



Appeal Decision

Site visit made on 6 November 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/T0355/D/19/3238244

6 Ash Lane, Windsor, Berkshire SL4 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr Mark Bromley against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01654, dated 7 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is: 'Single storey front and rear and two-storey side extension with side facing window. Alterations to fenestration and new brickwork to front and rear elevations.'
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Decision

1. The appeal is allowed and planning permission is granted for single storey front and rear and two-storey side extension with side facing window and alterations to fenestration and new brickwork to front and rear elevations at 6 Ash Lane, Windsor, Berkshire SL4 4PS, in accordance with the terms of application Ref: 19/01654, dated 7 June 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing: DMED 4-19(1) – 'Existing Floor Layouts';
 - Drawing: DMED 4-19(2A) – 'Proposed Floor Layouts';
 - Drawing: DMED 4-19(3A) – 'Existing & Proposed Elevations'; and
 - Drawing: DMED 4-19(4) – 'Site Location & Block Plans'.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council refers to Policy SP3 of the Borough Local Plan Submission Version June 2017 (Submission LP) in its reason for refusal. This policy and plan is going through the examination process and I note that this is at an advanced stage. However, the Submission LP is not yet adopted. As such, I have given it and its policies only moderate weight in this appeal.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and

- living conditions of future occupiers with regard to private amenity space and users of the adjacent public footway with regard to being overbearing.

Reasons

Character and appearance

4. Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (LP) states that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Policy DG1 also states that harm should not be caused to the character of the surrounding area through development which is cramped or results in the loss of important features which contribute to that character.
5. From what I have seen and read, I note that the front and rear single storey extensions are considered to be acceptable, in principle, by the Council. The proposed design of the rear extension is indicated as being uncontentious. Furthermore, I find that it would be similar in height and scale to the flat-roofed rear extension to the adjacent property at 8 Ash Lane (No.8). In relation to the front extension, in my view, it would appear in keeping and scale with the front elevation of the host property. It would also integrate well with the combined frontage of the adjacent dwellings at Nos. 8 and 9 Ash Lane and the street scene.
6. The Council's principal concerns relate to the two-storey element of the proposal which would extend across the full length of the flank of the host property. It would not be set back from the main frontage of the property and the roof ridge height would also not be stepped down from the original roof. As such, it is argued that the proposal would not appear subservient to the original property and would therefore not comply with Appendix 12 of the LP.
7. However, from the evidence and my observations of the area, I note that the property at 19 Ash Lane (No.19) opposite the appeal property, has been extended to a similar design as the proposed two-storey side extension. The completed scheme does not include a stepped down roof ridge height. As a result, I find that the appeal proposal would have no unacceptable or detrimental impact on the character or appearance of the street scene and the local area.
8. I have carefully considered the arguments made by both parties relating to this matter. The host property is in a prominent position and it is noted that there would be no set back of the extended property from the side boundary and public highway. Nonetheless, I find that given the surrounding character and appearance of the area and other nearby properties, the proposal would not appear as an unsympathetic or incongruous addition. The front and rear extensions of the scheme would be compatible in scale and design with the existing built form of the property and surrounding dwellings, particularly those adjoining the property. Moreover, in my view, the two-storey side extension would reflect similarly extended properties evident in the wider locality.
9. Consequently, I conclude that the proposed development would have no significant adverse effect on the character or appearance of the surrounding area. Therefore, it would comply with Policies DG1 and H14 of the LP and emerging Policy SP3 of the Submission LP to which I attach only moderate weight.

Living conditions – private and public amenity

10. The Council argues that the two-storey side extension part of the proposal would be harmful to residential amenity as it would be built on part of the private garden area between the existing property and the public footway on Ash Lane. As such,

not only would it reduce the existing private amenity space for future occupiers of the property, it would also substantially reduce the separation distance between the flank wall of the property and the footway. Moreover, with the proposed single-storey rear extension, it is argued that the scheme would result in a stark blank wall immediately adjacent to the footway extending for around 13.6 metres.

11. With regard to the reduction of private amenity space for future occupiers, based on what I saw at the property, I am satisfied that sufficient space for the property and its occupants would be retained were the proposal to take place. Furthermore, I find that the retained rear garden space would be similar in area, if not larger, than that which serves the property at No.8 next door.
12. I acknowledge the Council's points in relation to a potential overbearing impact of the proposal on pedestrians using the adjacent public footway. I also note that the proposal would breach an established building line within the local area and street scene. However, whilst the proposal would reduce the separation between the flank wall of the host property and the site boundary, when taking account of other similar developments nearby, including No.19 to the east, I find that the proposal would not be materially harmful to the general residential amenity that exists now.
13. The proposal would result in the flank wall of the host property being close to the public footway on Ash Lane. However, this is not an uncommon aspect of the local area, as seen in relation to No.19 and also in terms of pedestrian footway routes between Nos 8 and 9 and Nos 18 and 22 Ash Lane. Indeed, given the position of the proposed flank wall adjacent to the wider public highway comprising the footway and the road, I find that the alleged overbearing impact of the scheme on pedestrians would be limited. Moreover, I have seen that there are a number of properties in the locality where similar proximity between the property wall and site boundaries occur. Taking these matters and the submitted evidence into account, I find that the proposal would have no significant detrimental impact on local amenity in this respect.
14. Therefore, in light of this, I conclude that the proposed scheme would have no material adverse effect on the living conditions of future occupiers of the host property with regard to private amenity space. Nor would it create an overbearing development that would have a detrimental effect on amenity in the local area for users of the adjacent footway. As a result, the proposal would comply with Policies DG1 and H14 of the LP and the emerging Policy SP3 of the Submission LP to which I attached only moderate weight.

Conditions

15. For reasons of clarity, character and appearance, I have attached conditions about compliance with approved plans and the provision of external materials to match the existing building. In addition to the standard time condition, these conditions are necessary and reasonable to ensure an acceptable development.

Conclusion

16. For the reasons given, and having had regard to all other matters raised in this case, I conclude that the appeal should be allowed.

A McCormack

INSPECTOR