
Appeal Decision

Site visit made on 11 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 21 July 2017

Appeal Ref: APP/T0355/W/17/3173633

Danish Court, 3-5 St Peters Road, Maidenhead SL6 7QU

- 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 Harsal Developments Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/03923/FULL, dated 30 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is conversion of existing store and undercroft parking to 1 x 1 bedroom flat, new bin and cycle store and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development of Danish Court (ref 15/01805/FULL) commenced before landscaping details were submitted to the Council for approval. This was in breach of the landscaping condition attached to this permission which required that such details were approved prior to the commencement of development. However, the Council has advised that the details¹ subsequently submitted by the appellant would have been approved if they had been submitted at the appropriate time. Therefore whilst the development has not been landscaped in accordance with these details, it is against them that I have compared the landscaping proposed in the appeal scheme.

Main Issue

3. The main issue in this appeal is whether the proposed scheme would result in a well-designed development, in terms of the balance between buildings, hardstanding and soft landscaping, and provide acceptable living conditions for the residents of Danish Court and the proposed scheme, with regard to amenity space provision.

Reasons

4. Danish Court is a recently built residential development of seven flats. The proposed scheme seeks to create an eighth flat by converting the internal bin store, bicycle store and an undercroft parking area into a one bedroom apartment. To do so, the displaced parking spaces and cycle store would be relocated immediately to the rear of the building and occupy a space where the

¹ Plan refs RSPR-PL-106, RSPR-PL-105A and associated planting schedule.

landscaping plans for the original development show an area of grass and a tree.

5. In my view, the grass and tree would provide valuable relief to the building and soften it in views from the side and rear, whilst also providing welcome space and variety to soft landscaping around the building that is otherwise dominated by flowerbeds. Although the benefit of this area of landscaping would not be apparent in views from the street, this does not diminish the value I place upon it. In contrast, the parking spaces proposed in the appeal scheme in this area would remove the opportunity for any meaningful structural landscaping along the rear elevation. By enclosing the rear of the building with hardstanding, the building would have a colder, harder appearance and would not be landscaped to a high standard.
6. In terms of amenity space, none of the existing flats have balconies or private areas, nor is any proposed to the new apartment that would be created or the existing flats as part of the appeal scheme. With hardstanding and flowerbeds that would surround the building, the grassed area shown on the landscaping plans for Danish Court constitutes the only outdoor area that could be used as amenity space where residents could sit out in fine weather. At 52sqm in area, this space would not be large and the Council do not have any adopted standards for amenity space provision. However, it would be sufficient in size to allow residents to sit outside and relax. If this area was to be used for car parking and cycle storage, as is proposed in the appeal scheme, there would be no usable amenity space within the development for residents.
7. The nearest public open space at Oaken Grove Park at 0.6miles away would be too far away to compensate for the absence of amenity space at Danish Court. Whilst I recognise that the open countryside is nearer, walking through fields does not compensate for the absence of somewhere at home to sit outside and relax. As a consequence, the loss of the grassed area shown on the plans for the flats would mean that residents of Danish Court as a whole, including future residents of the proposed flat, would have poor living conditions and enjoy a poor standard of amenity.
8. Some prospective residents may not prioritise outdoor amenity space and would choose to live at Danish Court if no such space was provided. However, it is the function of the planning system to secure good living conditions for future occupants of buildings and in this regard the proposal falls short of this goal.
9. Taking all these matters into account, I therefore conclude that the proposed scheme, by resulting in the loss of the area of structural landscaping shown on the plans for the development, would constitute poor quality design and result in no usable amenity space provision. This would be contrary to policies DG1 and H10 of the Royal Borough of Windsor and Maidenhead Local Plan which seek high quality design and landscaping. It would also be contrary to a core planning principle of the National Planning Policy Framework ('the Framework') which seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other matters

10. The creation of the proposed flat would involve closing up the undercroft parking with a wall and inserting a window. The resulting changes to the appearance of the building would be small. Consequently, they would not harm the character and appearance of the building.

Planning balance and overall conclusion

11. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.
12. It is common ground that the Council has a housing land supply of less than five years. Consequently, an undersupply of housing exists in the Borough. Socially, the proposed one bedroom flat would therefore make a small contribution towards the provision of new housing at a time of need. However, the poor quality living conditions, in terms of amenity space provision, which would be provided for future occupiers of the proposed development and Danish Court as a result of the scheme, would conflict with the social dimension to sustainable development.
13. With regard to the environment, whilst the proposal would make more efficient use of previously developed land, which the Framework encourages the re-use of, it would result in poor landscaping. Economically, the scheme would generate some construction employment, although by its nature this benefit would be short lived.
14. The appeal site is well located in terms of accessibility to public transport links. Located within the established developed area of Maidenhead, housing on the site is in principle is supported by the development plan. The proposed development would result in some social, economic and environmental benefits which I have described above. However, the shortcomings in terms of landscaping and the living conditions for occupiers of Danish Court and future occupiers of the proposed development are a significant concern. The adverse impacts in this regard would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and development plan taken as a whole.

Conclusion

15. For these reasons that I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector