



Appeal Decision

Site visit made on 12 March 2018

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2018

Appeal Ref: APP/T0355/W/17/3181493

Tudor Lea, 15 Sutton Close, Cookham, Maidenhead, SL6 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Jackie Smith against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/03324, dated 12 October 2016, was approved on 17 February 2017 and planning permission was granted subject to conditions.
 - The development permitted is described on the decision notice as "Single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation as approved under planning permission 15/02302 without complying with condition 2 (matching materials), 4 (approved plans) to remove the boarding/render to the first floor rear elevation and replace with facing brickwork and alterations to fenestration. Replace approved drawing."
 - The condition in dispute is No 1 which states that: "*All of the side and rear grey windows shall be coated white to the satisfaction of the Local Planning Authority within 6 months of the date of this decision notice and thereafter maintained as such.*"
 - The reason given for the condition is: "*In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.*"
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Decision

1. The appeal is allowed and the planning permission Ref 16/03324 for a *single storey front extension, part single, part two storey rear extension and alterations to ground and first floor right hand side elevation as approved under planning permission 15/02302 without complying with condition 2 (matching materials), 4 (approved plans) to remove the boarding/render to the first floor rear elevation and replace with facing brickwork and alterations to fenestration. Replace approved drawing* at Tudor Lea, 15 Sutton Close, Cookham, Maidenhead, SL6 9QU, granted on 17 February 2017 by the Council of the Royal Borough of Windsor and Maidenhead, is varied by deleting Condition 1.

Procedural matters

2. At the time of my site inspection, the development was substantially complete and the grey windows had been installed in the rear and side elevations. For the avoidance of doubt, and irrespective of the construction that has taken place, I have considered the proposal on the basis of the submitted plans with grey fenestration details to the rear and side elevations.
3. My determination of this appeal is against the policies of the development plan and any other material considerations. Although the Council refers to the emerging local plan in its appeal statement, this was only recently submitted for examination to the Secretary of State for Housing, Communities and Local

Government. Given the uncertainties regarding the outcome of that process, I have given it limited weight.

Main issue

4. The main issue in this appeal is whether Condition 1 is necessary to safeguard the character and appearance of the host dwelling and surrounding area.

Reasons

5. Sutton Close is characterised by detached houses with a consistent architectural style and layout incorporating hipped roofs, front gable projections, white front elevation leaded windows, dark brown/red brickwork, front elevation white rendered first floors with mock Tudor black timber beams and regular gaps between dwellings. It also has a verdant character with many properties having mature front garden hedges. The Village Design Statement¹ states that these features give Sutton Close a highly individual character, which should be carefully protected.
6. The appellant seeks the removal of Condition No 1 in order to retain the existing grey windows with clear glazing to the rear and side elevations of the dwelling. These were put in place during construction of the extension granted planning permission. I noted from my site inspection that the rear elevations of the neighbouring dwellings at Nos 13, 14 and 16 have white windows, but also observed that these have much greater variation between them than their respective front elevations as a result of differing window sizes, extensions and dormer windows. They are also finished wholly in brick and do not have white render and mock-Tudor black timber beams as per the front elevation. My overall impression is that the rear elevations have a more functional appearance, wholly different in style to the front elevations which give the road its highly individual character.
7. As a consequence of the more varied and functional character of the rear elevations, I am satisfied that these are less sensitive to change. Although the grey windows are therefore different to the prevailing white finish of other rear-elevation windows, to my mind, they better reflect the more contemporary character of the rear extension that has been constructed. In any event, I do not consider the white rear elevation windows of properties in Sutton Close to be central to its highly individual character. For the same reason, I do not consider it necessary for the grey windows to have leaded lights, as requested by third parties. I am as a consequence satisfied that the grey windows do not detract from the highly individual character of the host dwelling and road.
8. Although concerns have been raised by third parties that the grey windows would be out-of-keeping with the individual mock-Tudor character of the road, I am satisfied that this would not be harmed as the primary front elevation of the dwelling would remain unchanged. Whilst I recognise that some views of the grey side elevation windows are possible from the public highway, these are extremely limited given the narrowness of the gap between the host dwelling and No 16. In any event, I am satisfied that their presence is significantly diminished by their opaque colour set against the dark brickwork. Moreover, I did not find the rear elevations of dwellings to be particularly well-defined when approaching from the south on the A4094 because of the

¹ Cookham Village Design Statement, Supplementary Planning Document, May 2013

intervening distance and vegetation, which would further diminish the public impact of the grey windows.

9. Representations have been made that the new brickwork and mortar colour of the extension does not match the original dwelling. However, I am satisfied that the minor difference in colour is largely mitigated by the obscure position of the new brickwork to the rear and that over time it will mature and blend in. Other concerns have also been raised that the gable is an overbearing feature. However, I am satisfied that there is sufficient distance between it and neighbouring properties to ensure there is no harm to living conditions by reason of loss of outlook or light. I am also content that its design is in keeping with the host dwelling and surrounding properties, which are notable for having gable projections.
10. Representations have also been made that the scheme would prejudice the resolution of a separate formal complaint against the Council relating to the original determination and subsequent enforcement. However, this is a separate matter between the parties. I also note the concerns of neighbours in respect of the retrospective nature of the development and precedent, but each proposal must be considered on its own merits.
11. For the reasons above, I do not consider the grey windows to be harmful to the character and appearance of the host dwelling and surrounding area. I therefore conclude that Condition No 1 is not necessary to safeguard the character and appearance of the area. Its removal would not conflict with Policy DG1 of the Local Plan² which seeks to ensure, amongst other things, that materials are sympathetic to the local area. The scheme would also comply with the provisions of the Village Design Statement which seeks to protect the highly individual character of properties in Sutton Close, ensure that materials complement those used locally and that new development does not detract from Cookham's homecoming routes.

Conclusion

12. For the reasons above, I conclude that the appeal should succeed and that the planning permission should be varied as set out in the formal decision.

Robert Fallon

INSPECTOR

² The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003)