

Appeal Decision

Site visit made on 3 October 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 21st October 2016

Appeal Ref: APP/T0355/W/16/3152240

35A and 35B Boyn Valley Road, Maidenhead, Berkshire, SL6 4DY

- 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 First National Investments Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 15/03871, dated 19 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is a new chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit was arranged as an 'access required site visit'. However, at the time of my visit there was no one available to provide access to the site. Nevertheless, I am satisfied that I was able to see everything I needed to determine the appeal unaccompanied and I have therefore proceeded on this basis.
3. It was clear from my site visit that the appeal site comprises two flats; namely 35A and 35B Boyn Valley Road. I have therefore referred to both properties as the site address in the banner heading above.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the living conditions of future occupiers of the chalet bungalow in respect of the amount of garden space proposed;
 - The effect of the development on the living conditions of occupiers of neighbouring properties, having particular regard to matters of privacy, outlook and light, and;
 - The effect of the proposed parking arrangement on highway safety.
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Reasons

Character and Appearance

5. Boyn Valley Road is a predominantly residential road which features a mix of Victorian terraces and more recent semi-detached properties. 35A and 35B Boyn Valley Road form part of an end of terrace property. Generally, the properties in Boyn Valley Road follow a traditional linear formation, fronting directly onto the highway and having relatively deep gardens to the rear.
6. The building which contains 35A and 35B Boyn Valley Road occupies a wider than average plot compared to its neighbours. I understand that the appeal site was previously used as a builder's yard. At the time of my site visit there were a number of low level single storey structures at the end of the garden which were partially screened by close board fencing. Beyond the rear boundary is a short row of terrace properties of which 10 and 12 Lexington Avenue back onto the appeal site. These have shorter rear gardens than the gardens belonging to properties in Boyn Valley Road.
7. The proposal is to erect a brick chalet bungalow with partial timber cladding at the rear of the site. This would comprise ground floor accommodation and additional first floor accommodation in the roof. At 5.9m the house would be far taller than any of the existing structures on site. It would also have a large footprint; larger than that of most of the immediate neighbouring properties, and would fill much of the width of the rear of the site.
8. Whilst I note that it has been designed to resemble a 'cart shed' it would, by way of its size and fenestration, very obviously be a dwelling. A dwelling at the end of the rear garden of the appeal property would appear completely out of place and would disrupt the very linear layout of development in Boyn Valley Road. Furthermore, its siting close to the rear and side boundaries would make it appear cramped. The ends of rear gardens along Boyn Valley Road are typically characterised as quieter areas where any structures are generally low level and ancillary to the main dwellings. These largely open spaces provide much needed separation between neighbouring properties in an area of relatively high density development. The erection of a dwelling in this location would erode this, causing serious harm to the area's character and appearance.
9. Views of the development from Boyn Valley Road itself would be limited to those immediately to the front of the site. Nevertheless, the proposed chalet bungalow would be visible from a large number of private views belonging to surrounding properties. Consequently it would be harmful to the character and appearance of the surrounding area contrary to Policies H11 and DG1(11) of The Royal Borough of Windsor and Maidenhead Local Plan (2003) (LP) which seek to resist development which would be incompatible with or cause damage to the character of the area.

Living Conditions of Future Occupants

10. As noted above the proposed two bedroom chalet bungalow would sit in close proximity to the side and rear boundaries. Therefore the only usable area of garden space would be a very small area to the front of the property immediately adjacent to the parking area and overlooked by high rear windows belong to the existing flat(s) on site. Its limited size and siting would restrict its usefulness as an area for sitting out, drying washing, providing an area for

children to play safely, or for any other activities associated with the normal domestic occupation of a house of this size. It would also provide very little space for any meaningful planting.

11. I note the appellant's comment that Grenfell Park is approximately a 10 minute walk away. However, a public park would not provide for all the needs likely to be associated with a family sized dwelling in terms of private garden space. Therefore the size and quality of garden space proposed for the chalet bungalow would be harmful to the living conditions of its future occupants. No specific development plan policies are referred to by the Council on this matter. However, the National Planning Policy Framework (the Framework) does seek a good standard of amenity for all future occupants of land and building which the proposal would fail to achieve.

Living Conditions of Existing Occupants

12. I turn now to the living conditions of existing occupants of neighbouring properties. The proposed chalet bungalow would sit in relatively close proximity to the rear boundaries of 10 and 12 Lexington Avenue, extending across the whole of the rear of No 10's rear boundary and part of No 12s. Its width in conjunction with its height would have a harmful enclosing impact, particularly on the rear garden of No 10, resulting in a significant loss of outlook. Furthermore the chalet bungalow would be located to the south of these properties meaning it would cause significant overshadowing, most notably, to the end of No 10's garden, which adds to my concerns.
13. The proposal would therefore have an unacceptable impact on the living conditions of occupiers of Nos 10 and 12 by way of a loss of outlook and light. As such it would conflict with Policy H11 of the LP which requires development to not cause damage to the amenity of the area. In coming to the above conclusion I find limited harm in terms of a loss of privacy to occupiers of neighbouring properties as roof lights, by their angled nature, do not allow for direct and prolonged overlooking. The only other high level window in the front gable feature would serve a bathroom which could be conditioned to be obscure glazed to mitigate any overlooking. This matter does not, however, override the harm I have found in respect of outlook and light.

Highway Safety

14. The Council consider the appeal site to be located in an area of poor accessibility therefore the maximum parking provision is sought. As per The Royal Borough of Windsor and Maidenhead Parking Strategy (2004) this is two parking spaces for a 2-3 bedroom dwelling and one space for each of the flats, making a total of four parking spaces. Three parking spaces are proposed, resulting in an undersupply of one parking space. However, there is a train station within easy walking distance of the site, as is the centre of Maidenhead which provides a wide range of facilities and services. There is also scope to provide secure bicycle storage on site.
15. In addition to the above, on-street parking is available on Boyn Valley Road and I was able to park with ease when I carried out my site visit in the late morning on a weekday. I note neighbour comments that street parking is at full capacity and accept that there would likely be less parking available at evenings and weekends. Nevertheless, in this case, any additional on-street parking as a result of the small undersupply of parking proposed would be

unlikely, in itself, to cause significant highway safety concerns. Therefore, whilst the proposal would fail to provide the maximum parking provision in line with P4 of the LP, given the relatively accessible location of the site and the availability of, and opportunities for, alternative modes of transport the proposal would not conflict with the wider aims of the Framework in promoting sustainable transport and giving people choice about how they travel.

Other Matters

16. The appellant makes the case that the proposal is preferable to its existing use as a builder's yard. There is no evidence before me that this use is lawful and from what I saw on my site visit it does not appear to be a particularly intensive use. In addition to this the buildings in-situ are far less obtrusive than that proposed. Whilst the size of plot created might be comparable in area to others in the vicinity it would be the layout that would be harmful as set out above. Consequently these matters do not alter my conclusions in respect of the harm I have found.

Conclusion

17. Whilst I find no harm to highway safety, for the reasons set out above, the proposed chalet bungalow would be harmful to the character and appearance of the surrounding area. It would also be harmful to the living conditions of both the existing occupants of 10 and 12 Lexington Avenue, in terms of a loss of light and outlook, and future occupants of the chalet bungalow due to a lack of suitable garden space. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR