
Appeal Decision

Site visit made on 16 December 2024

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/T0355/D/24/3348430

18 Penn Road, Datchet, Slough, Windsor and Maidenhead SL3 9HT

- 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 P. Singh against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00582.
 - The development proposed is part single part first floor part two storey side/rear extension with undercroft, relocation of front entrance door, alteration to existing roof and fenestration and widening of the existing dropped kerb following demolition of existing elements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Appeal Form and the Council's Decision Notice as it is more accurate than in the Application Form.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the host dwelling and the street scene.
 - the living conditions of the occupiers of 20 Penn Road with regard to outlook; and
 - flood risk with particular regard to the absence of flood mitigation measures.

Reasons

Character and Appearance

4. The appeal site relates to a two-storey detached dwelling with a single storey side and rear extension, and a detached garage. The property features a gable front design with a pitched roof. Penn Road contains two storey houses of varying age, scale and design. There are also blocks of three storey flats opposite the appeal site facing New Road and two storey flats to the southwest of the site.
5. Certain elements of the proposal such as the matching fenestration and materials would be complementary to the existing building. The additional amount of proposed floorspace would be proportionate to the existing dwelling. However, the proposal would result in an overly narrow ground floor frontage to Penn Road with a large gap next to it, while the first floor would span almost the entire width of the

site. Therefore, the massing, design and position of the proposed extension would not be a harmonious but jarring and intrusive addition and alteration to the existing building.

6. While the proposal would consolidate previous piecemeal additions to, and improve the existing internal layout of, the appeal building, it would not enhance its external character and appearance due to the top-heavy massing of the proposed extension and the unsympathetic alterations to the ground floor.
7. Despite the variety of houses in Penn Road they are generally visually well balanced and cohesive in design. The proposal, on the other hand, with its undercroft feature, excessively narrow ground floor presence to Penn Road and expansive first floor frontage, would appear incongruous and anomalous within the street scene. The front door would also be repositioned to the north side elevation which is uncharacteristic of the detached dwellings on the east side of Penn Road.
8. In addition, the appeal property sits forward of the properties to either side of it. The property next to 20 Penn Road also follows a similar building line, being set back from the highway with a front garden. In contrast, the appeal property sits close to the highway. Consequently, the incongruity of the proposal would be further exacerbated by its prominent position in the street.
9. For the reasons given, I conclude that the proposed development would significantly harm the character and appearance of the host dwelling and the street scene. It would conflict with Policy QP3 of the Borough Local Plan (February 2022) (BLP) insofar as it requires development to achieve high quality design and respect local character, paying regard to rhythm, bulk, massing, and proportions.
10. It would also not comply with the Principle 10.1 of the Borough Wide Design Guide Supplementary Planning Document (SPD) which requires extensions to respond positively to the form, scale and architectural style of the original building.

Living Conditions

11. The appeal site is adjoined to the northeast by 20 Penn Road which comprises a two-storey detached dwelling set back further from the highway than the appeal building with a driveway to the side.
12. Principle 10.3 of the SPD relates to side extensions and advises a minimum gap of 1 metre between the building and the side boundary. The proposed extension would be sited at a distance of 1.2 metres from the side boundary so would comply with the SPD in this respect. The proposal would also comply with the 45-degree rule as set out in Principle 8.2 of the SPD. However, this does not represent acceptability of the proposal with regard to outlook. Paragraphs 8.5-8.6 the SPD advises that residents should be able to enjoy good quality outlook to the external environment from habitable rooms without adjacent buildings and walls being overbearing or visually intrusive.
13. The proposed first floor extension would be approximately 15 metres in length and would run parallel with the shared boundary. Due to its proximity and forward position in relation to the front elevation No 20, along with its height and massing, the proposal would have a harmfully dominating and overbearing effect on the outlook from the front facing first floor window of No 20 which serves a habitable room.

14. On the evidence before me, the distance to the side boundary has been increased and the roof has been altered since a previous refusal of planning permission for an extension at the appeal site. However, the proposal would nevertheless adversely affect the outlook from the front facing first floor window of No 20 for the reasons given.
15. For the reasons set out above, the proposed development would cause harm to the living conditions of the occupiers of 20 Penn Road with regard to outlook. It would conflict with Policy QP3 of the BLP which requires development to achieve high quality design. It would also conflict with the SPD in respect to outlook.

Flood risk

16. The appeal site is located within Flood Zone 3. Policy NR1 of the BLP states that development proposals in Flood Zones 2 and 3 will only be supported where an appropriate flood risk assessment (FRA) has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. This reflects paragraph 176 of the Framework which requires all development in Flood Zones 2 and 3 to provide a site-specific FRA.
17. The appellant's appeal statement confirms that a FRA has not been undertaken for the proposal and there is no FRA before me. The appellant recognises that a FRA should be undertaken and suggests that a condition could be imposed to provide one should the appeal be allowed. However, Policy NR1 also requires development proposals to demonstrate that it has been designed to take account of flood risk and the proposal has not demonstrated this.
18. While the appeal scheme would result in a decrease in built footprint, a FRA has not been carried out for the proposal and it has not been demonstrated that it is designed to ensure that flood risk from all sources of flooding is acceptable. For the reasons given, the proposal fails to comply with Policy NR1.

Other Matters

19. Compliance with the development in relation to outdoor amenity space, privacy, light, and environmental pollution is an expectation for all relevant development and does not count in favour of the proposal.
20. The absence of objections from neighbours does not justify allowing a proposal that does not accord with the development plan.

Other Considerations

21. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Impairment, and disability are relevant protected characteristics to which the PSED applies.
22. I have carefully considered the reasons why the appellant has applied for planning permission to extend the property. The extension would provide a first floor bathroom and thereby improve the living environment for the appellant's family. However, the appeal scheme would significantly harm the character and

appearance of the host dwelling and the street scene. It would also harm the living conditions of the occupiers of No 20 with regard to outlook. Furthermore, the appeal site is in Flood Zone 3 and flood mitigation measures have not been included. Moreover, on the evidence before me, it does not appear that the appeal scheme is the only way that additional space could be provided. Accordingly, it would be proportionate and necessary to dismiss the appeal.

Conclusion

23. The proposal conflicts with the development plan, when considered as a whole. The material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR