The Planning Inspectorate

Appeal Decision

Site visit made on 3 July 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: 28 July 2017

Appeal Ref: APP/T0355/W/17/3172740
White Hart House, Silwood Road, Ascot, Berkshire SL5 0PY.

- 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 Dale Greenhead (Wentworths & Associates Ltd) against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application is Ref 17/00297, dated 6 January 2017.
- The development proposed is a double storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. Following the submission of the appeal, the Council provided a statement outlining their concerns in relation to the proposal. The Council has confirmed that had it been in a position to determine the application, it would have been refused for reasons relating to the effect on the living conditions of neighbouring occupiers.

Main Issues

3. Accordingly, the main issue is the effect of the development on the living conditions of the occupiers of 7 Silwood Road with particular regards to outlook, overshadowing and overlooking.

Reasons

4. The appeal property is an attractive detached office building situated within a row of commercial properties fronting Silwood Road a short distance south of its junction with London Road. The two-storey extension would abut the northern site boundary and extend the property rearwards by approximately 4.8 metres into the car parking/storage area.

5. Immediately north of the appeal property is 7 Silwood Road. According to the Council, this comprises a café at ground floor level with living accommodation to the rear and first-floor. A ground-floor study window is located close to the boundary with the appeal site and currently enjoys a relatively open aspect to the south albeit over the existing timber fence. There would be minimal separation between this window and the rear wall of the extension. From the study, the extension would appear as a looming expanse of masonry built right

up to the boundary causing prolonged periods of overshadowing. It would severely curtail the amount of sky that could be viewed from the window and would result in an overbearing and oppressive outlook for the occupiers of No 7 thus seriously undermining their enjoyment of that room.

6. Although the existing first-floor kitchen window to No 7 would be set-back from the extension there would nonetheless be an appreciable reduction in the outlook particularly given the orientation between the two properties. The extension would also have a significant enclosing effect on the balcony area to the rear of the first-floor.

7. The appellant has confirmed that the first floor window shown on the existing north elevation is erroneous. The only window in the rear elevation facing No 7 would serve a staircase. On that basis, I am satisfied there would not be an unacceptable loss of privacy.

8. Despite that, the proposal would have an unacceptable effect on the living conditions of the occupiers of 7 Silwood Road with particular regards to outlook and overshadowing. It would thus conflict with saved Policy H14 of the "*Royal Borough of Windsor and Maidenhead Local Plan 2003*" insofar as it seeks to protect the amenity of neighbouring residents by ensuring development does not have an unacceptable impact on levels of light to adjacent properties.

Conclusion

9. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector