
Appeal Decision

Site visit made on 7 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/T0355/D/16/3165979

The Inches, Holyport Road, Maidenhead SL6 2HD

- 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 Blue Kinane against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/02614, dated 8 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is part single storey, part two storey front extension and first floor rear extension over existing ground floor conservatory and extension following part demolition and rebuilding of conservatory and demolition of existing garages.
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Decision

1. The appeal is allowed and planning permission is granted for part single storey, part two storey front extension and first floor rear extension over existing ground floor conservatory and extension following part demolition and rebuilding of conservatory and demolition of existing garages at The Inches, Holyport Road, Maidenhead SL6 2HD in accordance with the terms of application Ref 16/02614 dated 8 August 2016, and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: 2324/PL01 Rev E.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 4. The roof area of the single storey front extension part of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
 5. No development shall take place until a scheme for the protection of retained trees (tree protection plan) and the appropriate working methods (arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and
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approved in writing by the local planning authority. The development shall be carried out in accordance with such approved details.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of the neighbouring property (The Swallows), with particular regard to light, outlook and privacy.

Reasons

3. The neighbouring property adjacent to the north east boundary of the appeal site (The Swallows) contains an annexe next to this boundary. This annexe includes a front window and a smaller side window (facing the appeal site) serving a bedroom.
4. The side window already faces towards the corner of the existing dwelling, along with an existing fence and hedge, and I therefore consider its outlook to already be restricted. Whilst the proposed front extension would impact upon the day and sun light received through this window, I consider it to be a material factor that the bedroom is also served by a larger front window.
5. The front extension would also be visible from the adjacent front window. However, I consider that its relationship with the proposed extension, with lines of 45 degrees in respect of the two storey element and 60 degrees in respect of the single storey element not being breached, is such that it would not result in a significant loss of day or sun light to this window and would not appear as being unacceptably overbearing in appearance. Therefore, whilst the side window would be more affected, I do not consider the overall impact on the bedroom of the annexe to be so significant to unacceptably harm the residential living conditions of the occupier(s).
6. An existing ground floor kitchen window is also located in the side elevation of The Swallows. This window already faces the existing dwelling and I am satisfied that the separation distance to the proposed rear extension is sufficient to prevent any unacceptable impacts in relation to outlook or light.
7. I also do not consider that the rearwards projection of the rear extension would be so significant to have any unacceptable impacts upon the light received by the patio in the neighbouring rear garden.
8. The single storey part of the proposed front extension contains a flat roofed area with access proposed from the adjacent bedroom. Given its proximity to the boundary, the use of this roof area would afford views across the front of the neighbouring property including the front bedroom window of the annexe. Whilst the frontage of the neighbouring property appears to be largely used for parking, I consider that such overlooking would be unneighbourly. However, the appellant states that he would accept a restriction preventing its use as a balcony. I consider that a condition would be appropriate in this instance to prevent such a balcony use. Given the comments of the appellant in this respect and, as this would address the Council's concern regarding privacy, I have not sought further comments from the main parties on the addition of this condition.
9. No windows are proposed in the scheme which would lead to any unacceptable loss of privacy for any neighbouring property.

10. I therefore find that the proposed development would safeguard the reasonable living conditions of the occupiers of the neighbouring property at The Swallows, including the annexe. It would accord with the relevant amenity aims of policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan Including Alterations Adopted June 2003) and the National Planning Policy Framework.

Other Matters

11. Although the proposed front extension would project significantly forward of the existing front elevation, given the varied building line on this part of Holyport Road and the substantial amount of space at the front of the property I do not consider that it would appear as intrusive or incongruous within the streetscene. The proposed height of the extensions would not exceed that of the existing dwellinghouse. Furthermore, the first floor parts of the proposal would be set in from the existing side elevation of the property and would not result in either a terracing effect or an overdeveloped appearance.
12. Subject to tree protection details being provided for approval (which can be secured by condition), the Council has not raised objection to the impacts upon existing trees and hedges and I also do not consider any material harm to arise in this respect.
13. The Council's officer report confirms that the Council has no objections to the new vehicular access. Noting that adequate visibility can be achieved I have no concerns in this regard.
14. I have given only minimal weight to the existence of any restrictive covenants and this has had no significant bearing on my determination of the appeal proposal which I have considered on the relevant planning merits.
15. From the information before me, the implications for any existing sewerage is not a matter to which I attach any significant weight, and is a matter which would need to be considered away from this appeal as necessary.

Conditions

16. An approved plans condition is necessary to provide certainty to what has been approved. A condition requiring matching materials is necessary in order to safeguard the character and appearance of the area. A condition preventing the use of the roof of the single storey part of the proposed front extension is necessary in order to preserve the privacy of the neighbouring property.
17. A tree protection condition, similar to that suggested by the Council's Tree Officer, is necessary in order to safeguard the character and appearance of the area. However, I do not consider it necessary or reasonable to impose the condition suggested regarding the protection of trees for five years as there is no existing tree protection restriction and there is no indication that the appellant seeks to remove any trees of significant amenity value. Furthermore, the requirements of the other suggested tree condition regarding storage and ground levels can be sought as part of the single tree protection condition I have imposed.

Conclusion

18. The proposed development would be in accordance with the development plan and there are no material considerations which indicate that the proposal

should be determined other than in accordance with it. Having regard to all matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR