



Appeal Decision

Site visit made on 5 March 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal Ref: APP/T0355/D/24/3358252

8 Clare Road, Maidenhead, Windsor and Maidenhead, SL6 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rafqat Iqbal against the decision of Royal Borough of Windsor and Maidenhead Council.
 - The application reference is 24/01987.
 - The development proposed is detached outbuilding ancillary to the main dwelling, with associated hardstanding and steps (part-retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description as I feel it describes the proposal more concisely.
3. Since the determination of this application a revised National Planning Policy Framework 2024 (the Framework) was published on 12 December 2024. Given the refusal reasons and the nature of the changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case, and, in any case, the appeal was submitted after the publication of the revised Framework.

Main Issues

4. The main issues are the impact of the proposal upon i) the character and appearance of the host dwelling and character of the area, ii) residential amenity with regard to outlook and iii) outdoor amenity space for the occupants of the host dwelling.

Reasons

Character and Appearance

5. The appeal site is an end of terrace residential dwelling which is located within a residential area. The proposal that is before me seeks planning permission for a part retrospective, detached, outbuilding (ancillary to the main dwelling) with associated hardstanding and steps. The building is 19.4 metres in length and 4.6 metres in width and from the proposed site plan (2065/1) the outbuilding can be seen to cover almost all of the host building's rear garden area.
6. Due to the building's location on a slope, the height is varied with the flat roof being in the region of 3.3 metres in height at the front elevation and in the region of 2

metres at the rear with an L shaped patio, and covered seating area, at the entrance to the appeal proposal. Due to its scale I find that the development is completely insubordinate to the host dwelling and due to its design, which appears to largely be in response to the site levels, it is poor quality design. The materials, confirmed by the application form, consists of block with rendering and a felt roof which, combined with the design and scale I find to appear unsympathetic and entirely at odds with the prevailing pattern of development which is characteristic for the area. I have no evidence before me to support that development, of this scale, is characteristic within the area and I find that the appeal site would be dominated by hardstanding and built development.

7. I find that the proposal, as a result of bulk and scale, when combined with the proposed design, results in an unsympathetic development within the site which would cause harm to the character and appearance of the host dwelling. In addition, the proposal would fail to contribute positively to the character of the area as a result of cramped, contrived and incongruous development. I note that the appellant considers that the building is subordinate to the host dwelling as a result of it being single storey and detached from the host dwelling (which is noted to be two storeys in height), however, on the basis that the proposal covers almost all of the host dwelling garden I cannot reasonably conclude that the building is, in this case, subordinate to the host dwelling to which it would be ancillary.
8. The proposal is contrary to Royal Borough Windsor and Maidenhead Borough Local Plan 2022 (LP) Policy QP3 which seeks to achieve high quality design which respects and enhances the local character of the environment paying particular regard , layouts, heights, scale, bulk and massing. The proposal would also be contrary to the guidance set out within The Royal Borough of Windsor and Maidenhead Boroughwide Design Guide 2020 (SPD) which advises that developments that are over dominant or out of keeping will be resisted and that extensions will be expected to be subordinate and respond positive to the form, scale and architectural style and materials of the original building. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure that developments add to the overall quality of the area and are sympathetic to local character.

Residential Amenity

9. As discussed within the context of the first main issue, the outbuilding extends to in the region of 19.4 metres x 4.6 metres covering almost the entire rear garden of the host dwelling. The outbuilding, due to largely exceeding the height of any existing, or proposed, fencing shown on the plans before me (noting the Council's comment with regard to boundary treatments in paragraph 8.3 of their delegated report) (and even without any fencing) means that the appeal proposal is highly visible from the outlook from the rear elevations of 6 and 10 Clare Road respectively and I consider that the proposal is overbearing and visually intrusive in views from these properties. It is noted that no letters of objection from neighbouring properties were received, however, a lack of objection is a neutral consideration.
10. It is acknowledged that there is no right to a view, however, proposals should not negatively impact upon a reasonably expected, good quality, outlook to the external environment from habitable rooms (which in this case should be over largely open garden areas with more limited built form as expected for the area) as well as within the outdoor amenity space of the adjacent properties themselves. I note that in

relation to visual amenity and outlook the appellant has referenced a fallback position within the realms of permitted development rights, and I have discussed this below in the context of the overall proposal which is before me.

11. The proposed outbuilding, largely due to its cumulative depth, height and siting in the context of the neighbouring properties at 6 and 10 Clare Road would be visually intrusive and create a sense of enclosure causing unacceptable harm to the general outlook of both properties. I find that this would have an unacceptable adverse impact upon the amenities of adjacent occupiers with the proposal being contrary to LP Policy QP3 which seeks to ensure that new development has no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties. The proposal would also be contrary to paragraph 135 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Occupants of the host dwelling

12. The proposal would occupy, as discussed in the context of the other two main issues, almost the entire garden of the host dwelling. As a result of the proposal the occupants would be left with in the region of 25 sq./m of amenity space to the rear of the dwelling which would be contrary to principle 8.4 of the SPD which advises that the minimum outdoor amenity space required for a 3-bedroom dwelling of this nature (north facing) would be in the region of 65 sq./m. The proposal falls significantly short, by in the region of 40 sq./m of the guidance as to outdoor amenity space.
13. It is acknowledged that not every proposal will always accord with the requirements of the SPD, however, I find that circumstances where deviation from the guidance set out can be acceptable is generally limited to, for example, minor shortfalls and not, as is in this case, a significant shortfall and deviation from the stated guidance. I do not find that the proposal is realistically a building of a functional size and scale for storage incidental to the enjoyment of the dwelling house which can be said to be sufficient justification or reasoning to accept such a shortfall in the required outdoor amenity space.
14. I note that the appellant considers that the area of outdoor amenity space that would remain, following completion of the development, would be appropriate for their existing use and the host property's use as a 3 bedroom dwelling without the need for extensive maintenance, however, whilst I accept that the appellant may be content with the level of amenity space the proposal, if allowed, must be considered in the context of the lifetime of the development. This would likely go beyond the appellant's current occupation of the dwelling, and, in that regard, the proposal must be considered in the context of future occupants as well as current occupants.
15. The proposal, as a result of its scale and depth in occupying the vast majority of the garden area of the host dwelling, would result in insufficient outdoor amenity space for the occupants of the host dwelling. The proposal would therefore be contrary to LP Policy QP3 which requires that new development achieves high quality design and would also be contrary to SPD, Principle 8.4, which sets out that for 3-bedroom dwellings (north facing) outdoor amenity space should be in the region of 65 sq./m.

Other Considerations

16. I note that the appellant's Statement of Case is largely based upon a fallback position and/or permitted development rights. The inclusion of this, within this decision letter, within other considerations is not indicative of me considering that this is not a key argument within the context of this appeal, however, it logically falls to discuss the fallback position against the proposal in general rather than individually against one or more of the three main issues discussed above.
17. It is not within my remit, or the scope of this appeal, to come to a firm view on whether or not the alternatives progressed by the appellant would or would not be permitted development. Notwithstanding this, even acknowledging the appellant's argument that a building could be constructed under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) England Order 2015 (GDPO) such a building would be notably smaller than that which is the subject of this appeal. I acknowledge that there are no restrictions under the GDPO as to the location or layout of the building in such circumstances and that the Council would not, for example, be able to control the external materials as they would with a formal grant of planning permission.
18. Despite this I attribute limited weight to the presence of a fallback under the GDPO for an outbuilding on the basis that I do not find that the impact of such a building would be as detrimental as the proposal that is before me as a result of the fact it would need to be constructed (by the appellant's own calculations) in the region of 6.9 metres to in the region of 12.5 metres in length. Whilst I do attribute some weight to this, as a fallback position, I do not find that it is of sufficient weight to outweigh the notable harm across the main issues I have identified in the context of this appeal. The proposal that is the subject of this appeal is significantly more damaging, and inappropriate, than a proposal which is acknowledged to be beyond the control of the Council if constructed under the GDPO.
19. In a similar vein, the appellant also makes reference to Schedule 2 Part 1 Class F of the GDPO in relation to hard surfaces incidental to the enjoyment of a dwelling house. I have taken this into consideration; however, I do not find that the potential for the appellant to hard-surface the entirety of their rear curtilage to result in the same impact as a building which covers the same area.
20. I am conscious that the description of the development does not include the provision of fencing which is shown on the proposed plans as well as having been discussed in the Council's delegated report in relation to what is, or is not, an existing fence insofar as the Council asserts that they have been inaccurately depicted. The appellant's Statement of Case does not respond to the Council's contention that the boundary treatment is higher than what is allowed under permitted development, however, in this case I find that the position as to the fencing, its presence or lack thereof and height are not determinative to the issues which arise as a result of the refusal reasons stated and which form the main reasoning for dismissal of this appeal.
21. Based upon the issues I have identified within this decision letter I see no merit in considering in detail the issue as to the fencing, raised by the Council, with no form of response or clarification from the appellant within their Statement of Case – I have found the proposal unacceptable in all regards in the context of the main issues outlined above. Commentary as to the fencing would not assist this.

Conclusion

22. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR