



Appeal Decision

Site visit made on 17 March 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/T0355/D/20/3244649

1 Chatsworth Close, Maidenhead SL6 4RD

- 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 H Rashid against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02725, dated 29 September 2019, was refused by notice dated 19 December 2019.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of nearby residents, specifically regarding the privacy of rear neighbours.

Reasons

Character and appearance

3. The appeal property forms the end of a terrace of properties, uniform in appearance, size and massing. The properties have exposed light brick work to the ground floors and are clad in hung tiles at first floor level. The materials and uniformity positively contribute to a feel of similarity in appearance to the wider area. A generous gap between the side wall of the property and its boundary adds to a feel of openness when viewed from the road it adjoins. Throughout the area highway trees adjacent to boundaries further add to the character and appearance, adding a green feel, breaking up the built form, two such trees are located near the boundary of the property.
4. Notwithstanding the appellants comments that adequate space remains to the side and rear of the extension, the proposed development would significantly extend the footprint of the property to the side, bringing the building far closer to the existing boundary, largely closing the existing gap. Off street parking would still be provided albeit relocated, however the appearance to both the front and rear elevations would be a marked contrast to that which is there at present. This contrasting appearance being not only in terms of size but in the

use of differing materials, such as render rather than hung tiles, creating a prominent addition to the terrace and vicinity.

5. The arboriculture report somewhat supports the appellant's assertion that existing highway trees would be unharmed by the development, requiring pruning instead of removal. However, the Council sets out that the proximity of the trees to the highway would mean root protection areas (RPAs) likely sit further in the site than are shown in the report creating risk of damage to the RPAs as a result of the development. Similarly, there may be a reliance on the current permeable areas within the site to serve tree roots, the loss of permeable surface within the RPAs has not been offset. The lack of substantive detail associated with these matters and the design and construction of the vehicle crossover and associated off street parking further adds to an overall lack of sufficient robust information to show that the highway trees would be unharmed by the development.
6. Therefore, the development would create significant harm to the character and appearance of the area, even if the trees were evidenced to be unharmed, their retention would not provide any meaningful screening of the prominent extension.
7. The development does not accord with Saved Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan, 2003 (Local Plan) in that important features which contribute to the character of the surrounding area would be lost. Similarly, the development does not accord with Saved Policy N6 of the Local Plan which seeks to ensure trees are suitably retained. The development does not accord with key elements of Saved Policy H14 of the Local Plan which seek to ensure that extensions should not have a detrimental effect on the original property or their surroundings.

Living conditions

8. The appeal property has a similar length rear garden to those around it with vegetation, trees and boundary treatment providing an element of screening between properties to the rear. However, given their close proximity it is likely there is already an element of overlooking between properties which face each other at this distance from first floors. The new addition steps the property out slightly to the rear, incorporating long portrait balcony bifold windows at first floor level in addition to roof lights in the roof space. There is no apparent outside area to the first floor balcony from which to sit or stand at looking out.
9. Opening the balcony windows would not serve the purpose of access to any rear space to view or dwell at. Similarly, when viewing out of these windows from the bedroom one would likely be viewing from the same height as other existing windows on the first floor. Likewise, there would be limited opportunity to view nearby properties from the new roof lights. Although the extension creates a step out from the existing rear of the property, it does not create a promontory to view from, the effect of the development would not reduce the privacy of neighbours given the existing situation. There is no harm to the privacy of others caused by the development.
10. Therefore, the development accords with the parts of Saved Policy H14 of the Local Plan which seek to protect against unacceptable loss of privacy to neighbours.

Other matter

11. Numerous examples of other developments have been provided by the appellant where he considers different policy considerations to have been applied. This is noted, however, there is no substantive evidence as to how these are comparable. My decision must be made in accordance with the development plan. The appeal has been considered on its own merits against the relevant policies.

Planning balance

12. The absence of harm to neighbours' living conditions as a result of the development does not counter the significant harm it would cause to the character and appearance of the area. As such there is clear conflict with the development plan, read as a whole.

Conclusion

13. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR