



Appeal Decision

Site visit made on 19 February 2025

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Ref: APP/T0355/D/25/3359143

5 Llanvair Drive, Ascot SL5 9HS

- 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 J Kebe against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/02598.
 - The development proposed is the construction of an attached single garage, enclosed porch and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 3 Llanvair Drive, with regard to whether the development would appear overbearing.

Reasons

3. The appeal concerns a proposed garage that would be attached to the host dwelling. However, this would result in it being in particularly close proximity to the side of the adjacent dwelling at 3 Llanvair Drive. There is an adjacent lounge window at the neighbouring property that would face directly towards the development at an unduly short distance. The new garage, including part of its flank wall and the roof, would rise noticeably above the boundary fence separating the properties.
4. There are some conifer trees between the fence and the affected window. However, the width of the trunks and the extent of the vegetation would be insufficient to prevent the solid bulk of the building from being readily visible anyway. Moreover, in the arboricultural impact assessment (AIA) provided with the appeal their estimated remaining contribution is put at 10 plus years, indicating their finite lifespan. It is therefore fairly likely that the new garage would be present for a significantly longer lasting timespan than the vegetation. The presence of the trees should not therefore justify accepting the appeal.
5. At my site visit I was able to visit the neighbouring property. The affected window is at one end of a room where there are several other glazed openings. However, the overall room is fairly large and lengthy being partly split into two sections and the nearest other window is fairly small. I saw that in this context the affected opening

provides an important outlook in the part of the lounge nearest to the appeal site and is significant to the quality of the residential environment at the adjacent dwelling. Moreover, because of the height and proximity of the garage there would be an unpleasantly oppressive sense of enclosure. In consequence, the proposed development would appear overbearing.

6. The Appellant points out that the structure would not affect a 25 degree line from the adjacent property. However, this is a consideration that is normally used in relation to the consideration of matters such as daylight and sunlight. The Council has raised no objections in respect of such matters and outlook is a different consideration in relation to which I have found there would be an adverse impact.
7. For these reasons, it is concluded that the living conditions of the occupiers of the adjacent dwelling would be harmed. The Council's reason for refusal refers to Borough Local Plan 2013-2033 Policy QP 3 but this only concerns specific matters that do not include overbearing effects. Nevertheless, the scheme would be contrary to the Council's Supplementary Planning Document, Borough Wide Design Guide, 2020, Principle 10.1, which indicates that extensions should not result in a material loss of amenity to neighbouring properties by being overbearing. There would also be conflict with the National Planning Policy Framework where it is indicated that developments should satisfy a number of considerations. These include creating a high standard of amenity for existing users, which would not be satisfied.
8. The current proposal is an attempt to address a previous refusal of planning permission. Nevertheless, this does not in itself confer acceptability. The previous appeal at this site concerned a garage that would have been close to the front boundary and not had a comparable impact on the living conditions of the adjacent occupiers. In consequence, this case can be clearly distinguished from the previous appeal and must be considered on its own merits.
9. In the supporting statement provided with the application there are photographs of nearby garages in Llanvair Drive. However, there is nothing to show that any of these have resulted in a similar relationship with an adjoining property to that which would arise in this instance. They are not therefore a significant consideration in this appeal.
10. I acknowledge the AIA submitted with the appeal in response to the Council's reason for refusal concerning the trees at the front of the adjacent dwelling. However, the overbearing impact of the garage is, in itself, sufficient to justify rejecting the appeal regardless of this matter and the Council's concerns regarding the proposed office window. The scheme would be acceptable in relation to its effect on the streetscene given the appreciable set back from the road but this is a neutral matter that weighs neither for nor against the proposal. Because of the harm to living conditions that would arise and taking account of all other matters raised, it is determined that the appeal fails.

M Evans

INSPECTOR