
Appeal Decision

Site visit made on 5 June 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 4 July 2017

Appeal Ref: APP/T0355/W/16/3166141

Green Trees, Widbrook Road, Maidenhead SL6 8HS.

- 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 Kingsway Homes (Berkshire) Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/00811, dated 10 March 2016, was refused by notice dated 9 September 2016.
 - The development proposed is the erection of a new building comprising 10no two bedroom flats and 2no one bedroom flats with associated vehicular access, car parking, refuse and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new building comprising 10no two bedroom flats and 2no one bedroom flats with associated vehicular access, car parking, refuse and cycle storage at Green Trees, Widbrook Road, Maidenhead SL6 8HS in accordance with the terms of the application, Ref 16/00811, dated 10 March 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Amended/additional plans including computer generated images of the development were submitted to the Council on 25 August 2016. However, it is apparent from the Decision Notice that these were not considered by the Council. The amended plans have been submitted as part of the appellant's appeal submission. Although the appellant company has not explicitly stated that the amended drawings supersede those considered by the Council, I am satisfied based on comments in the Grounds of Appeal that this is the intention. Having regard to the principles set out in the *Wheatcroft* judgement¹, I am content that the amended drawings do not materially affect the substance of the proposal. In any event, local residents as well as the Council have had the opportunity to submit comments on the amended plans at the appeal stage. In these circumstances, no injustice would be caused if I were to consider the amended/additional plans.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

¹ *Bernard Wheatcroft Ltd v SSE* (JPL 1982).

Reasons

4. The appeal site comprises a substantial detached residence located at the corner of Widbrook and Sheephouse Roads to the north of Maidenhead town centre. The western, southern and eastern boundaries of the site are enclosed by mature landscaping and consequently there is very little visual exposure of the site from Sheephouse Road or neighbouring gardens. The northern site boundary fronting Widbrook Road is more open and allows for an appreciation of the existing dwelling.
5. The appeal scheme involves the demolition of the existing dwelling and outbuildings and the erection of a 3-storey building containing 12 flats the majority of which would be 2 bedrooms. Car parking, refuge and cycle stores would be provided along the eastern site boundary from a relocated access point from Widbrook Road. Outdoor amenity space would be located to the front, rear and side (west) of the building. It is apparent from the Council's submissions that the principle issue is the scale of the building and its subsequent effect on the Widbrook Road street scene.
6. Policy DG1 of "*The Royal Borough of Windsor and Maidenhead Local Plan 2003*" (the LP) is a wide ranging design policy that sets out the relevant guidelines by which development proposals will be assessed. Amongst other things it states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. In a similar vein, LP Policy H10 seeks high quality design that creates a diverse and attractive residential environment. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
7. In this case there can be no dispute that there would be a significant uplift in density. This in itself would be at odds with the character of the immediate area which comprises detached family dwellings occupying spacious rectangular plots. However, the development with its single central doorway would appear in most views as a detached residence similar, albeit larger, to the existing dwelling as opposed to a block of flats. Accordingly I am not persuaded that the density of the development *per se* is a reason to dismiss the development out of hand. In any event, the Council concede that a higher density would assist in meeting identified housing needs in the area.
8. The question then arises as to whether the density and the appearance of the building itself would cause unacceptable harm to the character of the area which is residential in nature with considerable variety in terms of the height and style of buildings. Whereas larger dwellings and plots tend to prevail along Widbrook Road, to the south is a row of dormer bungalows. Thus there is not a characteristically uniform grain of development in the vicinity. I have noted the Council's criticisms of the building's appearance. However to my mind the building has been carefully designed to incorporate elements of the existing dwelling such as projecting gables, stepped elevations and prominent chimney stacks. Whilst I did not observe any dormer windows to the existing house, it was evident that such features are commonplace in the locality. Although balconies are perhaps more unusual, the appellant has drawn my attention to a

prominent flatted development a short distance to the south² where such features have been accepted by the Council.

9. There can be little doubt that the building would be significantly larger than its neighbours but that is also the case now. The appeal site is spacious and even with the additional footprint proposed there would be suitable and sufficient areas of private circulation and amenity space about the building. The computer generated images submitted by the appellant demonstrate that the use of contrasting materials, recessive elements, balconies and symmetrical fenestration patterns would all help provide articulation particularly to the facade and help to break up the mass of the building. The images also show that in those public views from Widbrook Road the bulk and general appearance of the building would not differ significantly from the existing building.
10. Although the north-west corner of the building would rise to 3 storeys there is not a strong uniformity in the height of buildings locally. The height and maturity of the landscaping along Sheephouse Lane would provide effective all year round screening. Given its orientation to Widbrook Road and the potential for the existing frontage landscaping to be supplemented as part of a comprehensive landscaping scheme, I do not consider the parking area would be particularly prominent in the street scene and would only be readily seen in views through the access.
11. Overall, there would be some change to the character and appearance of the area, however, the area is not subject to any special designation and a certain degree of change or diversity is inevitable as reflected in the wording of Policy H10. In this case, I find that the degree of change would not be at a level to bring the proposal into conflict with the development plan. I therefore conclude that the development would not cause unacceptable harm to the character and appearance of the area. It would thus accord with Policies DG1, H10 and H11 of the LP.

Other Matters

12. I have noted concerns about the effect of the development on the living conditions of neighbouring occupiers. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I can understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council.
13. Whilst the Council initially had concerns about the flooding implications of the proposal. These were addressed by a Flood Risk Assessment and not carried forward as a reason for refusal.

Conditions

14. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*". In some instances I have amended the conditions provided by the Council in the interests of brevity.
15. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed conditions relating to external facing materials,

² 51 Lower Cookham Road LPA Ref: 07/02579/FULL

landscaping and finished floor levels to ensure the satisfactory appearance of the development. Conditions pertaining to the provision of surface and foul water drainage systems as well as a Flood Evacuation Plan are necessary to ensure satisfactory drainage of the site and in the interests of flood prevention.

16. Conditions relating to protective fencing and the method of no-dig construction are necessary to ensure the long term retention of trees on the site. A condition requiring the access and parking areas to be made available prior to first occupation is necessary to ensure the development does not result in on-street parking around the Widbrook/Sheephouse Road junction. To prevent vehicles stopping on the carriageway I have imposed a condition relating to the set back of any entrance gates. A condition relating to the stopping up of the existing access and subsequent reinstatement of the verge is necessary both in the interests of highway safety and visual amenity. To protect the living conditions of local residents I have imposed conditions relating to a Construction Method Statement and the privacy screens.
17. There is a wide verge fronting the site and therefore a condition relating to visibility splays is unnecessary. The bin store is shown on the layout plan and therefore captured by the plans condition. A separate condition relating to hard surfacing is unnecessary as these matters can be dealt with by my condition 9 or 14.

Conclusion

18. In reaching my decision I appreciate the strength of opposition to the proposal from the local community and have taken account of the wide range of specific concerns that have been raised. However, I find that the proposed development would not have an unacceptable effect on the character and appearance of the area and there are no other factors which would justify withholding planning permission.
19. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

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: WID/1311_101 rev G, WID/1311_102 rev E, WID/1311_103 rev B, WID/1311_104 rev D, WID/1311_105 rev D, WID/1311_106, WID/1311_107 and WID/1311_109.
- 3) No development above slab level shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- 4) No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- 5) Prior to the occupation of any flat a Flood Evacuation Plan, binding on the applicants or the successors in title, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented upon the first occupation of the dwellings hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority
- 6) Prior to any equipment, machinery or materials being brought onto the site, details of the method of "no dig construction", shown on drawing SH20371-03, shall be submitted to and approved in writing by the Local Planning Authority
- 7) The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- 8) No development above slab level shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

- 9) No flat shall be occupied until the access and vehicle/cycle parking areas/facilities have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
- 10) Any gates provided shall open away from the highway and be set back a distance of at least 7 meters from the nearside carriageway edge.
- 11) The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include: demonstration of compliance with the appropriate non-statutory technical standards for sustainable drainage systems (March 2015); full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert & cover levels, and drawings as appropriate; full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved, by the proposed surface water drainage system, based on infiltration rates determined by intrusive ground investigations on the site, undertaken in accordance with BRE Digest 365 and; full details of the maintenance arrangements for the development, covering every aspect of the proposed surface water drainage system. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.
- 14) Details of the pergolas and privacy screens, that is their height, intended position and material finish, and which are to be provided at first floor balcony to the east elevation of the building shall be submitted to and agreed by the Local Planning Authority before they are erected as part of it.