



Appeal Decision

Site visit made on 22 February 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/T0355/W/23/3328533

Thames House, 17 Marlow Road, Maidenhead, SL6 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Barker (Barker Homes (Maidenhead) Ltd) against the decision of the Royal Borough of Windsor and Maidenhead Council.
 - The application Ref is 23/00556.
 - The development proposed is for a two-storey roof extension to part of the building to form 27 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building. For development to be permitted it must satisfy the limitations set out at paragraph AA.1 and the conditions at AA.2. The conditions at AA.2 require developers to apply to the local planning authority for their prior approval in relation to a number of specified matters, set out at sub-paragraphs 'a to l'.
3. The Council has not referenced any development plan policies within its reasons for refusal. However, for the avoidance of doubt, I have not decided this appeal on the basis of the duty in s38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph B of Part 20 sets out the procedure for prior approvals and requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework). I have considered the appeal on the same basis.

Main Issues

4. The main issues are whether prior approval should be granted for the proposed development with particular regard to: (i) Part 20, Class A paragraph AA.2 (1)(e) relating to the external appearance of the building; (ii) Part 20, Class A paragraph AA.2 (1)(g) relating to the amenity of neighbouring residents, with particular regard to loss of light; and (iii) the nationally described space standards.

Reasons

External Appearance

5. Paragraph AA.2 (1)(e) of Part 20 of the GDPO outlines that consideration must be given to the external appearance of the building, including the design and architectural features of the principal elevation and any side elevation that fronts a highway.
6. In this instance, Thames House is of a red brick construction with grey fenestration and roof detailing. The proposed two-storey extension would reflect some of the design features of the existing building, including the use of pillars and similar window features. Nevertheless, when considered as a whole, the proposed extension would look highly incongruous with the rest of the building as a result of it being predominantly formed of grey cladding. This difference in design would greatly detract from, and erode, the harmony of the existing building's appearance and would look unattractive when viewed as part of the overall street scene.
7. I acknowledge that the design seeks to draw upon the appearance of nearby structures, including Marlow House immediately adjacent. However, Thames House is significantly larger than that building, and in my view the harm associated with the discordant design is therefore much greater. In addition, the proposal would only introduce an additional two storeys on part of the building. This would result in the completed building looking quite lopsided which would not be pleasing to the eye. The harm would be further exacerbated by the fact that the building is already a highly prominent and visible feature, being at a junction of roads.
8. The CAB Housing Ltd judgment¹ confirmed that the control of external appearance is not limited to the impact on the subject building itself, but also includes impact on neighbouring premises and the locality. Therefore, the harm that I have identified would also extend to the immediate surrounding area. In particular, the appeal site is close to the boundary of the Castle Hill, Maidenhead Conservation Area. Its significance is partly derived from the large residential dwellings that are present, set within spacious plots. Thames House is visible from the rear of the dwellings on Castle Hill and so the proposal would not preserve the setting of the Conservation Area, thereby causing harm to the significance of a designated heritage asset.
9. I therefore find that the proposal would have an unacceptable and harmful effect on the external appearance of the building, in conflict with paragraph AA.2(3)(e) of Class AA of Part 20 of Schedule 2 of the GPDO.

Amenity

10. Thames House is in close proximity to several residential properties which have windows facing the building, including apartments within Marlow House and houses on the south side of The Crescent.
11. The appellant submitted a report by Richard W Staig (May 2023) which seeks to analyse the effect of the proposed development on the amount of daylight and sunlight reaching those properties. Page 7 of the report identifies that several of the windows associated with flats in Marlow House would not meet

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

the BRE criteria for sunlight. Indeed, the first paragraph of page 3 confirms that there would be a discernible effect to some windows. These findings are at odds with the overall conclusion of the report which states that the effect upon daylight and sunlight would be acceptable. Furthermore, the analysis seems to be limited to flats on the ground and third floors of that building, and therefore I cannot be certain that the impact on flats on other floors would be acceptable.

12. On this basis, I find that the proposed development would have a harmful effect on the amenity of neighbouring residents, in conflict with paragraph AA.2(3)(g) of Class AA of Part 20 of Schedule 2 of the GPDO.

Space Standards

13. Article 3 of the GDPO sets out that any new dwellinghouse permitted under those rights must meet the nationally described space standards. Part of the requirements for one-bedroom properties is to provide a minimum of 1m² of storage space. In order to address this issue, the appellant has submitted amended plans that identify sufficient storage space for all proposed apartments. However, in doing so, the width of the bedroom in Flat 11 would be less than the minimum standard of 2.15m. Furthermore, one of the bedrooms in Flat 4 would also fall below this standard.
14. While in each case the deficit below the minimum standard would be fairly small, the standards in themselves are not overly generous and so these bedrooms would likely feel cramped and unpleasant.
15. As such, I find that the proposed development would result in harm by not meeting the nationally described space standards as required by the GDPO.

Conclusion

16. For the reasons given above the appeal is dismissed.

C Butcher

INSPECTOR