
Appeal Decision

Site visit made on 8 September 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/T0355/W/20/3250941

1 The Avenue, Old Windsor, Windsor SL4 2RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Hunter of Huntergold Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/03042, dated 14 November 2019, was refused by notice dated 20 January 2020.
 - The application sought planning permission for two storey front extension, two storey rear extension, loft conversion with new front and side facing dormers, sub-division to create 5 x one bedroom flats with bin and cycle stores following demolition of the existing garage without complying with a conditions attached to planning permission Ref 18/03507, dated 15 March 2019.
 - The condition in dispute is No 12 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed below. UNNUMBERED LOCATION PLAN, version no.: n/a, received on 4 December 2018 PD 704-5 SHEET 1 OF 2, version no.: B, received on 7 March 2019 PD 704-5 SHEET 2 OF 2, version no.: n/a, received on 5 December 2018.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the approved particulars and plans.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revised plan in support of their appeal; however, it has not been considered by the Council. I am mindful of guidance within Procedural Guide - Planning Appeals – England 2020, which states if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by an Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Consequently, I have dealt with the appeal on the basis of the plans submitted with the original application¹.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

¹ Ref 19/03042

Reasons

4. The site is located on The Avenue, which is a residential cul-de-sac with large detached and semi-detached properties. Many of these properties include two storey bay windows where the roofscapes are of a gable design with simple well-defined pitches and, where arranged in pairs, valleys. The design of the development under the original planning permission imitates these roof designs, including a simple pair of gables at the rear with well-defined pitches and valleys, and therefore accords with the prevailing character and appearance of the area.
5. The proposal would introduce a flat roof section that reduces the valley between the rear gables and complicates the appearance of the well-defined roof form and simple appearance of the pitches, something that is not a feature of other roof designs in the area. As such, the proposal would appear incongruous and therefore materially harm the established roofscape that contributes to the character of the area.
6. The proposal would therefore conflict with Policy DG1 and Policy H10 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and Policy OW8 of the Old Windsor Neighbourhood Plan 2019 and Paragraphs 127 and 130 of the National Planning Policy Framework. Among other things, these seek to ensure that the design of new buildings, including roofscapes, is compatible with prevailing designs.

Other Matters

7. I have carefully considered the appellant's representations with regard to increasing internal headroom. However, the design of the development under the original planning permission was considered to be acceptable in terms of its internal dimensions and there is no evidence establishing why the proposal is required to improve otherwise unacceptable living conditions. As such, whilst I accept that there could be a marginal improvement to living conditions it would not overcome the harm I have found in relation to the character and appearance of the area.
8. The appellant has suggested within their statement that they could utilise permitted development rights. However, no substantive evidence has been produced to support their assertion. Consequently, in the absence of a lawful development certificate, it is not clear what permitted development rights may be intact or how these should be considered under the appeal or to weigh against the identified harm.

Conclusion

9. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR