



Appeal Decision

Site visit made on 1 March 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2022

Appeal Ref: APP/T0355/W/21/3283465

6 Garages & Land on the west side of Sawyers Crescent, Maidenhead, Berkshire SL6 3ND

- 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 Mininder Chopra of Sawyers Crescent Limited against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/03409/FULL, dated 15 December 2020, was refused by notice dated 3 June 2021.
 - The development proposed is the construction of 2 x 2-bedroom semi-detached houses. The garages on site will be demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application by the Council it has adopted a new Development Plan, the Borough Local Plan 2013-2033 (BLP). The BLP has superseded the policies in the Royal Borough of Windsor and Maidenhead Local Plan. Both parties were able to comment on this change, which I have taken into account in my decision. I have therefore determined the appeal with the newly adopted policies in mind.

Main Issues

3. The appeal site once formed part of a Royal British Legion clubhouse, much of which has been developed. From my site visit, I saw that the four dwellings approved¹ on the former clubhouse site were substantially complete, though at that time they were not yet occupied.
4. Adopting the format used by both parties, I will refer to these approved dwellings as Units 1 and 2 (adjacent to the appeal site), and Units 3 and 4 (behind the appeal site). I will refer to the proposed dwellings as Houses 1 and 2.
5. Therefore, the main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of future occupiers of proposed Houses 1 and 2, and approved Units 2 and 3, in respect of external space and privacy

¹ LPA reference 18/02352/FULL

Reasons

Character and appearance of the area

6. Sawyers Crescent is a suburban residential environment that consists primarily of two-storey semi-detached and terraced dwellings, most of which are set back from the road and with gaps between buildings. These give the area a reasonably spacious suburban character.
7. The appeal site currently consists of a block of dilapidated single-storey garages, that are unkempt and which appear to be under-utilised. Their appearance has a harmful effect on the character of the street scene and the proposal would replace these garages with two new dwellings.
8. However, the position of Houses 1 and 2 would be very close to the appeal site's rear boundary and to the side of Unit 3, in addition to being close to the side of Unit 2. Although they would not be dissimilar in size and design to the existing dwellings, the close position of Houses 1 and 2 to the existing properties, which would be below the distance in the Royal Borough of Windsor and Maidenhead Borough-Wide Design Guide Supplementary Planning Document 2020 (the SPD) albeit in relation to privacy, would result in an uncharacteristically dense form of development, which would appear cramped and out of place in the street scene.
9. The harmful visual impact of their close proximity would be visible from public viewpoints, including from the road and the adjacent footpath to the side. Therefore, whilst I recognise that the removal of the garages and their replacement with the dwellings would provide some visual benefit, I consider that the cramped nature of the proposal would cause greater harm to the street scene.
10. For these reasons, I conclude that the proposal would harm the character and appearance of the area contrary to Policies QP1 and QP3 of the BLP, which require proposals to make a positive contribution to their location and to enhance its character, including with respect to density. The proposal would similarly be contrary to the requirement in the National Planning Policy Framework (the Framework) that development is sympathetic to the surrounding built environment and has a visually attractive layout.

Living Conditions

11. Houses 1 and 2 would have outdoor space to the side and rear of each property. This would include external bin and cycle storage and a separate garden access. I note that the space within each dwelling is said to be in accordance with the Nationally Described Space Standard.
12. The area is urban in nature with a variety of garden sizes. Nevertheless, in order to provide adequate living conditions for occupiers, the SPD advises that two- and three-bedroom dwellings should have a minimum outdoor space of 55sqm.
13. It is common ground that the proposed gardens are below this size. The point is made by the appellant that because Houses 1 and 2 are two-bed rather than three-bed properties, and given the quality of accommodation and space internally, the proposed dwellings require less external space. I also recognise

that the proposed gardens are broadly rectangular in shape and that their orientation means they would benefit from sunlight.

14. However, by giving one figure for both two- and three-bedroom properties, the SPD does not distinguish between the two sizes of family accommodation in respect of the minimum amount of external space required, which the proposal would fall below.
15. In addition, although Unit 2 currently has a relatively large garden, much of this garden would be used for Houses 1 and 2 instead. Unit 2 is a four-bedroom property, and the proposed arrangement would leave it with a garden much smaller than the SPD's requirement.
16. I recognise that the SPD is guidance rather than policy, but Policy QP3 of the recently adopted BLP requires that new development provides sufficient levels of high-quality private space. Given this, and the guidance in the Framework that future users should have a high standard of living conditions, I consider the shortfall for each property to be significant.
17. Houses 1 and 2 would have two first floor windows to the rear, all of which are proposed to have fixed obscure glazing up to a sill height of 1.7 metres to first floor level, above which they would be clear and openable. The Council is concerned that Unit 3 would suffer from a perceived and actual loss of privacy because of the close proximity of these windows to Unit 3's garden.
18. Some of these windows would serve bathrooms, with the others serving bedrooms which have alternative means of light and outlook to the side. Therefore, notwithstanding the Council's concerns about actual loss of privacy to Unit 3, in my judgement it would be possible to control this by means of a suitably worded condition, were planning permission to be granted.
19. It is common ground that the separation distance between the proposed Houses 1 and 2 and approved Unit 3 is less than that required by the SPD for rear-to-flank relationships. I accept that smaller distances may be acceptable for infill plots such as this and that in an urban area a degree of overlooking is to be expected.
20. However, the proposal would be significantly below the SPD's distance. Whilst this may mirror the current gap between Units 1, 2 and 3, the impact as now proposed on Unit 3 would be greater, because it would affect its rear garden, where there is a greater expectation of privacy.
21. Given the close proximity of the windows, despite their proposed glazing and fixing, their design would result in a harmful perception of overlooking, having an overbearing effect on Unit 3's rear garden. The existence of an openable side window in the adjacent dwelling on Heywood Court Close, which I saw on my visit, and which also faces into Unit 3's garden, adds to this perception.
22. Concern has also been raised that Unit 2's garden would be overlooked by the proposed development. However, I understand that House 1's side window would face the flank wall of Unit 2, rather than directly into its rear garden, meaning that its garden would not suffer a loss of privacy.
23. Nevertheless, in light of the harm that I have found to the living conditions for the future occupiers of proposed Houses 1 and 2, and Unit 2, in respect of

external space, and Unit 3 in respect of its perception of privacy, the proposal would be contrary to Policy QP3 of the BLP, the Framework and the SPD.

Other Matters

24. The Council confirms that it cannot demonstrate a five-year housing land supply, whereas the appellant considers it can, but fails the Framework's Housing Delivery Test.
25. In any event, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
26. The proposal would make a positive contribution to the supply of housing in the area and its future occupants would make positive social and economic contributions. The appellant refers to the existing garages as providing an opportunity for anti-social behaviour and crime, which the proposed re-development would remove, and this would be a further benefit.
27. Furthermore, as required by Framework paragraphs 69 and 120, I give substantial weight to the benefit of using under-utilised brownfield land within an existing settlement, and great weight to the proposal as a small windfall site.
28. However, the proposal is for only two dwellings, and the wider brownfield site is already delivering four dwellings, contributing to supply in the Royal Borough. Given the harm that I have identified, to the character and appearance of the area and to the living conditions of future occupiers, I consider that the adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

29. For the reasons given above, having considered the Development Plan as a whole and all other material considerations, including the Framework, I conclude that the appeal should be dismissed.

Oliver Marigold

INSPECTOR