



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: 26 May 2021

Appeal Ref: APP/T0355/W/20/3261534 31-33 Belmont Road, Maidenhead SL6 6JL

- 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 Leon Tusz, Leon Tusz (Developments) Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00559, dated 28 February 2020, was refused by notice dated 19 August 2020.
 - The development proposed is erection of six dwellings (comprising two terraces of three dwellings) with access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for erection of six dwellings (comprising two terraces of three dwellings) with access, parking and amenity space at 31-33 Belmont Road, Maidenhead SL6 6JL, in accordance with the terms of the application Ref 20/00559, dated 28 February 2020 and the plans submitted with it, subject to the schedule of conditions to this decision.

Main Issue

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

Reasons

3. The appeal site is located on the southern side of Belmont Road and comprises a vacant and overgrown plot which detracts from the appearance of the area. The remainder of this side of the road largely comprises semi-detached and detached dwellings in a range of styles and forms but with a generally consistent linear front building line and spacing between them. The frontages to these dwellings vary between those which are largely hard landscaped and utilised for vehicle parking and those which mainly incorporate soft landscaping. Despite these variations, the majority incorporate some soft landscaping which helps to soften the surrounding built forms and provides a verdant street scene.
4. The proposed scheme is for 2 x two-storey blocks of 3 dwellings. These blocks would be sited broadly consistent with the prevailing building line. Although the proposed built form would extend across the majority of the site, the spacing between these blocks and neighbouring properties would reflect gaps achieved between properties along this road. The ridge heights of the proposed blocks would also be comparable with neighbouring dwellings.

5. Moreover, each block is designed to appear as an extended detached dwelling by incorporating a subservient element. This design approach would increase the space between the two proposed blocks and provides a degree of modulation and articulation to the overall massing of these blocks. Therefore, the scale of the proposed blocks would not unacceptably detract from the appearance of the street scene.
6. Although the form of the two blocks mirror each other, this is not unusual as there is some degree of mirroring between buildings nearby, for example those fronting Leander Way to the west of the site. In any event, there would be some distinction between the two proposed blocks through the use of different facing materials. This, along with a degree of articulation through the use of dentil courses, porch and gable features would provide interest across the proposed elevations, which would complement the varied facades and forms of neighbouring properties.
7. The lack of front dividing boundaries would not be particularly discernible overtime, following the establishment of the proposed landscaping along the frontage of the site. This landscaping would also enhance the built form and complement the street scene.
8. As a consequence of siting six dwellings on the site, their respective rear gardens would have narrower widths compared with the existing gardens along Belmont Road. Whilst this element of the proposal would bring some change to the character, this would not unacceptably compromise or harm this. In particular, as this aspect of the scheme would only be discernible from limited vantage points. Furthermore, Principle 6.5 of the Royal Borough of Windsor and Maidenhead, Borough Wide Design Guide - Supplementary Planning Document, adopted June 2020 ('Design SPD') does not preclude creating finer grained plots when intensifying urban areas, as evidently more houses on the plot would result in smaller gardens.
9. While the proposed development would result in an increased density, because of its acceptable scale, form, and appearance, this would assimilate with and complement the established street scene along Belmont Road and would not have any unacceptable adverse effect on the character and appearance of the area.
10. Accordingly, I find no conflict with Saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan, Adopted 1999 (including Adopted Alterations 2003). Together, these Policies require that the design of buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties and that landscaping proposals form an integral part of the development which enhance the built form and area. Further, that schemes do not introduce a scale or density which would cause damage to the character and amenity of the area. The proposal would also accord with similar design aims of the Council's adopted Design SPD and the National Planning Policy Framework ('the Framework').

Other Matters

11. In addition to the above matters, third parties have raised concerns in respect of the level of proposed parking, highway safety, flooding associated with the site, the effect of the proposed development on neighbours and the quality of

the proposed accommodation. These matters were largely addressed in the Council's 'Officer Delegated Report' and did not form part of the Council's reason for refusing the proposal. I have also considered these matters and I have not been provided with any strong reasons to take a contrary view.

12. A previous application for 6 dwellings on the appeal site was refused by the Council and dismissed on appeal. Nonetheless, the scheme before me is different in terms of design, scale, and layout, which I have considered on its planning merits and found to be acceptable.

Conditions

13. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty.
14. Conditions requiring details of the finished slab levels, external materials and the provision, implementation and maintenance of landscaping are necessary to ensure the satisfactory appearance of the development. A condition requiring details of means of enclosures is necessary in the interests of the appearance of the area and highway safety.
15. Conditions requiring the site access, visibility splays, parking spaces, turning areas, and specifying the gradient of the proposed access and parking areas are all necessary to ensure accessibility, parking provision and safety of highway users. A condition to minimise the disruption caused by construction activity on the highway through a construction management plan is also necessary and reasonable. Details of hard landscaping and surface water control measures are necessary in the interests of the appearance of the area and for highway safety reasons arising from unmanaged surface water.
16. The provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) are sufficient to safeguard neighbours from overlooking and loss of privacy arising from any additional first-floor, side facing windows. Accordingly, a specific condition precluding such additions is not necessary.
17. In accordance with the Framework, no clear justification has been provided to remove national permitted development rights in respect of certain enlargements, improvements, and ancillary buildings for the proposed dwellings. Therefore, such a condition is not necessary.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J419-P100 - Site Location Plan; P1_B-1107-P2020A dwg-Proposed Designs 1 of 2 and P2_B-1107-P2020A dwg-Proposed Designs 2 of 2.
- 3) No development shall take place above slab level until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved materials.
- 4) No development shall commence above slab level until details of all finished slab levels in relation to the ground levels of the properties to the immediate east and west of the development site have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the approved details.
- 5) No development shall take place above slab level until a specification including samples of all the finishing materials to be used in any hard surfacing on the site and surface water control measures have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the approved details.
- 6) No development shall take place above slab level until full details of soft landscape works, have been submitted to and approved in writing by the local planning authority. The approved landscape works shall be carried out within the first planting season following the completion of the development or first occupation, whichever is sooner. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the local planning authority gives its prior written consent to any variation.
- 7) No development shall take place above slab level until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall demonstrate how construction traffic (plant and deliveries), vehicle parking (site personnel) and manoeuvring will be accommodated. Thereafter the development shall be implemented in accordance with the approved construction management plan.
- 8) Details of the siting and design of any means of enclosure (including any retaining walls) to be erected across the front of the site shall be submitted to and approved in writing by the local planning authority before any such

works are commenced. Thereafter any such means of enclosure shall be carried out and maintained in accordance with the approved details.

- 9) No part of the development hereby permitted shall be occupied until visibility splays of 2.4m by 19.6m to the east and 2.4m and 20m to the west have been provided at the proposed access to the site off Belmont Road. The visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above carriageway level.
- 10) No development shall take place above slab level until the proposed access has been constructed in accordance with approved drawing P2_B-1107-P2020A dwg-Proposed Designs 2 of 2. The access shall thereafter be retained.
- 11) No part of the development hereby permitted shall be occupied until the vehicle parking and turning areas have been provided in accordance with approved drawing P2_B-1107-P2020A dwg-Proposed Designs 2 of 2. This area shall thereafter be kept available for parking and turning in association with the development at all times.
- 12) The gradient of the proposed access and parking areas shall not exceed 1 in 12.