



Appeal Decisions

Site visit made on 11 December 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2026

Appeal A Ref: APP/T0355/W/25/3373748

Hazel Cottage, Hibbert Road, Maidenhead, Windsor and Maidenhead SL6 1UT

- 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 Kevin Pover against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/00171/FULL.
 - The development proposed is a garage with external staircase and front dormer, following demolition of the existing garage.
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Appeal B Ref: APP/T0355/Y/25/3372915

Hazel Cottage, Hibbert Road, Maidenhead, Windsor and Maidenhead SL6 1UT

- 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 Mr Kevin Pover against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/00172/LBC.
 - The works proposed are a garage with external staircase and front dormer, following demolition of the existing garage.
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Decision

1. *Appeal A*

The appeal is dismissed.

2. *Appeal B*

The appeal is dismissed.

Preliminary Matters

3. Hazel Cottage forms part of the Grade II listed building known as 'Greenways Cottage Hazel Cottage Hope Cottage Pear Tree Cottage Rose Cottage.' The proposal involves the demolition of an existing outbuilding sited to the rear of the main house. It is common ground between the parties that the outbuilding is 'curtilage listed.' Having regard to section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have treated the outbuilding 'as part of the listed building'.
4. In reaching my decisions, I have considered the statutory duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).
5. The appeals concern the same site and the same scheme. Although the remit of planning permission (Appeal A) and listed building consent (Appeal B) regimes are

different; to reduce repetition, I have dealt with both appeals together in a single decision letter.

Main Issues

6. The main issues in these cases are:

- whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding;
- whether the proposal would preserve the listed building or its setting, or any features of special architectural or historic interest that it possesses; and
- the effect of the proposal on the character and appearance of the area, with specific reference to trees.

Reasons

Flood risk

7. The site of the appeals is located within Flood Zone 2-3, with the site of the outbuilding within Flood Zone 3, where there is a high risk of flooding, in this instance, primarily from fluvial flooding associated with the River Thames and the nearby tributary referred to as 'The Cut'.
8. The National Planning Policy Framework (the Framework) requires development to not increase flood risk elsewhere.
9. A flood risk assessment¹ (FRA) has, in accordance with the Framework been submitted, which concludes that whilst the proposed works and development will provide an increase in floor area it would not significantly add to the risk of flooding in the surrounding area. It is stated that this is due to the proposal not adding any additional bedrooms/overnight accommodation, and its construction resilience measures, which include water compatible materials such as concrete cast slab floor on a 1200 gauge damp proof membrane on 150mm well-compacted and sand blinded hardcore, oak boards and electrical services installed above modelled flood level.
10. However, the initial FRA also stated that the building '*should be designed to allow internal flooding and maintain flood flow routes where at all practical*'. An updated FRA² submitted with the appeal confirms that the proposals are to allow the garage to flood, and reaffirms that that '*the garage design should include permanent openings to allow flooding*'
11. The ground floor would be used for parking/a workshop, and therefore not impeding existing flow routes in this manner would not affect habitable space. However, no details are provided of permanent openings on the submitted drawings. There is a lack of clarity in this regard therefore, and I cannot be certain that the mitigation measures, including the '*multiple flood vents around the building at a sensible height*' that the appellant considers the most likely, would not alter the appearance of the proposed building. This is highly undesirable in general terms but especially given that Hazel Cottage is a part of a Grade II listed building of national importance.

¹ By Bowen Evans Architects January 2025

² Betts Hydro, September 2025

12. Whilst an additional surface water drainage system/management regime also recommended by the FRA would be unlikely to have an above ground visual effect, given the uncertainty about the form that the openings would take and the sensitive historical context, it would be unacceptable to leave such matters to be dealt with by conditions, as I cannot be sure that of its visual effect.
13. Therefore, it has not been adequately demonstrated that the works and development would not impede the flow of flood water or increase flood risk elsewhere.
14. Consequently, I conclude that the proposals would not comply with policies that seek to steer new development away from areas at the highest risk from flooding, including Policy NR1 of the Royal Borough of Windsor and Maidenhead Borough Local Plan 2013-2033 (2022) (BLP) which states that, development proposals will only be supported where it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.

Setting

15. Hazel Cottage is a mid terrace property of a Grade II listed³, row of five, two storey cottages, which occupies a prominent position at the junction of Hibbert Road and The Causeway. The listed building dates from circa 1780, extended in 1870 and formally listed in 1989. It is constructed of brick with a tile roof.
16. From the evidence before me, the special interest and significance of the listed building are largely derived from its historic and architectural interests, as a fine example of late-18th century vernacular domestic architecture and its balanced and aesthetically pleasing form and design.
17. In addition, and pertinent to the appeal, the associated domestic gardens/land immediately surrounding the listed building and with which it is visually, physically, historically and functionally associated, are the main spaces from which the asset and its significance are appreciated. They provide a mostly open and verdant setting which positively contributes to its special interest and significance.
18. The rear of the terrace does not contribute to its special interest to the same extent as the decorative frontage. This is the conscious design factor in the status differentiation reflected in the building's primary front and secondary rear elevations and the adjacent spaces serving them. Moreover, at the rear, additions to and alterations of the individual properties within the row have considerably disrupted the coherence of the listed building's historic form and design. Whilst these factors may lessen the contribution that the rear elevation and adjacent space make to the heritage merit of the asset, it remains that they still provide some positive support to its special interest and significance.
19. Whilst the rear is not included in the list description, this does not indicate a lack of special interest or significance.
20. The existing garage sits to the rear of the rear garden of the property, accessed directly from Hibbert Road and distinct from the garden area through a rear boundary fence and hedges. It is located some distance from the house, outside the established garden area, and, like the adjacent outbuilding, is a nondescript

³ List Entry Number: 1117499

functional structure. Nonetheless, the two structures are modest in scale and in their visual impact given that they are partly screened from the property by hedgerow trees within the garden. They therefore make a neutral contribution to the heritage interests of the listed building.

21. The replacement oak formed outbuilding would be clad in oak boards with a low-level brick plinth and a clay tile roof and would be comfortably larger in scale than the existing structures. Whilst set down, the additional height of the replacement structure, which would accommodate floorspace within the roof area, at 2.1m, means that it would be noticeably taller than the existing structures.
22. Nevertheless, I observed that the land gently slopes away from the rear of the property, and the overall height of the new structure, given that the floor level would be lowered, would remain not only subservient to the main house but generally comparable to the neighbouring outbuilding for Pear Tree Cottage. The distance from the main house and the existing and retained screening would result in the structure not appearing unduly prominent, and its location outside the rear garden area would mean that it would not affect its openness and verdant qualities. The development and works would not affect the authenticity of how Hazel Cottage is experienced nor alter the ability to appreciate its significance.
23. I conclude therefore that the works and development would preserve the listed building and its setting, and any features of special architectural or historic interest that it possesses. For these reasons, the appeal schemes do not conflict with the statutory presumptions set out in sections 16(2) and 66(1) of the Act and satisfies the historic environment conservation and enhancement policies of the Framework. There is also no conflict with BLP Policy HE1, in so far as it seeks to ensure that development conserves and enhances the historic environment.

Trees

24. The submitted topographical survey and tree constraints plan⁴ identifies three trees near the proposed outbuilding, a weeping birch (T2) within the garden of Hazel Cottage and a purple leaf plum tree (T4) and ash tree (T3) on the other side of the boundary to the neighbour to the rear. All three are categorised as C1 trees (low quality), nevertheless, I observed that they and vegetation surrounding the site of the existing garage and outbuilding contribute to the verdant setting and character of the property.
25. The site plan, albeit at a 1:500 scale, includes the root protection area of the trees and illustrates that the outbuilding would not project in these areas, other than the external staircase, which, given its above ground form, would not have a significant effect on the ground and roots of T2. There is no substantive evidence before me to contradict the appellants claim that the survey is BS5837 standard, and it provides sufficient information to assess the potential impact of the development on the trees.
26. While these trees may need to be pruned, as indicated on the submitted application form, the appellant has set out that *'existing trees on the property will be retained'*.

⁴ By GHA Trees, October 2023

27. As such I am satisfied that, were I minded to allow the appeals, a condition securing suitable tree protection measures during construction would be appropriate and would secure the long-term health of these trees. This would ensure that the proposal would not harm the verdant character of the wider area.
28. I conclude that the proposals would not harm the character and appearance of the area, with specific reference to trees. There is therefore no conflict with BLP Policies QP3 and NR3, which, amongst other matters, seek to protect trees and vegetation worthy of retention and that make a contribution to the appearance of and character of the street scape.

Other Matters

29. The pre-application advice provided⁵ was generally limited to the effect on the heritage asset, but advice was given that flood zone constraints must be considered.
30. Whilst the proposals would provide more space for the occupiers, in a more quiet and secure position, with a visual improvement over the existing structures, it would do so in a manner that would lead to increase flood risk elsewhere, in conflict with the development plan. This matter does not provide justification for harmful development.

Conclusion

31. Whilst I have found that the works and development would preserve the listed building and its setting and would not harm the character of the wider area, in relation to trees, the proposals would lead to increase flood risk elsewhere, in conflict with the development plan.
32. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

B Phillips

INSPECTOR

⁵ 23/90177/PREAPP