



Appeal Decision

Site visit made on 11 April 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/T0355/D/21/3285167

11 Bolton Avenue, Windsor, SL4 3JD

- 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 Mrs Imme Davies against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01674/FULL, dated 27 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is a 2-storey front extension, 2-storey side extension (including converting/replacing existing garage), single storey rear/side extension, new roof to the existing house, fenestration alterations, new vehicular gate and new front boundary treatment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are: -
 - a) The living conditions of the neighbouring occupiers of 1 Balmoral Gardens;
 - b) Highway safety; and
 - c) Character and appearance of the property and the area.

Reasons

Living conditions

3. The proposal would create an additional storey that would incorporate habitable living space within the roof. Dormer roof windows would be created within the rear roof slope, and these would provide the outlook for the rooms within the roof. Whilst there are some existing first floor windows within the rear elevation of the property, the additional windows would be at a higher level and would increase the potential for observation of 1 Balmoral Gardens.
4. To the rear of 1 Balmoral Gardens is a glazed conservatory styled extension, patio and garden. These are living spaces in which the occupiers of this property would spend a significant part of their time and are living spaces in which the occupiers should expect to enjoy a reasonable amount of privacy. Given the close proximity and height of the proposed dormer roof windows, the occupiers of 1 Balmoral Gardens would experience the sense of being observed by the occupiers of the habitable accommodation within the roof. This would

be harmful to the living conditions that the occupiers of 1 Balmoral Gardens should reasonably expect to enjoy.

5. I have considered the possibility of imposing a condition requiring the windows to be fitted with obscure glazing and to be non-opening. Given the close proximity and height of the proposed dormer roof windows, it is extremely likely that the occupiers of 1 Belmont Gardens would experience the perception of being observed from these additional windows, whether or not actual observation would take place. This would negatively impact the enjoyment of their living environment. I do not consider such a condition would ameliorate the objection sufficiently to allow permission to be granted.
6. Permitted development rights may allow for the insertion of rear dormer windows or roof lights within the existing roof. However, even if such permitted development rights could be applied, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. Furthermore, I have no evidence that would indicate a clear intention by the appellant to implement such permitted development rights. I therefore attached limited weight to the existence of such permitted development rights.
7. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 1 Balmoral Gardens. The proposal would, therefore conflict with Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (the Local Plan), RES.01 of the Neighbourhood Plan and the Borough Wide Design Guide Supplementary Planning Document (SPD). These policies seek, amongst other matters, extensions not to significantly affect the amenities of the occupiers of adjacent properties.

Highway matters

8. Railed electronic gates and a low wall topped with railings are proposed to run along the site frontage. Whilst the gates open to allow access to the site the vehicle entering the site would either be required to wait on the highway or across the footpath until the gates open. This would cause an obstruction to the free flow of vehicle or pedestrian movements along the public highway.
9. I saw that Bolton Avenue is a busy highway with parking restrictions and traffic calming in place. There are also parking bays within close proximity to the appeal property. The proposal would give rise to conflict between road users by impeding the free flow of traffic. This could lead to increased potential of crashes and injury to vehicle users, including that of the driver entering the site, or pedestrians, and this would not be acceptable. Although electric gates could open more quickly than manual gates, this does not obviate my highway safety concerns.
10. Permitted development rights would allow for the erection of a wall and/or gates up to 1m in height along the front boundary. This could take place irrespective of whether a vehicle entering the site would wait on the highway. However, I have no evidence that would indicate a clear intention by the appellant to implement such permitted development rights. I acknowledge also there are other examples of gates such as those proposed in the wider area. Even if such permitted development rights could be applied and there are similar gates in the vicinity, this does not overcome my concerns or justify the harm that I have identified in respect of highway safety. I therefore attribute

limited weight to the existence of such permitted development rights and other similar examples in the locality.

11. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policy DG1 of the Local Plan that seeks, amongst other matters, development to have adequate vehicle access.
12. The third refusal reason on the Council's decision notice refers to Policy P4 of the Local Plan which relates to parking provision. However, the Council has not raised a specific concern with regard to this matter within its officer's delegated report. I, therefore, have not been directed to any specific conflict in respect of Policy P4.

Character and appearance

13. The Windsor Neighbourhood Plan identifies the Boltons Estate to be late Victorian/early Edwardian, however there are a range of styles of later development interspersed within the older properties. I have been provided with photographs showing the various examples of property types, styles and front boundaries in the area.
14. A row of properties along the north-eastern side of Bolton Avenue, whilst not individually identical, host a uniformity to the appearance as they incorporate shallow hipped roofs, matching materials and landscaped frontages. However, further along Bolton Avenue either side of these similarly designed properties and to the opposite side of the road, the residential development hosts a mix of designs that incorporate steeper pitched roofs and comprise a variety of materials and detailing.
15. The proposed alterations to the appeal property would significantly alter its appearance and its architectural vernacular would become different to that of the existing row of properties that host similarity to their appearance. However, given the general variety of styles and forms of properties within the street scene, I do not consider the proposed design would be appreciably out of keeping.
16. The property would increase in width at first storey. The roof height would also increase and by creating gable ends, the dwelling would have a large roof. The front two-storey extension would add to the visual size of the property. I do not consider that the overall size and bulk of the upper storeys and front projection would detract from the scale of the existing properties that characterise the area. Furthermore, the resulting development would not be unduly prominent within the street scene. As such, the proposed alterations to the dwelling would visually assimilate successfully within this varied street scene.
17. There are visual gaps between properties that provide views through the development. Whilst these form part of the character of the area the size of these gaps varies. The proposal would reduce the gap at first floor between it and the adjacent property, but this would not be dissimilar to other gaps between properties in the area. Consequently, I do not find that a reduction in the gap between properties would significantly harm the character of the area.
18. The front boundaries in the area are mostly enclosed by low brick walls, fences or hedges/vegetation. Nonetheless there are some examples where taller

boundaries define site frontages. Enclosing the frontage would, to some extent, reduce the open character to this part of the estate. However, I do not consider that this would be to such an extent that would result in a visually harmful diminution of the area's open character.

19. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the property and the area. The proposal would not conflict with Policies DG1 and H14 of the Local Plan, DES.01 of the Neighbourhood Plan and the Borough Wide Design Guide SPD.

Other Matters

20. The Council has referred to an emerging local plan within the Officer's delegated report but has not relied upon any policies it may contain to support its decision. That Plan appears to be at an early stage and would not supersede the existing adopted development plan documents.
21. I have been directed to a policy table within the Council's delegated report in which it has been queried whether this has been completed correctly. Irrespective of this matter the Council has set out its case within other parts of its officer delegated report.

Conclusion

22. Whilst I have found in favour of the appellant in terms of the effect upon character and appearance, this does not overcome the identified harm in relation to the first and second main issues. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR