

Appeal Decision

Site visit made on 4 September 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/T0355/W/24/3343300

11 Ricardo Road, Old Windsor, Windsor SL4 2NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Navdeep & Rajinder Boparai against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/03059.
 - The application sought planning permission for part two storey part single storey front/side extension, first floor rear extension and alterations to fenestration following demolition of existing elements without complying with a condition attached to planning permission Ref 23/01450, dated 28 September 2023.
 - The condition in dispute is No 5 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed below. Approved Plan Reference Numbers: Location Plan - site outlined in red, version no.: n/a, received on 14 June 2023; D01, version no.: n/a, received on 21 September 2023; D02, version no.: A, received on 21 September 2023; D03, version no.: A, received on 21 September 2023; D04, version no.: A, received on 21 September 2023; D05, version no.: A, received on 21 September 2023; D06, version no.: A, received on 21 September 2023.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the approved particulars and plans.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey part single storey front/side extension, first floor rear extension and alterations to fenestration following demolition of existing elements at 11 Ricardo Road, Old Windsor, Windsor SL4 2NU in accordance with the terms of the application Ref 23/03059, without compliance with condition number 5 previously imposed on planning permission Ref 23/01450 dated 28 September 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from 28 September 2023.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos; D11, D12, D13, D14, D05 and D16.

- 3) The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The first-floor windows in the flank elevations of the extension shall be of a permanently fixed, non-opening design, with the exception of an opening top light that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the windows shall not be altered.
- 5) A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- B) The Development shall take place in accordance with the WSI approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Background and Main Issue

2. The approved plans show that there would be a part two storey part single storey front/side extension, a first-floor rear extension together with alterations to fenestration following the demolition of existing elements at the appeal site. The appellant seeks to revise the scheme by increasing the depth of the first-floor element of the rear extension by one metre while also reducing the depth of the ground floor element of the rear extension. They have provided the following amended plans; D11, D12, D13, D14, D05 and D16.
3. The main issue is whether retention of condition 5 is necessary having regard to the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within an established residential area comprising a mix of house types including detached and semi-detached houses and bungalows.
5. The appeal property comprises a detached dwelling that sits comfortably on its plot in a row of similar properties. I observed that many properties, including the properties on either side of the appeal property, have had two storey extensions added. As a result, first floor extensions are a common feature of the area that influence the character and appearance of the area.
6. As outlined, planning permission has already been granted which includes a two-storey rear extension. Although this proposal would involve an increase in depth of one metre in comparison to the approved scheme, given the existing context, the proposal would be in keeping with the existing dwelling and adjacent properties and would not appear over dominant.
7. The proposed extension would be visible from surrounding roads, but again, it would be seen within the context of existing extensions and although the proposal would introduce new built form and would extend beyond the rear elevations of the neighbouring dwellings, it would not appear incongruous or overly prominent in the street scene. Consequently, the proposed development would respect the local character of the area and the scale, bulk, massing, proportions, and materials would be compatible with the host property and the wider area.
8. I therefore conclude that the retention of condition 5 is not necessary as, for the reasons set out above, the proposed amendments to the scheme would not harm the character and appearance of the host building or the wider area. As a result, the proposal would accord with Policy QP3 of the Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-2033 which among other things sets out that new development will be expected to contribute towards achieving sustainable high-quality design which respects and enhances the local character.
9. Moreover, the proposal would also accord with the National Planning Policy Framework (the Framework) which seeks to ensure that development proposals are sympathetic to local character. It follows that the proposal would also accord with Principle 10.1 of the Royal Borough of Windsor & Maidenhead Borough Wide Design Guide 25 June 2020 which seeks to ensure that extensions are subordinate and respond positively to the form, scale and architectural style and materials of the original building and that over dominant development will be resisted.

Conditions

10. By allowing this appeal a new planning permission is created. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
11. As it would appear the development has not already started it is necessary for me to attach the commencement of development condition which is the same time scale as the original approval.

12. A condition is needed to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area and proper planning it is necessary to impose conditions to require the use of appropriate materials. To protect the living conditions of neighbours it is necessary to impose a condition to ensure appropriately designed obscure glazed windows are installed in the first-floor flank elevations.
13. To protect any archaeological remains a condition is necessary. Although part of that condition may have been discharged, I have limited information before me about the status of the condition imposed on the original planning permission. Accordingly, I shall impose it as originally drafted and if part of it has already in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

14. For the reasons given above I conclude that the proposal to vary the original permission would not conflict with the development plan and therefore the appeal should be allowed. I will therefore grant a new planning permission with all the changes as shown on the revised plans and subject to the specified planning conditions.

S Rawle

INSPECTOR