

Appeal Decision

Site visit made on 2 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/T0355/W/17/3167276
Sunnyside, Lock Lane, Maidenhead SL6 3BT

- 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 Mr Jake Collinge (JCPC Ltd) against the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01621 is dated 13 May 2016.
 - The development proposed is erection of two storey dwelling with parking and amenity space.
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Decision

1. The appeal is dismissed and planning permission for the erection of two storey dwelling with parking and amenity space at Sunnyside, Lock Lane, Maidenhead SL6 3BT is refused.

Procedural Matter

2. The Appellant states that they submitted an alternative proposal to the Council during the planning application process (Drawing No 2309/PL02 Rev E relates). As this has not been submitted to me as an amendment to the proposal I consider the appeal in accordance with the original plans.

Main Issues

3. 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 neighbouring occupiers; and
 - Whether the development would provide adequate living conditions for future occupiers in relation to privacy.

Reasons

Character and appearance

4. The appeal site is in a predominantly residential area, located to the rear of properties off Lock Lane, accessed via a narrow shared track. It includes an existing semi-detached two storey property known as Sunnyside and single storey outbuildings within the predominantly open side and rear garden. The
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- proposal would replace the existing outbuildings with a detached two storey dwelling which would be sited adjacent to the existing property.
5. The appeal site is surrounded by existing semi-detached and detached residential properties of variable scales, styles and designs located on plots of differing shapes and sizes. Properties along the western boundary are predominantly two storey and back directly onto the site with small rear courtyard style gardens which are shallow in depth. I observed on my site visit that whilst the majority of the site is open garden land the surrounding character is dominated by the sense of enclosure formed from the close proximity of this adjacent development.
 6. The new dwelling would be wider in width than the existing dwelling and would directly adjoin the eastern boundary of the proposed plot with only a narrow gap of around 1m to be retained between buildings. In addition the building would only generally be around 1.5m from the western boundary which would mean it would be in close proximity to neighbouring properties. It would also introduce two storey development within part of the site currently only occupied by single storey structures.
 7. I am mindful that the National Planning Policy Framework (the Framework) states that development of poor design should be refused if it fails to take the opportunities available for improving the character and quality of an area and the way it functions. Taking account of the context of the surrounding built form, I consider that the proposal, due to its siting, scale and overall proportions would appear cramped within the width of the plot and would reduce the general openness of the appeal site. On this basis the development would generally not be in keeping with the character and appearance of the locality.
 8. I recognise that some aspects of the design of the new house would broadly reflect the style of the existing dwelling, particularly in terms of the eaves height, split eaves dormer windows and matching external materials. I also note that whilst the roof height of the property would be slightly lower than Sunnyside, this would not be uncharacteristic of the variety of roof heights within the locality. Nevertheless these factors do not outweigh the harm I have identified on character and appearance.
 9. Consequently for the reasons given above, I conclude that the proposed scheme would result in material harm to the character and appearance of the surrounding area. It would conflict with the Framework requirements for good design and the Borough of Windsor and Maidenhead Local Plan (2003) (LP) Policies DG1 and H10 which both seek development of good design in accordance with a number of criteria. It would also be contrary to LP Policy H11 which, amongst other things, seeks development of a scale and density which would be compatible to the character of the area.

Living conditions for occupiers of neighbouring properties

10. The development would introduce a significant amount of additional built form in close proximity to the extremely shallow rear gardens of neighbouring properties located to the west, particularly No 1 and No 2 Pollard Cottages and Chalmers Cottage. Occupants of these dwellings would directly look out on to the proposed side elevations of the dwelling.

11. I recognise that the development would be partly single storey towards the western boundary and therefore would be stepped away from neighbouring properties to a certain degree. Nevertheless the majority of the dwelling would have two storeys which would increase the sense of enclosure for neighbouring occupiers. The overall height, bulk and mass of the development and its proximity to neighbouring properties would have a dominating, overbearing and enclosing effect on the outlook for neighbouring residents. This would result in a negative impact on their living conditions particularly in relation to how they might use their very small rear gardens and rear habitable rooms.
12. As the Framework seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings, I consequently conclude that the appeal proposal would not be in accordance with this and would result in significant material harm to the living conditions of the occupants of neighbouring properties. It would therefore conflict with LP Policy H11 which includes seeking development that does not '*cause damage to the amenity of the area*'.

Living conditions for future occupiers

13. I note that there is already significant overlooking of the appeal site from neighbouring dwellings, particularly those located to the west. However the appeal site at present is large and some privacy is provided by the existing outbuildings which project into the garden area beyond the rear elevation of the existing house. The development would divide the site into two separate plots with the rear garden area for the new dwelling being located closest to the western boundary.
14. Whilst the rear garden would provide adequate outdoor space for future occupiers in terms of its size, I am not satisfied that it would provide sufficient privacy, due to its proximity to neighbouring properties. In my view this lack of privacy would limit the garden's functionality in terms of its use for everyday outdoor activities associated with such areas.
15. I am mindful in this regard that the Framework seeks, amongst other things, to secure a good standard of amenity for all future occupants of buildings. Accordingly I conclude that the development would result in unacceptable living conditions for the future occupiers of the dwelling which would be contrary to the Framework in this regard.

Other matters

16. The Framework aims to boost the supply of housing and the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The proposal would contribute to the supply of housing, albeit that this would only be for one dwelling. This carries some modest weight in support of the appeal.
17. I have considered local concerns about noise and disruption during construction, including the use of the access track by heavy vehicles and pedestrian safety. However the construction period would have a temporary impact and subject to the imposition of a number of conditions the Highway Authority does not object in this regard. Nor does it object to the use of the access for the development once it is occupied or to the level of parking. I have no reason to disagree with these views.

18. As regards the potential for bats roosting in the garage there is no substantive evidence to demonstrate that this is the case and the Council raises no objection. I concur with this view. I also note that matters relating to landscaping would be acceptable. Nevertheless the lack of harm in respect of these other matters would neither weigh in support of or against the proposal.
19. Whilst the Parish Council and some local residents have not objected to the proposal this alone would not justify harmful development.

Conclusion

20. The provision of one house weighs moderately in support of the scheme. Whilst I have found no demonstrable harm on other matters these are neutral in effect and carry no weight. In comparison I have found significant material harm to the character and appearance of the surrounding area and to the living conditions of the occupiers of neighbouring properties, as well as unacceptable living conditions for future occupiers. Overall therefore I find that the adverse impacts of the scheme would significantly and demonstrably outweigh its benefits.
21. Consequently, for the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR