

Appeal Decision Report

20 June 2017 - 11 August 2017

WINDSOR RURAL

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Appeal Ref.: 17/60010/ENF **Enforcement Ref.:** 16/50274/ENF **Plns Ref.:** APP/T0355/C/16/3159536

Appellant: Mr Timothy Fowles **c/o Agent:** Mr Michael Krantz Gunnercooke LLP 1 Cornhill London EC3V 3ND

Decision Type: Enforcement Notice **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Change of use of the land to a mixed waste transfer station and skip hire business.

Location: **Charles Morris Fertilizer Hythe End Farm Hythe End Road Wraybury Staines TW19 5AW**

Appeal Decision: Allowed **Decision Date:** 20 June 2017

Main Issue: The enforcement notice has been quashed and the appeal on ground (c) was allowed. The inspector was satisfied that, on the balance of probabilities, the appellants were able to show that in functional terms the use alleged in the notice is ancillary to the primary use of the site as defined by the Certificate of Lawful Use. He was also satisfied that, as a matter of fact and degree, the use alleged in the notice has not resulted in a material change in the character of the site and that the character of the site remains that of a waste processing centre. For those reasons, the inspector found that the use alleged in the notice did not amount to a material change in use of the site. He therefore concluded that the matters alleged in the notice do not, constitute a breach of planning control.

Appeal Ref.: 17/60036/REF **Planning Ref.:** 16/03784/FULL **Plns Ref.:** APP/T0355/W/17/3170547

Appellant: Mr Tomasz Szymkowicz Dog And Partridge 92 Upper Village Road Ascot SL5 7AQ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Siting of a caravan for occupation by family members. Retrospective.

Location: **Dog And Partridge 92 Upper Village Road Ascot SL5 7AQ**

Appeal Decision: Allowed **Decision Date:** 13 July 2017

Main Issue: The container and caravan either individually or collectively do not have a significant effect on levels of on-street parking or road safety more generally. Therefore there is no conflict with Policies DG1 and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (the LP) or Policy NP/T1.2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 (the NP). These seek, where possible, adequate on-site parking in accordance with adopted standards. Neither the container nor caravan cause unacceptable harm to the character and appearance of the area. There is thus no conflict with Policies DG1 and H11 of the LP or Policies NP/DG1 and NP/DG2 of the NP. Amongst other things, these seek high quality development that is compatible in terms of scale with its surroundings.

Appeal Ref.: 17/60040/NOND **Planning Ref.:** 15/04081/FULL **Plns Ref.:** APP/T0355/W/16/
ET 3165223

Appellant: Mr S Rye - Simon Rye Pension Fund **c/o Agent:** Mr Paul Uttley FORM-Architecture And
Planning Hersham Place 41 - 61 Molesey Road Hersham Walton-On-Thames Surrey KT12
4RZ

Decision Type: Delegated **Officer Recommendation:** Would Have
Refused

Description: Erection of a block of 8 x residential units with semi-basement parking and landscaping,
following demolition of existing office and flats

Location: **The Boatyard 105 Straight Road Old Windsor Windsor SL4 2SE**

Appeal Decision: Dismissed **Decision Date:** 2 August 2017

Main Issue: The Inspector dismissed the appeal on three of the four grounds put forward by the Council
in its "would have refused" report on the planning application. Flooding The Inspector
stated that Planning Policy Guidance Table 3 "Flood Risk Vulnerability and Flood Zone
Compatibility" made clear that more vulnerable development should not be permitted in
Flood Zone 3b. The appellant's argument, that because the footprint of the existing building
prevents the flow of water, it is not part of the functional flood plain, was not accepted. The
Inspector agreed with the Council that the appellant, in carrying out the required Sequential
Test, had drawn too tightly the parameters for assessing whether a site is reasonably
available. Specifically the appellant should not have discounted sites in Flood Zone 1 only
because they were scheduled in the SHLAA to come forward after 2019, and were therefore
viewed as not available immediately. It appeared to the Inspector that there was no valid
reason as to why such sites would not be reasonably available now, and that as, therefore,
there are reasonably available sites at lower risk of flooding, the proposal failed the
Sequential Test. As the Sequential Test had not been passed it was therefore unnecessary
to consider whether the Exception Test had been met. The scheme was found to conflict with
paragraphs 100, 101 and 103 of the NPPF and with policy F1 of the Local Plan. Character
and appearance (Trees) The Inspector found that initial and on-going pruning of a TPO'd
tree (that would be required because of the location of the proposed development) would
harm the character and appearance of the area, including the setting of the Thames, as
appreciable from the Thames Path National Trail, from Straight Road, and from the river
Thames itself. The scheme was found to conflict with policies H10, N2, N6 and DG1 of the
Local Plan. Living conditions. Due to the substantially increased height of the new building,
and to its proximity to windows in an existing neighbouring residence, the development
would be unneighbourly and overbearing for neighbouring occupants, whose living
conditions would be harmed with regard to outlook. The scheme was found to conflict with
paragraph 17 of the NPPF. Conclusion As the proposed development would conflict with
specific restrictive policies of the NPPF (in this case relating to locations at risk of flooding)
the proposal could not be considered to be sustainable development for which the
Framework presumes in favour. Furthermore, the proposal would conflict with the
development plan, and in accordance with Sec 38(6) of the Planning and Compensation Act
2004 and paragraph 12 of the NPPF, the proposal should be refused.

Appeal Ref.: 17/60045/REF **Planning Ref.:** 16/03771/FULL **Plns Ref.:** APP/T0355/W/17/3172618
Appellant: Mr Tomasz Szymkowicz Dog And Partridge 92 Upper Village Road Ascot SL5 7AQ
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Siting of storage container in car park (retrospective)
Location: **Dog And Partridge 92 Upper Village Road Ascot SL5 7AQ**
Appeal Decision: Allowed **Decision Date:** 13 July 2017

Main Issue: The container and caravan either individually or collectively do not have a significant effect on levels of on-street parking or road safety more generally. Therefore there is no conflict with Policies DG1 and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (the LP) or Policy NP/T1.2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 (the NP). These seek, where possible, adequate on-site parking in accordance with adopted standards. Neither the container nor caravan cause unacceptable harm to the character and appearance of the area. There is thus no conflict with Policies DG1 and H11 of the LP or Policies NP/DG1 and NP/DG2 of the NP. Amongst other things, these seek high quality development that is compatible in terms of scale with its surroundings.

Appeal Ref.: 17/60046/NOND ET **Planning Ref.:** 17/00297/FULL **Plns Ref.:** APP/T0355/W/17/3172740
Appellant: Mr Dale Greenhead **c/o Agent:** Mr Kevin Gill Planning 4 Property Avondale Barrack Path Woking Surrey GU21 8UA
Decision Type: Delegated **Officer Recommendation:** Would Have Refused
Description: Double storey rear extension
Location: **Wentworth And Associates White Hart House 9 Silwood Road Ascot SL5 0PY**
Appeal Decision: Dismissed **Decision Date:** 28 July 2017

Main Issue: The Inspector considered that from the study in the ground floor side elevation of No 7, the extension would appear as a looming expanse of masonry built right up to the boundary causing prolonged periods of overshadowing and would severely curtail the amount of sky that can be viewed - resulting in an overbearing and oppressive outlook for the neighbouring property. The Inspector also considered that the extension would cause an appreciable reduction in outlook from the first floor kitchen window to No. 7 and have a significant enclosing effect on the balcony area to the rear of the first floor of No 7.

Appeal Ref.: 17/60048/REF **Planning Ref.:** 16/02810/FULL **Plns Ref.:** APP/T0355/W/17/3169962
Appellant: Mr G Scott **c/o Agent:** Mr Graham Sturdy Surrey Planning And Design Ltd 19 Station Road Addlestone KT15 2AL
Decision Type: Committee **Officer Recommendation:** Defer and Delegate
Description: Erection of a detached five bedroom dwelling with attached garage.
Location: **Land At Priory Lodge Priory Road Sunningdale Ascot**
Appeal Decision: Dismissed **Decision Date:** 3 August 2017

Main Issue: The Inspector acknowledged that overall there would be some change to the character and appearance of the area through a loss of openness on the appeal site, however, that this would not be readily apparent from public vantages and therefore they concluded that the proposed development would not cause unacceptable harm to the character and appearance of the area. In addition, the Inspector considered that the scheme would have an acceptable impact in terms of living conditions of neighbouring properties. The Inspector, however, dismissed the appeal because the lack of an obligation means that the effect of the development on the SPA would be unacceptable.'

Appeal Ref.: 17/60057/REF **Planning Ref.:** 16/03741/FULL **Plns Ref.:** APP/T0355/D/17/3173231

Appellant: Miss Heidie Grech **c/o Agent:** Mr Ken Marshall Marshall Associates Honyash Curls Lane Maidenhead Berkshire SL6 2QF

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Proposed dropped kerb

Location: **50 Straight Road Old Windsor Windsor SL4 2RX**

Appeal Decision: Dismissed **Decision Date:** 28 July 2017

Main Issue: The Inspector considered that a further access onto the main road would have an adverse impact upon highway safety and the free flow of traffic along Straight Road, contrary to Policy T5 of the Local Plan.

Appeal Ref.: 17/60063/REF **Planning Ref.:** 17/00721/FULL **Plns Ref.:** APP/T0355/D/17/3177284

Appellant: Mr Shamir Davda **c/o Agent:** Mr Ehsan UI-Haq Archigrace Limited 50 Two Mile Drive Slough SL1 5UH

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey front and rear extensions, raising of overall roof to form habitable accommodation in roofspace.

Location: **121 Coppermill Road Wraysbury Staines TW19 5NX**

Appeal Decision: Allowed **Decision Date:** 10 August 2017

Main Issue: The Inspector considered that the design is acceptable insofar as it retains the appearance of a pitched roof, albeit at a steeper pitch, the front elevation is stepped to add interest and it is intended to use matching materials. Although the crown roof is a somewhat unattractive element, it would not be readily apparent as what it is from public viewpoints, and in this instance allows for the provision of additional accommodation without an excessive increase in the height of the dwelling. The Inspector concluded that the proposal would not harm the character and appearance of the area and that it would be consistent with Local Plan Policies DG1 and H14.

Planning Appeals Received
20 June 2017 - 11 August 2017

WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 17/60064/PRPA **Planning Ref.:** 16/03732/TPO **PIns Ref.:** APP/TPO/T03
55/6099
Date Received: 4 May 2017 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast-track
Description: (T19) Scots Pine - selective tip reduction of 10 branches by up to 3m to natural target pruning points (T22) Sweet Chestnut - crown reduction to final height of 14m with 5m radial branch spread (T23) Sweet Chestnut - crown reduction final height of 18m with 4m radial branch spread (T24) Sweet Chestnut - remove epicormic growth to 8m (T27) Scots Pine - fell (T11) Beech - crown lift to 4.5m (T10) Beech - clear building by 3m retaining over hanging branches, crown lift to 4.5m and reduce branches growing towards dwelling to north west to radial length of 4.5m
Location: **Gainsborough House Furlong Drive Ascot SL5 7GW**
Appellant: Mr And Mrs Elliott **c/o Agent:** Mr Ben Abbatt Sapling Arboriculture Limited 94 Mount Pleasant Road Alton GU34 2RS

Ward:
Parish: Old Windsor Parish
Appeal Ref.: 17/60059/PRPA **Planning Ref.:** 17/00249/TPO **PIns Ref.:** APP/TPO/T0
355/6152
Date Received: 19 June 2017 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast-track
Description: (T1) Cedar - Tip reduction of 20 branches in the crown of the tree by up to 3m. Removal of vertical branch at 9m on the southwest side of the tree. Tip reduce branches to east and south to give a clearance of 1.5m from phone lines. Tip reduce branches to maintain a clearance from of 2m from the roof of the house.
Location: **Kenmore Cottage The Friary Old Windsor Windsor SL4 2NP**
Appellant: Mr And Mrs Mascarenhas Kenmore Cottage The Friary Old Windsor Windsor SL4 2NP

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 17/60061/REF **Planning Ref.:** 16/03869/FULL **PIns Ref.:** APP/T0355/D/1
7/3175830
Date Received: 28 June 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Two storey side/rear extension
Location: **36 Beech Hill Road Ascot SL5 0BW**
Appellant: Mr And Mrs P Rowe **c/o Agent:** Mr Christopher Arden 11 Galton Road Ascot Berkshire SL5 0BP

Ward:

Parish: Sunningdale Parish
Appeal Ref.: 17/60062/REF **Planning Ref.:** 16/03957/FULL **Plns Ref.:** APP/T0355/D/17/3175369
Date Received: 28 June 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Detached garage with office, wet room, toilet facilities and storage
Location: **Wilton House 13 Sunning Avenue Sunningdale Ascot SL5 9PN**
Appellant: Mr Alistair Macdonald **c/o Agent:** Mr Mark Philpot The Planning Consultancy Gateway (Unit 3) 83-87 Pottergate Norwich Norfolk NR2 1DZ

Ward:
Parish: Horton Parish
Appeal Ref.: 17/60063/REF **Planning Ref.:** 17/00721/FULL **Plns Ref.:** APP/T0355/D/17/3177284

Date Received: 30 June 2017 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Single storey front and rear extensions, raising of overall roof to form habitable accommodation in roofspace.

Location: **121 Coppermill Road Wraysbury Staines TW19 5NX**
Appellant: Mr Shamir Davda **c/o Agent:** Mr Ehsan Ul-Haq Archigrace Limited 50 Two Mile Drive Slough SL1 5UH

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 17/60069/REF **Planning Ref.:** 17/00031/FULL **Plns Ref.:** APP/T0355/W/17/3177811

Date Received: 19 July 2017 **Comments Due:** 23 August 2017
Type: Refusal **Appeal Type:** Written Representation
Description: Erection of 2x detached dwellings with double garages and improvements to access road.

Location: **The Burleigh Bushes Cottage Burleigh Road Ascot SL5 7LE**
Appellant: Mr Mark Perkins **c/o Agent:** Mr Robert Reynolds PDP Wash Hill Cottage Wash Hill Wooburn High Wycombe HP10 0JA

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 17/60070/NONDET **Planning Ref.:** 17/01065/FULL **Plns Ref.:** APP/T0355/W/17/3177412

Date Received: 19 July 2017 **Comments Due:** 23 August 2017
Type: Non-determination **Appeal Type:** Written Representation
Description: Erection of two detached houses with integral garages and revised access arrangements, following the demolition of the existing house.

Location: **The Chalet Ravensdale Road Ascot SL5 9HJ**
Appellant: Heywood Real Estate Ltd **c/o Agent:** Mr Robert Clarke R Clarke Planning Ltd Kewferry Farm Rickmansworth Road Northwood Middlesex HA6 2RF

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 17/60077/REF **Planning Ref.:** 17/00158/CLD **Plns Ref.:** APP/T0355/X/17/3174405

Date Received: 4 August 2017 **Comments Due:** 15 September 2017
Type: Refusal **Appeal Type:** Written Representation
Description: Certificate of Lawfulness to determine whether the existing use of five flats at ground floor and 6 flats at first floor (flat 12 part FF, part SF) as 11 x C3 (Dwellinghouses) is lawful.

Location: **Wraysbury Hall 1 Ferry Lane Wraysbury Staines TW19 6HG**
Appellant: Mr Scott Hamilton **c/o Agent:** Mr Michael Williams Michael Williams 9 St Michaels Road Cardiff CF5 2AL