



Appeal Decision

Site Visit made on 22 June 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/T0355/W/21/3270926

Land at 156 - 158 Windsor Road, Maidenhead SL6 2DW

- 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 Matt Taylor of Churchgate Premier Homes against the decision of Royal Borough of Windsor and Maidenhead.
- The application Ref 20/02528, dated 24 September 2020, was refused by notice dated 22 December 2020.
- The development proposed is erection of four dwellings (2 x detached 4bed and 2 x 3bed semi-detached dwellings) with associated access, parking and amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The appellant submitted additional plans as part of their appeal¹. While submitted at the outset of the appeal, these were not before the Council at the time of their decision or when the application was consulted upon. The Council have also indicated that these were not provided to them with the other appeal documents.
4. Therefore, I cannot be satisfied that parties, including third parties, would have been aware of these or have had sufficient and fair opportunity to comment on them. In order to avoid prejudice to the interested parties I have assessed the appeal on the same plans that were before the Council at the time of their decision and upon which notification took place.
5. In their appeal statement the Council clarified that their concerns with overlooking related to 158 Windsor Road, not 156 Windsor Road as indicated in the decision notice. The appellant has had the opportunity to respond to this in their final comments so would not be prejudice by this.
6. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes relevant to the main issues in this appeal and therefore no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

¹ Drawing No's: 20.003.06 Rev A, 20.003.08, 20.003.07, 20.003.09 and 20.003.10

Main Issues

7. The main issues of the appeal are the effect of the proposed development on:
- The character and appearance of the area,
 - Highway safety; and
 - The living conditions of the occupiers of nearby properties, with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

8. While more varied in the wider locality, the row of ribbon development that the appeal site forms part of on this side of Windsor Road is predominantly characterised by linear frontage plots with detached dwellings, a relatively consistent building line and lengthy rear gardens. There is some variation to the scale and appearance of properties in the area. However, there is no large scale built form behind properties in the row and there is a general consistency to the position of dwellings and plot layouts.
9. There are views over and between frontage properties from Windsor Road of the mature landscape features in the back gardens and beyond. The absence of large built form behind the frontage is also apparent in these views. In this way the site currently contributes positively to the pleasant, spacious and verdant character and appearance of the area.
10. The presence of several 2 storey properties directly behind and facing towards existing frontage ones would be discordant with this pattern and rhythm of development. The scheme would significantly reduce the depth of the existing plots and introduce new plots that would similarly be much shorter than those they would be seen with. Although set back from the road with existing and proposed landscaping would help screen them, there would be glimpsed views from Windsor Road and the incongruity would be obvious from nearby properties.
11. The proportions and scale of the proposed dwellings would be comparable to properties nearby. Their appearance, including hipped roofs, and external materials would draw on aspects of existing development in the area. Nonetheless, they would be seen with the low-density spacious and long gardens of the existing plots. The number and scale of the dwellings, along with their proximity to the retained frontage dwellings would result in the site appearing cramped in comparison to the neighbouring development.
12. There are numerous access points on to Windsor Road of varying size and the proposed access seeks to use a shared surface. Notwithstanding this, the lack of separation between the access and the adjacent properties would emphasise the restricted space at the site.
13. My attention has been drawn to developments on land to the rear of properties elsewhere on Windsor Road.
14. From what I saw at my visit, where there are properties to the rear of the frontage ones along parts of Windsor Road, these are primarily modern cul-de-sac developments further along the road. They are seen as side streets with

wide access points and separate pedestrian footways². Although there are comparable aspects to the appeal proposal, these factors help provide a degree of spaciousness that the scheme before me would not have. Moreover, they would not be viewed with the appeal site.

15. In addition, rather than being typical of the layout and depth of development in the row, Hayes Close is currently an anomaly with the other developments extending further back from Windsor Road than the appeal site. From the details before me, some of these schemes included the smaller frontage plots and their smaller gardens rather than dwellings being added into the gardens of existing ones. Individual or smaller groups of properties to the rear of others are generally single storey³ and less prominent than the appeal scheme would be.
16. Therefore, while not having full details of these other developments and the considerations at the time of them being given permission, they are materially different and not directly comparable to the appeal scheme.
17. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with Saved Policies DG1, H10 and H11 of the Local Plan⁴ as well as the Design Guide⁵. These, in part, require backland development to be subordinate to existing buildings on the street, schemes to protect and be compatible with the character of the surrounding area and create attractive places.
18. It would also be contrary to the National Planning Policy Framework (Framework) where it requires development to be sympathetic to local character.

Highway Safety

19. The evidence before me, and my observations on site, indicate that Windsor Road is a busy road with a consistent flow of traffic in both directions.
20. In the absence of swept path analysis, I cannot be certain that there is sufficient space for vehicles to be able to pass both along the access and at the new junction with Windsor Road. The appellant indicates the access is widened as part of their amended plans however these are not considered in this appeal.
21. Movements at the site would not be constant. Nevertheless, conflicts at the proposed access would lead to vehicles waiting on Windsor Road while those at the site were attempting to leave or reverse along the lane. The narrow access and presence of the bin collection point would mean vehicles moving at low speeds increasing the duration of such conflicts. This would disrupt the free flow of traffic and give rise to a greater chance of collisions between road users.
22. This part of Windsor Road has a straight and level alignment with several existing access points located off it. There is also a footway to the front of the site. Were the appeal to be allowed, conditions could be imposed regarding the

² Hayes Close, Huxtable Gardens/Close, Witchford Gate and Oakley Gardens

³ 206A, 274, 278 and 278 Windsor Road

⁴ The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003)

⁵ Royal Borough of Windsor & Maidenhead Borough Wide Design Guide

height of boundary treatments near the access. On this basis, I see no reason why sufficient visibility could not be achieved.

23. Without designated space, waste collection vehicles would appear to need to wait on Windsor Road to service the existing properties. There is no clear evidence that this currently causes problems for the flow of traffic or that the additional 4 properties would create such an issue with regard to refuse vehicles. Therefore, whether the collection vehicle needed to access and turn within the site, or wait on the road, there is no compelling case that this would be as frequent an occurrence as other traffic associated with the scheme or lead to prolonged and significant disruption.
24. Cycle stores are provided for each dwelling pedestrian and cycle ways are close by. There were bus stops, facilities and services close by. The shared route along the access road would not be a great distance and vehicles would be likely to be travelling at low speeds. Pedestrians and cyclists would have clear site of vehicles coming along the straight access road. It has not been demonstrated that 2 vehicles could pass at the access to the site. Nevertheless, the access and drive would be sufficient for a single vehicle and either cyclist or pedestrian to pass or take refuge.
25. Moreover, given the number of access points along the road, vehicles emerging would not be unusual or unexpected. The scheme would not lead to any significant additional waiting for pedestrians and cyclists. As such, the proposal would provide opportunities for modes of transport other than private car.
26. The Council consider that adequate off-street parking would be provided for each of the properties. In the absence of any clear case to the contrary, I see no reason why the proposal would lead to additional on street parking.
27. Notwithstanding this, the proposed development would harm highway safety with regard to the free flow of traffic. It would fail to accord with Saved Policy T5 of the Local Plan where it, requires proposals to meet highway design standards. In addition, it would be contrary to the Framework where it states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living Conditions

28. There would be first floor windows facing towards the properties and rear gardens of the existing frontage dwellings. Nonetheless, some overlooking between properties is inevitable and tolerable in residential areas and already occurs to some degree.
29. While not specifically relating to front to back distances, the separation between the existing and proposed dwellings would be in the region of the 20m referred to in the Design Guide. Views to the properties either side would be more angled and existing and proposed vegetation would reduce the level of overlooking. Planting along the boundary of the site would take time to mature, however, conditions could be imposed to require semi-mature trees to be used. These factors would provide sufficient separation to prevent significant loss of privacy or discourage the use of rear gardens.
30. To access the proposed dwellings vehicles and pedestrians would travel along the narrow drive in close proximity to the properties either side. Nevertheless, at the time of my visit, which I appreciate is only a snapshot in time, while

quieter than to the front of the properties, there was some road noise experienced in the rear gardens of 156 and 158 Windsor Road. Therefore, such noise would not be unexpected.

31. There are no side elevation windows facing the new access in either 156 and 158 Windsor Road at ground or first floor level. There would also be some separation between the proposed parking areas and the existing dwellings. Vehicles would be likely to be travelling at low speeds and acoustic fencing would reduce noise levels and could be subject to conditions were the appeal to be allowed. This could relate to the side boundaries of the parking and turning area to reduce disturbance at the adjacent properties as well. The scale of the scheme means that while there would be vehicle movements along the access, any noise and pollution that may come with them would not be significant.
32. Given the number of properties and domestic nature of the development, the movements and associated noise arising from the bin collection point would not be substantial or frequent.
33. Consequently, the proposed development would not unacceptably harm the living conditions of the occupiers of nearby properties with regard to privacy, noise and disturbance. The scheme would accord with the Design Guide where it states new developments should not undermine the amenities of or result in poor levels of privacy or unacceptable noise and disturbance for occupiers of neighbouring properties. It would also comply with the Framework where it seeks to provide a high standard of amenity for existing users.

Planning Balance

34. The proposal would contribute to the supply of family housing in an accessible location within a settlement on land not subject to any specific designation. It would go towards addressing the existing shortfall in housing land supply. However, given the size of the scheme this attracts moderate weight.
35. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Nevertheless, as construction benefits would be short term and the number of units proposed is not large, the weight I give these factors is small, as I do for biodiversity enhancements. That there were no refusal reasons relating to the living conditions of future occupiers of the proposed dwellings is a neutral factor.
36. The proposal conflicts with the development plan in regard to the effect on character and appearance as well as highway safety. The policies and guidance referred to in relation to these matters are broadly consistent with the Framework. I give the conflict with these policies substantial weight and the proposal would conflict with the development plan as a whole.
37. The Council is currently unable to demonstrate a 5-year supply of housing land. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
38. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and

be built out quickly. This attracts moderate weight. Economic and social benefits from the build and occupation of the dwellings as well as support for services and facilities accessible from the site would arise. However, as with potential biodiversity enhancements and those associated with the more efficient use of land, the benefits and weight they attract would be small given the size of the development. A lack of harm from other considerations is a neutral factor.

39. The proposal would conflict with the Framework in that it would not be sympathetic to local character and would have an unacceptable impact on highway safety. Having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
41. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

Conclusion

42. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR