



Appeal Decision

Site visit made on 10 March 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/T0355/W/20/3261789

The Crown, 108 Wooton Way, Maidenhead SL6 4PE

- 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 Zahid Sadiq, Kaywood Developments Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/03611, dated 6 December 2019, was refused by notice dated 23 April 2020.
 - The development proposed is described as 'development of 12 flats in the large underutilised car park adjacent to the Crown Public House, parking, landscaping and creation of parking off Altwood Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has confirmed that part of the proposed development is on highway land and therefore outside his ownership. As part of the appeal the correct Certificate B has been submitted for the application and a notice on the Council has also been served. I have proceeded with the appeal on this basis.

Main Issues

3. The main issues are: the effect of the proposed development on the character and appearance of the area; the effect of the proposed development on the living conditions of the occupiers of 2 Maple Close; the effect of the proposal on highway safety; and, whether the proposed scheme would adequately deal with surface water drainage.

Character and appearance

4. The appeal site comprises The Crown Public House and its car parking area, which occupies a sizeable and prominent corner plot. The appeal site is surrounded by predominantly two-storey properties in a range of styles and designs. This includes terraced dwellings to the north-west and west (accessed off Maple Close), and more individual, detached dwellings to the south. The Crown Public House is also a modest two-storey building which is settled within this context and is being largely retained as part of the proposed scheme.
5. In contrast, the proposed three-storey building (with an additional level of accommodation within its roof space) would be appreciably taller than the adjacent buildings. It would also occupy a sizeable footprint, relative to the

appeal site, spanning across nearly the entire frontage of the site and beyond the front and rear elevations of the public house and the nearest property along Maple Close. The incorporation of a hipped roof form along with the use of a varied palette of materials, would fail to sufficiently articulate the substantial mass of the building. Consequently, the proposed building would not respect the modest proportions of the adjacent buildings and would therefore be of an incompatible scale.

6. Furthermore, because of its overall scale, proximity to Norden Road and adjacent buildings, in particular the public house, it would appear particularly cramped and unduly dominant. Consequently, the proposed building would be an incongruous addition to the street scene, to the significant detriment of the visual appearance of the area. Such harm would be exacerbated by the prominent location of the appeal site. Although some landscaping is proposed, this would not be sufficient to mitigate the overall scale of the building and enhance its setting.
7. The appellant has drawn my attention to other flatted developments in the area. Although the flats located opposite the appeal site, between Boyn Hill Road and Boyn Valley Road, rise to four storeys, the overall scale of this development is mitigated by its flat roof design, spacious plot with substantial mature landscaping within and along its perimeter. Further along, to the north east is a smaller flatted development although this is a three-storey building, the third floor is accommodated in the roof space. Therefore, any height difference relative to neighbouring buildings is modest. Moreover, this building is set deep within its plot and also benefits from some mature landscaping around it. As such, these developments are settled within their surroundings and not directly comparable to the appeal scheme.
8. For the above reasons, the proposed development would have a significant harmful effect on the character and appearance of the area, contrary to saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan, Adopted 1999 (including Adopted Alterations 2003) ('LP'). Amongst other things these Policies seek compatibility with the street in particular with regard to scale and roofscape, as well as high standards of design, which enhance the existing environment and avoid cramped developments.
9. The proposal would also conflict with similar aims as identified under Paragraph 127 of the National Planning Policy Framework ('the Framework'), which amongst other matters requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Highway Safety

10. To facilitate the proposal, changes are proposed to the existing parking and access arrangements, as detailed in the submitted Transport Statement ('TS').
11. The proposed layout provides 22 car parking spaces. Of these, 14 would be located within the area associated with the proposed flats, the other 8, in part, would be located outside the appeal site and accessed externally via Altwood Road.

12. The existing vehicular access off Norden Road would be retained for vehicles using the parking areas for the flats within the site, which would depart via a proposed new access off Maple Close, as part of a new one-way system.
13. Maple Close is a narrow cul-de-sac and because of this parking is only practicable near the location of the proposed access, along one side of this road. Nevertheless, the submitted swept path analysis shows that vehicles would be able to exit onto Maple Close in the presence of on-street parking. While the new access would cross a pavement, this would be barrier controlled, which would limit any conflict with pedestrians using Maple Close.
14. The Council's adopted parking standards as set out in the Parking Strategy (May 2004), require 2 spaces per 2-bed unit for "non-accessible locations" and 0.5 spaces per 2-bed unit for locations with "good accessibility" together with 1 (covered and secure) cycle space per unit. This demonstrates a sliding scale of car parking provision based on a site's accessibility. For public house developments, the Parking Strategy advises that 1 space is required per 6 sqm of bar/dining/dance area.
15. In terms of accessibility, the nearest bus stop to the site is located approximately 110 metres to the north of the site on Wootton Way, which provides access to a bus route with an hourly service, serving Maidenhead town centre, including Maidenhead Railway Station. On the available evidence, the appeal site is also within reasonable walking and cycling distances of a variety of education, health, leisure, and employment sites. As such, the appeal site has good accessibility to a range of shops, services, and facilities.
16. Census data provided within the TS shows that car ownership amongst occupiers of flats in the local area equates to approximately one car per dwelling. In light of this and the site's good accessibility, the proposed 14 car parking spaces would be sufficient to meet the needs of the residential component of the proposal.
17. In respect of the retained public house, the appellant's parking accumulation calculations suggest that a 185sqm public house is likely to attract a peak parking demand of seven vehicles. Notwithstanding the site's accessibility this is a significant reduction from the existing parking available for the public house. Also, other than reference to anecdotal evidence from previous operators suggesting that the car park was generally under-utilised, it is unclear how the peak demand forecast for the retained public house has been calculated and how this differs from the Council's parking requirements, as set out above.
18. Moreover, the parking for the public house would utilise part of the pavement along Altwood Road, which is not in the appellant's ownership and there is no evidence to confirm that the highway authority would support the use of this area for parking. As such, there is no certainty that this parking would be provided.
19. Even if the proposed parking off Altwood Road was supported by the highway authority, this would result in the loss of some on-street parking capacity. Given my concerns about the lack of justification for the proposed level of parking for the public house, I cannot be certain that this in combination with a reduction in on-street parking would not result in increased demand for on-street parking. Accordingly, there is, insufficient evidence to show that the

proposed level of parking would not result in an overspill of cars onto the highway network from users of the public house causing undue congestion and impacting adversely on highway safety.

20. It has also not been shown that the proposed parking off Altwood Road would be safely accessible in the presence of on-street parking on the other side of the carriageway and that such an arrangement would not compromise the safety of other road users. Therefore, I cannot be certain that the proposal would not have an unacceptable impact on highway safety.
21. For the above reasons, the proposal would be contrary to the Council's Parking Strategy and Policy T5 of the LP, which requires all developments proposals to comply with the Council's adopted highway design standards.
22. I also find conflict with Paragraph 108 of the Framework, which amongst other things require that safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Effect on 2 Maple Close

23. The nearest dwelling to the appeal site is 2 Maple Close, which is located to the north of the site. Although the proposed building has been set back from the shared boundary with this property and incorporates a hipped roof form, it would be substantially taller than 2 Maple Close and would extend beyond its front and rear elevations. The combination of its height and depth would result in a building of considerable mass. Consequently, this would have an enclosing and dominant effect on the outlook from 2 Maple Close, to the detriment of the living conditions of its occupiers. This would be contrary to Paragraph 127(f) of the Framework, which amongst other things aims to create places with a high standard of amenity for existing users.

Surface water drainage

24. The submitted 'Conceptual SuDS Strategy Report' confirms that the redevelopment of the site will provide a net reduction in hard landscaped areas of about 140m². Furthermore, this report proposes a drainage strategy with a number of measures to manage all surface water on site arising from the roof areas, driveways and hard standing and areas of landscaping. This includes measures for any exceedance flows and flows arising from system failure to be managed on site.
25. Such a scheme could be secured by a planning condition if the appeal were to succeed. On this basis, the proposed development could be designed to adequately deal with surface water drainage and comply with the Non statutory Technical Standards for Sustainable Drainage Systems (DEFRA, 2015) and the aims of Paragraph 165 of the Framework for incorporating sustainable drainage systems in developments.

Planning Balance

26. The Council is unable to demonstrate a 5-year supply of housing land and therefore paragraph 11d) of the Framework is engaged. However, I have not been provided with the exact nature of the shortfall.

27. The proposal would make efficient use of a small, brownfield site to contribute 12 new dwellings to the area's housing stock in line with the Government's aim to significantly boost the supply of homes, as set out in the Framework. It would also include associated economic and social benefits.
28. On the other hand, the Framework places emphasis on good design and requires that developments are sympathetic to local character and seeks to secure a high standard of amenity of existing users. Also, that safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
29. Whilst the proposal could be designed to adequately deal with surface water drainage, this is a neutral factor. Nevertheless, the proposed development would have an unacceptably harmful effect upon the character and appearance of the area and the living conditions of neighbours, it has also not been shown that proposal would not have an unacceptable impact on highway safety, these are all matters to which I attach significant weight. Therefore, even assuming the shortfall in housing land supply to be moderate, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

30. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR