be unnecessary. Additionally, having regard to the proximity between the proposed and neighbouring dwellings and the extent of intervening vegetation, conditions to obscure glaze and restrict the opening of upper floor windows would not be needed.

Planning Balance and Conclusion

43. Paragraph 153 of the Framework explains that the very special circumstances required to justify inappropriate development in the GB will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It also explains that any harm to the GB attracts substantial weight.
44. I have found that the proposal would be inappropriate development in the GB and result in significant spatial and limited visual harm to its openness. However, subject to conditions, the scheme would not have adverse impacts in other respects. In comparison, the appellant's fallback scheme would be more harmful to the openness of the GB and adversely impact the character and appearance of the

⁷ Schedule 7A of the Town and Country Planning Act 1990

CA as a whole. This is a matter of considerable weight. The proposal would also generate modest benefits from employment during the construction process, the provision of at least some biodiversity net gain and wildlife enhancements, and the scheme's energy efficiency and sustainable construction measures.

45. Overall, the other considerations present in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development. Accordingly, the application of the policies in the Framework relating to the GB do not provide a strong reason for refusing the scheme. Moreover, the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits of the scheme.
46. The proposal accords with LP policy QP5 as very special circumstances have been demonstrated. As such, the proposal does not conflict with any of the development plan policies referenced in the Council's decision. Furthermore, the very special circumstances constitute a material consideration indicating that the scheme should be approved.
47. Accordingly, the appeal is allowed.

Mark Philpott

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: 010 Rev 00; 011 Rev 00; 100 Rev 01; 101 Rev 01; 102 Rev 01; 200 Rev 01; 201 Rev 01; 202 Rev 01; 209 Rev 01; 300 Rev 01; 301 Rev 01; 302 Rev 01; 303 Rev 02; 304 Rev 01; 400 Rev 01.
- 3) No development shall take place until: (i) an archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and (ii) safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until details of measures for mitigating the impacts of flooding have been submitted to and approved in writing by the local planning authority. The measures shall thereafter be implemented prior to the occupation of the dwellinghouse hereby permitted in accordance with the approved details.
- 5) No development shall take place until details of a surface and foul water drainage system for the site and arrangements for its maintenance have been submitted to and approved in writing by the local planning authority. The drainage system shall be implemented prior to the occupation of the dwellinghouse hereby permitted and thereafter maintained in accordance with the approved details.
- 6) No development shall take place, and no equipment, machinery or materials to be used in connection with the demolition or construction of the development hereby permitted shall be brought onto the site, until tree protection measures have been installed in accordance with the Tree Protection Plan by GHA Trees dated December 2023. The development shall thereafter be carried out in accordance with the demolition, construction and tree protection measures specified by section 8 of the Arboricultural and Planning Integration Report ref GHA/DS/122060: 22 and the tree protection plan, with the tree protection measures retained as installed throughout the demolition and construction period.
- 7) Notwithstanding the approved plans and prior to the commencement of development above slab level, details of hard and soft landscaping, the swimming pool, boundary treatments, and a timetable for their construction, installation and planting on site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and timetable. If within a period of five years from the date of the planting of any tree, shrub, hedge, or plant (or any tree, shrub, hedge or plant in replacement for it) is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree, shrub, hedge, or

plant of the same species and size as that originally planted shall be planted in the immediate vicinity.

- 8) Prior to the commencement of development above slab level, details of all external materials and finishes shall be submitted to and approved in writing by the local planning authority. A brick sample panel and a sample of roof tiles shall be provided on site and approved in writing by the local planning authority. The approved samples shall be retained on site until the work is completed, and the development shall be carried out in accordance with the approved details and samples.
- 9) Prior to the commencement of development above slab level, details of a scheme for the provision of biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be carried out in accordance with the approved details.
- 10) Notwithstanding the approved plans and prior to the occupation of the dwellinghouse hereby permitted, details of vehicle access, parking and turning facilities shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwellinghouse and retained for those purposes thereafter.
- 11) Prior to the occupation of the dwellinghouse hereby permitted, the development shall be carried out in accordance with the passive and active design measures and low carbon and renewable technologies specified in sections 5.0 and 5.2 of the Sustainability & Energy Statement dated 7 December 2023.
- 12) Prior to the occupation of the dwellinghouse hereby permitted, the development shall be carried out in accordance with section 5 of the Update to Ecological Appraisal ref W5690_rep_Four Seasons, Bray_04-03-24.