
Appeal Decision

Site visit made on 27 January 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/T0355/D/19/3238049

34a Rutland Road, Maidenhead, Berkshire SL6 4HY

- 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 Jigar Chheda against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01941, dated 15 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is described as 'proposed raising and extend the roof with 1No. dormer and 3 rooflights and conversion of garage to habitable room with extension'.
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Decision

1. The appeal is allowed and planning permission is granted for raising and extending the roof to incorporate 1 No. dormer and 3 rooflights and conversion of garage to habitable room with extension at 34a Rutland Road, Maidenhead, Berkshire SL6 4HY, in accordance with the terms of the application, Ref: 19/01941, dated 15 July 2019, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Save for the reference to the bedroom windows being finished in obscured glass, the development hereby permitted shall be carried out in accordance with the following approved plans: site plan at a scale of 1:1250 and drawings J/430/01, J/430/02 A, J/430/03 and J/430/04 B.
 - 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.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on living conditions, with particular reference to privacy and outlook.

Reasons

3. The appeal property is a bungalow broadly located behind the frontage development in Rutland Road in a generally level area characterised by a reasonably dense pattern of development. The appeal scheme would involve the installation of a dormer window in an enlarged roof with three single aspect rooms facing south west, two would be bedrooms and one a bathroom.

4. The proposed windows would be around 38 metres (m) from the rear elevations of the properties in Westborough Road. This distance would not be unusually close in the local context and would be adequate to prevent unreasonable window to window overlooking. The same would apply to the more sensitive areas of the gardens in Westborough Road that are towards the rear elevations of these properties and likely to have sitting out areas. The impact on privacy would be no greater than that found elsewhere, such as between the properties in Rutland Road and the gardens in Westborough Court. In addition, the distance would adequately reduce the prominence of the roof extension thereby safeguarding the outlook from the properties in Westborough Road.
5. Moreover, the windows would not be angled to directly face the rear elevations of any neighbouring property in Westborough Road and there is existing intervening landscaping that would filter any views. It is also a point of note that the guidance in the Council's emerging Design Guide states that a minimum distance of 20m should be provided between properties to prevent a material loss of privacy. The appeal scheme would exceed this by some way. As such, the occupants of the properties in Westborough Road would not experience a harmful loss of actual or perceived privacy or outlook.
6. The three windows in the proposed dormer would not provide a direct line of sight towards 36 Rutland Road (No 36). At worst, the windows would provide an oblique view over the end of the garden at No 36. This would not result in an unreasonable loss of privacy as the rooms within No 36 and the garden space immediately behind it would be unaffected. The outlook from No 36 is generally to the south west and this would be left unobstructed by the proposal. Notwithstanding this, the increase in height as a result of the dormer window and roof extension would not be significant. Accordingly, the occupants of No 36 would not experience a harmful loss of outlook.
7. Given the findings in the preceding paragraphs, there is no need to impose a planning condition requiring the windows serving the two bedrooms in the proposed dormer window to be obscured glass. Without such a condition, it would be open to the appellant to provide clear glazed windows as he originally intended to before being advised by the Council to obscure them. Thus, the proposal need not result in poor living conditions for future occupants, which would be the case if the bedroom windows were finished in obscured glass.
8. The roof lights in the extended roof facing 34 Rutland Road (No 34) would be high level with the sill being 1.7m above the floor level, and consequently there would be no harmful overlooking of No 34. There would be an increase in the bulk of the roof, but it would not appear harmfully dominant because the roof pitch would be shallow and sloping away from the boundary. Moreover, the extended roof would not block the main north westerly outlook from No 34.
9. In conclusion, the appeal scheme would not harm living conditions and therefore a conflict with Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan 2003, which seeks to protect living conditions, would not occur. Similarly, as a material consideration, there would be no conflict with Section 12 and Paragraph 127(f) of the National Planning Policy Framework and Policies SP2 and SP3 of the emerging Borough Local Plan, which have similar aims to Policy H14.

Other Matters

10. The appeal building has already been cumulatively extended but the appeal scheme would not increase the footprint of the dwelling. The height would be increased, but the building once enlarged would still be lower than surrounding dwellings, including No 36 which is currently being considerably extended. As such, the proposal would not amount to a discordant over development of the existing building and its plot. Any use of the extended garage as a separate dwelling would require planning permission. This has not been proposed and is therefore a matter outside the scope of this appeal.

Conditions

11. Following advice in the Planning Practice Guide it is necessary in the interests of safeguarding the character and appearance of the area and the living conditions of neighbours to ensure that the development is undertaken in accordance with the approved drawings and that the finishing materials match those of the existing house.

Conclusion

12. In conclusion, the appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR