

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/16/3151668

Land Rear of 91a Dedworth Road, Windsor, Berkshire, SL4 5BB

- 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 Daniel Coombes (Altiora Investments Ltd) against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/03436, dated 16 October 2015, was refused by notice dated 12 February 2016.
 - The development proposed is erection of a two bedroom apartment and associated car port.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two bedroom apartment and associated car port at Land Rear of 91a Dedworth Road, Windsor, Berkshire, SL4 5BB in accordance with the terms of the application, Ref 15/03436, dated 16 October 2015, subject to the following conditions in the attached Schedule.

Procedural Matter

2. The parties have confirmed that during the course of the application the description of development was amended from a proposal for a live-work unit to an apartment. Although a studio/office is shown on the ground floor of the plans, this would be part of the principle C3 (residential) use applied for.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site is a piece of overgrown land at the very end of a long row of garages and their forecourts. It is tucked well away from the road frontage and lies between the rear garden of 93 Dedworth Road and the service yards of the adjacent parade of shops. There are dwellings behind the site with generous rear gardens. Altogether, the site lies in an area of mixed use and varied character.
 5. I appreciate the Council's concern that because the proposed development would have far less amenity space around it than the surrounding dwellings, it would be out of keeping with the area. However, although nearby dwelling
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plots are spacious, neither the garage plots nor the commercial plots in the parade of shops are of a spacious nature.

6. I note the Council's reference to a similar application on the site which was dismissed on appeal¹. However, although I do not have the full circumstances of that case before me, the Council say that following the dismissal, the proposal has been reduced in height by approximately 1.4m; that the previous proposal had a pitched roof; the previous design was less contemporary; the footprint was slightly bigger; and there was less space for landscaping. Given these factors, I consider that the previously dismissed scheme and the current scheme are materially different.
7. As well as having more space for landscaping at ground level than the previous proposal, the current scheme also includes a green roof which would add to the landscaped areas. Furthermore, I consider that the proposed simple modern design would provide a strong visual differentiation between the dwelling and the adjoining residential properties which are more traditional in style. Therefore, the building would not be read as part of the adjoining residential area. In addition, given the low profile of the building and the amount green coverage, I do not consider that it would look cramped within its context.
8. I conclude that the proposed development would not harm the character and appearance of the area. There would be no conflict with Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003) which aim to protect the character and appearance of an area.

Other Matters

9. I note the concern from the neighbour at No 93 in respect of overlooking from the first floor windows and balcony. However, the balcony would have a privacy screen at the side and rear. The windows and front of the balcony would be located some distance away from the habitable room windows at No 93 and would be off-set from them. In addition, there is some planting along the boundary which would provide screening. Therefore, I consider that there would be no material loss of privacy to this property.

Conditions

10. 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 interests of precision, to define the plans with which the scheme should accord. Conditions concerning external materials and bin storage are necessary in the interests of character and appearance. Conditions in respect of windows, the balcony screen, acoustic insulation and construction management are necessary in the interests of living conditions. In the interest of highway safety and sustainability a condition is necessary in respect of the vehicle and cycle parking. Conditions 3, 4 and 5 are pre-commencement conditions as these matters cannot be satisfactorily dealt with at any other time.

¹ APP/T0355/A/12/2185290

Conclusion

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

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no 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:
1568/P1/01, version no.: A, received on 30 October 2015
1568/P1/02, version no.: B, received on 8 January 2016
1568/P1/03, version no.: B, received on 8 January 2016
1568/P1/04, version no.: A, received on 8 January 2016
1568/P1/05, version no.: A, received on 8 January 2016
1568/P1/06, version no.: A, received on 8 January 2016
- 3) No development shall take place until samples of all external facing materials, and details of the planting and construction of the green roof, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall remain as such thereafter.
- 4) No development shall take place until details of a scheme of acoustic insulation against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is first occupied and shall be retained thereafter.
- 5) Prior to the commencement of any works of construction, a management plan showing how construction traffic, materials storage, facilities for operatives and how vehicle parking and manoeuvring will be accommodated during the works period, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to for the duration of the works.
- 6) Before the first occupation of the dwelling, the vehicle and cycle parking areas shall be provided in accordance with the approved plans. The spaces shall be retained for vehicle and cycle parking for the dwelling thereafter.
- 7) Before the first occupation of the dwelling, the refuse and recycling storage areas shall be provided in accordance with the approved plans and shall be retained thereafter.
- 8) Before the first occupation of the dwelling, the first floor windows in the south elevation of the dwelling shall be obscurely glazed and of a permanently fixed, non-opening design, with the exception of opening top-lights a minimum of 1.7m above the finished internal floor level. The windows shall remain this way at all times and no windows apart from

the ones hereby approved shall be formed in either the south or the west elevation.

- 9) Before the first occupation of the dwelling, the balcony shall be fitted with a privacy screen 1.8 metres high along its south and west sides in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall remain at all times thereafter.