



Appeal Decision

Site visit made on 24 October 2023 by Ms S Maur MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2024

Appeal Ref: APP/T0355/D/23/3317975

3 The Chase, Windsor and Maidenhead, Ascot SL5 7UJ

- 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 Kalkwarf Architects against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/03190, dated 25 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is a part single and part double storey rear extension to existing house with glazed entrance link between the main house and existing garage. New stair access to garage loft space to be converted into a playroom with kitchenette and bathroom. New entrance gates to front boundary with an entrance courtyard to the glazed link. Associated hard landscaping to the rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

3. The main issues are the effect of the proposal on the character and appearance of the host dwelling and surrounding area and the living conditions of the neighbouring occupants of 2 The Chase with particular regard to privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a large 2.5 storey detached dwelling with a first-floor balcony and a single storey outrigger. The dwelling has a hipped roof form and a rendered façade. Although modern, the property also exhibits period style fenestration and detailing, including an entrance portico and sash windows with muntin bars. There is a detached double garage set back and off to the side of the dwelling. The property sits within a spacious plot that benefits from numerous mature and semi-mature trees that are subject to a Tree Preservation Order (TPO). The surrounding area is low-density residential, with properties that demonstrate a similar scale and style with some variations in design.
5. The proposed rear extension would extend the depth of the dwelling from the existing outrigger to the garage, which would be a minimal increase in depth and would meet the existing rear building line. Although the proposal seeks to infill from this to extend to the whole width of the dwelling, given the large size of the host plot and the surrounding properties, the depth of the proposal alone would not result in a loss of spaciousness. However, this depth in combination with the proposed height of the extension, which would extend right under the existing eaves, the rear extension would appear as a bulky and dominant addition to the host dwelling.
6. The design of the extension, with flat roof, render and large areas of glazing would also be in marked contrast to the traditional, and somewhat ornate style of the existing architecture. The proposal would obscure the rear elevation of the dwelling, resulting in a loss of architectural detailing. Moreover, the large area of flat roof would contrast with the steep pitched roofs of the main dwelling and garage. Consequently, the proposed rear extension and alterations would significantly detract from the appearance of the host dwelling.
7. Furthermore, an extension of this design and scale would not respect or enhance the local environment, which is characterised by modern dwellings with traditional form and features. Consequently, the proposal would conflict with the Council's Borough Wide Design Guide SPG 2020 (SPG), which sets out that development should respond positively to the form, architectural style and detailing of the original building.
8. Whilst there would be limited visibility of the proposed extension from neighbouring properties and the public realm, this does not negate the requirement to achieve high quality design as required by local and national policy.
9. Although 5 The Chase exhibits a flat roof rear extension with contemporary windows, it is only one storey and has a significantly smaller projection than the appeal proposal. It incorporates a lot less glazing in comparison to the proposal before me and does not dominate the rear façade. The flat roof extension at 6 The Chase is set in from the first floor and substantially from the sides of the property, with the first-floor element set in from the ground floor. Furthermore, that permission was granted in 2010 and was therefore assessed against a different policy context. There is a two-storey extension at Springfield Lodge, however this is substantially smaller in scale than the appeal proposal and the design respects the original house.

10. Consequently, these other examples do not have a comparable impact on the character and appearance of the respective dwellings or the local area to the appeal scheme, and do not justify the harm I have identified.
11. The protected trees in the rear garden make a positive contribution to the character and appearance of the area. From my visit, it was apparent that there would be a sufficient distance between the proposal and the root protection areas and tree canopies to allow for construction without direct harm to the trees. However, there is potential for indirect impacts including through storage and movement of machinery and materials. Such impacts could however be addressed by a condition if the scheme were otherwise acceptable.
12. The Council has raised no concerns in respect of the entrance gates to the front. From my observations, I have no reason to disagree with the Council on this matter. The solar panels would be of a sustainable design and form and not be readily visible. The single storey link, enclosure and associated works would also not be readily visible due to their small scale. The garage loft conversion has an existing certificate of lawfulness and the changes to the elevations would be minor. Therefore, these elements would not harm the character and appearance of the host dwelling or the area.
13. While some elements of the proposal would be acceptable, for the reasons detailed above the proposed rear extension and roof terrace would harm the character and appearance of the host dwelling and the surrounding area. Accordingly, the proposal would be contrary to Policy QP3 of Borough Local Plan 2013-2033 (Local Plan) insofar as it requires high quality design. However, the proposal would meet the criteria for Policy NR3 of the Local Plan which expects proposals to protect and retain trees.

Living Conditions

14. When viewed from the existing balcony of the host dwelling, the garden of No 2 is currently screened by dense vegetation and the forward projecting neighbouring garage.
15. The proposed balcony would project further to the rear than the existing and its size would allow for people to sit out on this elevated platform. The size and position would offer the opportunity for views into the neighbouring garden which are not currently possible, and even greater overlooking if the vegetation were to be removed or reduced.
16. The Chase is a low density development where dwellings are well spaced out and mutual overlooking is limited, even with small balconies such as that permitted at Springmead Lodge. Consequently, the additional overlooking from the proposed roof terrace would result in an unacceptable reduction in privacy to No 2, to the detriment of the living conditions of the occupants.
17. The proposal would therefore conflict with Local Plan Policy QP3 criteria l and m which expect development to protect amenity and private space, and the SPD insofar as it relates to erosion of privacy.

Other Matters

18. I have noted the concerns raised about the handling of the application in terms of communication and processes, and it is unfortunate that the appellant was not made aware of the TPO at an earlier stage. However, I have found that any

harm in that respect could be mitigated by a planning condition. These matters are not therefore fundamental to the planning merits of the case and do not affect my conclusions on the appeal.

Conclusion and Recommendation

19. Subject to conditions, the proposed alterations to the appeal property would not cause harm to protected trees. Some elements of the proposal would also be acceptable. However, these elements do not outweigh the harm that would result from the proposed rear extension in terms of the character and appearance of the host dwelling and surrounding area and the living conditions of the occupants in the neighbouring property.
20. Consequently, the proposal would conflict with the development plan read as a whole and there are no material considerations that justify granting permission. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and conclusion set out above. While some elements of the proposal would not be harmful in respect of the main issues, this lack of harm is a neutral matter which does not outweigh the harm that would result from the rear extension and roof terrace. Therefore, on that basis the appeal is dismissed.

L McKay

INSPECTOR