
Appeal Decision

Site visit made on 11 April 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/T0355/W/16/3166229

Land adjacent to 84 Beech Hill Road, Ascot SL5 0BW

- 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 G Silverthorne against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/02489, dated 25 July 2016, was refused by notice dated 3 November 2017.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at land adjacent to 84 Beech Hill Road, Ascot SL5 0BW in accordance with the terms of the application, Ref 16/02489, dated 25 July 2016, subject to the conditions set out in the attached Schedule to this decision.

Preliminary Matters

2. A revised plan showing additional parking space and other changes to architectural detailing including windows and door designs was submitted with the appeal. This was not subject of any consultation and unexpected changes could cause injustice to people who considered the original plans. I will consider the proposal on the basis of the plans that the Council dealt with.
3. Following my site visit, the *Supreme Court Judgment of Suffolk Coastal District Council V Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* was issued. The Council and the appellant have been given an opportunity to comment upon the possible implications of this judgement.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the area;
 - whether the occupants of the existing and proposed dwellings would have adequate living conditions with respect to outside amenity space; and
 - the accessibility of the site and the effect of the proposal on highway conditions.
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Reasons

Character and appearance

5. The appeal site is part of the garden to the side of No 84 Beech Hill Road which currently accommodates a detached garage. The garden is a triangular shape at the end of a secluded no-through road for vehicles but with a footpath adjoining one side. The footpath also adjoins the nearby railway land.
6. The existing dwelling is a semi-detached property. The pair of dwellings has a traditional pitched roof basic form. The dwelling adjoining No 84 has a large side extension which unbalances the pair to a limited degree. The surrounding residential area includes a range of styles of dwellings. Along Beech Hill Road there are mainly traditional dwellings but with some variety in roof shapes as well as a mix of semi-detached, detached and terraced properties. Nearby Lynwood Crescent is a large cul-de-sac with a group of similar dwellings from what looks to be a more recent era. There is a pleasant, leafy suburban character to the area with generally modest but landscaped gardens even to the fronts of some of the tighter grained dwellings nearby.
7. The proposal would involve the demolition of the existing garage and the construction of a detached dwelling. There would be a good degree of separation between the proposed and existing dwelling. Further space would be provided if the side conservatory is removed as proposed. There would be sufficient space within the front garden to incorporate landscaping to reflect the leafy surroundings. The creation of a parking space for the existing dwelling would not prevent adequate landscaping.
8. The proposed detached dwelling would be set slightly forward of the front building line of No 84 but the form of the proposed dwelling would compliment the pair and others nearby, being of a traditional pitched roof design. Although larger than some dwellings in the road, the dwelling would not be out of keeping given the variety of dwelling sizes in the area. The incorporation of traditional detailed design elements such as red-brick, the use of contrasting brick details, timber sash windows and a slate roof would respect the existing dwellings nearby. The dwelling would not be of a completely symmetrical form but this does not significantly detract from the design. Not all dwellings nearby include a chimney stack (such as No 84) and the lack of one on the proposed dwelling would not be harmful to the overall design or prevailing characteristics of the area, in my opinion.
9. Consequently, the proposal would have a satisfactory impact upon the character and appearance of the area and would not appear cramped alongside the existing dwelling. This would be compatible with the established street façade, scale of development nearby and would be a high standard of design. The proposal would therefore comply within LP¹ Policies DG1, H10 and H11. Furthermore, this high quality design would respect the form and character of the street and surrounding area, thereby complying with NP² Policies NP/DG1.4 and NP/DG1.6. In these respects, the proposal would constitute a good design, as required by paragraph 56 of the National Planning Policy Framework (the Framework).

¹ The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003)

² The Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026

Living conditions

10. I have not been provided with any adopted guidance regarding required garden sizes and will therefore reach my own view of the adequacy of garden space for the remaining dwelling at No 84 and the proposed dwelling. The rear garden space for both dwellings would be limited in area. A modest outbuilding is proposed for demolition as is a lean-to conservatory at the side of No 84. The demolition of these buildings is intended to provide additional garden space which would provide an increased private area at the rear of both dwellings.
11. The no-through road is very secluded. The side and front gardens for both properties would be reasonably private and I do not consider that the additional space from demolition of the buildings would be critical to the enjoyment of either dwelling. Without this, there would be areas for residents to have a good amount of outside space to sit out, for children to play and for domestic paraphernalia to be positioned discretely. Whether the buildings are demolished should in my view be a matter of personal preference for the occupants of the dwellings. Although removing the conservatory would provide more garden space, it would also remove a building that links the house with the garden, and provides a covered airy space. Similarly the other outbuilding could be preferable to retain depending upon the needs of the occupants.
12. In relation to this main issue, the occupants of the existing and proposed dwellings would have adequate living conditions as there would be sufficient garden amenity space to meet household recreational needs, in scale with the modest dwellings. This would comply with NP Policy NP/DG3.2 and LP Policies H11 and DG1.

Highway conditions

13. I walked the footpath to Sunningdale and the railway station. I found the surface of the path to be rough and obstructed by tree roots in places as well as having areas where it had subsided. Although it only took me around 15 minutes to walk to the station in dry conditions, I do not consider that it is a realistic route for commuters particularly in wet weather or in the dark. However the site is within a busy suburban area and there is a parade of shops nearby. The wider range of facilities further away in Sunningdale would only be a short journey by private vehicle from the site if weather conditions and lack of daylight make walking or cycling to them impractical. This is however a reasonably accessible area where occupants of the existing and proposed dwelling would not rely upon private vehicles for essential journeys.
14. The parking space proposed for the existing dwelling would be longer than the existing short space in front of the garage. To use the existing parking space other than by a very short vehicle would require leaving the garage door open to draw clear of the carriageway of Beech Hill Road. Another fully sized space is proposed for the existing dwelling. The off-road parking proposed for the existing dwelling would be an improvement over the current situation.
15. A single parking space would also be included at the front of the proposed dwelling. The Highway advisor to the Council has referred to the updated guidance to the Framework due to the Written Ministerial Statement (WMS) of March 2015 which confirmed that maximum parking standards should no longer be applied. The Council's standards in this respect are not consistent with the Framework. As a consequence LP Policy P4, which cross-refers to the

standards, is also not consistent with the advice within the Framework. The WMS also makes it clear that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

16. In this case, the appeal site is reasonably accessible to services and facilities and provides for the parking of 1 vehicle for the proposed dwelling. Beech Hill Road is not the subject of on-street parking restrictions and the short no-through road section in front of the site is, according to the Council, 5m wide which allows space for turning. As NP Policy NP/T1 explains, the area has a high level of car ownership but additional vehicles as a result of this proposal could park safely outside of the site. Cars parked on the road nearby would not interfere with pedestrians approaching the footpath.
17. In relation to this main issue, given the accessibility of the site and adequacy of parking arrangements, the proposal would not have a harmful effect on highway conditions. This would comply with NP Policy NP/T1. Safe and suitable access can be achieved thereby complying with paragraph 32 of the Framework.

Other Matters

18. The proposal would create an additional dwelling which will provide a modest but nevertheless positive contribution towards the housing supply in the area.

Conditions

19. I have considered the suggested conditions in light of the requirements of the Framework and the advice within the Planning Practice Guidance (PPG).
20. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed. I do not consider that the demolition of the conservatory and other outbuildings are essential to the enjoyment of the dwellings. A condition requiring the removal of these buildings is unnecessary to make the proposal acceptable.
21. Conditions requiring materials that match the existing dwelling at No 84 and the obscuration and where necessary fixing of windows that would otherwise affect the privacy of the adjoining dwelling are necessary. I have revised the wording to more closely reflect the PPG.
22. A condition is attached to require agreement of a noise assessment and measures to ensure that noise from the railway does not unreasonably impact upon living conditions within the proposed dwelling. The Council suggested a similar condition although that refers to the British Standards. I have not seen evidence on what standards may be possible to achieve and the Council will be able to consider the information on its merits when details are submitted to achieve adequate noise mitigation.
23. I have included a condition requiring submission of further details of the parking areas shown on the submitted plan. For reasons outlined above, the number of spaces proposed is adequate.
24. A condition is suggested that would require the submission of a scheme to mitigate effects of the development on the Thames Basin Heaths Special Protection Area (SPA). However, the Council's questionnaire confirms that the

site is not within the SPA. The Council has not explained or provided evidence to demonstrate how a single dwelling would impact upon the SPA or whether the planning application should be refused without the imposition of the suggested condition. I also have no information to explain what a scheme would involve in terms of how the appellant could provide for the delivery of alternative greenspace, access strategic access management and monitoring. If this would involve payment of money, that could not be undertaken through a planning condition. Without evidence to explain these matters, such a condition would not be reasonable to impose.

25. It is not made adequately clear within the representations with reference to development plan policies or other material considerations, why it is necessary to achieve greater efficiency in terms of energy, water and materials, than the standards required by the Building Regulations. I have not imposed the suggested condition relating to those matters.

Conclusion

26. There are no matters that significantly and demonstrably outweigh the benefits of the proposal when assessed against the LP and NP. The proposal complies with the Framework without the need to consider of the tilted planning balance due to any shortfall in 5 year housing supply.
27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not 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: '2315/P/2' and '2315/RD/5'.
- 3) The materials to be used on the external surfaces of the development shall match those of the neighbouring property no 84 Beech Hill Road.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window(s) shall be inserted at first floor level in the east elevation of the dwelling. The first floor bathroom window in the rear elevation of the proposed dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening top-light that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall thereafter be retained in that form.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a noise impact assessment. The assessment shall include details of the measures to be taken to acoustically insulate all habitable rooms of the development against railway noise, together with details of measures to provide ventilation to habitable

rooms. The approved measures shall be implemented in full before the development is first occupied and retained thereafter.

- 6) The building shall not be occupied until the vehicle parking areas shown on drawing no. '2315/P/2' have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those areas shall thereafter be kept available at all times for the parking of vehicles.