



Appeal Decision

Site visit made on 28 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/T0355/W/21/3276985 69-69A Bolton Road, Windsor SL4 3JX

- 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 David Marshalsea against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01524, dated 8 June 2020, was refused by notice dated 21 December 2020.
 - The development proposed is the change of use of the existing offices at ground floor to residential and single storey side/rear extensions and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing offices at ground floor to residential and single storey side/rear extensions and alterations to fenestration at 69-69A Bolton Road, Windsor SL4 3JX in accordance with the terms of the application, Ref 20/01524, dated 8 June 2020, subject to the conditions appended to this decision.

Preliminary Matters

2. I have used the Council's development description as it more accurately and concisely describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
3. A new Local Plan was adopted on 8 February 2022, after the submission of the appeal. These newly adopted policies replace those in the old plan. The appellant has had the opportunity to comment on this updated policy context and makes no further representation. I address the updated relevant policy in my reasoning below.
4. The Council does not object to the change of use of the building, as previously approved, and it is not a point of contention between the main parties. I have not dealt with this aspect of the development in any further detail.

Main Issue

5. The main issue is the effect of the proposed extension on the living conditions of the occupants of 71 Bolton Road, with particular regard to outlook.

Reasons

6. The appeal site comprises an end-of-terrace property with a deep, narrow rear garden. An historic outrigger projection, with side return, exists to the rear.

7. Planning permission was granted at the appeal site previously¹ for works which included a full length infill extension within the side return (measuring approximately 6.5 metres deep) and a second extension positioned directly behind the historic outrigger. However, I note that this permission appears to no longer be extant.
8. The extension now proposed would infill the full length of the existing side return and would extend beyond the rear elevation of the outrigger, forming an L-shaped extension. The proposed extension would have a total length of approximately 9.5 metres along the shared boundary with No 71.
9. I acknowledge the Council's comments in respect of a 'tunnelling effect' and do not disagree that the proposed development, which is undoubtedly large, would change the relationship between the appeal property and No 71. However, the eaves height along the side return would be limited to approximately 2.3 metres high. The eaves height would then drop down to only 2 metres high where the extension extends beyond the historic outrigger projection. On both counts, a pitched roof would exist, minimising any significant detrimental impact along the boundary.
10. This limited eaves height, together with the proximity of the pre-existing two-storey outrigger projection and intervening boundary treatment, is such that the proposed development is unlikely to result in any significantly worsened outlook from the rear of No 71, or a significantly increased 'tunnelling effect'. Outlook from the rear facing windows would remain along the property's own side return and into its rear garden.
11. The proposed development would have an acceptable impact on the living conditions of the occupants of No 67 by reason of its setback from the shared boundary here. However, the proposed side facing windows would likely increase overlooking and conditions have been included with this decision which mitigate this potential impact.
12. For the above reasons, I conclude that the proposed development would have an acceptable impact on the living conditions of neighbouring occupants at No 71 in regard to outlook. As such, the proposed development would accord with the relevant provisions of Policy QP3 of the Borough Local Plan 2013-2033 (adopted 2022) and principles 10.1 and 10.6 of the Borough Wide Design Guide, which in summary together seek to ensure that the amenities of neighbouring occupants are protected.

Conclusion

13. I conclude, having had regard to the development plan as a whole and all other relevant material considerations, that the appeal should be allowed subject to the conditions below.

Conditions

14. I have assessed the Council's suggested conditions with reference to the advice in the National Planning Policy Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others without altering their fundamental aims. Numerical references to conditions are to those appended to this decision as opposed to the Council's numbering.

¹ Ref 18/01137/FULL

15. I have imposed conditions on time limits and requiring compliance with the relevant plans in the interests of certainty. A condition requiring the external surfaces of the development to match the existing building is imposed in the interests of protecting the character and appearance of the area.
16. A condition requiring that the side (west) facing windows are fitted with obscured glazing has been included in order to ensure that any potential impacts on the living conditions of the occupants of the neighbouring property are protected. For similar reasons, I have also included a condition withdrawing permitted development rights for any new window openings in the west facing elevation without the prior consent of the Council. This is so that any potential adverse impacts on the living conditions of neighbouring occupants are mitigated.
17. A condition suggested by the Council requesting that the vehicle parking space to the front of the property is included in the interests of adequate parking provision in respect of the conversion.

A Price

INSPECTOR

Schedule of 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: 17A049/PL01 Rev B (June 2020); 17A049/PL03 Rev A (June 2020); and 17A049/PL04 Rev B (June 2020).
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The windows and door proposed to the dining room in the side (west facing) elevation of the building shall be obscurely glazed and fixed (non-opening) except for a top opening window which is a minimum 1.7 metres above internal floor level. These windows shall be permanently retained as such.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed or installed in the side (west) elevation without the grant of further specific permission from the Local Planning Authority.
- 6) The existing vehicle parking space on the forecourt area shall be retained for parking in association with the development at all times.