



Appeal Decision

Site visit made on 12 July 2022 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/T0355/D/21/3286137

7 Castle Court, Maidenhead SL6 6DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant 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 Peter Bristow against the decision of the Council of the Royal Borough of Maidenhead and Windsor.
 - The application Ref 21/02193, dated 13 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is described as "the construction of additional storey in materials to match existing. Works include raising brick party walls. Whole party walls are deemed to fall within the meaning of curtilages."
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Decision

1. The appeal is to be 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.

Procedural Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, planning permission is granted 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 concern relates to conditions AA.2(3)(a)(i) and (ii) and it refused prior approval on this basis. This requires consideration of the impact on the amenity of any adjoining premises, including overlooking, privacy and the loss of light and the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
4. The appellant and the Council were given the opportunity to comment on a recent Judgement (CAB Housing Ltd and others v SSLUHC and others [2022] EWHC 208 (Admin)). I have taken account of the comments in reaching this recommendation.
5. Since the Council issued a decision on the application, the new Borough Local Plan 2013-2033 was adopted and a number of policies have been superseded. The Council has provided the new relevant policy and the appellant was given an opportunity to comment.
6. There is a discrepancy in the postcode details of the appeal site used within the submitted documents. I have chosen to include the postcode used in the decision notice and by the appellant in the appeal form.

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 impact on the amenity of any adjoining premises.

Reasons for the Recommendation

8. A Judgement (CAB Housing Ltd and others v SSLUHC and others [2022] EWHC 208 (Admin)) has been made which has clarified that for Class AA proposals the consideration of the external appearance of the dwelling is not limited to the impact on the subject property itself, but also includes impact on neighbouring premises and the locality. Also, it has clarified that the assessment of the impact on amenity is not limited to overlooking, privacy or loss of light. The appellant has submitted three appeal decisions in which an Inspector has taken a narrower interpretation of the GPDO wording, however, these appeal decisions were issued prior to the Judgement being made. I must consider this appeal in light of the recent Judgement.
9. The appeal site is a two-storey, mid-terraced dwelling that forms part of a terrace of five properties on the northern side of the highway. There is an open area in front of the terrace, and parking to the rear. The terrace, including its roofscape, remains largely in its original form and is characterised by a general uniformity. The roofscape is formed by two pitched slopes that accommodate high level, north-facing windows which, in the case of the appeal property and neighbouring dwellings are understood to serve bathroom and landing areas.
10. The proposed additional storey extension would cover the full width of the dwelling and would be setback from the south elevation. The proposed roof would reflect the current roof form and include high level windows that would be set beyond the existing line of high level windows on the wider terrace. The proposed materials would match the host dwelling.

External appearance

11. The large scale of the proposed extension would have a top-heavy appearance that would relate unsympathetically to the character of the appeal dwelling. Even with the proposed setback from the front elevation, the open space in front of the terrace would allow clear public views of the extension, where it would appear as an overly dominant addition to the appeal dwelling. The materials would complement the existing building, however this would not sufficiently mitigate the harm that would arise from its overall design.
12. The large extension would appear as an incongruous intervention on the wider terrace, particularly given its mid-terrace position, and would detract from the sense of uniformity that characterises the group of dwellings. Although there are properties of varying heights in the surrounding area, the proposal would primarily be viewed in the context of the terrace it sits within, where it would feature as a discordant addition within the streetscene.
13. For the above reasons, the proposal would result in unacceptable harm to the external appearance of the dwellinghouse and would conflict with the National Planning Policy Framework (the Framework) requirement to achieve high

quality design that adds to the quality of an area. Although not determinative in this prior approval appeal, the proposal would conflict with the Borough Local Plan 2013-2033, adopted February 2022, specifically Policy QP3 which seeks to ensure development respects and enhances the local character of the environment with particular regard to scale and bulk.

Amenity of any adjoining premises

14. The submitted Daylight and Sunlight Assessment indicates that the proposal would be compliant with BRE guidance both for daylight impacts regarding the high level windows at adjoining premises Nos 5 and 9, and for retaining an acceptable level of sunlight to their rear gardens. As the neighbouring high level windows are understood to serve non-primary accommodation, there would not be an unacceptable impact on the living conditions of the occupants. The neighbouring gardens are already shaded somewhat by the existing terrace, the proposal is not considered to result in any further undue shading.
15. There would be clear views of the proposal from the neighbouring rear gardens, however the setback of the tallest part of the extension from the rear elevation would sufficiently mitigate a harmful visually obtrusive impact. The proposed rear windows would not have a significantly increased level of overlooking compared to the existing first floor windows and so there would not be a harmful effect on the privacy of the neighbouring residents.
16. Concerns have been raised regarding an application for a similar extension at No 3 which, if implemented alongside the appeal scheme, would enclose the high level windows at No 5 and unduly shade the property's rear garden. However, I have no details of the scheme nor the likelihood of it being granted approval. As such, I have taken account of the site at the time of my visit and have considered this appeal on its individual planning circumstances.
17. Overall, the proposed development would not result in a harmful impact on the amenity of the adjoining premises. With regard to living conditions, it would accord with the Framework and Policy QP3 of the Borough Local Plan 2013-2033 which seeks to ensure development has no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties. Nevertheless, the lack of harm identified in respect of the amenity of adjoining premises does not mitigate the harm found against the external appearance of the dwellinghouse as identified above.

Conclusion and Recommendation

18. For the reasons given above, I recommend that the appeal should be dismissed and prior approval should be refused.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR