



Appeal Decision

Site visit made on 10 December 2025

by **B. Johnson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/T0355/W/25/3372603

Land Adjacent To 6 Stuart Close, Windsor SL4 5NU

- 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 Danshe Property Limited against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application reference is 25/01124.
 - The development proposed is 1no. three bedroom dwelling with solar panels to the front elevation following the demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised description of development was agreed between the appellant and the Council prior to the determination. As the appeal has been submitted with the revised description, I have used it in the banner heading above and the determination of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on highway and pedestrian safety in Stuart Close;
 - whether the proposal provides an appropriate carbon off-set contribution; and
 - the effect of the proposal on the living conditions of no. 6 Stuart Close, with regard to outdoor garden space.

Reasons

Highway and pedestrian safety

4. The appeal relates to a proposed residential dwelling situated on land adjacent to no.6 Stuart Close. Stuart Close is a small cul-de-sac, comprising three pairs of semi-detached dwellings (nos. 1-6) and a detached dwelling at no.7. Vehicular and pedestrian access is via single lane road and pavement off nearby Stuart Way. A footpath runs immediately adjacent to the appeal site, providing an additional pedestrian connection from Stuart Close to residential areas to the east.
5. The appeal site comprises garden land and a single storey detached garage, both of which were formerly associated with no.6 Stuart Close but have recently been sold as a separate plot of land. The proposal includes two parking spaces for the

proposed dwelling, which, in isolation, is consistent with Policy IF 2 of the Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-2033 (adopted 2022) (LP) and the associated vehicle parking standards in the 2004 Parking Strategy (which the policy refers to).

6. However, the proposal would lead to the complete removal of off-street parking opportunities for the adjacent property at no.6 Stuart Close. Therefore, while the appeal site is in separate ownership to no. 6, its development would have tangible implications on the adjacent property and the wider area. The reduction of parking opportunities for future occupiers and visitors to no.6 would lead to an increase in on-street parking in the cul-de-sac. I acknowledge that the level of vehicle movements at Stuart Close could be limited, given the cul-de-sac layout and it is not a major thoroughfare. However, in my judgement, the increase in on-street parking in this location within the cul-de-sac as a consequence of the proposal would increase the risk of adverse impacts on highway and pedestrian safety.
7. Vehicles parked outside of no.6 would narrow the available road space for vehicles entering and exiting Stuart Close. This is particularly significant in relation to vehicles exiting nos. 1 and 2 Stuart Close, as the fence/hedge at the southwest corner of the cul-de-sac limits visibility of the access road. This would create an increased risk of collisions with vehicles entering the cul-de-sac.
8. Given the existing compact nature of Stuart Close, an increased prevalence of on-street parking would also cause impacts for vehicles turning, for example delivery vehicles.
9. The pavement along the access road and around the cul-de-sac is narrow with several dropped kerbs which facilitate access to the driveways of homes on Stuart Close. In a situation where a vehicle was parked on-street, it is likely that this would cause an obstruction and require pedestrians to walk on the highway, which would increase the scope for conflict between pedestrians and vehicles and lead to an increased risk to pedestrian safety.
10. The appellant states that the residents of no.6 have no entitlement to the use of the parking provision at the appeal site. However, this does not overcome my concerns above which would result from parking associated with an additional household in this location.
11. The appellant has noted the proximity to public transport links and local services and provided figures on car ownership levels in the area, which they assert shows trends towards more active and sustainable travel by residents. The site has good access to several bus routes and a range of local services and facilities, but I am not convinced that this would reduce the reliance on private vehicles for future occupiers in Stuart Close, certainly to the degree that any harm to highway and pedestrian safety would be sufficiently mitigated or prevented.
12. To conclude on highways and pedestrian safety matters, while the proposed dwelling accords with vehicle parking standards set out in the LP and supporting guidance, it would nevertheless have a significant overall adverse impact on highway and pedestrian safety because of the associated reduction of two off-street parking spaces at no.6 Stuart Close. Consequently, there would be conflict with Policies QP 3 and Policy IF 2 of the LP, which collectively seek, amongst other things that proposals adhere to design principles, including delivering easy and safe access and movement for pedestrians, cyclists, cars and service vehicles and

provide safe, convenient and sustainable modes of transport, and a safe and comfortable environment for pedestrians.

13. The proposal would also conflict with the National Planning Policy Framework (December 2024) (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety; and seeks to create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
14. The Council's reason for refusal also cites Policy HO 5 of the LP and the Borough Wide Design Guide Supplementary Planning Document (SPD). However, I have not been provided with any information to demonstrate the relevance of this policy and guidance to this case. Accordingly, they have not formed part of the determination on this main issue.

Carbon off-set contribution

15. Policy SP 2 of the LP requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The policy refers to the adopted Sustainable Design and Construction SPD or successor documents for further guidance. Policy EP 1 of the LP seeks to minimise the impact of development on climate change and the environment.
16. The Sustainable Design and Construction SPD has been replaced by a Sustainability SPD (adopted 2024) which provides further guidance on the achievement of net zero carbon for new development. Where the required reduction of emissions cannot be achieved on-site, the remainder of carbon emissions should be met via a carbon off-set payment.
17. The application was refused due to the absence of a completed legal agreement to secure an adequate carbon off-set payment. The appellant has provided a Unilateral Undertaking (UU) as part of their appeal documentation, to secure a financial contribution towards the reduction of carbon emissions. The Council has not provided comments on the submitted UU within their appeal statement, but I have taken it into account as part of my determination.
18. I find that the measures in the UU are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
19. However, I have concerns about the UU itself and its execution. While the UU is signed by the appellant, there is no indication that this signature was appropriately witnessed. The amount referred to in the UU links to the appellant's Energy & Sustainability Statement (April 2025); however, it does not match the amount required by the Council as noted in the officer delegated report paragraph 8.18, based on the approach set out in the Sustainability SPD. Finally, the plan referred to in the UU Definitions is not included.
20. Consequently, I am not satisfied that the submitted UU would provide for an appropriate carbon off-set contribution. This conflicts with Policies SP 2 and EP 1 of the LP, which seek, amongst other things, that developments should adapt to and mitigate climate change.

21. The proposal would also conflict with the Sustainability SPD (2024) and section 14 of the Framework which states that the need to mitigate and adapt to climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.

Outdoor garden space

22. Policy QP 3 of the LP expects new development to contribute towards achieving sustainable high-quality design through adherence to several design principles, including providing sufficient levels of private amenity space, such as garden space. The Borough Wide Design Guide SPD provides further guidance relating to the required quality of such space, including minimum outdoor amenity space standards at principle 8.4.
23. The SPD has different minimum space standards depending on the orientation of the proposed space. There is disagreement between the main parties regarding which standard should apply. However, from the submitted appeal plans I find that the 'predominantly south facing' standard would be applicable in this case. Consequently, the proposal would provide sufficient outdoor garden space for itself, in excess of the requirements set out in SPD.
24. The Council's concern relates to the effect on the amount of remaining private garden space for no. 6 Stuart Close, which is a family dwelling. As with the parking issue identified above, I am satisfied that, in principle, it is appropriate to consider the implications that the proposal will have on the adjacent property.
25. There is further disagreement on the quantum of outdoor garden space that will remain at no. 6. The Council note a figure of around 50sqm, whereas the appellant suggests a figure of around 62sqm. Even if I were to take the Council's figure, the difference when measured against the standard in the SPD is marginal, around 5sqm. The SPD standards should not be applied mechanistically. In this case, I consider that the space to be retained at no. 6 Stuart Close would be sufficient to fulfil the necessary functions that are identified in the SPD.
26. Consequently, I find no harm to living conditions for future occupiers of no. 6 with regard to outdoor garden space. Accordingly, the proposal does not conflict with Policy QP 3 of the LP, the Borough Wide Design Guide SPD and Section 12 of the Framework.

Planning balance

27. Whilst some aspects of the proposal would be acceptable, I have found there would be harm and conflict with policies relating to highway and pedestrian safety and carbon off-setting. Accordingly, the proposal conflicts with the development plan as a whole.
28. The main parties identify that the Council is unable to demonstrate a five-year land supply of deliverable housing (5YHLS), however they differ on the level of supply. The Council identify a figure of 4.47 years while the appellant cites a recent position statement, published by the Council in July 2025, which identifies a figure of 4.04 years. In either case, I judge the level of the shortfall to be moderate, which does not affect the weight I have attached to the delivery of new housing.
29. Where a 5YHLS cannot be demonstrated, paragraph 11d of the Framework means that the policies which are most important for determining the application are out-of-

date, and that permission should be granted unless the circumstances in paragraph 11d(i) or 11d(ii) apply. In this case, paragraph 11d(i) is not engaged as there are no policies in the Framework related to areas or assets of particular importance that would provide a strong reason for refusing the proposed development.

30. With regard to paragraph 11d(ii), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
31. The proposal accords with policies in the Development Plan and the Framework which encourage the supply of new housing and will assist in addressing the Council's current housing land supply shortfall. The Framework is clear that small sites can make an important contribution to housing delivery, therefore I ascribe moderate weight to the provision of one additional home. The adverse impacts on highway and pedestrian safety, coupled with the lack of adequate provision for carbon off-setting, would significantly and demonstrably outweigh this benefit when assessed against the policies in the Framework taken as a whole.

Other considerations

32. Several matters were raised by an interested party, including impacts on privacy and overlooking, overshadowing and the impact on local character. As the appeal is being dismissed for the reasons given, these other matters do not need to be explored in detail.

Conclusion

33. For the reasons given, the proposal would conflict with the development plan as a whole and there are no other material considerations which indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

B. Johnson

INSPECTOR