

Appeal Decision

Site visit made on 21 November 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 7th December 2016

Appeal Ref: APP/T0355/W/16/3154520

33 Cannon Court Road, Maidenhead, Windsor and Maidenhead SL6 7QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Nascot Homes Ltd against Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00321, is dated 29 January 2016.
 - The development proposed is demolition of existing dwelling and construction of 6no. apartments and 4no. houses.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing dwelling and construction of 6no. apartments and 4no. houses is refused.

Procedural matter

2. Notwithstanding that the Council did not determine the application within the prescribed period, its appeal submissions have set out the reasons that permission would have been refused. These are reflected in the main issues below.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; (ii) the effects on the living conditions of the occupiers of no. 35 Cannon Court Road and nos. 7-11 Switchback Road South with regard to privacy, noise and disturbance; and (iii) the effects on drainage.

Reasons

Character and appearance

4. The appeal site lies on the western side of Cannon Court Road and is occupied by a substantial detached dwelling sitting within a row of otherwise semi-detached houses that are of generally uniform character. On the opposite side of the road, dwellings display greater variation in style and the overall effect is one of a mixed street scene. Nevertheless, despite its relatively plain appearance, the form, style and materials of the dwelling currently sitting on the appeal site contrast sharply with those of the semis, thus amplifying its presence on the western side of the road.
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5. As with the other plots on this side of the road, the appeal site backs onto to open land. At my site visit, I noted that the majority of rear gardens are unfettered by any notable structures although there are outbuildings at the end of the appeal site next to its boundary with the open countryside beyond. Nevertheless, at the rear of properties on the western side of Cannon Court Road, the overall sense is one of spaciousness.
6. The appeal proposal would introduce three buildings onto the plot. The one nearest to the road would comprise six apartments, with two pairs of semi-detached houses positioned towards the rear boundary, accessed via an under-croft to the apartment building.
7. The appeal site is notably wider than the neighbouring plots but the width of the existing dwelling is such that substantial gaps are maintained between its flank walls and the boundaries on either side. Consequently, the dwelling does not appear disproportionate in comparison to those around it. In contrast, the apartment building would account for a much greater spread across the plot and appear of substantially greater scale than the one it would replace and those surrounding it.
8. I note the appellant's argument that the apartment building would be of similar scale to the neighbouring pairs of semi-detached houses and accept that there would be some similarities in the distances between the flanks of each pair in comparison. However, the boundary treatment between each existing semi and its adjoining dwelling in combination with the variation in the appearance of their frontages clearly denotes each pair of semis as being two distinct dwellings. The proposed car parking area next to the road would create one larger open area, which would not be broken up by any centrally located boundary treatment. Thus, overall, the proposed apartment building would appear at odds with the more domestic scale of the neighbouring residential development.
9. Moreover the apartment building's under-croft access and elaborate detailing would lack the overall simplicity of the current building on the plot and its neighbours on the western side of Cannon Court Road. Thus it would appear as a strident addition to the street scene and alien to this part of the residential area more generally. This would be exacerbated by the more formalised front parking arrangement.
10. The majority of the area to the rear of the apartment building would be occupied by either built form or hardstanding. Thus, there would be a substantial loss of the existing green open area that is characteristic of neighbouring plots.
11. Further, the proposed pairs of semis would be built very close together, which would create the perception of there being one large mass of built form within the rear garden area. Given the absence of any notable buildings in the neighbouring rear gardens, the semis would appear incongruous and therefore at odds with the development pattern, along the western side of Cannon Court Road.
12. The appellant has drawn my attention to other backland development in the general area but has not provided any substantive evidence to indicate what led to these other schemes being considered acceptable. Furthermore, from the available evidence, it is clear that they are surrounded on all sides by other

development and do not therefore share the same relationship with the open countryside that the appeal site does. I do not therefore consider that any useful comparisons can be made between these other schemes and the one before me.

13. Although the proposal would make more use of the land for residential purposes, there is nothing in local or national policy to suggest that this should come at the expense of the area's character and appearance. Therefore, to conclude on this first main issue, the proposal would result in adverse effects on the character and appearance of the area thereby running counter to saved Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations) 2003 (LP). Amongst other things, these policies require the design of new buildings to be compatible with the street scene and the character and amenity of the area. The proposal also conflicts with the overall design objectives of saved LP Policy H10. Despite the age of these policies, they are consistent with the requirement for good design set out in the National Planning Policy Framework (the Framework) and I give them full weight.

Living conditions

14. The existing dwelling on the appeal site has a number of windows in its side elevation that face towards no. 35 Cannon Court Road. I accept that the appeal scheme would improve this situation through the absence of windows in the proposed apartment building's northern elevation.
15. However, bedroom 3 of proposed plot 10 would provide the potential for overlooking of no. 35's rear rooms and a substantial part of its rear garden. Although this accounts for only one habitable room in plot 10, I noted at my site visit that no. 35 has a large decked patio area leading from the kitchen and consider that its occupiers would have the perception of being overlooked given the proximity of plot 10 to the boundary and its orientation on the site. In my view, this unsatisfactory relationship would adversely affect the privacy of no. 35's occupiers.
16. Turning to noise and disturbance; the proposal would result in there being a substantial area for turning and parking in close proximity to no. 35's rear garden and in particular its main sitting out area. I accept that modern vehicles are subject to stringent noise emission controls. However, they are nonetheless audible when ticking over and generate tyre noise, particularly when manoeuvring in and out of parking spaces. Whilst there may currently be some traffic noise already from nearby roads, the number of vehicle movements envisaged in the appellants transport statement¹ clearly indicates that the comings and goings from the proposed development would be significantly higher than those arising from the current single dwelling on the site. Moreover, no vehicle movements currently take place next to no. 35's rear garden. Taking all of this into account, no. 35's occupiers would experience an unacceptable degree of noise and disturbance.
17. The rear gardens of nos. 7-11 Switchback Road South back on to the southern boundary of the appeal site. The proposed development would result in the potential for only oblique views towards these properties and there would also be a substantial distance maintained between them. Consequently, I do not

¹ Russell Giles Partnership limited ref. NASH/15/2694/TS01

consider that there would be any unacceptable effects on the living conditions of the occupiers of nos. 7-11 Switchback Road South in terms of privacy.

18. Further, although the higher number of vehicle movements would have the potential to affect these properties, this would only be discernible from near to the end of their gardens. Therefore, the rear rooms of these dwellings and the garden areas likely to host their main outdoor sitting areas, would not be unacceptably harmed.
19. Nevertheless, the clear identified harm to the living conditions of the occupiers of no. 35 Cannon Court Road brings the proposal into conflict with the Framework, which states in paragraph 17, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I note that the Council refers to conflict with saved Policy H11. However, from my reading of this policy and its supporting text, it is clearly aimed at protecting the character and amenity of the area and I am not convinced it is relevant to the matter of living conditions.

Drainage

20. I have had regard to the Council's argument that the appellant has not submitted sufficient drainage details. However, notwithstanding this, no substantive evidence has been provided to suggest that the development or surrounding area would be at risk or that such a matter could not adequately be addressed by means of suitably worded conditions. Moreover, I am not persuaded that there would necessarily be a need to alter the layout in order to ensure satisfactory drainage.
21. I am not therefore persuaded that there would be unacceptable effects resulting from the proposal in relation to drainage and surface water flooding. Therefore, I do not find conflict with paragraph 103 of the Framework.

Conclusion

22. Although I have not found that the proposal would result in harm in relation to drainage, there would be significant and demonstrable harm to the area's character and appearance and the living conditions of the neighbouring occupiers.
23. For the above reasons and having had regard to all other matters raised including those by interested parties, the appeal does not succeed.

Hayden Baugh-Jones

Inspector