

Appeal Decision

Site visit made on 31 August 2016

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/T0355/W/16/3151162

47 Allenby Road, Maidenhead, Berkshire, SL6 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ricky Davidson against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00785, dated 3 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is the change of use of the existing detached ancillary playroom to a self-contained separate one bedroom dwelling with retention of detached garage, existing garden and off street parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main issues

3. The main issues are: (a) the effect of the development on the character and appearance of the surrounding area, and (b) the adequacy of the living conditions of existing and future residents with particular reference to external amenity space.

Reasons

Character and appearance

4. The appeal property is a single storey building erected so as to be used in conjunction with 47 Allenby Road on an ancillary basis. The appellant seeks to separate the building from the original host property by creating an independent dwelling, comprised of a kitchen/living room, bedroom and bathroom.
 5. Since the building already exists I do not disagree with the appellant's view that the appearance of the locality would remain largely unchanged if the development proceeded, albeit that the building works already carried out conveys a cramped impression. However, I consider that the character of the area would be materially affected for the worse were the appeal granted permission.
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6. This is because the site is located in a pleasant, verdant residential area comprised in the main of detached two-storey family houses of various types, although a small number of semi-detached dwellings and bungalows are evident close-by. The area is formally laid out but exudes a sense of spaciousness largely on account of the generous sizes of the plots in which the dwellings are generally set. No 47 is itself a semi-detached dwelling, built with its adjoined partner on the junction of the Twynham Road with Allenby Road. The original sizes of the respective plots of these two dwellings are consistent with the general layout of the area.
7. My perception of the immediate locality corresponds with that of the Inspector who conducted a previous appeal at the site (*Ref APP/T0355/A/09/2103193*). He described the locality in the following terms:

'..it appears that care was taken over the pattern of residential development in the area to ensure a well-planned environment. Dwellings sit comfortably in their fairly generous plots and there is a pleasing sense of spaciousness.'
8. Buildings are quite often erected in gardens to serve the main house on an ancillary basis, but are normally wholly subservient to the main dwelling, which is not the case here. It appears that the building subject of the appeal was ostensibly built as a playroom, home office and bathroom albeit that some local residents dispute this. However, the use of the building, together with the adjoining garage as an independent dwelling, would materially and harmfully transform the perceived character of the immediate area. The development, including No 47, and its use as a separate dwelling would be perceived as overly cramped and congested in comparison with and in the context of the over-riding spacious residential characteristics of the wider area.
9. I was shown a more modern development "The Garden Mews", which was built to a greater density than is generally the case locally. However, this cul-de-sac development accessed from Farm Road, whilst relatively close to the appeal site as the crow flies, is more distant on foot, and does not materially impinge on the perceived character of the more spacious development centred on Allenby Road and Twynham Road.
10. I conclude that the appellant has failed to appropriately distinguish between the terms 'appearance' and 'character' and that the proposed development would be perceived as wholly and harmfully uncharacteristic of this good quality residential area. Accordingly, a clear conflict arises with those provisions of policies H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) requiring that schemes that would be incompatible with or cause harm or damage to the character of the area should not be permitted.

Living conditions

11. The appellant produced an empirical exercise designed to demonstrate that the areas of the proposed amenity spaces for the proposed dwelling and for No 47 are more than compatible with those approved by the Council for the development in The Garden Mews, to which I have already referred.
12. The area of private amenity spaces is but one factor to be taken into account in considering its adequacy - consideration should also be given to its quality. On balance, however, I consider that the residual space left to the respective properties would just about provide an adequate level of amenity space for

their future residents in terms of quality and quantity. This is despite the fact that most of the amenity space would be provided to the front of the properties. However, trees and other vegetation provide screening to allow these areas to be used in relative privacy.

13. I conclude that the level of amenity space provided is sufficiently adequate so as not to materially and harmfully affect the living conditions of future residents. No material conflict accordingly arises with the provisions of the National Planning Policy Framework (NPPF) requiring a good standard of amenity of all existing and future residents of buildings.

Other considerations

14. Reference has been made to other development plan policies, but I consider those to which I have referred to be the most pertinent having regard to the main issues identified at the outset.
15. All other matters raised in the representations have been considered and taken into account including the planning history of the site and the views expressed by several local residents. I have already dealt with the main planning-related points made. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

Overall conclusions and planning balance

16. I find in favour of the appellant in respect of the second main issue, as to the adequacy of the external amenity space. But I find against him on the first main issue in respect of the effect of the development on the character of the neighbourhood. This is sufficient reason to dismiss the appeal.
17. That the Council cannot identify a 5-year supply of housing land is insufficient reason to allow a development that would damage the locality's character.
18. Although precedent is seldom a good reason, in itself, to withhold consent, others could be tempted to pursue similar proposals were this appeal allowed, which the Council would find difficulty in resisting, thus further damaging the locality's character. This serves to lend support to my conclusion on the first main issue identified at the outset.

G Powys Jones

INSPECTOR