



Appeal Decisions

Site visit made on 18 April 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal A Ref: APP/T0355/W/22/3305641

39 North Town Road, Windsor and Maidenhead, Maidenhead SL6 7JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Innes against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/00549, dated 25 February 2022, was refused by notice dated 29 June 2022.
 - The development proposed is described as 'New front entrance canopies, single storey wrap-around extensions (front, side and rear), new first floors to no. 39 and no. 41 and construction of x2 new dwellings.'
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Appeal B Ref: APP/T0355/W/22/3313492

39 North Town Road, Windsor and Maidenhead, Maidenhead SL6 7JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Innes against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02329, dated 22 August 2022, was refused by notice dated 22 November 2022.
 - The development proposed is described as 'New front entrance canopies, single storey wrap-around extensions (front, side and rear), new first floors to no. 39 and no. 41 and construction of new dwelling at rear.'
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Decision

1. Appeals A and B are dismissed.

Applications for costs

2. An application for costs in respect of Appeal B was made by Mr Stephen Innes against the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought, in respect of Appeal A, for extensions to existing dwellings and two additional dwellings. With regard to Appeal B, outline permission is sought for extensions to existing dwellings and one additional dwelling. All matters have been reserved for both proposals. Illustrative plans have been submitted with these outline proposals and I have considered them on this basis in these appeals.
4. Policies SP2 and SP3 of the Borough Local Plan (Local Plan) have been cited under the first reason for refusal on the decision notice that relates to Appeal

- A. The Council has, through this appeal process, clarified that this is a drafting error, which has been noted.
5. The appellant, for Appeal A, has submitted a sequential test and information about climate change requirements which did not support the original planning application. The Council has received copies of these documents but has not commented on them in this appeal process. However, this evidence was submitted with a subsequent planning application at the appeal property, and that proposal is subject of Appeal B.
 6. The Council and other interested parties have therefore had an opportunity to comment on this evidence through that application process. Moreover, this evidence does not introduce issues that have not previously been considered in this case. For these reasons, I find that taking this evidence into account in Appeal A would not disadvantage parties who should be consulted on such matters.

Main Issues

7. The main issues in these cases are:
 - In respect of Appeals A and B, the effect of the proposals on the character and appearance of the area.
 - In respect of Appeal A, whether it has been demonstrated that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding; and, whether the proposal would be consistent with climate change requirements, having regard to relevant development plan policies on this matter.

Reasons

Character and Appearance

8. The appeal property comprises two bungalows and the space to the rear of these existing dwellings. These dwellings front a predominantly residential road that has a mix of architectural styles. However, despite this variation, there is consistency in the street scene with dwellings generally having significant street frontages. While there is development to the rear of North Town Road, in the vicinity of the appeal site, this largely comprises small cul-de-sacs, including Green Close, North Town Close and North Green. Consistent with the development on North Town Road, dwellings on these cul-de-sacs generally address their respective streets and as such this pattern of development is a distinct characteristic of this area.
9. Development in this area is close-knit. However, the appeal property has an individual quality, in so much as it bounds the pedestrian access to the school. This school access has a wide green verge. The rear space of the appeal property appears relatively devoid of structures. This space visually combines with the school access to provide glimpsed views, from the street, of the space around the school and the mature trees in and around this school. While this may not be a protected vista or subject to a particular designation, this verdant sense of space is a pleasant contrast from the surrounding dense development and is a positive feature in the area.

10. The illustrative plans for Appeal A show a pair of semi-detached dwellings at the rear of the appeal property. Even with flexibility in proposed scale and retaining some rear garden space for Nos 39 and 41, two proposed dwellings would substantially fill the existing space at the rear of the property. The illustrative plans for Appeal B indicate a single bungalow in this space. Although this would likely result in a smaller mass at the property than proposed under Appeal A, a detached, single storey dwelling would still significantly fill this existing space.
11. Existing dwellings on Green Close are visible from the school access. However, these existing dwellings are significantly further back from the location of the proposed dwellings. Existing structures on Green Close which would roughly align with the proposed dwellings are garages, which due to their low profile helps retain a sense of space in the area. Even if the proposed development resulted in a single storey dwelling at the property, this would likely be considerably higher than the garages on Green Close.
12. While there would be some flexibility, with regards to the siting of the proposed dwelling or dwellings at the rear of the property, this would be limited by the modest scale of the site. Moreover, even if the single storey dwelling was in the southwest corner of the site, the additions would be apparent from the surrounding area. Even with space between the proposed dwellings and Nos 39 and 41, the sizeable new built form would harmfully erode the pleasant existing sense of spaciousness in this part of the street scene.
13. The Council's Design Guide Supplementary Planning Document advises that backland development should, amongst other matters, be subordinate, not harm the character of the local area and relate positively to the existing layout. The new dwellings proposed in Appeals A and B would be accessed by a narrow drive and would be substantially set behind existing dwellings at the appeal property. Consequently, although the facades of the proposed dwellings would be visible in the street, the dwellings would have limited street frontage. As outlined above, dwellings in this area generally have significant street frontages, but this would not be the case with these proposals. In this regard the proposals would appear prominent and would relate poorly to the prevailing layout and pattern of development that characterises the immediate vicinity of the appeal property.
14. It is contended that the garden space and design of the proposed dwellings would reflect surrounding properties and that the proposed dwellings would be subordinate in scale to those fronting North Town Road. Be this as it may, these features would not address the discordant layout of developments proposed in this case. Moreover, given the likely scale of the new dwelling or dwellings, additional soft landscaping would not adequately mitigate the adverse visual impact of the proposals.
15. I have had regard to the Local Housing Assessment conducted by the appellant. While the cul-de-sacs in the area may be a product of backland development, as already identified, dwellings generally front these roads or front North Town Road. This would not be the case with these proposals, and they would be distinctly different in this respect. While there are examples of small housing groups (Nos 56 – 60) and apartment blocks to the south of the appeal property that do not address a road, these are limited examples. Also, the single dwelling at No 5 is a significant distance from the appeal property.

Moreover, these examples to the south are located at sites that do not benefit from the unique qualities evident in the immediate vicinity of the appeal property. Therefore, those examples are not directly comparable to these proposals. This matter has not altered my findings for this reason.

16. Two storey dwellings are a common feature of the area and therefore the principle of extending the dwellings at Nos 39 and 41 upwards would not be at odds with this characteristic of the road. I note the Council's comments in respect to the design of the two extended dwellings related to Appeal A and the apparent contradiction with comments made at the pre-application stage. The Council is not bound by comments made at this stage. This aside, these plans are illustrative only. I am content based on the evidence presented that, through the consideration of reserved matters, this aspect of the proposals could be made acceptable such that it would fit with the prevailing character of North Town Road.
17. Although I have found no harm in respect of the extensions of Nos 39 and 41, for the reasons outlined above, the proposals would have a significant harmful effect on the character and appearance of the area. In this regard the proposals would be contrary to Policy QP3 of the Borough Local Plan (Local Plan). This policy requires new development to contribute towards achieving sustainable high quality design that, amongst other matters, respects and enhances the local, natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features, enclosure and materials.
18. The proposals would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks well designed places.

Flood Risk

19. In respect to areas at risk of flooding, the Framework at paragraph 162, states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with low risk of flooding. The sequential approach should be used in areas known to be at risk.
20. The appeal property is located in Flood Zone 2. The proposal subject of Appeal A was not originally supported by a sequential test. However, this omission was addressed in the subsequent planning application at the appeal property which is subject of Appeal B.
21. This sequential test¹, which is Borough wide, concludes that there are no alternative suitable sites which could accommodate the development that is proposed which are at a lower risk of flooding and considered to be available, deliverable, and developable. No compelling evidence has been submitted which would dispute these findings.
22. Therefore, I conclude on this matter, that in respect of Appeal A, it has been demonstrated that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In this regard the proposal would not conflict with Policy NR1 of the Local Plan. This policy, amongst other matters, states that the sequential test is required for all development in areas at risk of flooding.

¹ Ref: Sequential Test at: Land at 39 to 41 North Town Road Maidenhead

23. The proposal would also not be contrary to the Framework with regards flood risk.

Climate Change

24. Policy SP2 of the Local Plan, regarding climate change, requires that adaptation measures need to be built into all new developments to ensure the sustainable development of housing.
25. The appellant has submitted an energy statement referencing the Council's Interim Sustainability Position Statement on this matter. The energy statement identifies scope for minimising carbon emissions and for energy efficiencies to be achieved on-site. I am content that these measures could be secured by condition.
26. In light of this, I find, in respect of Appeal A, that the proposal would be consistent with climate change requirements, having regard to relevant development plan policies on this matter. The proposal would be consistent with Policy SP2 of the Local Plan. This policy, amongst other matters, states that all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
27. The proposal would also be consistent with the Framework with regards meeting the challenge of climate change.

Planning Balance and Other Matters

28. The Council has not raised concerns about living conditions, highways and ecology, subject to conditions. Developments should not result in harm with regards to these matters and therefore these are neutral factors in these appeals.
29. The proposals would increase the floor space of the existing dwellings and would also result in additional residential units. In this regard the proposals would contribute to the Government's objective to significantly boost the supply of homes. The developments would also add to the mix of homes in the area.
30. The proposals would result in the development of a small windfall site that could be built quickly. The site is also in a built-up area and well related to a range of services and modes of transport. The construction phase would result in economic benefits. The future occupants of the dwellings would also contribute socially and economically to the area. The proposals could improve landscaping at the appeal property, but this benefit would be limited as it would be offset by the appearance of the proposed discordant development in the area. Moreover, other benefits identified above would be limited given the scale of the developments. Even when considered collectively these limited benefits would not outweigh the significant harm that the proposals would have on the character of the area.

31. The appellant asserts that the appeal site is previously developed land. Even if this is the case, although the Framework provides support for as much use as possible of previously developed land, this is except where this would conflict with other policies of the Framework. I have found that these proposals would conflict with the Framework in respect of design. This matter does not weigh in favour of the proposals for this reason.

Conclusion

32. Having regard to the development plan and other material considerations, including the Framework, the appeals should be dismissed.

A J Sutton

INSPECTOR