



Appeal Decision

Site visit made on 3 March 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/T0355/D/22/3310667

28 Oak Lane, Windsor SL4 5EU

- 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 Anne Cheung against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/01757, dated 28 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and alterations to fenestration at 28 Oak Lane, Windsor SL4 5EU in accordance with the terms of the application, Ref 22/01757, dated 28 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan at 1:500 scale, CHEUNG/PLAN/001 and CHEUNG/PLAN/002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. At paragraph 1.4 of her statement, the appellant agrees to the Council's amended description of the proposal. As it more accurately reflects the scheme, that is what I have used in my formal decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions at 29 Oak Lane ('No 29'), with particular regard to the availability of light.

Reasons

4. The Royal Borough of Windsor and Maidenhead Borough Wide Design Guide Supplementary Planning Document (2020) ('SPD') sets out that residential amenity is an important matter that has a very strong influence on the quality of people's living environments. At Principle 8.3 it states that development should not result in the occupants of neighbouring dwellings suffering a

material loss of daylight and sun access. As an indicator of acceptability, it refers at paragraph 8.13 to the application of a 45 degree rule for two storey extensions, and a 60 degree rule for single storey extensions.

5. The host sits within a terrace of two storey properties on the southern side of Oak Lane. I observed on my visit that many of the houses in this row, and similar terraces nearby, have two storey outriggers, and short rear gardens. This gives the area a fairly tight and dense character and grain.
6. The proposed extension would be sited above the host's rather incongruous flat-roofed rear projection. As a result, the outlook from the nearby first floor bedroom window at No 29, which is already restricted to the left by that property's two storey outrigger, would become more enclosed.
7. The bedroom is served by just that one window, but I have limited evidence regarding the scheme's effect on the availability of light within it. However, I note that the scheme's side wall would not be markedly taller than the top of that window, and that its roof would slope away from the boundary. Additionally, having regard to the sun's trajectory, No 29 is orientated such that the bedroom benefits from a southerly aspect.
8. The impact of the scheme on the first floor window at No 29 would be fairly similar to its impact on the first floor window at 27 Oak Lane, but to which the Council raises no objection. More importantly, as a result of this scheme, the gap to both those first floor windows would be broadly commensurate with other such gaps to windows on the southern side of Oak Lane, and elsewhere in the area.
9. If applied to this proposed first floor extension and No 29's first floor window, the SPD's 45 degree rule would be easily breached. However, having regard to reasonable expectations in this densely developed area, and on the basis of the available evidence, the scheme would not cause such a loss of light to No 29 as to harmfully affect those occupiers' living conditions.
10. Thus, the scheme would not conflict with the requirement in Policy QP3 of the Royal Borough of Windsor and Maidenhead Borough Local Plan 2013-2033 (2022) for high quality design which does not have an unacceptable effect on adjoining properties' amenities in terms of matters including access to sunlight and daylight. Neither would it conflict with the National Planning Policy Framework stance that development shall ensure a high standard of amenity for existing and future users.
11. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition stating that the development shall be carried out in accordance with the approved plans. Finally, in the interests of good design, a condition is necessary requiring that it be faced in materials to match the host.
12. The scheme would not harmfully impact the living conditions at 29 Oak Lane, and having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR