

Appeal Decision

Site visit made on 17 May 2022 by Max Webb BA(Hons)

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/T0355/D/21/3289697

Jasmin House, The Hatch, Windsor SL4 5UD

- 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 Mr M Alam against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03264, dated 18 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is new additional storey to existing two storey dwelling house consisting of dual pitch roofs.
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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.

Preliminary Matter

3. 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 they 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.

Main Issue

4. The main issue is whether prior approval should be granted for the proposal having regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling located on a cul-de-sac. The properties on this cul-de-sac have individual designs and appearances, however they are all similarly proportioned two-storey dwellings. This conforming scale gives the appearance of the area a sense of coherence. Although the appeal property is quite simple in design, it is well-proportioned

and of a similar scale to the surrounding properties. It therefore contributes positively to the character of the area.

6. The proposal would add an additional storey to the host dwelling. Although the front of the dwelling is relatively simple and the proposal would only extend this design, the additional height would disrupt the proportions of the property, creating a vertical emphasis. This would be to the detriment of the external appearance of the principal elevation of the building. It would also result in the dwelling appearing out of keeping with surrounding properties. Whilst the proposal would not be particularly visible from the main road, it would be highly visible when moving around the cul-de-sac, in the context of the surrounding two-storey properties. Although the dwelling would remain residential in character, the scale would appear dominant compared to the neighbouring premises, which would harm the character and appearance of the locality.
7. The appellant has suggested that Class AA of the GPDO is designed to permit additional storeys and that the Council have given too much weight to their test of harm. Whilst it is true that the intention is for additional storeys to be permitted on properties, this is only if the dwellinghouse has an appropriate external appearance. An assessment of the external appearance of the dwelling is not limited to a consideration of the impact of the development on the subject property itself, but also includes the impact of the resultant dwellinghouse on the locality, which in this case I have found to be harmful.
8. Overall, the proposal would not comply with condition AA.2(3)(a)(ii) of the GPDO and prior approval should be refused. Consideration has been given to the development plan and the National Planning Policy Framework (Framework) only insofar as they are relevant to the subject matter of the prior approval. Although not decisive, the proposal would conflict with Policies QP1 and QP3 of the Local Plan¹, which together require development to contribute positively to the places in which they are located and pay particular regard to height and scale. Likewise, the proposal would go against the aims of principles 7.6 and 10.1 of the Design Guide², which together look to ensure new development reflects and integrates well with the heights and bulk of existing buildings and not appear out of keeping. The proposal would also conflict with the general design policies of the Framework, which seek to promote development that is sympathetic to local character.

Other Matters

9. The Council's second reason for refusal states that no ecological information was submitted with the application and that they cannot be certain that the proposal would not affect a European Protected Species. The appellant suggests that there is no such test within Class AA of the GPDO that refers to this being necessary as part of the prior approval process. However, regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on decision makers to consider whether there is a reasonable likelihood of European Protected Species being present. The Council have raised concerns over the works to the roof and whether this would affect any species of bat. Although I have limited information before me, I do give weight to these concerns and, combined with my observations during the site visit, there is a

¹ Royal Borough of Windsor & Maidenhead Borough Local Plan Version for Adoption (adopted February 2022)

² Royal Borough of Windsor & Maidenhead Borough Wide Design Guide (adopted June 2020)

reasonable likelihood that bats may be present. The appellant has provided no information or evidence to the contrary. As such, and in addition to the findings above, prior approval should be refused.

Conclusion and Recommendation

10. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR