



Appeal Decision

Site visit made on 23 February 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/T0355/D/22/3307161

21 Queens Road, Windsor SL4 3BQ

- 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 Andy and Hazel Nicolson against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02952, dated 1 October 2021, was refused by notice dated 4 August 2022.
 - The development proposed is described as a single storey side extension, x 2 rear L-shaped dormer and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this more accurately describes the elements which require planning consent.

Main Issue

3. The main issue is the effect of the proposal upon the existing building and the character and appearance of the locality, with special attention to the Inner Windsor Conservation Area (CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
5. The appeal site is located along Queens Road, which according to the Inner Windsor Conservation Area Appraisal (INCAA) is located within the 'Minor Streets' which consist of mid-late nineteenth century housing, predominantly of lower hierarchy (compared to 'Major Roads') terraced dwellings on narrow streets with small plots, two storey brick construction with small front gardens. Special features such as chimneys, ridgelines, decorative brickwork relay an authenticity to the functional design along with street furniture and street trees and thin gaps between groups of terraces which afford views to vegetation in rear gardens. The INCAA mentions that area was developed as part of the Victorian/Edwardian expansion of the area, particularly after the introduction of the railway.

6. The use of traditional materials such as timber, brick, and slates along with the similar designs reinforce an architectural integrity, uniformity and authenticity which creates a formal picturesque townscape which along with vegetated front gardens and street trees in the distance visible at opposite ends of Queens Road gives a leafy and distinctive character. I disagree with references in the appellant's Statement of Case (SoC) that the area is not 'distinctive' as their functional construction, materials and authenticity; as these are some of the elements that gives the buildings significance and distinctiveness. In other words, the significance is in their functionality and lower hierarchy, something does not need to be overly ornate or of high status to be distinctive. Whilst on my site visit there were a number of dormer windows and extensions to the rear (some examples better than others) of the main roof, the majority of roof planes of rear wings along this section of Queens Road are uncluttered and authentic to their architectural integrity with unaltered rear wing roof planes being the dominant characteristic of the locality. The INCAA also mentions that negative attributes such as loss of positive features, architectural detailing and use of inappropriate materials is causing dilution of the significance of this CA.
7. The appeal site displays a number of positive qualities which are experienced within the CA, being one of the characteristic end terraced dwellings with a two storey rear wing. The building contains many of the important design elements and original roof forms, large chimneys stacks on main and rear wing and use of original and authentic materials (except uPVC windows) which reinforce its architectural integrity and contribute positively towards the local character, appearance and distinctiveness of the area. The appeal building does contain a rear box dormer type extension which although not ideal, is confined to this roof plane and is set back from the edges of the roof showing some subservience.
8. In undertaking extensions to existing buildings, the Royal Borough of Windsor and Maidenhead Local Plan (LP) Policy QP3 is a design led policy which seeks to achieve sustainable high quality design for new development which reflects the existing character and context of the locality, paying particular attention to historic buildings or features; urban grain; layouts; rhythm; skylines; bulk; massing; and proportion, amongst others. Additionally, LP Policy HE1 is specific to the historic environment which seeks that development preserves or enhances heritage assets and their setting in accordance with the significance of these assets.
9. The existing flat rooved box dormer to the rear of the main roof would be removed and in its place would be a pitched and gabled facing dormer which would then extend into another pitched and gabled dormer that would be located on the roof of the rear wing. The combined dormer roof extensions with two pitches which run into each other overcomplicates this quite functional design, would be large, and would almost remove the entirety of the existing pitched roof of the dwelling along with the rear chimney stack being encapsulated by the extension which has a ridge height equal to the height of the main roof. Given the design of the rear wing as a subservient element of the building which is created by the lower apex, the proposed extension would increase the status of the rear wing and would no longer be subservient, with positive features such as rear chimneys no longer being a positive feature of the rear roof plane, but subsumed by the proposed roof extension. Whilst I agree with the appellant that the principle of the removal of the box dormer would be a positive aspect of the proposal, the replacement much larger

dormer windows are clearly inappropriate due to their large amount of visual bulk and massing to the existing building which would be a dominant and disproportionate addition which does not reflect the positive qualities of the host building or the surrounding locality.

10. I note comments that the applicant seeks that lower weight is given to the proposal as the dormer windows are located to the rear of the property where it is concealed from public view. Section 72 of the PLBCA or the National Planning Policy Framework (The Framework) does not seek to differentiate or give different weights according to where the extension is located. There is also no difference in policy terms in the duty or assessment of a CA in terms of whether it is within the public or private realm. As such, the visibility of the extension from the public realm is not something that would be afforded any greater weight in this circumstance. Whilst I note that according to the appellant that such justifications of not being visible has been used to justify other development, visibility is not the only determinant as to what can affect significance.
11. The applicant's SoC notes that there are examples¹ along the street of very large roof extensions and dormers which are larger than what is proposed in this application. I have not been given any evidence in the appeal submission documents as to the circumstances of these approvals, however in my opinion they do cause harm to the significance of the CA and are not part of the inherent distinctiveness or character of this particular CA. These existing roof extensions at Nos 17 and 19 do however illustrate how dominant these types of extensions are to the existing building and roof form which has resulted in the loss of many architectural details which in turn interferes with the character and appearance of the area, which is particularly listed in the INCAA as problematic and an area requiring improvement.
12. I am therefore not of the same opinion as the applicant's SoC that the limited number of poor roof extensions placed on rear roof pitches are part of the inherent character of the locality. It is clear to me that the current policy position as outlined in LP Policies QP3 and HE1 places an emphasis on subservience, scale, massing and form where the impact to roof forms are an inherent consideration for the placement of dormer roof extensions. The presence of these isolated number of extensions in the locality does not provide adequate justification for further loss of architectural detailing and positive features for detrimental elements to be situated on the appeal building.
13. Turning to the proposed ground floor side extension, the extension would extend to the property boundary and erode the important gap between properties. Whilst I agree with the appellant that contemporary architecture can be acceptable within a historic environment in particular circumstances, it typically requires to be honest in its approach and a good fit for the area where sometimes honest design can also be unsympathetic. Whilst the proposal would cause detriment to important features such as the visual gap, the extension with large rear window, pastiche oversized lintels, brickwork banding and poor window proportion is not honest or a high quality contemporary design which would appear awkward and incongruous in this context. I note application documents for No.15 Queens Road have been submitted, however I am unclear of the relationship given that this is a mid terraced property with no loss in

¹ Numbers 15, 17 and 19 Queens Road; and 13 and 15 Temple Road.

visual gap, unlike the appeal site. The circumstances behind this approval are not analogous to the appeal site.

14. I note comments in the appellant's SoC with regards to a previous application² involving the rear extension and that in their opinion the Council 'took no issue' with the ground floor rear extension. The officer report for this application is included as an appendix to the appellant's SoC, however I can see no reference or discussion from the Council being satisfied that the ground floor extension is appropriate. It is made clear in the Officer report and the Decision Notice that the officer was assessing both the dormer and rear extension and whereby the application as a whole is seen as being detrimental to the policies of the Development Plan and the CA. Whilst in the current application the Council Officer is more explicit with regards to their reasoning for objecting to the ground floor rear extension, I do not see any issues with the transparency in decision making.
15. Assessing the character and appearance of the locality on my site visit, it was evident that considering the area as a whole, the dormer roof extensions combined with the ground floor rear extension gives an overcomplicated, cluttered and discordant appearance to the area that interferes with the positive characteristics of the CA.
16. Taken as a whole, the proposed dormer roof extension and ground floor extension would cause unacceptable detriment towards the architectural authenticity and integrity of the existing building and cause harm towards the character and appearance of the CA. Consequently, the proposal would be contrary to the LP Policies HE1 and QP3 of which have been described previously. I therefore disagree with the applicant's SoC that neutral harm would be caused.
17. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 202 of the Framework. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
18. The applicant has outlined some public benefits of the scheme, such as making optimum use of land, assisting in the provision of homes, and the replacement of uPVC windows for timber windows, and removal of the existing box dormer window. Additionally, to me, the proposed scheme would also result in short term employment opportunities in the construction of the extension; all of which are important planning policy objectives. The removal of the box dormer window was discussed earlier and whilst it could be considered a benefit, any benefit would be overcome by the negative impact of the proposed replacement dormer. When considering the remaining benefits, these benefits may also be present in a more appropriately designed scheme which was more in accordance with the Development Plan and would not justify the harm I have identified.
19. I therefore find that the public benefits would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at

² Council Ref No:21/02952

paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.

20. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Other Matters

21. I note discussion in the appellant's SoC with regards to the adoption of a new local plan which occurred during the course of the application as the appellant contends that the application should have been decided upon the policy that was in place at the time of the submission and that the newly adopted local plan policy should be afforded 'less weight.' Whilst the adoption of a new LP during the determination process is unfortunate, there is no transitional period in the adoption of a new Local Plan and it is the correct approach for the Council to make their judgement and determination upon the adopted plan at the time of the making of the decision rather than the policy position at the time of submission. The policies of the adopted local plan are afforded full weight and replace any existing policies which no longer have any weight as they are superseded. I can see that the appellant has had the opportunity to review the application in light of the new policy position.
22. I note discussion, as well as a component of the reason for refusal that the scheme causes harm to the significance of a non-designated heritage asset where such a determination is afforded additional weight in the balancing exercise as prescribed by Paragraph 203 of the Framework. I can see no explanation of which particular non-designated heritage asset which the Council refer to, although there is mention that the Nineteenth Century dwellings are non-designated heritage assets. The INCAA Map³ notes 'Important non-listed buildings' shaded in orange which reasonably could be seen as non-designated heritage assets, however Queens Road properties are not shaded, and there is no assessment in the Officer's report as to which buildings are to be considered 'non-designated.' Despite this and without prejudice, I have not added weight to the harm caused to non-designated heritage assets, however it is noted that the consideration of non-designated heritage assets would not have changed the outcome of this appeal.

Conclusion

23. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR

³ Page 28 – Map of main features of the conservation area