



Appeal Decision

Site visit made on 5 September 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/T0355/W/24/3342112

Elmgrove House, 48 Castle Hill, Maidenhead SL6 4JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Bertram (Gareth Bertram Ltd) against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/01558.
 - The development proposed is demolition of the existing dwelling and garage and erection of two detached dwellings with access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and garage and erection of two detached dwellings with access, parking and amenity space at Elmgrove House, 48 Castle Hill, Maidenhead, SL6 4JW in accordance with the terms of the application, Ref 23/01558, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal process, in a deed dated 20 September 2024. Both parties have provided supporting evidence regarding its effectiveness, and I have taken their comments into account.
3. The Council adopted a Sustainability Supplementary Planning Document (SPD) in July 2024, which took effect on 1 September 2024. This supersedes the interim Position Statement on Sustainability and Energy Efficient Design dated March 2021 and the Sustainable Design and Construction SPD 2009 referred to in Policy SP2 of the Local Plan¹.
4. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. On the same date, the Secretary of State made a written ministerial statement entitled 'Building the homes we need'.
5. Both parties have had the opportunity to comment on the implications of the 2024 Sustainability SPD, the written ministerial statement and the proposed changes to the Framework, and I have taken those comments received into account.

¹ Royal Borough of Windsor and Maidenhead Borough Local Plan 2013-2033, adopted 2022

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area, with particular regard to whether it would preserve or enhance the character or appearance of the Castle Hill Conservation Area,
- the effect on biodiversity, and
- whether suitable measures would be included to adapt to and mitigate the effects of climate change.

Reasons

Character and Appearance

7. The appeal site currently contains a detached house dating from the late 1920s/early 1930s, according to historic mapping included in the Planning, Heritage and Design and Access Statement. It is constructed in red brick with plain clay tiles and incorporates features typical of the era, such as the double bay, tile hung windows on the front elevation and the simple but well-articulated decorative brick courses around the gables. The plot is elevated above Castle Hill, behind a densely vegetated bank and there is also tree and shrub planting along the boundary with the railway. This vegetation screens much of the existing dwelling, but the upper floor and roof are visible in the street scene, particularly from the elevated street opposite.
8. The site is within the Castle Hill Conservation Area, the significance of which includes a succession of late Georgian/Regency villas in a linear layout. These include several fronting Castle Hill near the appeal site. They are detached and semi-detached villas, often with symmetrical and simple, elegant elevations. Opposite is a collection of Victorian/Edwardian villas behind a row of trees, complementing the Georgian/Regency properties, which are also in leafy plots.
9. The reasons for refusal did not explicitly refer to demolition of the existing dwelling. However, the Council's Statement of Case describes the existing building as having a positive role in the Conservation Area and states that its loss would be harmful. While the appellant disputes that this is consistent with the Committee's deliberations when determining the application, he has had the opportunity to respond. Mindful of my statutory obligation under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have considered the effect of the development as a whole on the Conservation Area, including demolition of the existing building.
10. Elmgrove House was constructed in the grounds of an earlier residential manor of the same name, but in larger grounds. It appears that the two buildings stood side by side for a short period. However, the manor house has since been replaced by modern infill development and its grounds have been further sub-divided.
11. The existing dwelling makes some positive contribution to the character and appearance of the Conservation Area, inasmuch as its architectural detailing and position reveal a particular phase in development around the earlier manor. However, other than the rearward alignment of the access, there is little indication on the ground that it was once part of a larger historic

property. The Conservation Area boundary bisects the earlier, more extensive grounds. As such, based on the evidence before me, there is little indication that the extent of the older manor was a determining factor when the Conservation Area was designated, and the scale of the current plot does not clearly contribute to the significance of the designated heritage asset.

12. The proposed dwellings would be broadly consistent with the scale and spacing of dwellings along Castle Hill, including the Georigan/Regency villas. They would sit slightly forward of the established dwellings, but not intrusively so, and the leafy context provided by the boundary vegetation would be retained. While there would be less space alongside the railway, the railway line is in a deep cutting which would continue to provide a significant level of separation between buildings to either side of it.
13. The two dwellings would have the same footprint and overall volume, but the detailing and roof forms would differ. In any case, dwellings of similar appearance are found elsewhere in the street scene and there is no clear imperative for each dwelling to be unique. The proposed design responds to its context, by including detailing reminiscent of the existing dwelling, such as the double-height bay window and arched porch. Subject to the use of appropriate external materials, the dwellings would perform a similarly positive role within the street scene.
14. The private road at the rear already serves several properties, including the appeal site. It is well screened behind the existing dwellings, and the garden and boundary features break up the extent of hard surfacing. The proposed access and parking arrangements would be consistent with these existing surroundings and would not harm the character and appearance of the area.
15. Considering the development as a whole, including both the demolition of the existing building and the dwellings which are proposed in replacement, the overall effect on the Conservation Area would be neutral. I therefore conclude, for the reasons given above, that the proposed development would not be harmful to the character and appearance of the area, and that the character and appearance of the Castle Hill Conservation Area would be preserved.
16. There would be no conflict with Policies QP3 and HE1 of the Local Plan which amongst other things require that development proposals preserve or enhance the character, appearance and function of heritage assets and their settings, and respect the significance of the historic environment. Nor would the proposal conflict with relevant paragraphs in Section 16 of the Framework, Conserving and Enhancing the Historic Environment. Having concluded that there would be no harm to the significance of the designated heritage asset, there is no need for me to apply the test in paragraph 208 of the Framework. Nevertheless, the public benefits of the proposal are relevant to the overall planning balance, to which I return below.

Biodiversity

17. The application pre-dates the introduction of a statutory requirement for biodiversity net gain on small sites. However, Policy NR2 of the Local Plan requires amongst other things that development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. No minimum percentage is specified, but the policy is clear that a measurable net gain should be demonstrated.

18. While one of the proposed dwellings would be on the footprint of the existing building, the other would occupy land currently within the garden. Therefore, the amount of vegetated garden would be reduced. A biodiversity net gain (BNG) calculation was submitted with the application, using the DEFRA metric applicable at that time. Although this initial calculation demonstrated a net gain, it was revised in response to advice from the Council's Ecologist that net gains associated with new trees in a domestic garden should be excluded, since they cannot be adequately secured over a 30 year period. The revised calculation indicates a net loss of 0.02 habitat units, which in the context of this small site amounts to just over 8%, and the trading rules embedded in the metric would not be satisfied.
19. While some mitigation and enhancement measures are included in the Preliminary Ecological Appraisal², off-site BNG would be required to achieve the net gain required by Policy NR2. The UU accordingly provides for payment of a financial contribution into the Council's BNG Offset Fund, which is described in the UU as a ring-fenced fund for the sole purpose of funding long-term conservation projects in the Borough, to deliver off-site BNG.
20. The Council considers that this would address the third reason for refusal. Nevertheless, it is necessary for me to consider whether the UU would meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations), which require that a planning obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
21. The Council's Officer Report explains that the BNG Offset Contribution is based on a tariff, paid in proportion to the shortfall in habitat units. However, neither the Officer Report nor the UU includes any further evidence to justify the sum of £40,000 per habitat unit. Although the 2024 Sustainability SPD refers to an intention to establish a scheme for off-site BNG, no details are included. Neither Policy NR2 nor the Sustainability SPD specifically mention a BNG Offset Fund and there is no evidence before me detailing how the fund operates, whether there are any current projects which would deliver the BNG requirement arising from this development, or what arrangements are in place for delivering, managing and monitoring such projects.
22. In the absence of such evidence, I cannot be confident that the BNG Offset Contribution would be effective in achieving the measurable net gain required in Policy NR2. Nor has it been demonstrated that it would fairly and reasonably relate in scale and kind to the development proposed, since the basis for calculation of the required sum is somewhat opaque. Therefore, it has not been demonstrated that the planning obligation meets all three tests in the CIL Regulations. As such, based on the evidence before me, the UU cannot lawfully be taken into account.
23. That being the case, based on the evidence before me I conclude that there would be a net loss of biodiversity, conflicting with Policy NR2. This would, to a more limited extent, be inconsistent with Paragraph 180 of the Framework, which requires that planning decisions should contribute to and enhance the national and local environment by, amongst other things, minimising impacts

² LUS Ecology Preliminary Ecological Appraisal dated 20 June 2023

on and providing net gains for biodiversity. However, the Framework does not require that a measurable net gain must be delivered in every individual case.

Climate Change

24. Policy SP2 of the Local Plan requires that all developments demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Specific measures are listed in four categories relating to design and layout on site. Part 3 of Policy SP2 also requires developers to refer to a Sustainable Design and Construction SPD or successor documents, which in this case comprises the Sustainability SPD adopted in July 2024.
25. While Policy SP2 does not explicitly include a requirement for net zero carbon development, it does include a clear expectation that development will maximise its contribution to climate change adaptation and mitigation, as well as requiring that the guidance in the Sustainability SPD is followed. In turn, the Sustainability SPD includes a requirement for a Sustainability and Energy Statement demonstrating how the development would minimise emissions on site, with any residual emissions to be offset by means of a financial contribution to the Council's Carbon Offset Fund.
26. An Energy Statement³ was included with the application, setting out measures to maximise energy efficiency, covering similar principles to those included in the subsequently adopted Sustainability SPD. Since these do not achieve net zero emissions, the UU provides for a financial contribution to the Carbon Offset Fund. However, this would be based on a calculation set out in the now superseded interim Position Statement on Sustainability and Energy Efficient Design, which included both a Buildings Emission Contribution and a Lifestyle Contribution.
27. The Sustainability SPD no longer includes a requirement for a Lifestyle Contribution and the Buildings Emission Contribution is now based on a carbon price which differs substantially from the figure used in the interim Position Statement. Consequently, the financial contribution in the UU is based on guidance which is no longer applicable. As such, the evidence does not confirm that the amount specified is necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the proposed development. Therefore, while I recognise that the Council considers the UU would address the second reason for refusal, it has not been demonstrated to comply with the provisions of the CIL regulations and cannot lawfully be taken into account.
28. However, the measures detailed in the Energy Statement respond positively to the requirements in Policy SP2. They include measures to make use of low embodied energy materials. While loss of embodied carbon due to demolition of the existing building is not clearly considered, the appellant has submitted evidence of structural defects, in a Structural Engineer's letter⁴ which advises that that the building is a potential danger and unsuitable for occupation in its present condition. As such, there is little certainty that it could realistically be retained and brought up to current energy efficiency standards. Overall, the approach is in line with the SPD requirement that, for minor developments, embodied carbon should be considered and reduced where possible.

³ Easy EPC Energy Statement dated September 2023,

⁴ Ironwood Structural Design Ltd letter dated 16 May 2021

29. Taking all the above considerations into account, I conclude that the proposed development would incorporate suitable measures to adapt to and mitigate the effects of climate change. While there would be some limited conflict with the Sustainability SPD, on the basis that the Carbon Offset contribution cannot lawfully be secured through the UU, the development would not otherwise conflict with Policy SP2 of the Local Plan, as summarised above.

Other Considerations

30. The Bat Survey⁵ concludes that the existing dwelling hosts a day/summer roost of low conservation significance for a low number of common pipistrelle bats. As such, a licence for development works affecting bats would need to be obtained from Natural England, for derogation from the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) before development could commence.
31. The Bat Survey details proposed measures to ensure that bats are not harmed and that replacement roosting sites are provided. Having had regard to my duties under Regulations 9(1) and 9(3) of the Regulations and considered the three tests in Article 16(1) of the Habitat Directive, together with the proposed mitigation and compensation measures, I have no reason to doubt that a licence would be issued. Accordingly, this is a matter which could be addressed by means of a planning condition, which is the approach recommended by the Council in the event that the appeal is allowed.
32. The Council did not allege any harm to the setting of 9 Castle Hill Terrace, a Grade II listed building immediately to the west of the railway line. The significance of this detached villa derives from its age and architectural detailing. It is set back within a mature garden, clearly separated from the appeal site by the intervening railway cutting, and there is very limited intervisibility between the two sites. Having considered the development and visited the site, I concur that the appeal proposal would preserve the listed building, its setting and its significance as a designated heritage asset.
33. While the existing dwelling is vacant, it is a long-established two storey house with first floor windows on all four elevations and the proposed dwellings would have a similar relationship with those on neighbouring plots. The staircase and bathroom windows could be obscure glazed, to avoid a direct view into the adjacent dwelling. As such, there would not be any material loss of privacy for neighbouring properties, compared to the existing layout. Nor would the introduction of one additional dwelling within this established residential area cause unreasonable noise or disturbance for neighbouring occupiers.
34. There would be a small increase in use of the private road. However, this is already used to access several properties, including the appeal site. Adequate parking would be provided for each dwelling. Subject to the conditions below, the access and parking arrangements would be acceptable and would not be unacceptably harmful to living conditions for occupiers of neighbouring properties. Arrangements for maintenance or repair of the private road would be a matter to be resolved between the relevant landowners.

⁵ Urban Tree Experts Ecological Survey Report (Bats), dated 28 August 2022 (sic), including details of surveys undertaken July and August 2023

35. Network Rail has confirmed that no objection is raised, while highlighting that the developer will need to engage with them regarding the construction process. The conditions below include measures to mitigate the effect of increased hardstanding on surface water run-off. Suitable arrangements for drainage would otherwise be secured through the Building Regulations. Any disruption during construction could be adequately managed through the conditions set out below.
36. The Officer Report confirms that the internal layout, external amenity areas and level of natural daylight for future occupiers would meet required local standards. While the gardens would be smaller than the existing plot, they would provide adequate, private outdoor space for each dwelling.
37. The proposal would provide a net increase of one dwelling, as well as replacing an existing dwelling which is currently vacant. Therefore, it would make a small but positive contribution to the supply of housing land. More efficient use would be made of a small site in an urban area, with good access to services and facilities. As such, additional housing would be delivered in a location which is suitable in principle and would contribute to the Government's objective of significantly boosting the supply of homes.
38. Modern energy efficiency measures would be implemented. While these do not go beyond the requirements of Development Plan, the likelihood is that there would be an overall enhancement in energy efficiency during occupation of the dwellings, compared to what could realistically be achieved if the existing building were retained.

Planning Balance

39. According to the appellant's evidence, the Council is unable to demonstrate an adequate supply of deliverable housing land. A supply of around 4.7-4.8 years is quoted based on the Council's July 2023 Five Year Housing Land Supply Position Statement and subsequent evidence presented by the Council through the appeal process⁶, indicating a modest shortfall against a five-year requirement. The Council has not presented any contrary or updated evidence on this matter. On that basis, paragraph 11d of the Framework is relevant and, having concluded that there would be no harm to heritage assets, this requires application of the test in paragraph 11dii.
40. The loss of biodiversity would conflict with the development plan and to a more limited extent with the Framework, for the reasons given above. However, the absolute loss of habitat units would be small. The proposed tree planting would provide some level of compensation, albeit not secured for the long term. On that basis, I have given the harm to biodiversity modest weight.
41. The benefits of the proposal carry similarly modest weight, taking into account the apparently limited shortfall against the five year requirement, and that only a single additional dwelling would be added to the housing land supply.
42. Since the level of harm and the level of benefit carry similar weight, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal benefits from the

⁶ Royal Borough of Windsor & Maidenhead Proof of Evidence dated February 2024, in relation to appeal ref APP/T0355/W/23/3333831

presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

43. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. I have also included some additional conditions, for reasons stated below. The parties have had the opportunity to comment on the conditions, where they materially differ from those proposed by the Council.
44. I have included a condition requiring compliance with the approved plans in the interests of certainty.
45. As explained above, Condition 3 is necessary to ensure that a licence is secured for development works affecting bats, prior to demolition of the existing dwelling. Condition 4 is required to secure retention and protection of existing trees in the interests of the character and appearance of the Conservation Area. Since the trees to be retained are not clearly detailed on the application drawings, I have modified the Council's suggested wording to ensure a sufficient level of precision. Condition 5 would secure approval of, and compliance with, a Construction Method Statement, to manage the effects of demolition and construction on living conditions for nearby residents, users of the private road and the adjacent railway line.
46. Conditions 3, 4 and 5 are necessarily pre-commencement conditions, so that the initial demolition works proceed in accordance with the required details and the appellant has confirmed agreement to the imposition of these pre-commencement conditions if the appeal is allowed.
47. The plans do not specify the intended floor levels with sufficient precision, bearing in mind the site's elevated position. I have therefore imposed condition 6 to ensure that the dwellings relate satisfactorily to nearby buildings in the Conservation Area. Condition 7 requiring approval of the external materials is also necessary in the interests of the character and appearance of the Conservation Area.
48. Condition 8 is required to safeguard future occupiers from the effects of railway noise and condition 9 would ensure satisfactory implementation of the proposed energy efficiency measures in the Energy Statement. Conditions 10, 11 and 12 would ensure that suitable arrangements are made for parking, cycle parking and refuse collection.
49. Conditions 13 and 14 would ensure that suitable soft landscaping is provided, incorporating measures for ecological mitigation and enhancement, and that a precautionary approach is taken during construction, to mitigate the effect on protected species and minimise the loss of biodiversity. Condition 15 would mitigate the effect of additional hard surfaces on surface water run-off. Condition 16 was recommended by the Council's Environmental Protection Team, in light of the site's proximity to the railway line, which is a potentially contaminative land use. I concur that a requirement for any unexpected contamination to be addressed is necessary to make the development acceptable in planning terms.

50. Finally, conditions 17 and 18 are necessary to ensure that side-facing windows do not harmfully interfere with the privacy of future occupiers or occupiers of neighbouring dwellings.

Conclusion

51. For the above reasons, I conclude that the conflict with the development plan relating to one aspect of the proposed development is outweighed by other relevant material considerations, notably the presumption in favour of sustainable development as defined in the Framework. Therefore, the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below.
 - 001: Location & Block Plan
 - 004: Proposed Location & Block Plan
 - 004-2: Proposed Location & Block Plan
 - 004-3: Block Plan, Proposed Auto Tracking
 - 005: Proposed Ground Floor Plan
 - 006: Proposed First Floor Plan
 - 007: Proposed Elevations
 - 008: Elevations
- 3) No works hereby permitted shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to and approved in writing by the Local Planning Authority. Thereafter any mitigation measures approved in the licence shall be implemented and maintained in accordance with the approved details. Should conditions at the site for bats change and/or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the

retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours;
 - evidence that any required consent or guidance has been sought and obtained from Network Rail Asset Protection and details of the measures to be followed in accordance with such consent or guidance during implementation of the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development other than demolition shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings, in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 7) No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- 8) Prior to commencement of the development above slab level, details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against railway noise, together with details of the methods of providing ventilation to habitable rooms, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 9) Prior to occupation of the development, details of the air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details and in accordance with the details set out in the Energy Statement dated September 2023.
- 10) No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the

approved drawings. The spaces shall thereafter be kept available for parking and turning in association with the development.

- 11) No part of the development shall be occupied until cycle parking/storage facilities have been provided in accordance with the details as shown on the approved plans. These facilities shall thereafter be kept available for the parking/storage of cycles in association with the development.
- 12) No part of the development shall be occupied until refuse bin storage areas and recycling facilities have been provided in accordance with the details shown on the approved plans. These facilities shall always be kept available for use in association with the development.
- 13) Prior to the first occupation of the dwellings hereby permitted, a landscaping scheme for the site, incorporating ecological mitigation and enhancement measures as recommended in the LUS Ecology Preliminary Ecological Appraisal dated 20 June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) The precautionary measures and working methods detailed in section 5 of the LUS Ecology Preliminary Ecological Appraisal dated 20 June 2023 shall be observed throughout the demolition of the existing dwelling and construction of the dwellings hereby permitted.
- 15) New hard surfaces at the site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
- 16) In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.
- 17) The first floor windows in the east facing elevations of the buildings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level and fitted with obscure glass and the window shall not be altered.
- 18) No further windows shall be inserted at first floor level in the first floor side facing elevations of the buildings.

END