



Appeal Decision

Site visit made on 9 December 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/T0355/W/24/3348050

Id, Vanwall Road, Maidenhead, Windsor and Maidenhead SL6 4UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Schneck (Mountley Ltd) against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00970.
 - The development proposed is prior notification requirement under Part MA of the GPDO for the change of use of Class E space to form 54 apartments.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the change of use of Class E space to form 53 apartments at Id, Vanwall Road, Maidenhead, Windsor and Maidenhead SL6 4UB in accordance with the application 24/00970 and the details submitted with it comprising plan nos. jw1194-100 rev A, jw1194-106 rev B, jw1194-107 rev C, jw1194-108 rev B, subject to the conditions set out in the Order and those set out in the attached schedule.

Application for costs

2. The appellant has sought an application for an award of costs against the Royal Borough of Windsor and Maidenhead. This is the subject of a separate decision.

Preliminary Matters

3. The site address has been expressed in various forms in differing documentation. I have used the site address given on the application forms in my decision here. In allowing the appeal, I have used the description of development given on the application form with modifications to the number of flats to reflect amended plans.
4. Amended plans were provided with the appeal that removed reference to a replacement cycle store and refuse store. The plans also made corrections to the floor plans including a reduction in the number of units from 54 to 53 and the conversion of a ground floor unit to internal cycle parking. These plans were provided to the Council during the course of the application although it declined to accept these amendments. The Council claims not to have received these plans in relation to this appeal, however I am satisfied that they have been provided with copies them given that they were submitted previously. Further, the application

form did not seek approval for the cycle store and refuse store components of the scheme and this was confined to the approval for 54/53 apartments.

5. Therefore these amendments can be accepted without prejudice to either party, having regard to the Wheatcroft principle and *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin), as there is no substantial difference or a fundamental change to the application.

Main Issues

6. The main issues are:

- 1) whether the size of the flats proposed conforms with the Nationally Described Space Standard (NDSS), and
- 2) whether the transport impacts of the proposed development would be acceptable.

Reasons

Nationally Described Space Standard

7. All of the proposed flats have a floorspace in excess of 37 square metres. The bedroom sizes are all sufficient for a minimum of 1 bedroom 1 person accommodation with bedrooms of 7.5 square metres or greater whilst 1 bedroom 2 person accommodation have bedrooms of 11.5 square metres or greater. Some flats are 2 bedroom however these also meet the NDSS standards.
8. Sufficient storage space of a minimum of 0.5 square metres is provided for all the flats and the bedrooms achieve the minimum widths in at least one dimension.
9. Sections for the building have not been provided however it is quite apparent from the building's construction that this is a modern office building and is not subject to areas that would be under sloped roofs or suffer from restricted head height.
10. I therefore find that the proposal would equal or exceed the requirements set out in the NDSS.

Transport impacts

11. MA.2(2a) of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) requires determination as to whether the prior approval of the authority will be required as to transport impacts of the development, particularly to ensure safe site access.
12. The Council has expressed an objection to the proposed provision of cycle parking. However, the amended plans indicate a large area would be given over to storage for 48 bicycles within the building and although this is slightly less than one per unit, this makes sufficient provision for the future occupants. Ample car parking is otherwise available within the site and the overall premises is accessed by way of a modern access to Vanwall Road.

Other Matters

13. I have had regard to the comment of a neighbour regarding the suitability of offices to be converted to residential use and overlooking. However, the conversion of offices to residential is granted permission by Government Order and the principle

of this is not open for assessment in this appeal. Due to the separation between the building and neighbouring residential properties, there is unlikely to be a material increase in overlooking.

14. Reference to the detached cycle store has been removed from this proposal, notwithstanding that this was never sought by the applicant, and therefore is no longer under consideration. I have not considered this matter any further here.

Conditions

15. Development under Class MA is permitted subject to conditions at Paragraphs MA.2.(5) and (6) which include that the development must be completed within a period of 3 years starting with the prior approval date; and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
16. In addition to the above, I have considered conditions suggested by the Council. A condition relating to noise attenuation in the interests of the living conditions of the occupants is required. As a pre-commencement condition, the appellant has been consulted on this condition to comply with S100ZA of the Act.
17. A further condition is imposed to secure cycle parking but as these details are shown on the plans, no further detail is required as was suggested by the Council.
18. Finally, there is a requirement for details of a parking management plan and refuse storage arrangements to ensure the development operates in a satisfactory manner in the interest of the future occupants living conditions.

Conclusion

19. For the reasons given above the appeal should be allowed and prior approval should be granted.

N Bowden

INSPECTOR

Schedule of conditions¹

- 1) No development shall take place until details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the use commences and shall be retained maintained in good working order at all times.
- 2) No part of the development shall be occupied until the covered and secure cycle parking facilities shown on plan jw1194-106 rev B have been provided. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.
- 3) The residential units shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces are to be managed for residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.
- 4) Prior to first occupation, full details of the proposed and fully enclosed refuse storage shall be submitted to and approved in writing by the local planning authority. Such details shall include appropriate provision for refuse, recycling and food waste and demonstrates how the store would be ventilated and accessible for all residents. The waste and recycling storage shall be provided in accordance with the details approved and made available for use prior to occupation of the development and maintained thereafter.

End of schedule

¹ In addition to the standard conditions set out at Paragraphs MA.2. (5) and (6) of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)