



Appeal Decision

Site visit made on 16 September 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2021

Appeal Ref: APP/T0355/D/21/3271821
42 The Crescent, Maidenhead SL6 6AH

- 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 Alder against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/02890, dated 30 October 2020, was refused by notice dated 25th February 2021.
 - The development proposed is the erection of a two-storey side extension, and first floor front extension, following demolition of existing single storey side element to the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the neighbouring properties on Marlow Road, having regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises a two storey detached dwelling which has a wide frontage gable end with a shallow dual pitched roof above. It has a single storey attached garage which flanks onto the rear garden of a dwelling in Marlow Road. The surrounding area comprises mainly older traditional designed dwellings but there are diverse forms, styles and ages of residential properties. Dwellings are generally detached set back from road and with small gaps, mainly for pedestrian rear access between them. These setbacks and spacing ensure an attractive spacious nature to the character and appearance to the area.
4. Principle 10.1 of the Borough Wide Design Guide (DG) 2020 indicates that 'extensions which erode garden spaces and gaps which contribute to visual amenity and the character of the street scene will be resisted'. There would be a wide gap between the extended dwelling and the neighbouring dwelling on Marlow Road. A gap would remain between the unaltered side part of the appeal dwelling and its other neighbour, on The Crescent. The front extension above the existing WC would not project beyond the building line facing the road.

5. However, the side extension would be closely sited adjacent to the common boundary with the property in Marlow Road. This extension would be of great depth, roughly equivalent to that of the existing dwelling, and would have a considerable expanse of brickwork above the boundary treatments between the two properties. Being at the end of the row of houses on The Crescent, the flank would be exposed to view despite the siting of a large cedar tree within the garden of the neighbouring property. Consequently, the development would be cramped and domineering within the street scene detrimentally eroding the spacious quality of the area.
6. In respect of the neighbour's tree, there would be no guarantee that this tree would remain in perpetuity in any case. Over time, trees may be removed for any number of reasons, such as weather and accidental damage, and replacement planting inevitably takes time to establish. Such an event would further detrimentally expose the front and flank of the side extension.
7. The roofs of the side extension would be lower in height than that existing on the dwelling whilst that of the front extension would be of similar height to that existing. The side and front extension would not extend across the whole width of the dwelling. Below the front extension, there would be a gap for the front entrance between the existing WC and side extension. However, the overall size of the extensions, taking into account width and depth, would not make them subordinate to the main dwelling. The architectural details, including materials, of the extensions would be in keeping with the host dwelling. The projecting first floor front extension, across half of the existing gable of the dwelling, would be in keeping with the mid-late 20th Century style of the property. However, these considerations would not address the cramped and domineering nature of the proposal, and its adverse effect on spaciousness of the area.
8. For all these reasons, the development would not be compatible with the established street façade and would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) 1999 (Incorporating Alterations 2003) and the advice of DG.

Living conditions

9. The adjacent properties at 47 Marlow Road and 49 Marlow Road are properties used as flats and a House in Multiple Occupation respectively. The existing single storey side garage of 42 The Crescent is currently adjacent to the side boundary and garden of No 47. Due to the configuration of the appeal property's plot, the rear garden of No 49 wraps around the rear of the garage.
10. Principle 10.1 of the DG seeks to ensure that extensions are not over dominant and respectful of the amenity of neighbouring properties. The extension would be alongside the bottommost part of the garden of No 47 but the width, height and bulk of the extension along and above the common boundary with No 47 would be considerable. As a result, there would be an adverse overbearing impact on the occupants of that property using the garden.
11. The side extension would result in the removal of a first floor window on the flank of the existing dwelling facing No 47. However, this existing window is set back from the boundary, with the garage and a covered walkway in the intervening space. The window also serves a hallway where overlooking would

be less significant than a main habitable room of the house, such as a living room or bedroom. Therefore, this benefit would be small and would not overcome the significant loss of amenity arising from the loss of outlook.

12. In relation to the garden of No 49, the proposed side extension would have a first floor bedroom window facing it. The window would be sited very close to the common boundary of this property and its rear garden. However, the section of the garden affected would be that furthest away from this neighbouring dwelling and the appellant has accepted a planning condition to obscure glaze this window. Consequently, there would be no adverse overlooking of this neighbouring property.
13. For all these reasons, the development would harm the living conditions of the occupiers of neighbouring properties at 47 Marlow Road through the loss of outlook. The proposal would be contrary to Policy H14 of the LP and the guidance of the DG.

Other matters

14. The proposal would make more efficient use of land and there is a lack of neighbour objection. However, a lack of neighbour objection cannot be relied upon to imply that a development would be acceptable to interested parties. There can be any number of reasons why interested parties do not submit representations and the proposal has to be considered in terms of the longer term interests of the area, including future residents. Furthermore, the harm to the living conditions and the character and appearance of the area would be significant for the reasons indicated and would be permanent. As a result, these considerations would not outweigh the harms that has been identified.
15. The first floor west side window on the front extension stretches across the whole width on its forward projection. A smaller window would be a design improvement, but the issue is not of sufficient weight to withhold planning permission in this instance.

Conclusion

16. The proposal would harm the character and appearance of the area and the living conditions of neighbouring residents in conflict with LP policies and the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR