
Appeal Decision

Site visit made on 24 July 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/T0355/W/24/3355452

The Crown, 108 Wootton Way, Maidenhead SL6 4PE

- 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 Zahid Sadiq against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00630/FULL.
 - The development proposed is construction of 4no. semi-detached dwellings with ancillary facilities.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 4no. semi-detached dwellings with ancillary facilities at The Crown, 108 Wootton Way, Maidenhead SL6 4PE in accordance with the terms of the application, Ref 24/00630/FULL, subject to the conditions in the attached schedule.

Preliminary Matter

2. Alongside the appeal the appellant submitted a vehicle tracking plan, landscaping plan, a biodiversity net gain assessment and a statutory biodiversity net gain metric. This information would not involve a fundamental change to the development and interested parties had the opportunity to comment on said documents within their submitted evidence. As such, I do not consider interested parties would be prejudiced by my accepting this information.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the proposal upon the character and appearance of the area
 - the effect of the proposal upon highway safety
 - whether sufficient information has been submitted to determine whether the site could secure biodiversity net gain; and
 - whether suitable measures would be included to adapt to and mitigate the effects of climate change.

Reasons

Character and Appearance

4. The appeal site is an area of hardstanding that is bound by timber fencing. Based on the information before me, it was previously used as the car park for The Crown which was a public house but has now closed. The site is located in a

predominantly residential area and there is a mix of developments with two storey dwellings alongside taller apartment buildings. The dwellings are also a mix of terrace, semi-detached and detached buildings.

5. The frontages of buildings along the road can vary with the group of terrace dwellings next to the appeal site backing onto Wootton Way and thus there is a brick wall along this section of the road. Opposite the site is an apartment building and this has an area of landscaping and parking around it along the roadside and around the junction with Boyn Hill Road. Further along Wootton Way it is not uncommon for the frontage of dwellings to have hardstanding driveways or small front gardens. There are also intermittent brick walls along parts of the road. Overall, there is little consistency in terms of the use and appearance of the frontages of buildings along this part of the road. Taking into consideration the scale and type of development nearby the area has a residential character.
6. Given that the site is bound by solid timber fencing and is a large area of hardstanding, it is generally out of character with the residential character of the area.
7. The proposed development would introduce four dwellings, and the scale, character and appearance of these dwellings would be similar to the group of terrace dwellings next to the site, albeit addressing Wootton Way. It is agreed between the parties that the design of the dwellings would be appropriate in this location, subject to the approval of the materials via condition, and based on the information before me, I concur.
8. The proposed dwellings would be set back from the road behind an area of hardstanding that would be used for vehicular parking, as well as an area of landscaping and it is proposed that this area would be covered by trees and shrubs.
9. Given that areas of hardstanding used for vehicular parking is not uncommon in the area, the view of vehicles parked in front of the proposed dwellings would not appear out of character in the area. Whilst the view of eight parked vehicles in front of the dwellings would appear more intensive than other dwellings nearby, it would not appear so intensive that the development would cease to appear residential in character. The amount of hardstanding proposed would not appear excessive in relation to the scale of the development. Additionally, whilst the amount of landscaping would be modest in size, it would further enhance the appearance of the appeal site and partly screen some views of the hardstanding and parked vehicles. The details and implementation of this landscaping could be secured via condition. As such, the parking and hardstanding would not dominate the appearance of the site. Overall, the frontage of these properties would appear residential in character and thus would respect the residential context the development would be within.
10. Having regard to other developments nearby, given that the appeal site is located in a predominantly residential area, the redevelopment of other sites for such uses would appear to be appropriate in this context. The proposed residential development and these schemes would be complementary in this context. Whilst I do not have detailed information concerning these other schemes, it has not been substantiated that the cumulative effect of these schemes alongside the modest scale of the proposed development would overdevelop the area.

11. Therefore, the proposed development would not harm the character or appearance of the area and would comply with Policy QP3 of the Borough Local Plan (LP). This expects development, amongst other matters, to respect or make a positive contribution to the local character and appearance of the street scene/townscape.

Highway Safety

12. The appeal proposal would provide tandem parking spaces towards the front of the proposed dwellings via a shared vehicular access off Wootton Way. Concerns had been raised that it had not been demonstrated that vehicles could enter and exit the site in a forward gear which would cause highway safety issues.
13. The submitted vehicle tracking plan shows that vehicles could enter and exit the site in a forward gear. The Council determined that, based on this plan, vehicles could enter and exit the site in a forward gear and as such the turning space is considered to be sufficient for the number of bays demonstrated and effectively there are no objection with regards to this feature. Based on the information before me I find no reason to conclude differently.
14. The Council also determined that the number of parking spaces proposed was appropriate for the scale of the proposed development. Based on the information before me, I find no reason to conclude otherwise. Therefore, it has not been substantiated that this scheme would increase parking elsewhere to the point where it would have an unacceptable impact on highway safety.
15. Whilst there would appear to be an application to reopen the Crown Public House next to the appeal site¹, I am not aware of the outcome of this application, and it is not evident that the public house would necessarily reopen. Each case must be determined on its own merits and the circumstances before me at the time of this decision. The Council did not identify concerns with the loss of parking for the public house in the determination of the relevant application, nor the effect from other schemes nearby² and I do not have substantive evidence that the development of the public house without the car parking on the appeal site would have an unacceptable impact on highway safety to warrant dismissing this appeal. Nor do I have evidence that the cumulative impact of this scheme alongside others would have a severe impact on the highway network, especially considering the modest scale of the developments.
16. Reference has been made by interested parties regarding the timing of a traffic report, however one was not submitted alongside this appeal and as such, it is not evident if the comments relate to the scheme before me.
17. Therefore, for the reasons given above, the proposed development would not harm highway safety and would comply with Policy IF2 of the LP. This seeks, amongst other matters, to ensure developments provide cycle and vehicle parking in accordance with the parking Supplementary Planning Document.

Biodiversity Net Gain

18. In accordance with the Environment Act 2021, all planning permissions granted in England (with a few exemptions) are required to deliver at least 10% Biodiversity

¹ Application Reference: 24/00192

² Application Reference: 21/01683

Net Gain (BNG). Development proposals must demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

19. Information concerning BNG was not submitted with the application and the Council identified concerns whether Biodiversity Net Gain could be achieved based on the information before it at the time of its decision. A Biodiversity Net Gain Assessment and a Statutory Biodiversity Net Gain Metric were, however, submitted alongside this appeal. The Council concluded that the submitted evidence demonstrated that the development could provide a net gain in biodiversity post development. Based on the information before me, I find no reason to conclude differently.
20. Therefore, based on the available evidence the general BNG condition is capable of being successfully discharged and as such, the development would comply with Policy NR2 of the LP. This expects developments, amongst other matters, to demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

Carbon Off-Set Financial Contributions

21. Policy SP2 of the LP requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. It refers to, amongst other matters, the Sustainable Design and Construction Supplementary Planning Document, or successor documents, for further guidance. This has now been superseded by the Sustainability Supplementary Planning Document (SSPD) which is a material consideration.
22. Policy SP2 does not specify targets or standards, however the SSPD seeks to secure a contribution to the Council's carbon offset fund where developments have demonstrated that net zero cannot be achieved. The SSPD identifies an initial price of carbon offsets per tonne over a 30-year lifetime of the development.
23. Policy SP2 does not specify that net zero must be achieved. Furthermore, the Planning Practice Guidance (PPG) 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 Supplementary Planning Documents (SPD), as these would not be subject to examination and SPDs should not add unnecessarily to the financial burdens on development. The requirement for the planning obligation is set out in the SSPD and not within a LP policy and it has not been subject to independent examination or viability checks. Whilst the SSPD can encourage developers to exceed current policy and seek to provide net zero carbon emissions, it should not introduce new compulsory targets.
24. For the reasons given above, the contribution towards the carbon offset fund that would have been secured through the submitted S106 agreement would not meet the tests set out in the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended).
25. The submitted information sets out measures that would provide improved energy efficiency. A condition could be used to secure the delivery of the measures specified. As a result, it is evident that climate change adaptation and mitigation has been duly considered in accordance with Policy SP2 of the LP.

Other Matters

26. It would appear that the Council has approved applications for a significant number of houses in the Borough. However, the development plan does not set a cap on development. There would have to be compelling reasons to refuse developments just because others have been permitted nearby and that has not been demonstrated in this instance.
27. Comments were received from the Lead Local Flood Authority considering matters related to surface water flood risk. However, there was an appeal that was dismissed on the appeal site in 2021 for a residential development scheme and in that instance the Inspector determined that matters related to surface water on site could be suitably addressed via a drainage strategy that could be secured by a planning condition. The Council came to a similar conclusion, and based on the evidence before me, I find no reason to conclude otherwise.

Conditions

28. Further to the statutory commencement condition, a condition requiring the development is carried out in accordance with the approved plans is necessary in the interests of certainty.
29. A condition requiring the details of the design of a surface water drainage scheme is necessary in the interests of ensuring the development would not increase the risk of flooding elsewhere [3]. It is necessary that this condition is pre-commencement in the interests of ensuring development, which could affect the implementation of the drainage scheme, is not undertaken.
30. Given that the site is identified as having some limited potential to support reptiles, hedgehogs and breeding birds a condition requiring a Reasonable Avoidance Method Statement is submitted and approved is necessary in the interests of protecting those species [4]. It is necessary that this condition is pre-commencement to ensure works that could affect those species are not undertaken before the Statement is approved.
31. Condition 5 is necessary in the interests of the character and appearance of the area. However, it is not necessary that hard and soft landscaping works are submitted and approved before any development can take place given that such development would typically be implemented later within the construction period. I consider such a timescale would unnecessarily delay the commencement of development and would not be justified. I have revised this condition in the interests of precision.
32. It would not pass the tests of necessity to require the submission of the materials to be used in the development prior to the commencement of development and as such I have revised condition 6 accordingly. However, a condition requiring the approval of the materials to be used is necessary in the interests of the character and appearance of the area.
33. Conditions 7, 8, 9 and 10 are necessary in the interests of highway safety as well as the living conditions of the occupiers of the development.
34. Condition 11 is necessary in the interests of securing sustainability measures in the interests of adapting to and minimising the impact on climate change.

35. Condition 12 is necessary in the interests of securing the proposed biodiversity enhancements.
36. It has been identified that the site contains habitats suitable for use by foraging and commuting bats and bats are a protected species. As such, condition 13 is necessary in the interests of protecting protected species.
37. Conditions 14 and 15 are necessary in the interests of the living conditions of nearby occupiers with regard to privacy.

Conclusion

38. The proposed development would be in accordance with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: PL-00 Rev I; PL-01 Rev G; PL-03 Rev G; PL-04 Rev D; PL-05 Rev D; and PL-06 Rev A.
- 3) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design shall satisfy the Sustainable Urban Drainage System Hierarchy and be compliant with the National Planning Policy Framework and the Planning Practice Guidance. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be maintained as such thereafter.
- 4) No development shall commence until a Reasonable Avoidance Method Statement (RAMS) for reptiles, hedgehogs, and breeding birds has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall take place in accordance with the approved RAMS.
- 5) No development above slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved details during the first planting season immediately following completion or first occupation of any of the dwellings hereby permitted, whichever is the earliest. The completed scheme shall be maintained in accordance with the approved details. If, within a period of 5 years from the date of planting, any tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or

becomes seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or shrub.

- 6) No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have 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.
- 7) Prior to the first occupation of any dwelling within the development hereby permitted the vehicle parking spaces shall be provided in accordance with drawing no PL-00 Rev I. The approved spaces shall thereafter be kept available for the parking of vehicles in perpetuity.
- 8) Prior to the first occupation of any dwelling within the development hereby permitted the visibility splays shown on drawing no PL-04 Rev D shall be provided and maintained free of any obstruction exceeding 0.6 metres in height from the surface of the carriageway for as long as the development exists.
- 9) Prior to the first occupation of any dwelling within the development hereby permitted covered and secure cycle parking facilities shall be provided in accordance with details that have been first submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be kept available for the parking of cycles in perpetuity.
- 10) Prior to the first occupation of any dwelling within the development hereby permitted the refuse bin storage area and recycling facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved facilities shall be kept available for such purposes in perpetuity.
- 11) Prior to the first occupation of any dwelling within the development hereby permitted details of the sustainability measures shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained thereafter in accordance with the approved details.
- 12) The biodiversity enhancements as illustrated on drawing PL-07 Rev H prepared by Archigrace, dated 1 May 2024, shall be installed in accordance with the details shown on the permitted drawing prior to the first occupation of any dwelling within the development hereby permitted and shall be retained thereafter.
- 13) No external lighting shall be installed until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the local planning authority. The report (if external lighting is to be installed) shall include the following figures and appendices:
 - A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare; and

- An Isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes.

The approved external lighting plan shall thereafter be implemented in accordance with the approved scheme and retained thereafter.

- 14) No window(s), other than those permitted by this development shall be inserted at first floor level in the side facing elevations of any of the dwellings within the development hereby permitted.
- 15) The first floor roof window(s) of the buildings hereby permitted shall be of a high level type with a cill level that is a minimum of 1.7 metres above the finished internal floor level and the window type shall not be altered.

End of Schedule