



Appeal Decisions

Site visit made on 8 August 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal A Ref: APP/T0355/W/21/3285308

19 Ross Road, Maidenhead SL6 2SX

- 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 Mr F Qerkezi against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01024, dated 31 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described on the application form as: 'Construction of 1no. one-bedroom dwelling, 2no. car parking spaces, with entrance porch and associated works to land at the rear of 19 Ross Road'.
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Appeal B Ref: APP/T0355/W/21/3285307

19 Ross Road, Maidenhead SL6 2SX

- 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 Mr F Qerkezi against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02082, dated 5 July 2021, was refused by notice dated 1 September 2021.
 - The development proposed is described on the application form as: 'Proposed 1no. one bedroom dwelling, with entrance porch and associated works to land at 19 Ross Road'.
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Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. The Borough Local Plan 2013-2033 (the BLP) was adopted by the Council in February 2022. The main parties have had the opportunity to make observations upon any relevance of this to the outcome of the appeal.
3. The Council's second reason for refusing the application that is now the subject of Appeal A related to a failure to demonstrate that the level of parking proposed was adequate. However, the Council has confirmed that an updated Parking Note (June 2021), which was submitted in support of the application that is now the subject of Appeal B, has resolved its highways/parking concerns. I shall formulate the appeals' main issues on this basis.

Main Issues

4. The main issue with respect to Appeal A is:
 - The effect upon the character and appearance of the area.

5. The main issues with respect to Appeal B are:

- The effect upon the character and appearance of the area; and
- Whether or not acceptable living conditions would be provided for future occupiers, having particular regard to the availability of private garden space.

Reasons

Character and appearance (Appeals A and B)

6. The appeal property (No 19) occupies a generously sized individual plot and, together with No 17 Ross Road, comprises a semi-detached pair (the pair). Properties nearby are typically semi-detached and often routinely placed in linear or staggered rows. Further, despite the influence of past extensions, properties tend to cover regular rectangular footprints and to be of consistent scale and form. A formal residential character and appearance is thus identifiable. Whilst somewhat irregularly positioned perpendicular to Ross Road, the pair makes a positive contribution to the area by virtue of its sympathetic scale, form and general composition.
7. The proposed dwelling that is the subject of Appeal A, would have a main roof form that respects the existing eaves and ridge heights of the pair. Furthermore, the external-facing materials would match existing, and the sizes and positions of the intended window openings would respect those currently in place. I further note that the front building line followed by neighbouring Nos 21 and 23 Ross Road has guided the positioning of the proposed development relative to the highway.
8. However, a simple rectangular footprint is not proposed. Instead, the site's width constraints have dictated that the proposed dwelling would have an unusually narrow frontage and atypical shape. This is best illustrated by a gable end of differing alignments, which would sit prominently in the streetscene. Contrary to any suggestion made otherwise, the scheme would not be read as clean or cohesive, nor as a sympathetic elongation of the existing building. Moreover, most particularly when experienced from northern vantage points, the proposed dwelling that is the subject of Appeal A would be read and experienced as a cramped and discordant addition to the pair.
9. As regards Appeal B, the proposed dwelling has been designed with a stepped down ridge relative to No 19 and would be of staggered format with inconsistent roof forms and differing building lines. As such, whilst complimentary materials and fenestration are intended, development of unduly cluttered appearance would ensue that would be architecturally unsympathetic to both the pair and its wider surroundings.
10. Whilst the proposal that is the subject of Appeal B would be read as subservient to No 19 by virtue of its stepped down ridge, such a design approach would normally pertain to householder extensions as opposed to proposals for new dwellings. Indeed, guidance specifically geared towards householder development, as contained in the Borough Wide Design Guide (June 2020) (the BWDG), sets out that, amongst other provisions, side extensions should remain subservient to the main building.

11. I have been made aware of a recent planning permission¹ to construct extensions to the side and rear of No 19, which would result in considerable bulk and mass being added (including via a flat-roofed element to the rear). However, these extensions would function as, and be read and experienced as, householder development and, in this context, would not appear as awkward or disjointed. The appeal proposals that are before me differ, not least because, in each case, an additional unit of accommodation is intended in association with convoluted/incongruous design elements. As such, this recent permission does not provide a directly comparable fallback position should either or both appeals fail and is of limited relevance.
12. My attention has also been drawn to development recently permitted² and implemented at No 88 Larchfield Road (No 88), which has involved the construction of a stepped down element to the side and the creation of an additional unit of housing. However, this site does not have a visual relationship to No 19 and differences in specific site and case circumstances apply. For example, No 88 occupied a corner plot and comprised part of a short terrace as opposed to a semi-detached pair. Furthermore, a consistent/regular side elevation/building line was applied for and built. Thus, the works undertaken at No 88 are of limited relevance to my considerations.
13. Whilst other extensions in the local area have also been brought to my attention, none would appear to replicate the specific circumstances that avail in the case of either appeal. In any event and for the avoidance of doubt, each case must be considered upon its own individual merits.
14. I acknowledge that the National Planning Policy Framework (July 2021) (the Framework) promotes flexibility and requires that planning decisions do not prevent or discourage appropriate innovation or change. However, in the case of both appeal schemes, I find that, for reasons that are set out above, inappropriate change would occur.
15. For the above reasons, the proposals that are the subject of Appeals A and B would each cause harm to the character and appearance of the area. The proposals conflict with Policies QP1 and QP3 of the BLP, the Framework and the BWDG in so far as these policies and guidance require that all new developments should positively contribute to the places in which they are located.

Living conditions – availability of private garden space (Appeal B)

16. The BWDG sets out minimum outdoor amenity space size standards for houses. It is the case that a single bedroomed unit is proposed. To my mind, as the private garden space to serve the new dwelling would face predominantly south, a 40 square metre minimum standard applies. Having inspected the site and considered the proposed plans, I am content that adequate private amenity space for future occupiers would be provided. This is particularly when noting that separate bin storage and front garden areas would avail.
17. For the above reasons, having particular regard to the availability of private garden space, acceptable living conditions would be provided for future occupiers. The proposal that is the subject of Appeal B satisfactorily accords with Policy QP3 of the BLP, the Framework and the BWDG in so far as these

¹ 21/03594, granted 1 February 2022

² 20/01841, granted 5 November 2020

policies and guidance require new development to provide sufficient levels of high quality private and public amenity space.

Other Matters

18. I have noted objections/concerns raised by interested parties with respect to matters including highway safety/parking, bin storage arrangements and effects upon the living conditions of neighbouring occupiers. However, as I have found both appeal schemes to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.

Planning Balance

19. The latest Housing Delivery Test results, published 14 January 2022, indicate that recent levels of housing delivery in the Borough have been substantially below the corresponding number of homes required. As such, the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
20. In the case of both appeals, I have identified conflicts with Policies QP1 and QP3 of the Local Plan. Each of these policies has been recently adopted and is consistent with the Framework in so far as it seeks development to be sympathetic to local character. With respect to both appeal schemes, I apportion significant weight to the conflicts I have identified with Policies QP1 and QP3 and to the associated harms that would be caused to the character and appearance of the area.
21. As regards scheme benefits, in the case of both appeals, an additional unit of housing is proposed in an accessible urban location that is not the subject of constraints such as Green Belt or high-risk flood zone designation. It is also likely that a single dwelling would be delivered quickly, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an efficient use of land. Nevertheless, even when acknowledging recent levels of delivery across the Borough, the benefits brought about by a single additional dwelling would be modest and attractive of moderate weight.
22. Having considered the benefits and adverse impacts of each development proposal that is before me, I conclude that the harms and policy conflicts that I have identified would significantly and demonstrably outweigh each proposal's benefits when considered individually and assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply, therefore. Both proposals conflict with the development plan when read as a whole, and material considerations do not lead me to decisions otherwise.

Conclusion

23. For the above reasons, I conclude that both Appeal A and Appeal B should be dismissed.

Andrew Smith

INSPECTOR