



Appeal Decision

Site visit made on 2nd October

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/T0355/W/19/3232226
29 & 31 Harrow Lane, Maidenhead, SL6 7PD

- 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 L Lika against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref. 18/03163, dated 25 October 2018, was refused by notice dated 15 January 2019.
 - The development proposed is the conversion and extension of the existing semi-detached dwellings to form six one bedroom flats and one two bedroom flat with parking, amenity and refuse space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal makes adequate provision for parking and the effect on highway safety.

Reasons

Background

3. The appeal site comprises the curtilages of a pair of two storey semi-detached properties which lie in a mostly residential area in the northern part of Maidenhead. There are similar 'semis' either side of the site and further to the east but otherwise there is a variety of house types and designs in the locality. The site also lies to the east of a local railway line and there is a level crossing nearby in Harrow Lane. Moreover, there is a large yellow stanchion housing a camera looking towards the crossing, together with a small control box in the pavement outside of the appeal site. It is proposed to extend the pair of semis front and rear and convert the building into 7 flats.

Policy context

4. The development plan includes the Council's Local Plan (incorporating alterations adopted in 2003). This predates the National Planning Policy Framework (NPPF) and I will consider whether individual policies accord with

this national guidance as they arise in the main issues. The Council is also preparing a new Borough Local Plan and a Submission Version has been agreed by the Council and submitted for Examination. Weight can be given to individual policies depending on outstanding objections to these policies and the degree of accord with the NPPF.

5. The Council says that saved LP Policy H13 indicates that planning approval will not be granted for the conversion of two storey terraced and semi-detached house into flats, bedsits or other types of houses in multiple occupation. However, this blanket approach against such conversion runs contrary to the more recent NPPF which seeks to boost significantly the supply of new homes which are required to reflect the wide range of housing needs. This lack of accord limits the weight that can be given to this part of the policy.

Effect on character and appearance

6. In terms of the effect on the street scene, the proposal involves a modest extension to the front of the building and the raising of the roof to incorporate two dormer windows. These changes are relatively modest and would not materially increase the overall bulk of the building when seen from the front. At the site visit I noticed that the adjacent property of No. 27 has a modest two storey gable at the front, and dormer windows in the roof, and I noticed other examples of front gables on properties in the local street. I am satisfied that in respect of the public realm the bulk and design of the enlarged building would not have a harmful effect on the character and appearance of the area.
7. In relation to the proposed rear extension, although this is located centrally in the plot, the degree of projection appears large for a semi-detached property and the bulk of the building would be amplified by the scale and height of the roof incorporating dormer windows under the 'crown' roof. In my judgment the scale of building proposed would dominate the scale and proportion of the original properties and would be harmful to the character of the area even though this visual impact would mostly be seen from other private properties and gardens away from the public realm.
8. I also share the Council's concern about the effect of the scale of development and its parking needs on the frontage of the site. This existing townscape along Harrow Lane is characterised with houses having front gardens. Although some of these now incorporate parking spaces, the impact of the spaces is often mitigated by boundary hedges and other landscaping which breaks up the visual 'hardness' of the space. In contrast, the proposal involves a hard surfaced forecourt along the whole wide of the twin plot site. This feature, together with the intensive parking of cars would have a hard and imposing visual effect on the street scene. The limited hedge planting proposed along the front of the building and below windows would not break up this space visually.
9. Overall I find that the while the bulk and design of building is acceptable on the front elevation, the scale of new building at the rear of the existing houses would give rise to a visually imposing and overdeveloped appearance which would harm the character of the host buildings and the wider area. In addition, the proposed parking solution would be significantly harmful to their appearance in the street scene of this local part of Harrow Lane. The proposal would not result in a high quality of design nor would it create an attractive residential area as required by saved Policy H10. Further, the increase in density would result in a form of development which would harm the character

and amenity of the area contrary to saved policy H11 which is broadly consistent with section 12 of the NPPF in seeking to achieve well designed places. I also find that the proposal would be contrary to Policy HO 5 of the emerging plan as the increase in density of the housing proposed would not be consistent with achieving good design.

Parking and effect on highway safety

10. The Council and the highway authority indicate that 7 new flats give rise to a need for 8 parking spaces based on adopted standards while the amended plans submitted with the application indicate that 6 spaces could be provided taking account of the restriction resulting from the position of the stanchion and control box. This leaves the proposal short of two spaces which the Council submits would be harmful to highway safety and contrary to saved policies T4 and P5.
11. Nevertheless, these policies well precede the NPPF and the emerging policy IF 2 indicates that the Council will develop and implement revised parking standards to secure sustainable transport objectives. However, it does not appear to me on the evidence submitted that the such new standards have been brought forward. I am therefore only put limited weight on the saved policies.
12. The appellant also refers to paragraph 109 of the NPPF which limits the reasons why development would be considered unacceptable on highway grounds but this still refers to highway safety. Paragraph 105 sets out factors that parking standards should take into account but it has not been demonstrated that the standards linked to the saved policies were based on similar evidence.
13. I recognise the site has reasonable accessibility having regard to the proximity to the local station and the general distance to shops and other services, however, in practical terms separate from policy, it appears to me that the provision of less than one space per flat would be likely to result in more on-street parking and this would not be in the interests of highway safety.
14. I have taken account of the appellant's references to other schemes said to have been permitted locally and with a reduced parking provision, but I am not aware of the whole circumstances of these cases and the overall planning judgement reached. As such I am not able to afford them much weight in setting some precedent.
15. Overall on this issue I find that the development proposed would not make adequate provision for parking on-site to accommodate the scale of development proposed. This would be likely to lead to further parking on the highway in the vicinity of the site which would not be in the interests of highway safety.

Other matters

16. I note that the appellant refers to a fallback position regarding the installation of joint hardstandings to the front of the properties as stated by the Council to be lawful in respect of certificate 18/00997 but this appears to be in connection with a different type of development and I have little evidence before me to establish that such work is likely to take place as a separate action independent of the appeal scheme. I have therefore placed limited weight on this fallback

position and I have considered the design and impact of the proposed scheme on its individual merits.

Planning balance

17. Bringing together my conclusions on the main issues I have found that the scale of new building proposed particularly to the rear elevation of the properties would harm the character of the host buildings and their local setting. Further, the scale of parking proposed and necessary along this combined site frontage would be harmful to the character and appearance of the area. Notwithstanding this aspect, the parking area would be inadequate for the scale of development proposed and would be likely to result in on-street parking to the detriment of highway safety. This harm means that the proposal conflicts with the policies of the development plan and emerging plan that I have mentioned.
18. These findings amount to significant adverse effects, but they have to be balanced with the benefits of development. I acknowledge that the proposal would result in a net increase in small residential units and contribute to the increase in housing supply which, generally, the government seeks to significantly boost. The site also lies in a sustainable location already developed and the NPPF seeks to make efficient use of such land.
19. However, the NPPF also seeks to achieve well designed places and the proposal would not achieve this. The scale and form of the development would result in a significant environmental harm and this outweighs the social and economic benefits. I find that the proposal conflicts with the NPPF when this is read as a whole. The other considerations which arise in the case do not outweigh the conflict with the development plan and this indicates that planning permission should not be granted.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR