



Appeal Decision

Site Visit made on 7 December 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/T0355/W/21/3275019

Land at 61 Furze Platt Road, Maidenhead SL6 7NF

- 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 K Puri against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00418, dated 9 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is described as 'change of use application from an existing domestic storage building to a 1 x bed dwelling and associated parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description in the banner heading above is taken from the planning application form. Part E of the appeal form indicates that the description has not changed. Nevertheless, a different wording has been entered describing the proposal as 'change of use of residential outbuilding to 1 no. dwelling with associated works and new detached carport and storage building following demolition of existing garage'. This essentially reflects the description on the Council's decision notice, and because it has been used by both parties and I consider it a more accurate representation of the proposal, I have determined the appeal with regard to this revised description.
3. The appeal submission includes a revised version of the 'Proposed Block Plan' drawing that was before the Council at the time of its decision. This includes a correction to the stated scale of the drawing and provides additional detail of buildings neighbouring the site. The revisions do not materially alter the development proposed from that considered by the Council and interested parties, and because I am therefore satisfied that it would not prejudice the interests of any party, I have taken it into account in determining the appeal.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area, including with regard to the location of the site within the Furze Platt Triangle Conservation Area (CA); and
 - ii) the effect of the proposal on the living conditions of the occupiers of 266 Courthouse Road with particular regard to privacy.

Reasons

Character and Appearance

5. The Furze Platt Triangle Conservation Area Appraisal 2011 (CAA) records that the CA comprises part of a former Victorian village community that developed swiftly between the late 19th and early 20th centuries. The dwellings on Courthouse Road vary in scale and detailed appearance, but in common with other buildings within the CA, they have a similar architectural character, and common features include tiled roofs, painted sash or casement windows, decorative ridge tiles and finials. They are typically arranged on fairly regular plots with gardens to their rear, often including mature planting which is visible in the gaps between buildings, and in some cases small outbuildings. As a result, there is a reasonably spacious setting to the dwellings and a sense of coherence to the street, and I agree with the Furze Platt Triangle Conservation Area Appraisal 2011 (CAA) that the mixture of houses here form a generally harmonious group.
6. The appeal site includes a garage with access from Courthouse Road, together with a larger outbuilding that sits between the rear garden of 264 Courthouse Road and gardens to the rear of terraced dwellings fronting Furze Platt Road. It is proposed to demolish the garage and to convert the larger outbuilding to a dwelling. Parking and a car port would be provided along the access from Courthouse Road between the neighbouring pairs of semi-detached dwellings.
7. The outbuilding that it is proposed to convert is of much larger footprint than other outbuildings that I observed near to the site, but the single-storey height and utilitarian style of the building including a flat roof give it the appearance of an ancillary structure. I appreciate that external alterations to the building itself would be relatively limited. Nevertheless, there would additionally be provision of a garden and parking, and together with activity and other paraphernalia likely to accompany residential occupation, I consider the development would be likely to be appreciable as a separate dwelling on the site, distinguishing it from the current outbuilding.
8. Residential occupation of the site would not in itself be incongruous in this area. As a dwelling however, the location of the development behind buildings fronting Courthouse Road lacking a street frontage would stand out conspicuously against the prevailing pattern which comprises dwellings fronting the street on fairly regular plots with gardens to their rear. Moreover, the dwelling would be set on or in very close proximity to many of the boundaries of the site. The existing building has a comparable relationship to its boundaries and I note the replacement of the garage with an open-sided car port, but the dwelling would fill much of its irregular plot in contrast to the more spacious setting to nearby properties. I find as a result that the dwelling would be cramped, and that it would be an alien and incongruous presence which would harmfully disrupt the characteristic urban grain and layout to the area.
9. The single-storey height and flat roof form to the building would further contrast strikingly with the two-storey scale and form that is characteristic of other dwellings in the vicinity of the site. Its rather plain and functional appearance would additionally be jarring against the usual detailing to nearby dwellings which the CAA notes is often high quality with a variety of special bricks, decorative ridge tiles and finials.

10. The Council does not object to the demolition of the garage or to the design of the car port, and I see no reason to take a different view. I also acknowledge the brick finish to the dwelling would be consistent with the red brick that is predominant locally. Nevertheless, the proposal is for a dwelling, and irrespective of the existing outbuilding on the site, the factors above would combine to result in an unsympathetic development that would relate poorly to the distinctive traditional built form and layout which characterise the area.
11. Views of the dwelling from the street would be restricted, but there would be partial views of the building along the access from Courthouse Road, and I have already identified that the development would be likely to be appreciable as providing a separate dwelling on the site. Furthermore, it would be readily visible from neighbouring properties, and these views also contribute to the character and appearance of the area. I cannot therefore agree with the appellant that the visual differences resulting from the development would be virtually imperceptible. In any event, while a limited visual impact of development on public views may moderate harm to the appearance of the area, character is a different matter.
12. I find for the above reasons that the proposal as a whole would be discordant and incongruous, causing significant harm to the distinctive character of its surroundings and further harm to the appearance of the area.
13. The Council's reasons for refusal do not specifically allege that there would be harm to the CA through the effect of development on the character and appearance of the area. Nevertheless, the CA is a heritage asset within the meaning of the National Planning Policy Framework (the Framework), and I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The appellant's evidence acknowledges this duty, and addresses the effect of the proposal on the character and appearance of the area with reference to the CA.
14. However, the Framework includes a requirement for an applicant to describe the significance of any heritage assets affected by development. There is no formal requirement for this description to be part of a 'heritage statement', and the Framework recognises that the level of detail provided should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on significance.
15. The appellant asserts that the character and appearance of the area would be enhanced, but the application was not supported by a robust description of the 'significance' of the CA. Accordingly, I am not satisfied that it has been demonstrated that the proposal is based on a sufficient understanding of the impact of the development on the significance of the asset. In light of my concerns above regarding effects of development on the character and appearance of the area, I consider this an important omission.
16. That said, I am satisfied that the evidence before me including the CAA and my observations at my visit provide a sufficient basis to assess the effect of the proposal. The development would not affect important views, vistas or landmarks identified within the CAA, but the requirement to preserve or enhance the character or appearance of the CA applies whether or not the proposal is prominent in public views.

17. The consistency in the architectural character of the buildings within the CA, together with the layout and backdrop of gardens with mature planting that helps to soften the area, result in a distinctive character and appearance to the area which I find adds to the significance of the CA. Given that I have found the distinctive character and appearance of the area would be harmed by the development, I consider there would inevitably be harm to the CA's significance. Having regard to the scale of the development, the localised visual impact and that there is an existing building on the site albeit not a dwelling, I find that the degree of harm would be less than substantial in the terms of the Framework which goes on to advise that this harm should be weighed against the public benefits of the proposal.
18. The Council is unable to demonstrate a 5-year supply of deliverable housing. The proposal would make effective use of the site and would deliver an additional dwelling within a built up area which is a focus for new development, benefitting from access to services and public transport. In these regards, it would align with objectives within the Framework including seeking to significantly boost the supply of housing. The benefit would be limited given the small scale of the development, but I nevertheless afford it great weight having regard to the housing supply position and the Framework which emphasises the role of small windfall sites such as this in the delivery of housing.
19. There would be further social and economic benefits associated with the construction and occupation of the dwelling, including through the creation of construction jobs and supply chain investment as well as longer-term support for the local community and for services and facilities. However, the modest scale of the development means that the extent of these benefits would be limited, and I give them moderate weight. I give some weight to environmental benefits associated with the re-use of the existing building fabric which would help to reduce resource use, and provision for new planting and soft landscaping on the site in place of existing hardstanding. However, these benefits would also be limited in extent.
20. I am mindful that the Planning Guidance makes it clear that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority. The appellant refers to New Homes Bonus payment to the Council, but I have not been provided with evidence that any benefit arising would be directly related to the development, and this is not therefore a matter to which I afford weight in favour of the proposal.
21. Conversely, I give considerable importance and weight to the less than substantial harm that would be caused to the significance of the CA in accordance with the Framework. Even taken together, I do not find that the public benefits of the proposal would be sufficient to outweigh this harm.
22. For these reasons, I conclude on this main issue that there would be unacceptable harm to the character and appearance of the area generally, and to the character, appearance and significance of the Furze Platt Triangle CA. The proposal would accordingly conflict with the aims of the Framework as it would fail to sustain the significance of the Furze Platt Triangle CA, and public benefits would not outweigh the harm. There would also be conflict with Policies DG1, H10 and H11 of the Local Plan Incorporating Alterations Adopted in June 2003 (LP) which together broadly seek to ensure that development respects and where possible enhances the character and appearance of its

surroundings and that it is not cramped or otherwise harmful to the character and amenity of the area. In addition, there would be conflict with guidance within the Borough Wide Design Guide 2020 (BWDG) which further advises that development should relate positively to existing layout and urban form and not harm the existing character of the local area.

Living Conditions

23. The BWDG sets out separation distances that are generally sought in order to maintain privacy for new development and neighbouring occupiers. The appellant has not disputed the Council's assertion that the separation between the glazed bifold doors to the dining/living room of the dwelling and the side of 266 Courthouse Road would be around 7.3m. This would be some way below any of the recommended distances within the BWDG for one and two-storey development. However, there is no specific guideline applicable to the relationship between the single-storey dwelling and No 266, and I do not therefore consider a failure to achieve the separation distances suggested by the BWDG to be determinative. Furthermore, the BWDG accepts that in more compact contexts or where development is single storey, it may not be appropriate to provide conventional separation distances. Nevertheless, it goes on to advise that alternative design solutions to maintain privacy will be needed in such instances.
24. I acknowledge that the bifold doors would face most directly towards a single-storey projection to the rear of No 266, and that fencing to the boundary would largely screen views onto the ground floor windows and garden of this neighbour. The appellant also suggests that views to neighbouring first floor windows would be at an acute angle and screened by boundary treatment. However, it was evident from my visit that anyone sitting or standing close to the glazing would in reality also have clear lines of sight up towards first-floor windows to No 266 within a realistic angle of outlook, particularly those to its rear. From the information before me, I consider it unlikely that these views would be prevented by suggested planting on the site which could not in any event be relied on long-term to provide screening.
25. In my judgement, the close proximity at which views would be available, exacerbated by the large expanse of full-height glazing which would serve the main living accommodation for the dwelling, would lead to both actual and perceived overlooking of the neighbouring windows which I consider would cause a distinct loss of privacy for occupiers of No 266. I recognise that there is existing glazing to the building which the appellant comments will remain irrespective of the appeal outcome, but it is not occupied as a dwelling, and therefore I do not consider that the degree of overlooking to No 266 would be comparable to that which would result from the proposal.
26. The Council's appeal statement suggests that the proposal would also result in increased activity and disturbance to neighbouring occupiers, although this was not part of the reasons for refusal. However, the level of activity associated with a one-bedroom dwelling would be likely to be limited. Moreover, there is an existing vehicular access to the site, as well as the outbuilding, and so activity on the site would not be a new feature. Taking account of the relationship with neighbouring dwellings, I do not consider that the difference in likely levels of activity on the site would be material so as to unacceptably detract from the use or enjoyment of neighbouring gardens or properties.

27. Be that as it may, I conclude on this main issue that there would be unacceptable harm to the living conditions of the occupiers of 266 Courthouse Road through loss of privacy. Accordingly, the proposal would conflict with the Framework which includes a requirement that development creates places with a high standard of amenity for existing and future users. It would also be contrary to guidance within the BWDG that development should not undermine the amenities of occupiers of neighbouring properties.

Other Matters

28. Within its evidence, the Council raises concern that there would be detriment to the quality of life of future occupiers of the dwelling. The appellant disputes that there would be a shortfall in amenity space against standards within the BWDG, but these are in any case guidance rather than an absolute requirement. Having regard to the shape of the space and separate provision for outdoor storage, I consider the garden would be a suitable size to accommodate a range of activities. The single-storey height of the dwelling would also reduce overshadowing of the space, and in my judgement it would be of a suitable quality.
29. Windows to the dwelling facing towards Furze Platt Road would serve an en-suite bathroom, and the dining/living room which would have additional large glazing onto the proposed garden, and accordingly I do not find their close proximity to the site boundary would unacceptably harm living conditions for occupiers. The bedroom served by a window positioned between the boundary and the dwelling would also be served by a roof lantern. In any event, I am mindful that the living conditions of future occupiers was not a reason for refusal of the application, and has not been addressed in detail by either party as part of the appeal. With this in mind, I confirm that the harm that would arise in relation to the main issues in this case provide compelling grounds to dismiss the appeal.

Planning Balance

30. Given that the Council is unable to demonstrate a five year supply of housing, the Framework indicates that the policies which are most important for determining the application would be deemed out-of-date, and the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework would be engaged. This provides that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
31. In light of the unacceptable harm that I have identified to the CA, I find that policies within the Framework that protect designated heritage assets provide a clear reason for refusing the development proposed. In accordance with Footnote 7 of the Framework, the presumption in favour of sustainable development at paragraph 11(d) would not therefore apply.
32. Moreover, the proposal would be contrary to requirements within the Framework for development that is sympathetic to local character and history, including the surrounding built environment. It would also cause unacceptable harm to the living conditions of neighbouring occupiers contrary to the

Framework's requirement that development creates places with a high standard of amenity for existing and future users. These matters together attract substantial weight, and I find that the adverse impacts of the development would significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies in the Framework taken as a whole. Even if I were to set aside the harm to the CA as a heritage asset, the proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework.

Conclusion

33. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR