

---

# Appeal Decision

Site visit made on 17 June 2024

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> July 2024**

---

**Appeal Ref: APP/T0355/W/24/3338510**  
**91 & 93 Vansittart Road, Windsor SL4 5DD**

- 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 Messrs Harrison and Mason against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 23/02346, dated 19 September 2023, was refused by notice dated 27 November 2023.
  - The development proposed is the construction of part single and part two storey extensions to two adjoining dwellinghouses.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the occupiers of the host properties in relation to outlook and light.

## Reasons

### *Character and appearance*

3. The proposal is for two very similar rear extensions to Nos 91 and 93, a pair of semi-detached Victorian villas facing the western side of Vansittart Road. The pair of traditional villas each has a two-storey outrigger to the rear, with No 93 also having a single storey extension to the rear of its outrigger. This latter would be demolished, and the existing two storey outrigger of each property would be extended by a further 5.2 m. In addition, in each case the area between the two-storey extension and the common boundary between the two properties would be infilled with a single storey extension. In one case this would have a flat roof, in the other it would be pitched.
4. The properties sit in the middle of a row of five pairs of semi-detached houses, Nos 83 to 101, all similar traditional Victorian villas with outriggers. Most have been extended to the rear with a variety of single and two storey extensions, but these are not seen from any public viewpoints as the properties back onto the grounds of a private school. Indeed, with narrow fenced rear gardens and some tree cover the extensions cannot be easily viewed from the neighbouring

rear gardens either. With only narrow gaps between the pairs of houses the rear extensions cannot be clearly seen from the road.

5. The extensions would more than double the length of the original outriggers and would be slightly longer than most in the row, only that to No 83 to the north being the same length. However, the difference, for example with that of the adjacent property No 95, would be marginal. Given their pitched roofs similar to the existing outriggers, construction with suitably matching materials and private location, not visible from the public domain, the extensions would not detract from the character and appearance of the area as maintained by the Council. The proposal would thus comply with Policy QP3 of the Windsor and Maidenhead Borough Local Plan 2022 (the WMBLP) which requires new development to respect and enhance local character, paying particular regard to urban grain, scale, bulk, massing and proportions.

#### *Living conditions*

6. Taking each extension individually, the ground floor element would run for nearly 9 m along the common boundary with the neighbouring property and the first-floor element above would be set back by just 1.7 m or so from the common boundary. This would significantly restrict the outlook from and light entering the rear facing ground floor window of the adjacent property which in each case serves a living room. The outlook from the rear facing bedroom 2 window would also be restricted but not significantly. In this way the extension behind No 93 would have an undue impact on the living conditions of the occupiers of No 91 and vice versa.
7. It is appreciated that the proposal is for both properties to be extended in the same way so that this impact would be avoided. However, the proposal as submitted shows the two extensions could be built independently of each other, there being no common party wall. In this way one extension could be built without the other leading to the amenity concern explained above.
8. No legal agreement ensuring that both extensions would be built has been submitted and a condition requiring the construction of both extensions would be unreasonable and hence unenforceable. The current joint application does not therefore overcome the previous refusal of individual separate applications for the two extensions.
9. The two semi-detached properties on either side of the application site – No 95 next to No 93 and No 89 next to No 91 – both have side facing windows which would lose some outlook and light as a result of the extensions. However, these windows serve kitchens which are not main habitable rooms and thus the impact would be acceptable. These properties also have rear facing windows which in No 95 serve a sunroom and bedroom, and in No 89 a dining room and bathroom. The effect on these would be minimal.
10. In addition to a rear facing window, the rear extension of No 91 would include a side facing bedroom window overlooking the single storey rear extension of No 89. This would have an oblique view at close quarters over the patio/rear garden immediately behind the property where privacy is most expected. This would result in an undue loss of privacy for the occupiers of No 89. However, the appellant has confirmed that they would accept a condition requiring this secondary bedroom window to be obscure glazed and non-opening and this would overcome the concern.

11. Therefore, whilst the effect on neighbouring properties would be acceptable, without a means to secure the implementation of both extensions, and thus on the possibility that only one will be built, the proposal could significantly harm the living conditions of the other property in relation to the loss of outlook and light from a living room. This would conflict with WMBLP Policy QP3 which requires development to have no unacceptable effect on the amenities enjoyed by adjoining occupants in terms of light.

### **Conclusion**

12. The pair of extensions would not detract from the character and appearance of the area but there would be an unacceptable impact on the living conditions of the adjacent occupier if only one extension is built. The appeal should therefore be dismissed.

*David Reed*

INSPECTOR