The Planning Inspectorate

Appeal Decision

Site visit made on 1 December 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 09 December 2020

Appeal Ref: APP/T0355/D/20/3257490
1 Ballard Green, Windsor, SL4 5PR

- 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 Zulficar Thahir against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 20/00629, dated 9 March 2020, was refused by notice dated 20 May 2020.
- The development proposed is single storey part front and side extension with tiled roof and garage conversion into habitable room and 1.8m high fence to boundary.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The area where the appeal site is located is characterised by mid to late twentieth century housing, green areas and estate roads. The green areas outside the enclosed gardens of the houses contribute to the character of the area by giving it a spacious quality.

4. The appeal site, whilst fronting on to Ballard Green, has a long side boundary onto Aston Mead. It is the character of Aston Mead which would be most affected by the proposed development.

5. The appeal proposal would encroach on an area of grassland which contributes to the spacious character of the area. At present a 1.8m high brick boundary wall is set back behind the grassed area and is set around 1m from the side gable of the house. As part of the appeal proposal the brick boundary wall would be removed, a single storey side extension constructed and a new 1.8m high fence constructed closer to the road. This would impinge significantly on the grassed area and stand out between the house at No 44 Aston Mead and the appeal property. Consequently, this would harm the open and spacious character of the area.

6. The development plan for the Borough includes the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted in June 2003) (LP). The relevant policies are DG1 and H14 which expect developments,

including residential extensions, to be compatible with the area within which they are located and not to have any adverse effect upon the existing dwelling or the street scene.

7. I note that the LP predates the current version of the National Planning Policy Framework (the Framework). Paragraphs 124 and 127 of the Framework adopt a similar approach to the development of high-quality places and to ensuring that developments are sympathetic to the local surroundings to that of the policies of the LP. Consequently, I consider the relevant policies of the LP to be consistent with the Framework.

8. I therefore find that the proposal is in conflict with Policies DG1 and H14 of the LP as it fails to respect the character of the local area by reducing the amount of green space which is a feature of the areas character on a prominent corner location.

Other Matters

9. I have had regard to the appellant's view that this is a modest encroachment on to this grassed area, especially when permission has been granted by the Council for a smaller extension. However, it is clear that the appeal proposal would encroach more on to this grassed area than that which has been granted permission. In this regard it would be more visible and therefore more harmful than the permitted scheme.

10. I note that the appellant has argued that the appeal proposal would provide better value for money than the approved scheme. Whilst I have had regard to this argument, I find that it does not outweigh the harm caused to the character and appearance of the area by the appeal proposal.

11. I have also had regard to the social, environmental and economic arguments advanced by the appellant in support of the proposal. However, these benefits are small and so would not outweigh the harm caused by the proposal to the character and appearance of the area.

Conclusion

12. I find that the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR