



Appeal Decision

Site visit made on 18 December 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/T0355/D/24/3349294

20 South View, Eton Wick Road, Eton Wick, Windsor SL4 6PF

- 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 Marianne Lunn against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application ref. is 24/00882.
 - The development sought is the replacement and increase in height of the roof and conversion of building from garage to ancillary accommodation in connection with the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement and increase in height of the roof and conversion of the building from garage to ancillary accommodation in connection with the main dwelling, in accordance with the terms of a planning application dated 9 April 2024 and subject to the following conditions;
 - 1) The development hereby permitted shall be carried out in strict accordance with the approved plans numbered as follows: DWL 01a, DWL 01b, DWL 02, DWL 03a and DWL 03b, as set out on the Council's Notice of Decision dated 27 June 2024.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as 20 South View.
 - 3) The development hereby permitted shall not be occupied until the windows in the north elevation and east elevation are fitted with obscured glazing. Thereafter they shall be permanently retained with obscured glazing.

Costs Application

2. An application for a full award of costs was made by Marianne Lunn against the Royal Borough of Windsor and Maidenhead Council and this is the subject of a separate decision.

Procedural Matters

3. On the appellant's planning application form the description of development was "works to a pre-existing outbuilding, facilitating the creation of an ancillary C3 space, and incidental to the main dwelling". I have used the wording from the Council's decision letter in the box heading above and in the formal decision

because it is more specific and I noted that in section E of the appeal form the appellant has indicated that the description of the development has not changed and she has used the Council's Decision Notice wording in any event.

4. The development sought has already taken place although the appellant indicates that the outbuilding is not yet used for ancillary residential occupation and that the interior layout does not yet accord with the drawings.

Main Issues

5. I consider the main issues in the appeal to be
 - whether the outbuilding is or would be tantamount to a separate self-contained dwellinghouse
 - the effect of the development on the character and appearance of the surrounding properties and area
 - whether there is sufficient information on which to assess the flood risk of the development
6. Given my finding on issue 1, issues relating to vehicular access, the requirements of biodiversity net gain, sustainability and climate change are all matters that I consider under the heading of 'Other Matters'.

Reasons

Whether the outbuilding would be tantamount to a separate self-contained dwelling

7. The appeal site is a two storey, semi-detached dwelling on the northern side of Eton Wick Road. It is part of a ribbon of housing along the north side of Eton Wick Road. To its rear is a dwelling known as South View Cottage and also a housing development laid out around a series of cul-de-sacs. No.1 Bunces Close is part of the housing development.
8. There is an accessway to the west side of the plot (shown as outside the red line application site). This provides vehicular access to South View Cottage and to the former garage. To the west of the access is a field.
9. The appeal site property has a rear rectangular garden with a single storey building to its rear. There is a fence across the rear garden with a gate in it (roughly dividing the garden in half) but there is no door in the south elevation of the outbuilding and no ability to walk round to the door in the northern elevation of the outbuilding because of perimeter fencing.
10. The appellant indicates that this single storey building was formerly a garage with a garage door, high level windows and a shallow dual pitched roof. There is a vehicular accessway to the west side of the plot as noted in the paragraph 8 above but it is not included as part of the red-lined application site nor is it shown edged blue as being within the appellant's control. Nevertheless, the appellant states that the garage "is accessed via a drive that runs along the side of the plot...".

11. The submitted plans show the interior is intended to have a small bedroom, a shower/WC room and a separate sitting area.
12. The appellant also indicates that she has replaced the shallow-pitched roof of the garage with a new flat roof. The walls of the building have been increased in height and the new roof is about 0.4m taller than the pre-existing roof. The outbuilding is finished in timber-style cladding. The overall height of the building as shown on the plans is about 2.68m with an overhanging flat roof.
13. There is a door and a window in the northern elevation, a window in the east elevation (towards the garden of no.19 South View), and two windows in the south elevation facing the main dwelling.
14. As a matter of fact and degree, a separate planning unit with a separate self-contained C3 dwelling on it has not been created. A distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day-to-day private domestic existence (following *Gravesham Borough Council v. Secretary of State for Environment* (1984) 47 P&CR 142). There are no cooking facilities, and the plans indicate that no cooking facilities are intended to be provided. Day-to-day private domestic existence cannot be supported without cooking facilities/kitchen facilities. Any future occupant of the outbuilding would have to rely on some of the facilities in main dwelling in order to occupy the outbuilding as living accommodation. A functional link would exist. All occupants of the plot would effectively be living as a single household.
15. Furthermore, I do not regard the fact that access to the outbuilding has to be attained via the accessway rather than through the main dwelling rear garden as fatal, on its own or cumulatively with the other factors. In this case, the outbuilding has previously been a domestic garage occupied as incidental to the main dwelling notwithstanding that it is located at the northern end of the rear garden. It was necessary to walk along the accessway to and from the main dwelling in order to use it. Its use was incidental to the enjoyment of the dwelling. Furthermore, the land on which the outbuilding is situated and the main house plot are in the same ownership.
16. For the reasons above, taken together, the outbuilding is not and would not be tantamount to a separate self-contained C3 dwellinghouse on its own new planning unit.

Character and appearance

17. The development consisting of the increase in height of the walls, the construction of a flat roof, external cladding, the blocking up of some windows, the insertion of windows in different positions and the insertion of a front door does not in my view harm the character or appearance of the surrounding properties or the area. The raised roof is not an inappropriate, overbearing or dominant height (at about 2.68m) and its flat roof profile would be in keeping with a typical outbuilding or annexe incidental to a main dwelling. The cladding would not be visually out of keeping with an ancillary annexe or intrinsically unattractive. The materials used are not unsympathetic and overall I would not describe the design as poor.
18. On this issue, I conclude that the development does not unduly harm the character or appearance of the surrounding properties or the area. It would not

be contrary to the NPPF 2024 or policy QP3 of the Borough Local Plan 2013-2033 (adopted 2022) 'LP'.

Flood Risk

19. Whilst the development envisages sleeping accommodation ancillary to the main dwelling, the footprint of the outbuilding is not any larger than when it was put to its previous uses as domestic storage and as a domestic garage. The hardstanding is also no larger. The changes to fenestration, roof design and the addition of cladding do not have any adverse implications in terms of flood risk.
20. On this issue, for those reasons, I conclude that there is sufficient information on which to conclude that there is no increase in flood risk on or off site as a result of the development. Policy NR1 of the LP would not be breached nor the NPPF 2024.

Other Matters

21. The Council has raised the issue of whether there is a right of access to the outbuilding and whether there is any parking for the outbuilding. However, these issues have been raised on the basis that the development has created a separate self-contained dwellinghouse and as I have found that not to be the case I do not consider those issues to be relevant and I do not consider there to be any breach of LP policy IF2.
22. Similarly, there are no adverse implications for biodiversity or climate change or sustainability as a result of the development and consequently those issues are not ones which lead me to refuse planning permission in this case. I do not consider there to be any breach of LP policies SP2, EP1 or NR2 or the Council's Interim Sustainability Position Statement (2021).
23. I turn to the possibility of unacceptable impacts on the living conditions of surrounding occupants of nearby dwellings from the proposed alterations to the building and its proposed use as accommodation ancillary to the main residential use of the dwelling. The plans show the insertion of a door in the northern elevation and the insertion of a window very close to the door, also in the northern elevation. The northern elevation looks onto the rear elevation and rear conservatory and patio of no.1 Bunces Close. Those features are on slightly higher land than the outbuilding.
24. In terms of privacy of the occupants of no.1 Bunces Close I consider that a planning condition which required the window to be obscurely glazed would sufficiently mitigate for loss of privacy. When using the front door to access and exit the building, I consider that the fencing and land levels would be sufficient to avoid an unacceptable degree of overlooking of the occupants of no.1 when in their dwelling or rear garden area. The increased level of noise and activity at the outbuilding if it was used as a residential annexe with door/fenestration as planned would not be sufficient in my view to sustain an objection on those land use issues. A window in the east elevation could be required to be obscurely glazed so that there was no unacceptable loss of privacy for the occupants of no.18 South View. I note that the Council is in agreement with me on these matters.

Conditions

25. The Council suggested some planning conditions in the event that the appeal was successful. I have considered those in the light of Planning Practice Guidance. For the avoidance of doubt, I have imposed a condition tying the development to the submitted plans. In order to protect the living conditions of neighbours there is a condition which requires obscured glazing in the north elevation and east elevation windows. In this particular case I have imposed a condition stating that the outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as 20 South View. This is to prevent the outbuilding from being used as a self contained separate dwelling house as that would result in an unsatisfactory living environment for occupiers of both the existing house and the new development. In this case the description of development refers to the outbuilding being ancillary accommodation, however, I consider the condition is necessary in this case so that there is the option for a breach of condition notice to be issued by the Council in the event that enforcement measures were needed and expedient.

Conclusion

26. I conclude that the proposal would not harm the character or appearance of the area, would not increase flood risk and would not, with suitable planning conditions, harm the living conditions of nearby neighbours by reason of loss of privacy or undue noise or light disturbance. The proposal would not be contrary to policies QP3, NR1, IF2, NR2, EP1 or SP2 of the LP or the Council's Interim Sustainability Position Statement (2021).

Overall Conclusion

27. Having considered all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.
Inspector