

# Appeal Decision

Site visit made on 2 January 2020

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 February 2020**

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**Appeal Ref: APP/T0355/W/19/3239314**

**47 Bannard Road, Maidenhead, Berkshire SL6 4NP**

- 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 C Butler against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/01733, dated 25 June 2019, was refused by notice dated 21 August 2019.
  - The development proposed is construction of 1 no detached 3 bedroom dwelling and associated parking.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have taken the description of development in the banner heading above from the application form. While different to that on the decision notice, I have not been provided with any confirmation that a change was agreed.

## Main Issues

3. The main issues of the appeal are:
  - the effect of the proposed development on the character and appearance of the area; and
  - whether the proposal provides appropriate living conditions for future occupiers, with particular regard to outdoor amenity space.

## Reasons

### *Character and Appearance*

4. There is some variation in the plot sizes and separation distances between dwellings in the area. Nonetheless, in Lee Gardens there is a relatively consistent building line with properties set back behind generous open front gardens in predominantly large and wide plots. There is an open and pleasant feel to Lee Gardens that the absence of built form at the appeal site contributes to. There is a tighter grain of development in Bannard Road. However, corner plots are more open, allowing views through to the adjacent street and of the nearby mature landscape features.

5. The proposed dwelling would be located in the garden of a property in Bannard Road. Notwithstanding this, it would not be orientated or accessed from it. Therefore, it would be viewed as part of the streetscene of, and belonging to, Lee Gardens. While no trees would need to be removed and other features would be largely retained, the scheme would introduce a large scale building in to the existing verdant gap that forms the transition between the properties in Lee Gardens and those in Bannard Road. While at an oblique angle in places, this would be detrimental to the spaciousness of the area as viewed along the approach to the site and within the Lee Gardens itself.
6. The proposed outdoor space would be smaller than at the existing properties in Lee Gardens. This would result in an uncharacteristically high density in comparison to the remainder of Lee Gardens. Moreover, the dwelling would be closer to the road and other boundaries than is typical in that street. The triangular plot shape, narrowing to the rear would be comparable to some plots in Bannard Road and other nearby streets. In addition, there would be some separation to any immediate neighbours in Lee Gardens. Nonetheless, the plot would appear cramped in comparison to, and be incongruous with, the more generous plots and set back of properties in Lee Gardens.
7. A small section of hedgerow would be removed for the access. However, I saw this to be thinning in places. The majority of the hedgerow would be retained and bolstered. Notwithstanding this, enclosed boundaries reinforce the separation and difference between the character and appearance of Lee Gardens and Bannard Road. This would be in contrast to the predominantly open frontages in Lee Gardens that add to its spaciousness.
8. The dwelling would not have a stepped single storey side element that many in Lee Gardens have. Nevertheless, the overall appearance and scale of the dwelling itself would not be out of keeping with those it would be viewed with. It would have a front gable and materials that would be characteristic of Lee Gardens.
9. The plot shape and size would not be readily visible from the public realm being partly screened by the existing mature vegetation and boundary treatments. Nonetheless, the development would still be clearly visible through, over and around the vegetation from several public vantage points along the surrounding streets and from existing properties.
10. There is limited information and no certificate of lawful development or planning permission before me regarding a potential fence in place of the boundary hedgerow. Consequently, the nature and effect of such a scheme is not clear. Furthermore, there is no guarantee that any potential scheme would go ahead were the appeal dismissed.
11. Notwithstanding this, the proposed development would be harmful to the character and appearance of the area. It would be contrary to Saved Policies H11 and DG1 of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP). These, in part, require development to be compatible with the building lines, rhythm and density of street façade and character of the surrounding area and seek to prevent development that would appear cramped. These policies are broadly in line with the aim of the National Planning Policy Framework (Framework) where it seeks to ensure developments are sympathetic to local character and the desirability of maintaining an area's prevailing character and setting.

12. The Royal Borough of Windsor and Maidenhead Townscape Assessment is useful in providing a factual description and understanding of the townscape. However, as it is not part of the development plan or an adopted supplementary document, I have given it limited weight in my assessment.

### *Living Conditions*

13. The Council have not drawn my attention to any set standards for garden space in the development plan or supplementary documents. While not characteristic of Lee Gardens, there has been no convincing case made that the shape of the proposed outdoor space would prevent it being usable. The largest area of the outdoor space would be to the rear, accessed off the main living accommodation. Boundary treatments and landscaping would create an enclosed and private area. It would be smaller than many of the outdoor areas in Lee Gardens. Nevertheless, the proposed amenity space would be of a similar size to plots in other streets nearby and sufficient for the occupiers of the property.
14. Consequently, the proposal would provide appropriate living conditions for future occupiers with regard to outdoor amenity space. It would accord with the Framework where it seeks to provide a high standard of amenity for future users. Policies DG1 and H11 of the LP do not make explicit reference to amenity space or living conditions. Therefore, they weigh neither for or against the proposal in regard to this issue.

### **Planning Balance**

15. The Council do not have an up-to-date 5-year housing land supply. However, this would not automatically lead to the granting of planning permission.
16. In relation to the three objectives of sustainable development in the Framework, I acknowledge that the appeal scheme would be located in an area with good accessibility to various modes of transport, services and facilities, and the general thrust of national policy seeks to boost housing provision. I accept that the Framework supports small scale development, and windfall sites can make an important contribution to meeting the housing requirement and be built out quickly.
17. Nevertheless, while any contribution is worthwhile, the contribution of 1 dwelling to the supply and mix of housing in the area would be minimal, as would any economic benefits resulting from the construction and occupation of the property. Moreover, the harm to the character and appearance of the area would conflict with the environmental objective of achieving sustainable development. Any benefits arising from biodiversity, sustainable construction and energy efficiency would be modest.
18. While I note the content and number of responses from local residents, whether a proposal attracts comments in support or opposition in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.
19. The Council have not included refusal reasons with regard to the effect of the proposal on the living conditions of nearby residents or highway safety. There were also no objections from technical consultees. As I am dismissing the appeal, there is no need for me to consider these matters any further. Matter such as cycle and waste storage could be dealt with by conditions were the

appeal to be allowed, Nevertheless, the absence of harm in these matters would be a neutral factor.

20. I have given weight to the benefits of the development in my decision. Notwithstanding this, even if the shortfall in housing supply was at the level suggested by the appellant, in this case I consider that the harm to the character and appearance of the area significantly and demonstrably outweighs them when assessed against the Framework as a whole.

### **Conclusion**

21. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR