



Appeal Decision

Site visit made on 25 October 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/T0355/D/23/3320388

1 The Drive, Ray Street, Maidenhead SL6 8PN

- 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 Mohammed Hanif against the decision of The Royal Borough of Windsor and Maidenhead.
 - The application Ref 23/00191, dated 10 March 2023, was refused by notice dated 17 March 2023.
 - The development proposed is Single storey side extension, 1no. rear dormer and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development appearing on the application form differs from that appearing on the Council's decision notice. I have determined this appeal on the basis of the latter description which more accurately describes the works proposed as shown on the submitted drawings.

Main Issue

3. The main issues are (i) whether the development would be acceptable in relation to flood risk and (ii) the effect of the proposal on the character and appearance of the street scene.

Reasons

Character and Appearance

4. No.1 The Drive, Ray Street (No.1) is a mid-late twentieth century single storey semi-detached dwelling that sits, with its dwelling pair, under a simply expressed and symmetrical tiled, hipped roof with small gabled projections at the rear. Located within an area of land surrounded by rear gardens of dwellings which front surrounding streets, the appeal site and its dwelling pair are accessed from Ray Street by an urban lane (The Drive) which also provides service access to the rear of a line of neighbourhood shops on Bridge Road. Neither the approach to No.1 nor its setting is typical of the surrounding suburban area. Lacking street frontage, the appeal site is not widely apparent except at close quarters and from the rear of surrounding dwellings in Ray Street, Ray Park Lane and Lassell Gardens. On that basis, although with little opportunity to impact upon the street scene found in these roads, the proposed

works would be plainly visible from many viewpoints including the surrounding houses.

5. The proposed upper floor level would be achieved by the addition of a bulky dormer to the rear and side of the existing roof, leaving only the front section of roof in its original form albeit extended to the side as a sloping flank to the proposed side dormer. The resultant roof form would be dominated by this complex wrap-around addition into which the original simple hipped roof form would be entirely subsumed. This extensive roof addition would be obtrusive and overbearing, visually incompatible with the prevailing simple roof forms of the dwelling pair. Notwithstanding its relatively discreet location, it would fall significantly short of objectives for good design set out in national and local policy.
6. I therefore conclude that the proposal would conflict with Principle 7.7 of the Windsor and Maidenhead Borough Wide Design Guide (2020) (BWDG), which requires that development should not introduce roof forms which diverge from prevailing character and, therefore, the proposal is in conflict with Policy QP3 of The Royal Windsor and Maidenhead Borough Local Plan 2022 (BLP) which pursues high quality design principles.

Flood Risk

7. The original application was not accompanied by a flood risk assessment; however, it is not disputed that the appeal site lies within an area that is designated Flood Zone 3a where there is a 'high probability' of flooding, that has historically been subject to flooding but is now benefitting from flood defence measures. The proposals are for development which is of 'more vulnerable' classification and, by its nature, cannot meet the sequential test so falls to be considered against the exception test¹, consequently requiring a site-specific flood risk assessment (FRA).
8. The appellant has submitted² a flood risk assessment³ provided with a previous planning application⁴ for the development of a new dwelling on garden land immediately adjacent No.1. Putting to one side that this FRA is not site-specific in that what is proposed relates additions to an existing and not a new-build dwelling, recommendations of that document point to a minimum floor level for the (then) proposed development⁵ in order to address the risk of flooding. However, I have nothing before me to relate that suggested minimum floor level to the current proposal. Neither existing nor proposed ground floor levels are provided, and it is also possible, as a result, that submitted drawings may not reflect the effect of meeting that requirement. Consequently, although the Council have suggested in the event of this appeal being allowed, a condition be attached that the recommendations of the FRA be implemented, such a condition would neither be precise nor enforceable, as paragraph 56 of the Framework requires.
9. I therefore conclude that the requirements of the exception test are not met as the appellant has failed to demonstrate that the development will be safe for its

¹ NPPF #163

² With this appeal

³ Prepared by WtFR Ltd and dated 1 February 2018

⁴ Refused and appeal dismissed Ref: 3276226

⁵ 24.46mAOD

lifetime as paragraphs 164,165 and 167 of the Framework sets out. On that basis the proposal would conflict with Policy NR1 of the BLP.

10. I have concluded the proposal would conflict with the development plan in relation to flood risk and its objectives for high quality design. I have noted the representations of the appellant but the benefit of additional accommodation when that accommodation not been demonstrated to be resilient to flood risk, cannot outweigh the harms identified. In consequence, taking into account all matters raised, the appeal cannot succeed.

Andrew Boughton

INSPECTOR