
Appeal Decision

Site visit made on 14 September 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/T0355/W/16/3150215
31-33 Belmont Road, Maidenhead, SL6 6JL

- 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 Leon Tusz Developments Ltd against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/02671, dated 16 July 2015, was refused by notice dated 4 April 2016.
 - The development proposed is the erection of 2 buildings comprising seven 1-bedroom units with access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 buildings comprising seven 1-bedroom units with access, parking and amenity space at 31-33 Belmont Road, Maidenhead, SL6 6JL in accordance with the terms of the application, Ref 15/02671, dated 16 July 2015, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Leon Tusz Developments Ltd against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development upon highway safety.

Reasons

4. The site is located on a narrow road without a footway directly in front of it which limits the provision of visibility splays. The proposal includes a new centrally positioned access point which would provide visibility splays of some 2.4m x 20m and 2.4m x 19.6m. This falls significantly short of the Manual for Streets advice which indicates that the visibility splays should be 2.4m x 43m in each direction.
 5. The site benefits from an extant planning permission for two 3-bedroom houses. The Council says that the 2 houses would generate 12-18 movements per day and that a development generating any more trips than this should not be allowed due to the substandard visibility at the access. However, the appellant's position is that the proposed development of seven 1-bedroom flats
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- would generate some 18.8 trips per day which is not materially different to that of the approved dwellings.
6. The appellant's trip figure has been arrived at by using TRICS data. However, the Transport Statement acknowledges that the TRICS database does not contain many comparable sites but says that the Lode Lane site in Solihull is the 'best fit' to the proposed development as it is an edge of centre site with convenient access to public transport and other facilities. However, the Council points out that the Solihull site is much better served by public transport and therefore it is not a good comparator.
 7. Both sites are edge of centre and both have good access to public transport. As such, I consider that the Solihull site is a reasonable comparator. I accept that the Solihull site is served by additional bus services but this is somewhat counteracted by the fact that the Solihull flats have 2 bedrooms instead of 1 and 1.5 parking spaces per dwelling as opposed to 1 space.
 8. The Council are of the opinion that the proposal would generate between 14 and 28 movements per day and would therefore represent more trips than the fall back position of 2 houses. However, the Council has not provided any convincing data to substantiate its position.
 9. I note that the Council's SPD for Planning Obligations and Developers' Contributions to Infrastructure and Amenity Requirements, 2014, suggests that 1 and 2 bedroom dwellings have a trip rate of 6 trips per day, so 42 trips per day for 7 units. However, this document is for calculating developer contributions rather than assessing highway safety and therefore, I afford it very limited weight. Moreover, whilst the Council's SPD may have some basis in TRICS data, it is much less refined than the TRICS data put forward by the appellant.
 10. I have had regard to an appeal that was dismissed in 2009¹ for 3 family houses on the site. However, it is logical that three 3-4 bedroomed houses would generate more trips than two 3-bedroomed houses. The seven single-bedroomed dwellings are not such an obvious comparison to the permitted scheme. Therefore, I give limited weight to the existence of the previous appeal decision.
 11. I note the Council's scenario that each apartment could be home to a professional couple each with their own car; that the units would all have different sets of family and friends which would lead to increased visiting; and on-line shopping would result in 7 separate sets of needs for home deliveries. However, this analysis is flawed because it is nothing more than hypothesis. Furthermore, only 7 spaces would be provided so it is unlikely that there would be 14 occupants' cars parked on the site. In addition, it makes no comparison with the comings and goings of a family, i.e., the ages and types of people that might live in a family house, their internet shopping habits and the trips that individual members of a family might make or the visitors they might receive.
 12. Due to the rudimentary nature of the Council's evidence, I am not convinced that the proposed development would generate materially more trips than the approved scheme and consequently harm highway safety.

¹ APP/T0355/A/09/2099429

13. I note neighbour's concerns that 7 parking spaces may not be sufficient and that additional cars parked on the road would make congestion worse but the Council have made no specific objection to this level of provision and I have no technical evidence to persuade me otherwise.
14. For the above reasons, I conclude that the proposed development would not harm highway safety. Consequently, I find no conflict with Policies T5 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan which seek to protect highway safety and to ensure development has adequate vehicular access. Neither do I find conflict with paragraph 32 of the Framework which says that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Other Matters

15. I note concerns from neighbours in respect of privacy but I consider that the distances between the proposed flats and existing dwellings are sufficient to avoid any material loss of privacy. I also note concerns about loss of view and light but although the buildings would be seen from neighbouring dwellings, in my judgment, they would not be unduly obtrusive and would be sited far enough away to ensure that there would be no unacceptable loss of light. I have no real evidence that the proposed flats would have an adverse effect on drainage or upon sewers. I also note comments that flats would be out of character within an area of family dwellings. However, the National Planning Policy Framework indicates that planning for housing should create sustainable, inclusive and mixed communities.

Conditions

16. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interest of precision, to define the plans with which the scheme should accord. Conditions are necessary in respect of parking and access in the interest of highway safety. In the interests of the character and appearance of the area conditions are necessary in relation to materials and landscaping. Conditions relating to windows and the method of construction are necessary in the interests of living conditions. Conditions 3,4,6 and 9 are pre commencement conditions as they cannot be dealt with satisfactorily at any other time. I have not imposed a specific condition in respect of building levels/heights as these are shown on the approved plans. I have not imposed a condition in respect of private drives as I do not consider it to be necessary and there are no private drives anyway.

Conclusion

17. The appeal is allowed subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 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 plans: 1107 – Flats elev -2/1-C; -2/2-C; 2/3-C; 2/4-C; Flats plans 2-B; 2-C; and Flats site 2-C.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development. If within a period of five years from the date of planting any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
- 5) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how construction traffic (plant and deliveries), vehicle parking (site personnel) and manoeuvring will be accommodated. The development shall be implemented in accordance with the approved management plan.
- 6) Before the commencement of development the existing access shall be stopped up and the new access, as shown on the approved plans, shall be opened. The footway and any verge shall be reinstated in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development. No dwelling shall be occupied until the new access has been surfaced and completed in accordance with the approved plans and it shall remain thereafter.
- 7) No dwelling shall be occupied until visibility splays of 2.4m x 20m to the left (westerly direction) and 2.4m x 19.6m to the right (in an easterly direction) have been provided at the access to the site off Belmont Road. The visibility splays shall thereafter be retained and kept free of any object over a height of 0.6 metres above carriageway level.
- 8) No dwelling shall be occupied until vehicle parking and turning space has been provided in accordance with the approved plans. This area shall thereafter be kept available for parking and turning in association with the development at all times thereafter.
- 9) The first floor windows in the side elevations of the buildings hereby permitted shall be of obscure glass and shall only have openings that are a minimum of 1.7 metres above the finished internal floor level. They shall remain that way at all times. No other windows, apart from the ones hereby approved shall be fitted in any side elevation, including the roof.