



Appeal Decision

Site visit made on 15 October 2019 by Scott Britnell MSc FdA

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/T0355/D/19/3229921

3 Garfield Place, Windsor, SL4 3BT

- 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 Mrs Lesley Bushnell against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/00430, dated 13 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is partial demolition of an existing conservatory and ground and first floor rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. A number of the policies referred to by the Council relate to the Local Plan dated 1999. Although these are now of some considerable age and predate the National Planning Policy Framework, I consider that they are broadly consistent with it. I have therefore afforded these policies significant weight.
4. The Council's reasons for refusal also refer to policies contained within the Borough Local Plan Submission Version 2018. However, the copies of the policies provided refer to the Borough Local Plan Submission Version 2017 (my emphasis). For the avoidance of doubt, I have assessed the appeal proposal against the policies provided. As these form part of the submission version of the emerging Local Plan, they show a clear direction of travel by the Council. I also consider that they are broadly consistent with the current Local Plan.

Main Issue

5. The Council does not object to the proposed ground floor rear extension and I do not disagree. The main issue is the effect of the first floor extension on the character and appearance of the area, including the Inner Windsor Conservation Area.

Reasons for the Recommendation

6. The appeal site comprises a mid-terrace dwelling within a short terrace of four properties on the east side of Garfield Place, which is located off Russell Street with the properties fronting a short, central road. To the rear, the terrace backs onto the car park to Alexandra Court. The appeal site is also located on the northern edge of the Inner Windsor Conservation Area (the Conservation Area).
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. National planning policy, as set out by the National Planning Policy Framework (the Framework), states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation.
8. From what I saw, the properties within the terrace are relatively unaltered. Each has a short two storey projection on one side of its rear elevation. Together with the identical projection on the neighbouring property, these create a distinctive U shape, one at Nos.1 – 2 Garfield Place and one at the appeal site with No.4. This gives the properties a visual symmetry, which is an attractive feature that makes a positive contribution to both the terrace as a whole and this particular part of the Conservation Area.
9. The proposed first floor extension would result in the recessed area of the rear elevation being brought into line with the existing two storey projection. Although modest, it would, as a consequence, fundamentally alter the 'U' shaped feature and disrupt the existing balance and arrangement of the terrace. This would result in harm to the character and appearance of the terrace as whole and would detract from the visual qualities of this part of the Conservation Area. This harm would be exacerbated by the change to the eaves line, whereby the current continuity with the neighbouring property at No.4 would be lost, resulting in an incongruous alteration when the terrace is considered as a whole.
10. The proposed works would be visible from the car park of Alexandra Court and adjacent properties. Consequently, while views of the proposed works may be limited from public vantage points, they would still be visible from other areas within the Conservation Area. There is a tree in Alexandra Court's car park on the boundary with the site and a tree within the rear garden protected by a Tree Preservation Order. While these provide some screening of the rear elevation of the appeal property, I do not consider that this alone is sufficient to negate the harm identified.
11. Therefore, the proposal would, by virtue of removing a feature which contributes positively to the character and appearance of the Conservation Area neither preserve or enhance its character or appearance. The harm would be localised and, in respect of the significance of the heritage asset as a whole, less than substantial. However, in applying the test set out at Paragraph 196 of the Framework, there are no public benefits to the proposal that would outweigh the harm caused to the heritage asset.
12. In reaching this conclusion, I have noted the appellant's argument that the proposal is to the rear of the property and that the Conservation Area derives

its designation from the views available from the public realm. However, I consider that the terrace to which the appeal property belongs makes a positive contribution to the character and appearance of the Conservation Area, not just in terms of the attractive frontages but also the distinctive U shapes to the rear that are so evident. I have also considered the rear of the properties at Albany Road where there appears to have been a number of changes made to the rear of the dwellings. However, the appeal property relates to a different context and each case must be considered on its own merits. I do not consider that the appearance of the dwellings on Albany Road justifies the unacceptable development proposed.

13. In conclusion, the proposal would result in harm to the character and appearance of the area and would fail to preserve the Conservation Area. There is conflict with Saved Policies CA2, DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 and Emerging Policies HE1 HE3, SP2 and SP3 of the Borough Local Plan Submission Version 2017, as well as Paragraph 196 of the Framework. These seek, among other things, to ensure that development proposals respect and enhance the local natural or historic character. They also require development to enhance or preserve the character or appearance of conservation areas and to positively contribute to the places in which they are located. Further, they stipulate that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. With regards to extensions to buildings, these should not have any adverse effect upon the character and appearance of the street scene in general. In addition, harm to the significance of a heritage asset will not be permitted without showing that the public benefits of the proposal outweigh any harm to the heritage asset.

Conclusion and Recommendation

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

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies

INSPECTOR