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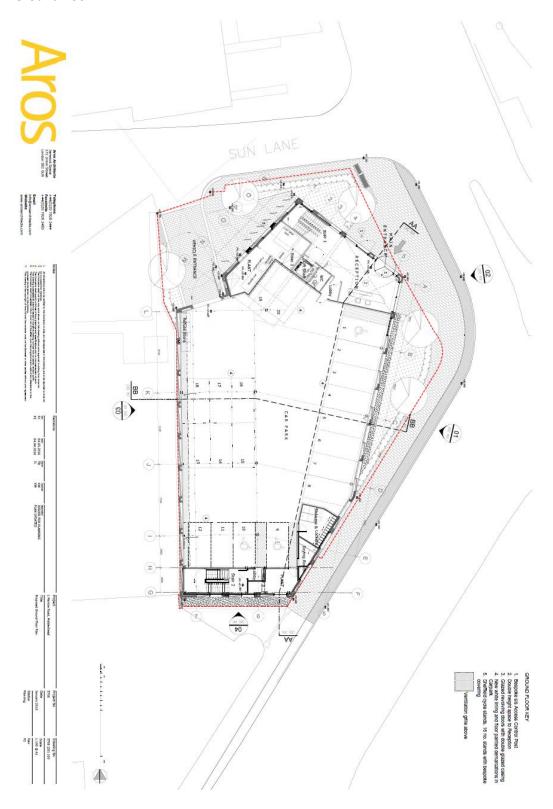
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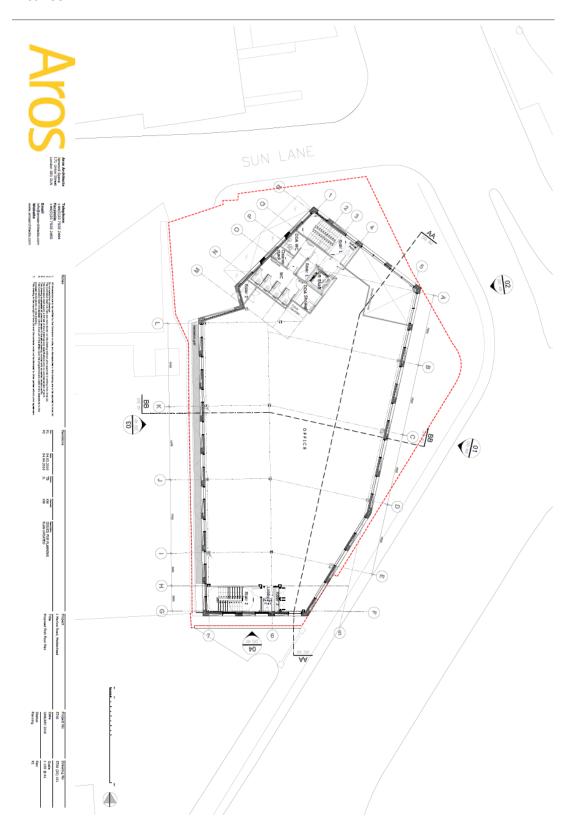




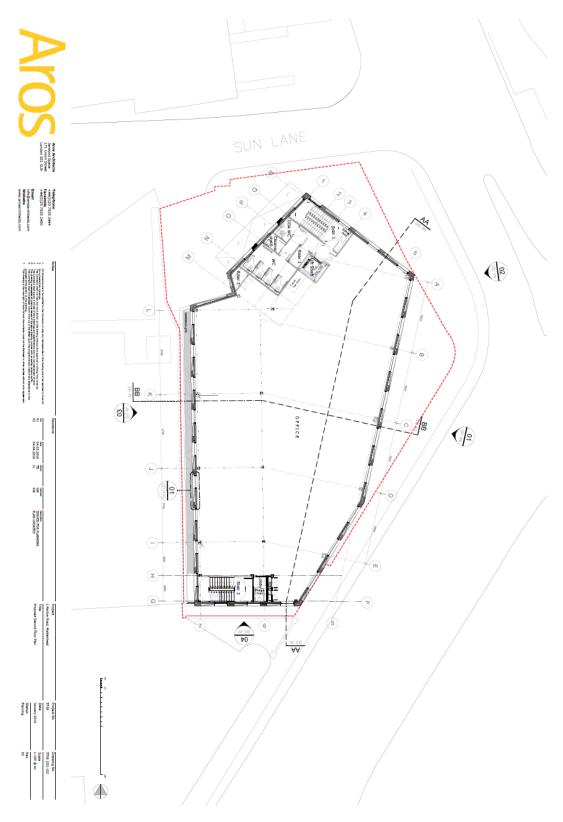
Appendix B

Ground floor

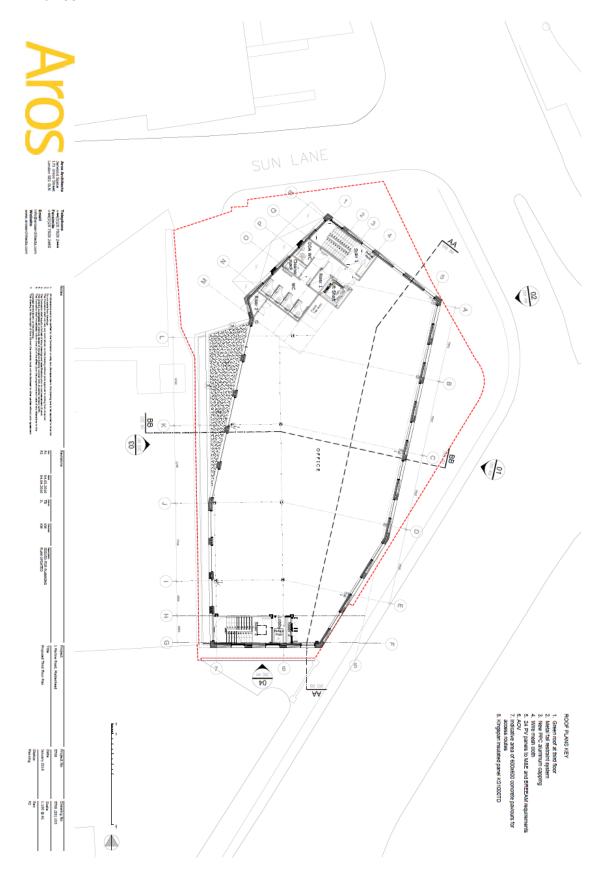




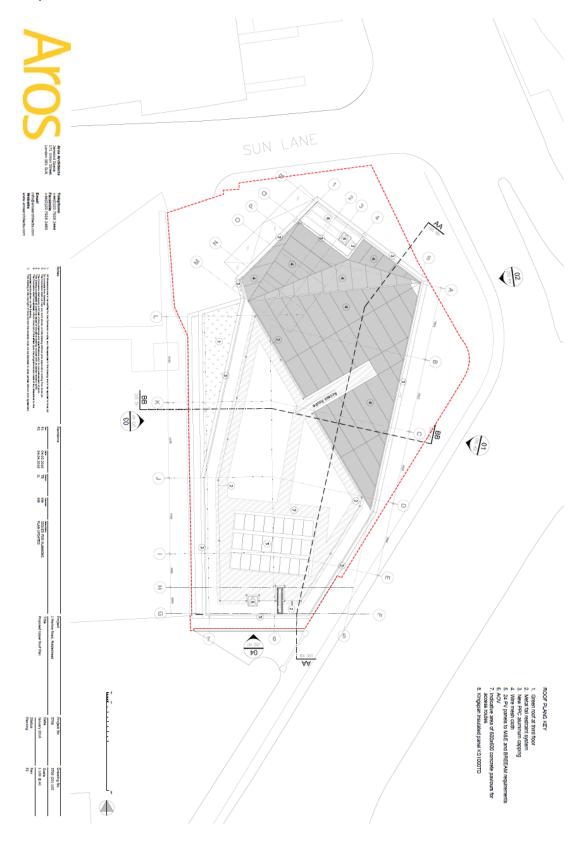
Second floor

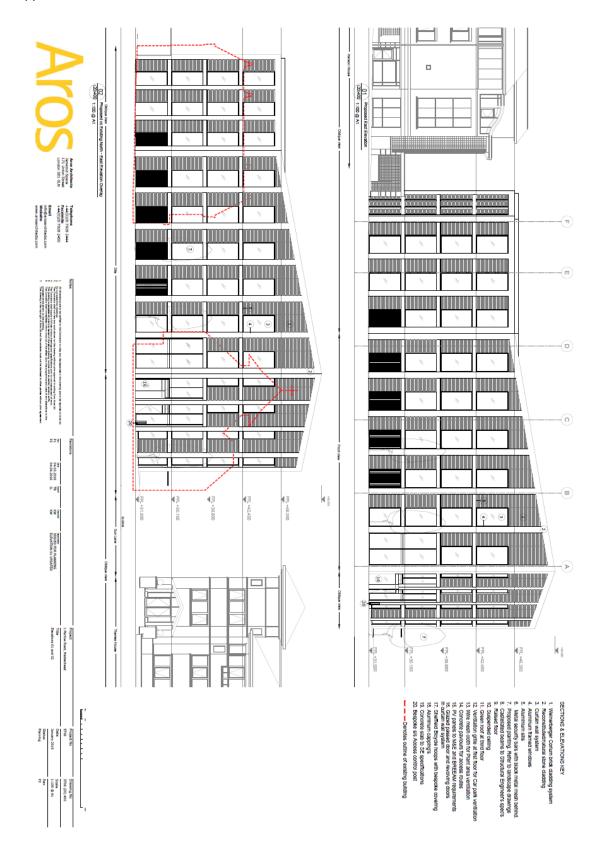


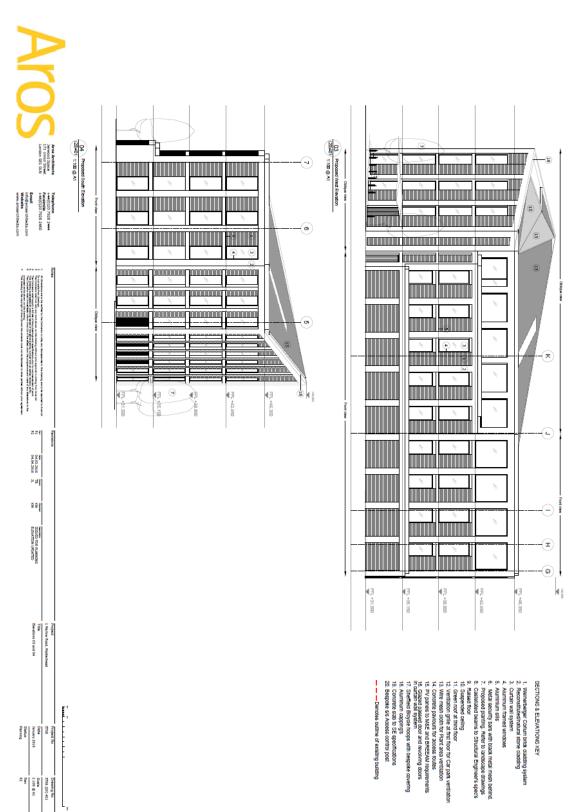
Third floor



Roof plan







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Appeal Decision

Hearing held on 6 Japuary 2015 Site visit made on 6 January 2015

by R J Yuille Msc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 3 February 2015

Appeal Ref: APP/T0355/A/14/2221972 the First Church of Scientology and Cloisters, Marlow Road, Maidenhead, Berkshire, SL6 7AA

- 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 J Richardson against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref: 14/00791/FULL, dated 14/03/14, was refused by notice dated 09/06/14.
- The development proposed is the demolition of existing buildings and erection of new office (Use Class B1(a)) building. The development includes car parking, cycle parking and landscaping.

Decision

1. The appeal is dismissed.

Application for costs

At the Hearing an application for costs was made by Mr J Richardson against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Background

 The Council's officers recommended that planning permission be granted for the appeal scheme subject to planning conditions and the submission of a Unilateral Obligation. The appellant submitted such an Obligation at the Hearing but questioned its legitimacy in a number of respects. This matter will be dealt with later in this decision.

Main Issues

4. The main issues in this appeal are, firstly, the effect of the proposed building on the appearance of this important entrance to the Town Centre; secondly, its effect on highway safety; and thirdly, its effect on the outlook of the occupants of neighbouring dwellings, particularly the dwelling at 16 Castle Hill.

Reasons

Appearance

- 5. The appeal site is located in a prominent position alongside the Castle Hill Roundabout, part of the road system that skirts Maidenhead Town Centre. The area in which the site is set is regarded as being an important entrance to the town and in recognition of this it is defined as a 'Gateway' in the Maidenhead Town Centre Action Area Plan (the Action Area Plan). Policy MTC5 of this plan states that in gateway locations proposals will be expected to demonstrate outstanding and distinctive architecture supported by a high quality public realm particularly lighting, landscaping and public art. The supporting text to this policy makes clear that this gateway in general is characterised by a mix of poor quality buildings many of which turn their backs on the road. However, in my opinion, these comments do not apply to the appeal site as the two buildings on it face the road and are not of a particularly poor quality.
- 6. It is proposed to demolish the offices and church that stand on the site and replace them with a five storey office block between 20m and 22m in height, set close to the back of the footway and stretching across the full width of the site a distance of some 50m or more. Attempts have been made to add interest to the façade of the building by the use of brick, stone and glazed elements, by the use of lighting and by the incorporation of a tower feature with a double height entrance.
- 7. Nonetheless, the dominant impression of the building would be its height and its bulk. It would be considerably taller than neighbouring office buildings Hanson House being some 15m high and Thames House some 14 to 17m high and would rise well above the height of nearby houses on Castle Hill. Unlike those other buildings it would have a flat roof and not a pitched roof. In designing the appeal scheme an attempt has been made to achieve a building of quiet monumentality but in my judgement a building of the height and bulk proposed would sit uneasily alongside its neighbours, particularly neighbouring dwellings, and in this respect would not be compatible with the existing street facade.
- 8. In coming to this view I acknowledge that the supporting text to Policy MTC5 does not rule out the possibility of providing taller buildings in this area and I acknowledge that the Commonwealth War Graves Commission building to the north is a tall, bulky building with a flat roof but this benefits from the landscaped setting provided by Kidwells Park. The proposed building by contrast, being set close to the back of the footway and extending across the entire width of the site, would provide very limited opportunities for landscaping at the front of the site— even if that landscaping were to extend into the footway as is proposed. A distinctive feature of this gateway location is the amount of landscaping within and around the Castle Hill roundabout which provide some relief in what is otherwise a car dominated and inhospitable environment. The appeal scheme fails to reflect or build on this feature.

9. For the reasons set out above I consider that the proposed building would not be of a design and scale that would be appropriate to the area and in this respect would not meet the aims of Policies DG1 and E10 of the Royal Borough of Windsor and Maidenhead Local Plan and Policy MTC4 of the Action Area Plan which variously seek to achieve a high quality of design. Moreover, it would not meet the aim of Policy MTC5 of the Action Area Plan insofar as this seeks to achieve development which demonstrates outstanding and distinctive architecture supported by high quality public realm.

Highway Safety.

- 10. As with the existing buildings on the site, access to the proposed building would be by way of the junction between Sun Lane and the A308 Marlow Road, which is itself close to the roundabout junction between Marlow Road and the A4 Castle Hill.
- 11. Local residents are concerned about the speed at which vehicles leave the nearby roundabout and the consequent difficulties for vehicles seeking to turn right out of Sun Lane. They also refer to the difficulties caused when vehicles turning left into Sun Lane are confronted by vehicles which are loading/unloading or picking up/dropping off people and give anecdotal evidence of near misses at this junction and accidents not involving personal injury. They also make the point that while the sightlines at the Sun Lane/Marlow Road junction may be unaltered when these are measured, as is conventionally done by highway engineers, along the kerb of the nearside carriageway, it is also possible to gain an additional sightline through the pillars on the front of the church on the site which gives an indication of traffic approaching the roundabout along Castle Hill. Such a sightline would be lost if the proposed building were constructed.
- 12. However, the appellant takes the view that the new building will generate only a very low number of net additional trips; that loading and unloading and picking up and dropping off of passengers already occurs on Sun Lane and will not increase significantly; that there is no recent record of accidents involving personal injuries at the Sun Lane/Marlow Road junction; that sightlines at that junction would be retained or indeed marginally improved with the removal of an existing planter; and that the site is in an area with good accessibility to public transport. The Council's highway engineers take a broadly similar view. I see no reason to dispute this evidence.
- 13. It was clear from the site visit that drivers entering and leaving Sun Lane need to exercise caution and this would continue to be the case if the proposed new office were constructed. While drivers leaving the junction at present can glean some information from the additional sightline described above it looks across an existing car park and could, therefore, be blocked on occasion. Moreover, a driver leaving the junction could not be sure whether any vehicle glimpsed on Castle Hill would be turning along Marlow Road. In other words a driver leaving Sun Lane would rely principally on the sightlines along Marlow Road which would not be diminished by the proposed development. The site is within an easy walk of the railway station and bus stops and the parking proposed meets the Council's parking standards.
- 14. To my mind, while the operation of the Sun Lane junction is not ideal, the proposed development would not lead to any significant loss of highway safety and would meet the aims of policies T5 and P4 of the Royal Borough of Windsor

and Maidenhead Local Plan and of Policy MTC14 of the Maidenhead Action Area Plan insofar as these seek to ensure that development complies with the Council's adopted highway design and parking standards and require development to optimise traffic flows and circulation and provide adequate parking.

Outlook

- 15. This issue was not raised by the Council but by neighbouring residents and the appellant responded to it at the Hearing. From the patio and garden of the house at No 16 Castle Hill, the nearest house to the appeal site, the upper portions of the buildings now on the site can be seen as can the neighbouring buildings at Hansen House and Thames House. While all of these existing buildings are considerably taller than the house at No 16 the pitched roof of the Cloisters and of the church on the site leave gaps through which the sky and the tops of trees can be glimpsed and this creates an element of spaciousness in the outlook.
- 16. This sense of space would be largely lost with the construction of a flat roof building that would vary in height between 20m and 22m, that would be some 50m wide and which would be located only some 21m away at its nearest. A building of such bulk, height and proximity would have an unacceptably overbearing impact on the outlook from this garden and would result in views that were largely cramped and constrained by tall buildings. The appeal scheme would, therefore, run counter to the aims of Policy E10 of the Royal Borough of Windsor and Maidenhead Local Plan which, amongst other things, seeks to avoid unneighbourly development.

Unilateral Obligation

- 17. Policies IMP1 and T6 of the Royal Borough of Windsor and Maidenhead Local Plan seek to ensure the provision of necessary infrastructure, services, facilities and amenities. Paragraph 204 of the National Planning Policy Framework and regulation 122 of the Community Infrastructure Levy Regulations make clear that a Planning Obligation should only be sought where it passes all of the following tests that it is necessary to make the proposed development acceptable in planning terms, that it is directly related to that development and that it is fairly and reasonably related to it in scale and kind.
- 18. In this instance while the appellant has submitted a Unilateral Obligation, the wording of which has been agreed with the Council, he does not consider it passes these tests. Consequently the document contains a clause which, in effect, provides that, in the event of planning permission being granted, the various obligations within it would not come into effect (and, therefore, carry weight in determining this appeal) until I have satisfied myself that they do indeed pass these tests.
- 19. The obligations relating to Highways and Public Transportation, Indoor Sports and Leisure, Public Art and Heritage, Public Open Space and Town Management all list schemes on which monies could be spent but include the qualifying phrase "including but not limited to". It has already been pointed out to the Council by Inspectors at previous appeals¹ that this could mean that monies were spent elsewhere in the Borough on schemes that were not directly related to the proposed development.

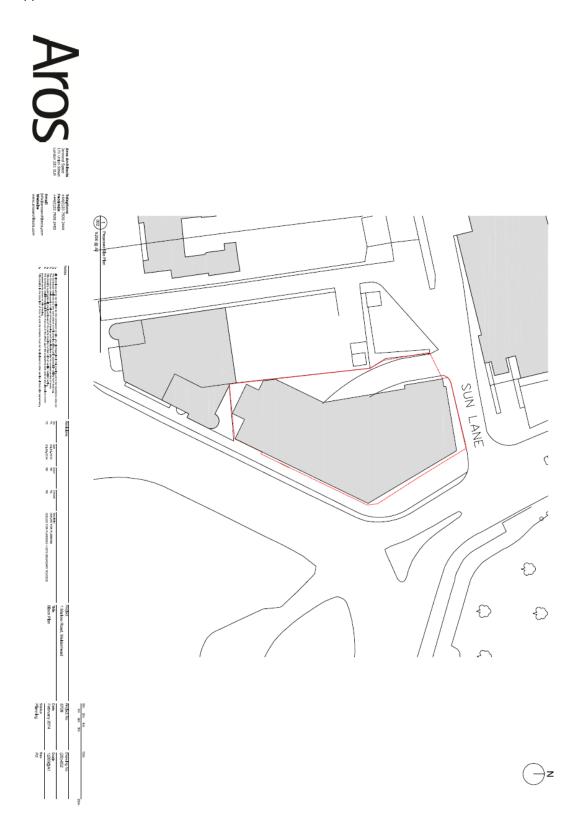
¹ For example in the appeal at Ridgemount Road, Sunningdale, Ref: APP/T0355/A/13/2191400.

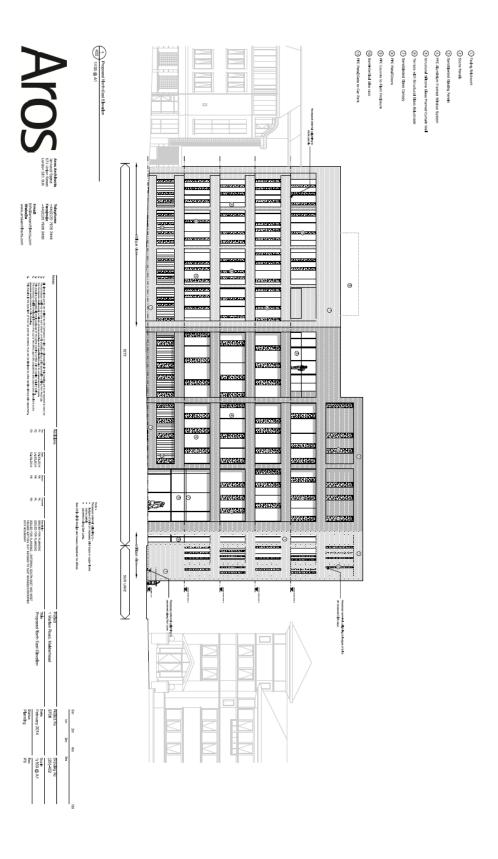
- 20. Moreover, not all of the schemes listed relate directly to the proposed development. So for example it was acknowledged at the Hearing by the Council that when considering the Highways and Public Transportation obligation, not all works on the A308 and A4 would relate to the site and that similarly, when considering the Public Open space obligation, works in the northern parishes would be unrelated to the appeal scheme. In all the respects referred to in this paragraph the submitted Unilateral Obligation would breach the requirement that it should be directly related to the proposed development.
- 21. Moving on to another matter, contributions to Heritage projects are calculated as a percentage of build costs while the Indoor Sports and Leisure contributions are calculated on the basis of the number of people who would be employed in the proposed building with no attempt to estimate what percentage of them would be likely to make use of local indoor sports and leisure facilities. In neither instance is it clear whether the obligations sought are fairly and reasonably related to the appeal scheme in scale and kind.
- 22. These aspects of the Unilateral Obligation do not, therefore, accord with the law or relevant policy in the National Planning Policy Framework and I cannot give them full weight.
- 23. I can, however, give full weight to the Library obligation. Maidenhead Library is within easy walking distance of the appeal site and in determining the size of the contribution to be made an attempt has been made to assess the number of employees on the site who would typically be expected to live outside the Borough and thus place an additional demand on library services.

Conclusions

24. For the reasons set out above I have found that the proposed scheme is acceptable in highway terms but this is outweighed by my finding that this scheme would cause unacceptable harm to the appearance of the area and to the outlook of neighbouring residents. I conclude, therefore, that the appeal should be dismissed.

RJ Yuille Inspector





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