



Appeal Decision

Site visit made on 6 October 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/T0355/W/20/3250119

2 Clarefield Drive, Maidenhead SL6 5DP

- 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 Mrs H Humphreys against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/03064, dated 4 November 2019, was refused by notice dated 20 December 2019.
 - The development proposed is described as, "Demolition of existing garage and side extension and construction of a single detached dwelling at the land at the rear of 2 Clarefield Drive Maidenhead SL6 5DP".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area, including its effect on trees; and
 - The effect of the proposal on the living conditions of the occupants of neighbouring properties, with particular reference to privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal site consists of part of the rear garden to No 2 Clarefield Drive ('No 2'), a detached residential property. The area is described in the Royal Borough of Windsor and Maidenhead Townscape Assessment (June 2010) as an 'Executive' Residential Estate: a low density residential suburb where the built form is defined by suburban style detached two storey houses, on large organic plots with sweeping, sinuous drives. These houses are mixed in terms of their size and design.
5. The existing house is part of a linear row, although to the sides and rear of the appeal site there is a looser arrangement of plots, and that space consists of

the convergence of the open gardens of several properties. Whilst the appellant suggests that the appeal site comprises previously developed land, the Glossary to the National Planning Policy Framework ('the Framework') sets out that land in built-up areas, such as residential gardens, do not fall within this category.

6. The proposal would be situated in the rear garden environment of No 2 and dwellings in such locations are not common in the local area. The proposal would be virtually isolated, due to the absence of other houses in a similar backland position in the immediate vicinity. The proposed dwelling would not be visible from Clarefield Drive but would be from the rear of properties adjacent to No 2, and its presence would be evident from the coming and goings of its occupants via the new access drive. Accordingly, the proposal would not be sympathetic to, and would not successfully integrate with, the character of the area. Reference has been made to other developments on previously developed land¹, but as no details have been provided, this does not change my view on this matter.
7. Further, in great contrast to the existing houses on Clarefield Drive, the proposal would be very narrow, with an elongated form that would both conflict with the prevailing character of the area and appear cramped within its plot. Its positioning, very close to the boundary to its rear and the rear garden of No 2, would accentuate its confined nature. It is recognised that the overall garden area of the new plot would be of a similar size to that enjoyed by properties to the north², and that the garden would leave both the existing and the new property with adequate amenity space, but in terms of its size it would not be in keeping with the immediately adjacent properties on Clarefield Drive, which is the primary relationship.
8. I have taken account of the planning permission for a dwelling situated to the rear of No 1 Pinkneys Drive³, however from the limited details provided it appears that the new dwelling involved would be situated amongst others on each side. The appeal proposal is in a much more open position and therefore that permission does not change my view on this main issue.
9. The appellant has submitted an Arboricultural Impact Assessment and I observed that despite the trees proposed to be removed, an extensive array of greenery would remain. Thus, the proposal is acceptable in relation to its effect on trees and in this respect it would comply with Policy N6 of The Royal Borough of Windsor and Maidenhead Local Plan (adopted 1999 (including alterations adopted 2003)) ('Local Plan').
10. In light of the foregoing I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. The proposal would conflict with Policies DG1, H10 and H11 of the Local Plan which collectively provide that harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. The proposal would also conflict with paragraph 127 of the Framework which provides that planning decisions should ensure that

¹ Including Pinkneys Green; The Willows (Pinkneys Road); Brambley End 62A and Pili (Pinkneys Road); Austengate (Pinkneys Road); and Atriem, 120A Pinkneys Drive

² Including Nos 8, 8a and 9 Knowsley Close

³ Local Planning Authority reference: 08/02029/FUL

developments are sympathetic to local character, and with paragraph 130 of the Framework which provides that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

11. Views from the first floor bedroom windows (labelled bedroom 1 and 2) of the proposed new dwelling would be of part of the rear gardens of the properties known as Orchard House and Wahroonga. However, the position of the new dwelling would be such that any views from those windows would likely be mainly towards the very rear end of those gardens. As such, those properties would still have a substantial area of garden which would be largely private. Additionally, views of these gardens from the new dwelling would be restricted from some angles due to the presence of tall trees along the common boundary. Considering this, and the separation distances involved, in my view the proposal would not give rise to harm by reason of loss of privacy to the occupiers of these properties.
12. The rooflights on the east elevation serving bathrooms could be required to be obscure glazed and fixed shut, via condition, and therefore I find that subject to their design being controlled, there would be no loss of privacy to neighbouring gardens or properties from them.
13. I therefore conclude that the proposal would have an acceptable effect on the living conditions of the occupants of neighbouring properties, with particular reference to privacy. The proposal would comply with paragraph 127 of the Framework, which provides that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

14. It is not in dispute that the proposal would be acceptable with respect to being in an established residential area, its materials, highway safety, off-street parking, traffic, efficiency of the use of land, overbearingness, overshadowing / loss of light, privacy to the built form of neighbouring properties, noise and light pollution, flooding and sewerage / drainage, refuse collection, wider important and protected views, archaeology and heritage impacts, biodiversity, and ecology. However, as these matters relate to fundamental planning and design principles, they have been given limited weight. The proposal would create employment opportunities, including in the construction sector. However, these economic benefits would be small given that only one dwelling is proposed, as would the social and environmental benefits cited by the appellant. Accordingly, they have been given limited weight.
15. The Council has confirmed that it currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). However, in this case, the harm that would be caused by the proposal to the character and appearance of the area would be significant and would conflict with the development plan and the Framework. The benefits of the proposal would only make a minimal contribution to the Government's objective to significantly boost the supply of homes. Overall, taking full account of all the matters advanced in support of the proposal, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the

benefits. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion and Recommendation

16. Whilst I have found the proposal to be acceptable in terms of living conditions, this does not overcome the conflict with the development plan in relation to matters of character and appearance.
17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR