



Appeal Decision

Site visit made on 4 August 2025

by Mr Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/T0355/W/25/3361010

1 Farm Yard, Windsor, Windsor And Maidenhead, SL4 1QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mountcharm (SE) Limited against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00628.
 - The development proposed is Demolition of roof level plant room and construction of single storey roof extension with terrace and balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of roof level plant room and construction of single storey roof extension with terrace and balustrade. at 1 Farm Yard, Windsor, SL4 1QL in accordance with the terms of the application, Ref 24/00628, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are the effects of the proposal on the historic environment and secondly, whether the proposal can include suitable measure to secure an acceptable effect in relation to climate change.

Reasons

Historic Environment

3. The appeal site comprises a three storey building, occupying a position at the junction of Farm Yard and Datchet Road. The building is currently in commercial use, with the ground floor occupied by a dental clinic and the upper floors in use as offices. The site is located within the Windsor Town Centre Conservation Area (CA) and is within the setting of a number of listed buildings the most immediate being the Grade II listed Windsor and Eton Riverside Station and Royal Waiting Room, the Grade II listed William IV Public House, the Grade II listed 7-8 Datchet Road and the Grade I listed Windsor Castle. The Council only alleges harm to the Station and Windsor Castle as well as the Conservation Area, in this respect and so I shall concentrate on these matters.
4. The proposal would add an additional storey of accommodation which would be set back from the frontages of the building facing Datchet Road and Farm Yard. It seems to be accepted by both main parties that the existing building at the appeal site does not make a positive contribution to the CA but its effect is neutral.
5. The Grade II listed Windsor and Eton Riverside Station (WERS) sits directly opposite the appeal site at the Junction of Farm Yard with Datchet Road. Within

the Datchet Road street-scene WERS is set forward of the building at the appeal site. From the east along Datchet Road, the long elevation of the WERS building curves and is aligned closer to the road, the further west it goes, obscuring the appeal site to a very large extent. The decorative entrance and ticket office of the station sit at the junction, in a prominent position. Within these views the appeal scheme would not be prominent and would only be partly visible from a limited area.

6. From the west, the WERS is seen within the context of the terrace of buildings on Datchet Road between Farm Yard and Thames Street. This terrace contains buildings ranging from 2 to 3 storeys in height, mostly taller than the WERS building. Despite this, the station appears prominent due to its forward siting and attractive and detailed design. Taking account of the roof-scape of the other buildings here and the proposed design and set-back of the proposal, I consider that the appeal scheme would not be prominent but would represent a discreet and unobtrusive addition which would have no dominating effect on the adjacent listed building within this context.
7. In relation to the context of Farm Yard, there are a number of existing 4 storey buildings within the setting of the station here. The proposed additional floor would only be visible within this context from a limited area, partly due to the kinked frontage of the adjacent building on Farm Yard and due to its design and set-back. Again, within this context, I consider that the proposal would represent a modest and unobtrusive addition and would have no harmful effect on the listed WERS.
8. The perimeter of the Grade I Listed Windsor Castle is set around 150m from the appeal site, on higher ground to the south. Its acknowledged national and international importance is common ground between the main parties. The Council considers that views from Farm Yard towards the Castle will be unacceptably affected by the proposal, such that the setting of the Castle would not be preserved.
9. The existing views of the Castle from Farm Yard currently include 4 storey buildings on both side of Farm Yard. As set out above, due to the slight angle in the elevation of the building immediately to the north of the appeal site (along with the proposed set-back of the additional storey) the proposal would not be readily visible within these views. It would only be partially seen from a limited area and then, set back from the building's frontage. In my judgement it would have no negative effects on these views of the Castle. Taking account of the remainder of the setting of the Castle in this vicinity, I conclude that its setting would be preserved by the proposal.
10. In assessing the effects on these listed buildings, much of the same assessment is relevant to judging the effects on the CA. I have taken account of the likely views of the proposal along Datchet Road from both directions and from Farm Yard. I have seen that other views within the vicinity are restricted by other buildings or by mature trees. Within the limited views that would be available, I consider that the proposal would not be a prominent feature. It would appear as a lightweight and modest addition which would not dominate the existing building, its neighbouring buildings or the area generally. In my judgement, it would have a neutral effect on the area and so I conclude on this matter that it would preserve the character and appearance of the CA and would preserve the setting of the nearby listed buildings.

Climate Change

11. The appeal scheme was not accompanied by an Energy and Sustainability Appraisal. The Council considers this to be necessary so that it can appropriately assess the scheme in this respect. The appellant considers that a suitable condition could deal with this matter.
12. Policy SP 2 of the Borough Local plan 2013-2033 (LP) states that all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. It then indicates a number of measures which shall be incorporated into developments, including a buildings orientation (for natural heating and/or ventilation), incorporation of features such as solar shading, green roofs and other measures relevant to heating and ventilation, use of trees and matters relating to surface water runoff and drainage. Reference is made in Policy SP 2 to the guidance contained in the Council's *Sustainable Design and Construction Supplementary Planning Document* (SPD) which seeks new development to achieve a net zero carbon rating. If there is a shortfall, the SPD seeks a financial contribution to the council's carbon off-setting fund as mitigation.
13. The SPD provides guidance only and does not have the same status as Policy SP2 of the LP which has been through full public consultation and examination prior to adoption. The wording of LP Policy SP2 does not include any reference to a requirement to achieve net zero carbon emissions. This limits the weight which can be attributed to the SPD to require net zero carbon emissions to be demonstrated.
14. The Council considers that it would not be appropriate to require submission of relevant details by means of a planning condition and adds that, if a financial contribution was required to off-set carbon emissions, this could only be achieved by means of a Planning Obligation. The Council then includes a number of appeal decisions which, it states, support this stance. In turn, the appellant has submitted an appeal decision which they draw support from. The Council's and the appellant's submitted decisions give support for taking different stances on this matter and whichever decision I reach will necessarily be in some degree of conflict with some of these. Having carefully considered the submitted decisions, I consider that my consideration of the matter is aligned more closely with that submitted by the appellant. That decision noted that The Planning Practice Guidance (PPG) sets out that policies for planning obligations should be set out in plans and examined in public, and that local requirements for a building's sustainability should form part of a local plan. Having taken that into account, I am not satisfied that any proposed financial contribution towards the Council's carbon off-set fund would meet the tests set out in the National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended). Additionally, I consider that an appropriately worded condition could secure features within the proposal so that it would be in compliance with Policy SP 2 of the LP.

Conditions

15. I have had regard to the advice set out in the NPPF and PPG in relation to the imposition of conditions on planning permissions. The Council has submitted a schedule of conditions, which the appellant has commented upon. I shall include a

condition which identifies the approved plans, for the sake of clarity and certainty. So that the development has an acceptable appearance I shall include a condition which requires the approval of materials. So that alternatives to travelling by car are encouraged, I have included a condition to require the provision of cycle parking. So that the requirements of Policy NR 2 of the LP are satisfied, a condition requiring biodiversity enhancements is necessary. I have modified the suggested condition in relation to sustainability provisions to reflect the matters set out above.

16. In relation to bin storage, the appellant has stated that this will remain unaltered by the proposal and so I shall not include it. The appellant also states that they do not control sufficient of the land adjacent to the building to provide electric vehicle charging and so I consider such a requirement would be unreasonable in this context.

Conclusion

17. For the reasons given above the appeal should be allowed.

T Wood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 200 Rev.02; 201 Rev.02; 202 Rev.02; 203 Rev.03; 204 Rev.02; 300 Rev.02; 400 - Proposed Sections.
- 2) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples and thereafter retained in that form.
- 3) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity.
- 4) Prior to commencement of development, details of the biodiversity enhancements to include the planting of native shrubs, and the installation of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved and thereafter retained in the approved form.
- 5) No development shall take place until a Sustainability and Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained in the approved form.

END OF SCHEDULE