

Appeal Decision

Site Visit made on 9 February 2021

by Alexander O'Doherty LLB(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/T0355/D/20/3261273

44 Belmont Crescent, Maidenhead SL6 6LW

- 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 Liam Derothschild against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01648, dated 2 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is described as, "Demolition of existing lean two extension and proposed single storey rear and side wrap around extension to existing residential dwelling."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the existing occupiers of neighbouring properties, with particular reference to light and outlook.

Reasons

3. The appeal site contains a two storey mid-terrace dwelling with a long and narrow garden, located within a predominantly residential area. The rear of No 42 Belmont Crescent (No 42) broadly mirrors the rear of the appeal site. The immediately adjacent part of the rear of No 46 Belmont Crescent (No 46) is set back, relative to the lean-to extension at the appeal site, and a two storey extension is present beyond this.
4. My attention has been specifically drawn to the 60 degree rule found in both the House Extensions Guidance Note 1 (1992) and the Borough Wide Design Guide (adopted 2020) (Design Guide). The main parties disagree as to whether this rule would be breached with respect to No 42. The breach of the rule has not been disputed by the appellant with respect to No 46. Nevertheless, whilst that rule is helpful as a guideline, the Design Guide states that it is only an indicator. As such, I have also assessed the proposal on its own merits, having regard to the prevailing circumstances on site.
5. The existing tall boundary fence currently reduces both the outlook from, and the light received to, the nearest rear windows at No 42, as does the door inset within that fence. The proposal would replace the existing tall boundary fence with the wall of the proposed extension, however on balance it would not significantly change the existing context. Its height and roof pitch would ensure that it would not cause unacceptable harm, with respect to light and outlook.

The primary open outlook from those windows towards the rear garden would be largely unaffected.

6. A high wall separates the host property from No 46, which currently impacts on the outlook from, and the light received to, the kitchen / dining area at No 46. Nevertheless, the proposal would extend for a substantial distance along the common boundary and due to its height and depth it would be clearly visible from both the kitchen windows and the side pathway. In particular, its bulk and massing would unduly reduce the light received to those windows, and it would appear over-dominant and overbearing with respect to the outlook from them.
7. Moreover, as the proposed extension would be situated just beyond the existing two storey extension at No 46, it would create a 'tunnelling' effect that would make that area of the side pathway much less pleasant to use. It is accepted that this area is not likely to be used for sitting out, but the proposal would undermine its function as a pleasant walkway towards the garden. Although the garden area at No 46 is long and narrow, and their two storey extension contains rear windows, these factors would not be sufficient to offset the harm identified. It has been asserted that the two storey rear extension at No 46 affects the light received to the appeal property, but this would not diminish the harm that would arise from the proposal.
8. The proposal would have an unacceptable and harmful effect on the living conditions of the existing occupiers of No 46, with particular reference to light and outlook. It would conflict with Policy H14 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted 1999 (including alterations adopted 2003)) which provides that extensions should not cause an unacceptable loss of light to adjacent properties, or significantly affect their amenities. The proposal would also conflict with paragraph 127 of the National Planning Policy 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

9. The appellant has referred to a potential fall-back, with respect to the exercise of permitted development rights to extend the existing kitchen / lean-to. Be that as it may, the appeal proposal relates to a wraparound extension, which is materially different and as such must be assessed on its own merits. Reference has also been made to the possible construction of an infill extension, between the kitchen and the dining room of the appeal property using permitted development rights. Once again such a proposal is not directly comparable to the appeal proposal. Accordingly, limited weight is given to these considerations. Overall, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR