



Appeal Decision

Site visit made on 18 January 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 21st January 2022

Appeal Ref: APP/T0355/D/21/3277543

57 The Avenue, Wraysbury, Staines, Middx; UK, TW19 5EZ

- 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 James McCauley against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00424, dated 10 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is first floor front extension, cladding and render, front dormer window, part conversion of car port to habitable accommodation with ramp, extension to car port and alterations to hardstanding.
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Decision

1. The appeal is dismissed in so far as it relates to part conversion of car port to habitable accommodation with ramp, extension to car port and alterations to hardstanding.
2. The appeal is allowed in so far as it relates to the house alterations; planning permission is granted for first floor front extension, cladding and render, front dormer window at 57 The Avenue, Wraysbury, Staines, Middx; UK, TW19 5EZ in accordance with the terms of the application, Ref 21/00424, dated 10 February 2021, and the plans submitted with it, in so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as they relate to the house alterations only: Site location plan and Drawings Nos 04, 05 and 06.
 - 3) The materials to be used in the construction of the external surfaces of the house alterations hereby permitted shall accord with those specified on the planning application form.

Preliminary Matters

3. The description of development is worded slightly differently on the application form. I have used the description on the decision notice and the appeal form in the banner heading above as it more accurately describes the proposals.
4. The proposals includes the conversion and extension of an open sided carport to form enclosed accommodation with a smaller open sided carport. In this Decision Letter I will refer to the resultant building as "the outbuilding".

5. Although Q8 of the Questionnaire indicates that publicity has been given for the site being within a Conservation Area or affecting a listed building the Council confirms that the publicity relates to the effect on a public right of way only.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area; and on flood risk.

Reasons

Character and appearance

7. The Avenue is a no-through, unadopted road, without pavements. It is also a public right of way. Properties along The Avenue are varied in size, style and design and there is great variety of materials, footprints and roof forms. This results in a mixed character of residential development with many trees and other foliage evident.
8. The main house at No 57 is of chalet style: it has lowered eaves to the front and a central dormer. The proposed dormer to the side of the central one would match it in size and appearance and would be of satisfactory design. The proposed roof of the first floor extension would have eaves at the same height as those of the dormers and a flat roof apex slightly lower than the ridgeline of the existing house. On this basis the proposed extension would not be over dominant.
9. The front plane of the proposed roof would appear foreshortened and somewhat disproportionate to the roof of the host house. However, the effect would not be so incongruous or dominant as to justify refusal of permission. Moreover, because the house is substantially set back from the road boundary it would not be unduly prominent or detract from the character of the established street scene.
10. The proposals include rendering existing brickwork, to improve insulation, and adding weatherboard cladding in part. Both these materials are evident on buildings elsewhere on The Avenue and would therefore not be inappropriate.
11. A number of properties on the road have single storey structures in their front gardens as does the appeal site. The proposed outbuilding would be in a similar position to that of the existing carport and would be only slightly forward of the neighbouring house No 57A The Avenue. There are no hedges or trees that would be affected. Apart from a gap of about 2m to one side, the proposed outbuilding would extend the width of the plot. However, because of the setback from the road boundary, and as part would be open sided, it would not be so intrusive in the street scene as to justify withholding of permission for that reason alone.
12. The front elevations of many properties along The Avenue cannot be fully seen from the road. Accordingly I give little weight to the obscuring of views of the main house by the proposed outbuilding.
13. On balance I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. Accordingly I find no conflict with saved policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June

2003) (the LP); policies NP/HOU1 and NP/HOU2.1 of the Horton and Wraysbury Neighbourhood Plan 2020; the Borough Wide Design Guide Supplementary Planning Document 2020, policies of the emerging Borough Local Plan; or those principles of the National Planning Policy Framework 2021 (the Framework) that seek to ensure development is in keeping with the character and appearance of the area.

Flood Risk

14. The appeal site is in Flood Zone 3, an area at high risk of flooding. The Framework requires a site-specific flood risk assessment to be provided for development in Flood Zones 2 and 3. In addition Policy F1 of the LP does not permit development in excess of 30 sqm in such areas unless it can be demonstrated that it would not reduce the flood plain storage capacity, or impede flood flows, or increase the number of people or properties at risk from flooding.
15. There would be no increase in footprint or the number of bedrooms arising from the alterations to the main house. On this basis I conclude that the house alterations would have a neutral effect on flood risk.
16. As calculated by the Council the enclosed part of the outbuilding would exceed 30 sqm. The appellant refers to previous larger outbuildings that have been removed. However, the evidence indicates these were taken into account when permission was previously granted for extensions so I give the earlier removal of outbuildings little weight in the context of this appeal.
17. I acknowledge that the site contains a large area of brick hard standing around and beneath the carport. The evidence indicates that the enclosed part of the proposed outbuilding would be constructed with raised floor levels with underfloor voids; and that part of the hardstanding would be replaced with semi permeable blocks or gravel with some soakaways to combat potential flooding problems. However, few details have been given of the underfloor voids and how these would relate to the proposed ramp and no calculations to demonstrate the effect of the proposed mitigation measures have been submitted. In the absence of such a flood risk assessment it is not possible to confidently assess the increase in flood risk or what mitigation would be appropriate.
18. Overall, I conclude that the proposals have failed to demonstrate that the proposed outbuilding would not, in combination with other structures on the site, increase the risk of flooding. Accordingly the proposed outbuilding would conflict with Policy F1 of the LP and those principles of the Framework which seek to manage and reduce flood risk.

Other Matters

19. The proposals would not encroach onto the public right of way.
20. The appellant has expressed dissatisfaction about the lack of response by the Council to requests for discussions in relation to the proposals. However, this in itself does not go to the heart of the planning considerations before me.

Conclusion and Conditions

21. The scheme involves a number of different elements. As set out above I conclude that the house alterations would have an acceptable effect on the character and appearance of the area and would comply with the development plan in this respect. However, I conclude that the proposed outbuilding could increase flood risk and there is insufficient evidence to confidently conclude that the proposed mitigation would be sufficient to overcome this concern. There is conflict with the development plan in this respect.
22. I find the house alterations acceptable and clearly severable from the outbuilding proposal as they are physically and functionally different. I propose to issue a split decision with the appeal allowed in part, in so far as it relates to the house alterations, and dismissed in so far as it relates to the outbuilding.
23. In respect of the house alterations as well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. In the interests of certainty the materials to be used should be as specified on the planning application form as the materials for the host building will also change.

S Harley

INSPECTOR