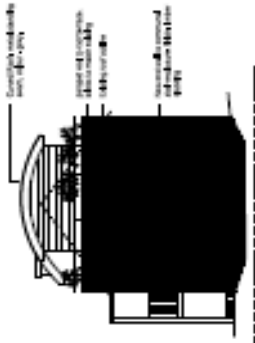
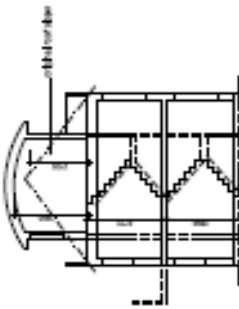


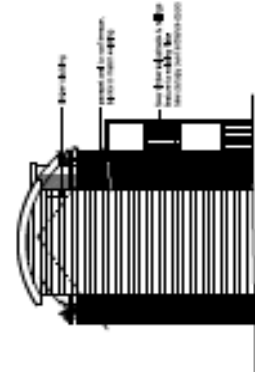
REAR ELEVATION



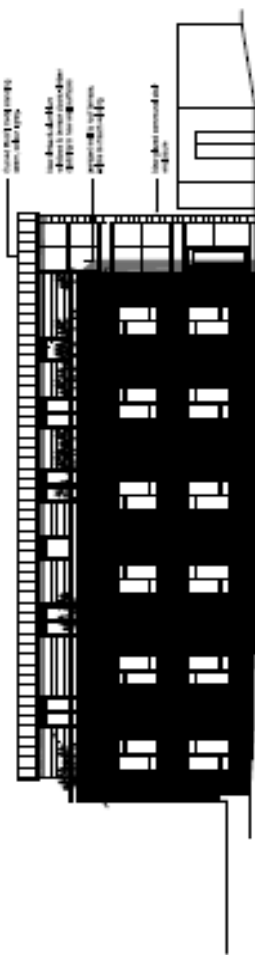
SIDE ELEVATION



CROSS SECTION



REAR ELEVATION



FRONT ELEVATION



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## Appeal Decision

Site visit made on 16 September 2014

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2014

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**Appeal Ref: APP/T0355/A/14/2221797**

**Hampshire Lodge, Dorset Lodge, Devonshire Lodge, Cookham Lodge, and Marlow Lodge, Courtlands, Maidenhead, Berkshire SL6 2PS**

- 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 D Espinoza of Group One Investments Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 13/03481, dated 25 November 2013, was refused by notice dated 20 February 2014.
  - The development proposed is roof development to provide 6 no, one-bedroom flats at Hampshire Lodge, Dorset Lodge, and Devonshire Lodge (2 flats each); and 2 no, two-bedroom flats at Cookham Lodge and Marlow Lodge (1 flat each), including associated bin and cycle storage.
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### Decision

1. The appeal is allowed and planning permission is granted for roof development to provide 6 no, one-bedroom flats at Hampshire Lodge, Dorset Lodge, and Devonshire Lodge (2 flats each); and 2 no, two-bedroom flats at Cookham Lodge and Marlow Lodge (1 flat each), including associated bin and cycle storage, at Hampshire Lodge, Dorset Lodge, Devonshire Lodge, Cookham Lodge, and Marlow Lodge, Courtlands, Maidenhead, Berkshire SL6 2PS, in accordance with the terms of the application, Ref 13/03481, dated 25 November 2013, and the plans submitted with it, subject to the conditions listed in the schedule attached to this decision.

### Procedural Matters

2. The application form refers to the site address as being Hampshire Lodge. However, the site location plan and the application description refers to four other buildings where roof development works are proposed. The Council's Decision Notice and appellant's statement of case also refer to the other Lodges in the site address. With the agreement of both parties, I have referred to each building in the site address above as this more accurately describes the proposed development.

### Main Issue

3. The main issue is the effect of the proposed roof development on the character and appearance of the surrounding area.

### Reasons

4. The appeal properties lie within a residential estate to the south of Maidenhead railway station. Courtlands comprises a mix of flats and semi-detached houses of similar ages and styles. The houses are set back from the road behind front gardens, some of which provide off street parking. Surrounding the flats are open areas of grass. Access to the estate is from Shoppenhanger's Road, and the estate road forms a large loop, with the houses and flats positioned either side of it. To both ends of the loop are rows of garages bordered by a number of mature trees and shrubs. These garages provide further parking spaces in addition to the resident permit controlled parking on the estate road.
5. Apart from Marlow and Cookham Lodges, the blocks of flats are mostly positioned along the edge of the estate. Hampshire, Dorset and Devonshire Lodges are of brick construction under pitched tiled roofs. They are three storeys in height, and step gently uphill towards Cornwall Lodge. Taken together, they form a row of four similarly sized and designed blocks that overlook Braywick Road, which is a busy main road. Marlow and Cookham Lodges lie within the estate, and are a pair of two storey blocks of flats, bounded by semi-detached houses and the garage courtyards.
6. Although the proposed roof alterations would provide a fourth floor to Hampshire, Dorset, and Devonshire Lodges, they would not project significantly above the height of Cornwall Lodge. As each Lodge would be extended in the same way, the gentle step-up of each building to accommodate the slope of the land would be retained. The proposed fourth floor would be of a similar height to each of the floors below it, and as such would harmonise with the existing residential appearance and proportions of the buildings. Furthermore, the extension of the brick walls to provide the fourth floor and the placement of windows and doors within them, would maintain the rhythmical pattern formed by the spacing of openings and walls in the building below.
7. I appreciate that Courtlands has a cohesive character and appearance due to the simple design of the houses and flats, and the use of similar materials throughout the estate. However, the proposed fourth floor to Hampshire, Dorset and Devonshire Lodges would maintain their balanced and symmetrical appearance, including the retention of the existing chimneys. Whilst the roofs would be constructed of curved metal, with a mix of brick, timber and render finishes to the walls, the presence of the extended brick walls and the terraces and windows inset within the roof, would break up its mass. Moreover, these Lodges look out over Braywick Road to a large building of a modern design that has a curved metal roof. Whilst the metal would be a different material to those found on the estate, it would nevertheless harmonise with the buildings in the wider area.
8. The Council refused the planning application for the effect of the proposed fourth storeys on the character and appearance of the area, but within their appeal statement they also refer to the glazed stairwells to Marlow and Cookham Lodges. However, these would be set to one side of the existing buildings, and although constructed of timber, the provision of new and replacement balustrades, railings and door canopies would form a visual link between the existing and proposed development. Furthermore, as the alterations and extension of each Lodge would be the same, they would retain the symmetry of their appearance within the area.

9. Local residents are concerned that the impact of the proposed bin and cycle stores cannot be assessed. In the case of Devonshire, Dorset and Hampshire Lodges, the existing single storey links between them would be used to accommodate the bin and cycle storage. This would have little impact on the character and appearance of the area. The proposed cycle stores to Marlow and Cookham Lodges would be contained within the proposed stairwell. Whilst details of the new bin stores to these Lodges have not been provided, their proposed size and design could be controlled by condition to ensure they harmonise with both the area and existing stores within the estate.
10. I therefore find the proposed roof developments would not harm the character and appearance of the surrounding area. It would accord with the requirements of Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (LP), which require amongst other things, development in established residential areas to be compatible with an area's character and amenity. This would be consistent with an objective of the National Planning Policy Framework (the Framework) that seeks high quality design that respects the local character and distinctiveness of an area.

#### **Other Matters**

11. The appellant has submitted a signed and dated unilateral obligation for infrastructure and services contributions. LP Policy IMP1 requires development to make adequate provision for infrastructure, services and facilities both on and off site, whilst the Planning Obligations and Developer Contributions Supplementary Planning Document (2014) (SPD), sets out further detail for these requirements.
12. The Council have accepted the obligation as being satisfactory and meeting their requirements. From the evidence before me, including the Council's Case Officer report and appeal statement, LP Policy IMP1 and the SPD, I am satisfied that the agreement meets the three tests in the Community Infrastructure Levy Regulations (2010 as amended) and the requirements of paragraph 204 of the Framework. The required contributions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development.
13. The obligation also restricts the future occupiers of the proposed development from bringing a car into the estate and applying for a residents parking permit. This would address the concerns of many of the local residents who consider the proposed flats would increase car parking requirements within Courtlands. With the close proximity of the proposed flats to the railway station and the town centre, and the provision of cycle stores, there would be a variety of means of transport available to the occupiers of the proposed flats other than the private car.
14. Some of the existing occupiers of properties within the estate are concerned that the proposed flats would result in a loss of privacy, and that there would be increased noise and disturbance to the occupiers of the flats below. The proposed flats would be a sufficient distance away from neighbouring properties to maintain an acceptable level of privacy, whilst the provision of adequate noise and sound insulation could be controlled by condition. Concerns as regards structural issues, including whether the buildings could accommodate another storey, would be matters dealt with by other legislation.

15. Local residents are also concerned that the proposed flats would exacerbate drainage problems. However, in the absence of any technical substantiation to support the concerns of the residents, I have no evidence before me that there would be an unacceptable impact on drainage within the area.
16. Several residents have raised issue as regards ownership of the roofs, including its maintenance and compensation for the loss of the existing attic as storage space. However, issues of land ownership are a matter for the relevant parties to resolve, and I have not considered them in my assessment of the planning issues in this appeal.
17. I have considered the concerns of local residents that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the development plan and all other material considerations, as I have done in this instance.
18. Finally concerns regarding the Council's handling of the application relate to procedural matters and have had no bearing on my consideration of the planning merits of the case.
19. When taken either together or separately, none of these other matters would outweigh my findings as regards the main issue.

#### **Conditions**

20. The conditions suggested by the Council have been considered against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
21. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
22. To protect the character and appearance of the area, conditions have been imposed requiring samples of the materials to be used in the external surfaces and details of the refuse and recycling storage areas.
23. I have also imposed a condition requiring details of soundproofing, insulation and ventilation measures, to protect the living conditions of the occupiers of the flats below the proposed development.
24. Details to require the proposed flats to comply with Lifetime for Homes Standards, crime reduction, sustainable energy, water and materials measures have also been imposed to ensure that the proposed flats could meet the changing needs of their occupiers and provide safe, energy and resource sustainable and efficient homes.
25. In view of the car free nature of the development I have imposed a condition requiring the provision and retention of the secure cycle parking facilities. Finally, I have also imposed a construction management plan condition for the development works to protect the free flow of traffic in the area and the living conditions of nearby residents.

### **Conclusion**

26. For all the reasons given above, I find that the proposal would accord with the relevant policies of the development plan, and that there are no material considerations of sufficient weight to warrant a determination other than in accordance with those policies. I therefore conclude that the appeal should be allowed.

*J J Evans*

INSPECTOR

### **Schedule of Conditions**

1) The development hereby permitted shall be commenced within three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 1304-4-P-95; 1304-4-P-100; 1304-4-P-110; 1304-4-E-210; 1304-4-E-201; 1304-4-E-200; 1304-4-P-101; 1304-4-E-211; 1304-4-E-202; 1304-4-E-203; and 1304-4-P-102.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with these approved details.

4) No development shall take place until details have been submitted to and approved in writing by the local planning authority of the compliance of the flats hereby approved with the Lifetime for Homes Standards. The development shall be carried out and retained in accordance with these approved details.

5) No development shall take place until details of sustainable energy, water and materials measures have been submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials, in accordance with the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document. The development shall be carried out and retained in accordance with these approved details.

6) No development shall take place until details of measures to minimise the risk of crime have been submitted to and approved in writing by the local planning authority. Any such measures shall meet the standards of Secured By Design. These approved measures shall be implemented prior to the first occupation of the flats hereby approved and shall be retained in accordance with these approved details.

7) No development shall take place until details of the soundproofing and insulation between the existing top floor and the new floor hereby approved has been submitted to and agreed in writing by the local planning authority.



The details shall include any necessary ventilation measures to habitable rooms. The development shall be carried out as approved, and the soundproofing, insulation and ventilation measures shall be installed prior to the first occupation of the flats and retained thereafter.

8) No development shall take place until details of the refuse and recycling storage areas, including soft landscaping, to Cookham and Marlow Lodges has been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with these approved details, and the flats shall not be occupied until such facilities have been provided.

9) No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the details shown on the approved drawings. These facilities shall be kept available for the parking of cycles in association with the development at all times thereafter.

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction process. The statement shall provide for:

- i. the provision for the parking and manoeuvring of vehicles of demolition and construction traffic, site operatives and visitors;
  - ii. the provision of facilities for site operatives and visitors;
  - iii. the loading and unloading of plant and materials;
  - iv. the storage of plant and materials used in constructing the development;
  - v. wheel washing facilities for vehicles leaving the site;
  - vi. measures to control the emission of dust and dirt during construction;
- and
- vii. a scheme for recycling / disposing of waste resulting from demolition or construction works.