
Appeal Decision

Site visit made on 29 March 2022 by G Sibley MPLAN MRTPI

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/T0355/D/21/3281209

Queens Head, Windsor Road, Maidenhead, Berkshire SL4 5UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO").
 - The appeal is made by Ms Celeste Vorster against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01724, dated 2 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is application for prior approval for construction of two additional storeys to property with a maximum height of 6.35m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs had been made by Ms Celeste Vorster against the Council of the Royal Borough of Windsor and Maidenhead and is the subject of a separate decision.

Preliminary Matters

4. Schedule 2, Part 1, Class AA of the GPDO allows for the enlargement of a dwellinghouse by construction of additional storeys, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to condition AA.2(3)(a)(ii) and refused prior approval on this basis. This requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
5. The Borough Local Plan 2013 – 2033 (BLP) (2022) was adopted following the submission of the appeal and supersedes the Royal Borough of Windsor and Maidenhead Local Plan (2003). I have been provided with the LP policies relevant to this appeal and both parties have given the opportunity to comment on the change in policy context.
6. The description of the proposal has been taken from the appeal form because the application form stated that the description was within a covering letter.

The description is the same used in the Decision Notice and as such no party should be prejudiced by this.

Main Issues

7. The main issues are whether prior approval should be granted for the proposal having regard to the external appearance of the dwellinghouse and the effect of the proposal on protected species.

Reasons for the Recommendation

External appearance of the dwellinghouse

8. The existing dwelling has a horizontal emphasis which is exaggerated by the width of the dwelling and the relatively shallow ridge height. The site is located in open land between two settlements and there is low-level sporadic development along this road. The open topography of this section of the road means that the buildings are viewed together and are not isolated from one another. This consistent scale positively contributes to the appearance of the area and the relatively low-level development maintains the open, rural appearance along this section of Windsor Road.
9. Whilst the proposal would replicate the fenestration details and the first-floor openings, the height of the additional two storeys would create a significant and contrasting vertical emphasis to the building's characteristic horizontal proportioning. Furthermore, the principal elevation of the extended dwelling would also have an overly stark appearance given the extent of cladding with little design articulation to break up its scale and size.
10. The height of the extended dwelling would be similar to the width of the dwelling. Nevertheless, the shallow roof relates well with the horizontal emphasis and proportions of the dwelling whereas the shallow slope of the roof, that has to be replicated because of the limitations of Class AA, would appear disproportionately shallow for a four-storey dwelling.
11. The building is located close to Windsor Road and the area along the road is flat and open and as a result the extended dwelling would be highly visible from the public realm. The flank walls would be viewed when approaching the dwelling from either direction and given the proposed height of the extended dwelling they would be visible from a significant distance in both directions. Given that windows cannot be inserted into the flank walls of the proposed additional storeys the two flank walls of the enlarged building would present imposing, blank elevations to either side which would exacerbate its discordant scale and form. This would result in an exposed and conspicuous building. Moreover, whilst the site is bound by mature trees and hedgerows the extended building would be significantly taller than these. Subsequently, they would not screen the extended building within the immediate area.
12. Given the consistent scale of the development along Windsor Road, the increase in the height and scale of the extended building and the overt vertical emphasis would contrast starkly with the proportions of the original dwelling as well as the scale and massing of the closest surrounding buildings. Whilst there is an industrial site with large commercial building on Windsor Road there is substantial screening between that site and the appeal site. As a result, they are not viewed alongside the buildings on this section of Windsor Road.

13. The proposal's detailing in terms of fenestration pattern, materials and roof profile would reflect those of the existing building. However, this would not mitigate the harmful effect of the proposed extension upon the external appearance of the building.
14. I accept that upward extensions will by their nature intrinsically increase the height of a dwelling and therefore, an impact is to be expected. However, Class AA has been specifically drafted to ensure upward extensions are not an unqualified permitted development right. Consideration is required to be given to the broad impact of the subsequent external appearance of the dwelling. In this case the proposal would harm the external appearance of the dwelling and the local area, which encompasses properties of a similar height and massing.
15. Therefore, the proposed extension would harm the external appearance of the dwellinghouse and would not comply with condition AA.2(3)(a)(ii) of the GPDO and prior approval should be refused.
16. I have taken account of the requirements of the National Planning Policy Framework (Framework) and the Development Plan only insofar as they relate to the subject matter of the prior approval.

Protected species

17. The Council has referred to a lack of information provided with respect to the potential effect of the proposal on protected species. In this regard, they have highlighted the proposed raised roof. However, based on the site visit the roof appears to be in good condition with enclosed eaves and soffits, which would likely prevent habitats being established. Additionally, the property is in use as a dwelling and there is artificial lighting around the dwelling which can often be disruptive to bats and other protected species.
18. Taking all of this into account, I consider that there is not a reasonable likelihood of protected species being present on the site. Additionally, the proposed work would be limited to the existing footprint of the building and would leave the surrounding land unaffected, meaning that the proposal would have a limited effect on the ecological potential of the wider site.
19. Therefore, the proposal would not lead to harm to a protected species. As such, it would comply with BLP Policy NR2 insofar as it states that development proposals will avoid impacts on habitats and species of principal importance. It would also comply with the Framework and Circular 06/2005 which, amongst other things, collectively seek to conserve and enhance the natural environment.

Conclusion and Recommendation

20. Whilst the proposal would not lead to harm to a protected species, the proposal would not comply with conditions AA.2(3)(a)(ii) of the GPDO and thus prior approval should be refused. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Baxter

INSPECTOR