



Appeal Decision

Site visit made on 5 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 February 2022

Appeal Ref: APP/T0355/W/21/3277250

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 Johnston against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00266/FULL, dated 29 January 2021, was refused by notice dated 9 June 2021.
 - The development proposed is proposed erection of three dwellings (1 x detached 4bed and 2 x 3bed semi-detached dwellings) with associated access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). The main parties have had an opportunity to comment on the revisions where they may be relevant to the case, however no comments have been received.
3. The Council is in the process of updating its local plan. Information before me relating to this is limited, however it would appear as though the emerging Borough Local Plan 2013-2033 (ELP) is at the main modifications stage. The plan is therefore advanced, and its policies should attract reasonable weight. The main parties have had opportunity to comment on this matter, however no comments have been received.
4. During the appeal process an appeal¹ was dismissed at the same site for 4 semi-detached dwellings. The main parties have had an opportunity to comment on this matter, however no comments have been received. I have obtained a copy of the appeal decision.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area,
 - the effect of the proposal upon the living conditions of the occupiers of the existing dwellings, Nos. 156 and 158 Windsor Road, with particular regard to noise, and

¹ APP/T0355/W/21/3270926

- whether the proposal would secure acceptable living conditions for the occupiers of the proposed dwellings, with particular regard to the functionality of the proposed access road.

Reasons

Character and appearance

6. The area of the appeal site is characterised by a row of ribbon development that comprises large plots with detached dwellings fronting the road. Although the design of the dwellings vary they are positioned in a consistent manner, behind generous front areas, with large private level gardens behind. Development behind the existing dwellings is limited to low scale domestic outbuildings. The rear garden areas therefore have a spacious and verdant character.
7. There are some gaps between the dwellings from the road that give a view out towards mature trees within and beyond rear gardens, without any obvious rearward development. These reinforce the linear nature of the development. The spacious character of the rear gardens and the lack of significant development at the rear is a characteristic readily enjoyed across the rear gardens and from the upper floors of the dwellings.
8. The proposal would see two large buildings, comprising three dwellings, erected across two rear gardens. Both buildings would adopt a substantial footprint and be of a full two storey scale. They would have gabled and hipped roof forms, which would match those in the area. However, unlike Nos. 156 and 158 and nearby dwellings, the top of the roofs would be capped with a flat section, which would give the buildings a bulky appearance, and would not accord with the simpler additive forms used to construct the existing dwellings. They would fail to be subservient to the existing ribbon development, noting in particular the low scale of No. 158, which has its first floor accommodation set into its roofspace.
9. The Council is satisfied that the proposal would not harm the streetscene. However, on the basis of my observations on site and the findings of the Inspector who determined the other appeal, where glimpsed between existing buildings from the road the proposed dwellings, taking into account their significant scale, would appear to be out of place and clearly contrary to the consistent layout of development in the area.
10. The proposal would also have a significant impact on views from the rear of the existing dwellings in the area and views across the level rear gardens. Although these are not views from an area of public realm, they are views experienced by a number of dwellings, and are a characteristic of the area that the occupiers of these dwellings currently enjoy. The proposed dwellings would rise well above the separation afforded by existing domestic boundaries, and would be much higher than existing single storey outbuildings. From these perspectives the proposed buildings would appear incongruous and excessively scaled for their context.
11. The appellant suggests that the existing gardens are oversized and inefficient. I do not dispute the fact that they are large; however, at my visit I saw that they are well orientated to the southwest, and that they are enjoyed and well maintained by the occupiers of the existing dwellings. They are clearly laid out

to relate to the dwellings fronting the road and do not obviously present as areas of underutilised land.

12. There are other examples along Windsor Road of dwellings that have been erected behind those that front the road. Hayes Close to the east differs significantly from the appeal proposal as it is a much more comprehensive scheme where the road fronting buildings appear to be part of the same development. Further to the east there are more examples, however in this area the plots are narrower, the dwellings more modest and the building line less consistent than the comparable characteristics in the vicinity of the appeal site. I am therefore of the view that there are numerous differences between these existing examples and the appeal proposal.
13. In summary, the proposal would harm the character and appearance of the area. It would be contrary to Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (LP), Policies QP1 and QP3 of the ELP, paragraph 130 of the Framework and Principle 6.11 and 7.1 of the Royal Borough of Windsor & Maidenhead Borough Wide Design Guide 2020 (BWDS), insofar as they seek to ensure that new developments are designed to a high standard, ensuring that they are compatible with and contribute to the established character of the area including the scale and density of existing development, and are subordinate in the case of backland development.
14. The Council has raised matters relating to the design of the proposed access road. This would be restricted by the narrow gap between the existing dwellings. However, I am satisfied that it would be of a similar appearance to the numerous driveways in the area and would not appear out of place. The use of a single surface finish across the access, without demarcating a separate area for pedestrians to use, would appear to be acceptable for a scheme for three dwellings. I do not consider this to be illustrative of a scheme that is car dominant. In this respect the proposal would accord with Principle 6.1 of the BWDS, which relates to site connectivity.

Existing living conditions

15. The new access drive would pass directly beside the two existing dwellings and their retained areas of rear garden. The vehicle movements associated with three new dwellings would be very modest. Furthermore, at my visit I saw that the habitable ground floor accommodation of both the existing dwellings would be separated from the proposed access owing to the position of the existing garages.
16. The Council refers to additional disturbance on bin collection days. This would be for a very short period during the day. It would not be so significant that it could be considered to harm the living conditions of the occupiers of the existing dwellings.
17. In summary, the proposal would not harm the living conditions of the occupiers of the existing dwellings. It would accord with Policy QP3 of the ELP, paragraph 130f) of the Framework and Principle 6.11 and 8.1 of the BWDS, insofar as they seek to ensure that development proposals do not unacceptably affect the amenities enjoyed by the occupants of adjoining properties.

Proposed living conditions

18. The Council's concern regarding this is limited to the inconvenience to road users arising from the bin collection area. I accept that the road would be narrowed for a small part on collection days when bins are brought from the proposed dwellings to be collected. However, this restriction would be modest and time limited. Furthermore, the proposed access drive would provide space for a vehicle to have clear sight of another vehicle or other road user, and room to wait for the other to pass, and vehicle movements that would arise from the three proposed dwellings would be very modest.
19. In summary, the proposal would secure acceptable living conditions for future occupiers. It would accord with Policy QP3 of the ELP, paragraph 130f) of the Framework and Principles 6.11 and 8.1 of the BWDS, insofar as they seek to ensure that development proposals create safe and accessible places and satisfactory amenity for new dwellings.

Planning Balance

20. The proposal would conflict with Policies of the development plan, as it would be contrary to the Policies of the LP and the ELP which seek to ensure that development proposals are designed to a high standard, ensuring that they are compatible with and contribute to the established character of the area including the scale and density of existing development.
21. The Council states that the tilted balance set out in paragraph 11d) of the Framework is engaged as it is unable to demonstrate a five year supply of deliverable housing sites (5YHLS). As a result, where the policies are out of date, which would be the case where a Council cannot demonstrate a 5YHLS, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
22. The proposal would align with the Framework where it seeks to significantly boost the supply of housing. It would provide development in an accessible location with associated economic benefits delivered during the construction period and arising from future occupants accessing local services and facilities. These benefits would however be limited by the small scale of the proposal.
23. The proposal would however fail to comply with the Framework insofar as it seeks to ensure that proposals are well designed, visually attractive, sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place. In considering these matters together I find that the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits.

Conclusion

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR