



Appeal Decision

Site visit made on 30 September 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/T0355/W/25/3365181

Land opposite 12-18 Ribstone Road, Maidenhead SL6 3HJ

- 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 Olaotan o, Cole against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/00314.
 - The development proposed is the construction of one bungalow with a basement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Highway Authority was made aware of the application and submitted a representation in respect of it. Thus, even if some of the site falls within the adopted highway, the Highway Authority's interests have not been prejudiced by the completion of certificate A on the application form.
3. A tree protection scheme has been provided that was not before the Council at the time its decision was made. The Council and other interested parties have had the opportunity to comment on this document at the appeal stage. Therefore, they would not be prejudiced by my decision to accept this evidence.

Main Issues

4. The main issues are;
 - the effect of the development on the character and appearance of the area;
 - whether the scheme includes suitable mitigation for climate change; and the effect of the development on;
 - biodiversity; and
 - highway safety.

Reasons

Character and appearance

5. Even if it is not formally designated as an area of open space within the development plan, the appeal site comprises an area of open land within an otherwise mainly residential area. It contains several trees, 5 of which are subject of a tree preservation order (TPO), and there are mowed grass areas around and between the trees. The verdancy and lack of built form on the appeal site, together with the generally open and often 'green' front gardens of many of the neighbouring

residential properties, are distinctive characteristics that contribute positively to the character and appearance of the area.

6. The proposed dwelling would have a lower height than many of the nearby dwellings. Nevertheless, together with associated areas of hardstanding, it would occupy a large proportion of the site. It would also result in tall timber fencing being erected on or close to the edge of much of the site. When taken together, these parts of the development would significantly and harmfully reduce the openness of the area.
7. Moreover, the scheme includes the removal of several on-site trees, 3 of which are subject of a TPO. As such, and although some trees would be retained, there would be an overall reduction in the amount of tree coverage across the site. There would also be a significant increase in the amount of building, fencing, and hardstanding on the site. Therefore, and despite the proposal to form a 'green' roof on part of the dwelling, and to establish sizable areas of lawn and other areas of planting, the site would have a less verdant and leafy appearance. This would be especially so when viewed from neighbouring properties, and from publicly accessible locations on nearby roads and pavements.
8. For these reasons, the development would cause great harm to the character and appearance of the area. Consequently, it would conflict with policies QP3, IF4, and NR3 of the Royal Borough of Windsor & Maidenhead – Borough Local Plan 2013-2033 (the Local Plan). Collectively, and amongst other things, these seek to ensure that new development respects and enhances the local, natural, or historic character of the environment, to protect and retain trees, and to prevent any harmful loss of open space.

Climate change

9. Amongst other things, Local Plan policies EP1 and SP2 seek to ensure the protection of the environment and require development schemes to be designed to incorporate measures to adapt to and mitigate climate change. The Council's Sustainability Supplementary Planning Document¹ (SPD) expands on how this should be done. Where a new dwelling is proposed, it indicates that a sustainability and energy statement should be provided. Amongst other things, it also specifies that measures to reduce carbon dioxide emissions, through the energy-efficient design of the development and the use of on-site renewables, should be undertaken. However, in cases where this would not result in a carbon net-zero development, it further states that, where viable, any shortfall should be met by a carbon offset payment to the Council.
10. The proposed use of solar panels and the inclusion of insulating materials would undoubtedly contribute to reducing the carbon dioxide emissions that would otherwise result from the development. Notwithstanding this, the absence of a suitably detailed sustainability and energy statement, means that the extent of any such reduction cannot be established. Moreover, it has not been satisfactorily demonstrated that the delivery of carbon net-zero development would render the scheme unviable. Therefore, and in the absence of a suitably worded legal agreement to ensure that any carbon deficit would be offset by a payment to the Council's ringfenced carbon offset fund, I cannot establish that the scheme includes adequate measures to mitigate climate change. Nevertheless, given the modest

¹ Royal Borough of Windsor & Maidenhead – Sustainability Supplementary Planning Document – July 2024

scale of the scheme, only a small amount of harm would be caused in respect of this main issue.

11. No condition has been put forward that would be effective in securing a carbon net zero development. Moreover, the Government's Planning Practice Guidance indicates that a positively worded condition requiring the payment of money is one of the circumstances where a condition should not be used. Thus, I am not satisfied that a condition would secure a carbon net zero development, or that it would meet the condition tests outlined in the National Planning Policy Framework (the Framework).
12. For these reasons, it has not been demonstrated that the scheme includes suitable mitigation for climate change. Consequently, it would conflict with policies EP1 and SP2 of the Local Plan.

Biodiversity

13. No preliminary ecological assessment (PEA) or equivalent, or any relevant follow-up species-specific surveys have been submitted. As such, a species-related baseline for the site cannot be established.
14. Nevertheless, within the tree survey, it is reported that some onsite trees contain deadwood in the crown, and that one tree had nesting birds present at the time of the survey. As such, and given the proximity and connectivity of the site to hedges, fields, and other areas of woodland, together with the absence of adequate surveys, I cannot rule out the likely presence of protected species on the site or ascertain the likely effects of the development on any such protected species. Nor can any conclusions be reached on whether any harm could be avoided, adequately mitigated, or compensated for.
15. Given the lack of certainty regarding the effect of the development on protected species, the precautionary principle must be applied, and significant harm to any such protected species cannot be ruled out.
16. It would not be appropriate to impose a pre-commencement condition requiring the provision of further surveys and identification of proposed mitigation measures for any protected species found to be present. This is because the presence or otherwise of protected species, and the effect to which they may be affected should be established before the planning permission is granted. Otherwise, all relevant material considerations may not have been addressed in the making of the decision.
17. The biodiversity net gain (BNG) assessment report by Tunley Associates and the supplied BNG matrix, both show that there would be a net reduction in the biodiversity value of the appeal site following the implementation of the development. I have no reason to find otherwise, and proceed accordingly. However, the main parties agree that an overall BNG of 10% could be achieved by the purchase of off-site BNG credits. That being the case, and in the absence of compelling evidence to the contrary, I am satisfied that the mandatory BNG condition could be complied with. Thus, the development would deliver the 10% BNG as required by Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

18. Notwithstanding my finding in respect of BNG, the absence of sufficient evidence to the contrary leads me to conclude that the development would cause harm to on-site biodiversity. As a result, the scheme would conflict with policy NR2 of the Local Plan. Amongst other things, this requires development to maintain, protect, and enhance the biodiversity of the site, and to avoid impacts on habitats and species of principal importance. It also indicates that development proposals should be accompanied by ecological reports to aid the assessment of the proposal.

Highway safety

19. The appeal site is adjacent to the latter sections of a no-through road, and during my late morning and mid-week site visit, I observed very few slow-moving vehicles on it. Moreover, the low number of dwellings served by this part of the road means that the frequency of vehicle movements is ordinarily likely to be low. In addition, the proximity of the site to the ends of the road and driveways off it, means that vehicles can reasonably be expected to be slow-moving in the area.
20. While vehicles would be required to either reverse on or off the proposed parking spaces, this arrangement would be the same as is the case for many of the other nearby dwellings. Furthermore, and given the low frequency and speed of traffic movements past the site, I do not doubt that there would be sufficient intervisibility between future users of the parking spaces and other highway users to enable safe access and egress from the site.
21. For these reasons, the development would not cause harm to highway safety. Consequently, it would comply with policy IF2 of the Local Plan, which amongst other things, seeks to ensure that new development provides safe modes of transport.

Other Matters

22. My attention has been drawn to an appeal decision relating to land at Larch Lane and Silwood Close². That decision relates to a different site with a differing site context. Furthermore, and unlike in this appeal, a completed Unilateral Undertaking was before the Inspector that included an obligation to contribute to the Council's carbon offset fund. For these reasons, that appeal scheme is not directly comparable with the scheme subject of this appeal.

Planning Balance

23. Even if the supply of deliverable housing land in the Borough is as low as 4.47 years, this represents a modest shortfall. That being the case, moderate weight is attributed to the contribution that a single dwelling would make to reducing the shortfall.
24. In respect of BNG, the implementation of the mandatory BNG condition would be a benefit of the development. Short-term economic benefits would also arise during the implementation of the scheme. However, due to the small scale of the scheme, the associated benefits can only be attributed little weight. In addition, and even if the accommodation would provide high-quality living conditions that would exceed the minimum standards set out within the Government's Technical Housing standards – nationally describes space standards, any associated benefits would be very small. This is because only a single dwelling is proposed.

² Appeal ref: APP/T0355/W/23/3333583

25. That the development would not cause harm to highway safety, is a neutral consideration.
26. Nevertheless, the scheme would conflict with those policies of the Development Plan which seek to protect biodiversity and the character and appearance of the area, and to prevent new development from harmfully contributing towards climate change. As such, and notwithstanding my conclusions in respect of highway safety, the scheme would conflict with the Development Plan as a whole. I attribute substantial weight to the harm that would be caused by this.
27. Because the Council cannot demonstrate a five-year housing land supply, paragraph 11. d) of the Framework applies. In this case, the application of policies in the Framework that protect areas or assets of importance, as identified in footnote 7 of that document, do not provide a strong reason for refusing the development. Therefore, paragraph 11. d) ii. is engaged.
28. The proposal aligns with the parts of the Framework that seek to significantly boost the supply of homes. Furthermore, the Framework indicates that small and medium sized sites can make an important contribution towards meeting the housing requirement of an area. However, given that only a single dwelling would be delivered, the Framework compliance in respect of these matters, can be given no more than moderate weight. The development would also contribute towards the Framework objective of building a strong competitive economy. Nevertheless, the small scale and short-term nature of this benefit means only little weight can be attributed to this compliance with the Framework.
29. Notwithstanding the above, the development would conflict with those parts of the Framework that seek to meet the challenge of climate change and to protect biodiversity. Given the amount of harm that would result in respect of these matters, the associated Framework conflict attracts significant weight in respect of biodiversity and small weight in respect of climate change. The development would also be contrary to a key policy within the Framework to secure well-designed places. As a result, and despite the modest scale of the scheme, this Framework conflict attracts substantial weight.
30. Consequently, I find that the adverse impacts of granting permission for the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be determined other than in accordance with it. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR