

Planning Appeals Received

24 March 2018 - 20 April 2018

WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://app.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:

Parish: Old Windsor Parish

Appeal Ref.: 18/60043/REF

Planning Ref.: 17/04024/FULL

Plns Ref.: APP/T0355/D/18/
3197832

Date Received: 16 April 2018

Comments Due: Not Applicable

Type: Refusal

Appeal Type: Householder

Description: Two storey side extension and single storey rear extension

Location: 13 Tudor Lane Old Windsor Windsor SL4 2LF

Appellant: Dr Jagdit Sahota c/o **Agent:** Mr Nigel Fallon 349 Chartridge Lane Chesham HP5 2SH

Appeal Decision Report

24 March 2018 - 20 April 2018

WINDSOR RURAL

Appeal Ref.: 18/60012/REF **Planning Ref.:** 17/01560/TLDDT **Plns Ref.:** APP/T0355/W/17/3186243

Appellant: EE Ltd **c/o Agent:** Mrs Carolyn Wilson The Harlequin Group 5 Allen Road Livingston EH54 6TQ

Decision Type: Delegated **Officer Recommendation:** Prior Approval Required and Refused

Description: Installation of a 20m high slim line telecommunications tower with 3 No. antennas within a GRP stroud, 2 No. dishes and 3 No. ground based equipment cabinets and other ancillary equipment thereto.

Location: Land To The North of Morton Lodge London Road Sunninghill Ascot

Appeal Decision: Dismissed **Decision Date:** 3 April 2018

Main Issue: Due to its siting and excessive height in relation to its surroundings, the proposed mast would form an over-prominent addition to the open street-scene of the junction causing harm to the character and appearance of the area, a failing that would be apparent over a considerable distance and to many receptors and users of the roads. For these reasons the proposal is unacceptable.

Appeal Ref.: 18/60013/NOND **Planning Ref.:** 17/00146/FULL **Plns Ref.:** APP/T0355/W/17/
ET 3185162

Appellant: Pearmain Pubs Ltd **c/o Agent:** Mr Carl Stott Nineteen47 Ltd 106 Micklegate York YO1 6JX

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

Description: Single storey side and single storey rear/side extensions following demolition of existing outbuildings and decking.

Location: **Mikado London Road Ascot SL5 7DL**

Appeal Decision: Dismissed **Decision Date:** 4 April 2018

Main Issue: The Inspector considered that the proposed additions would a disproportionate addition over and above the size of the original building and hence the proposal is inappropriate development. The Inspector commented that the proposal would add built form on all 4 sides of the building, eroding openness. Although the removal of fences and out-buildings would reinstate openness in their location, the improvement in openness would be limited. There would be no perceivable positive effect in removal of decking. The proposal does not accord with the aim of Neighbourhood Policy NP/EN1 (gaps between villages). Notwithstanding the effect on openness, the Inspector considered that the additions would be well designed and would harmonise with and in places enhance the design of the original building. The Inspector considered that whilst 6 Category C trees would be removed, conditions could address the wellbeing of the remaining trees during construction and there is no firm evidence that their long-term future would be prejudiced by the increased proximity of parts of the building. The Inspector commented that there is little firm evidence as to why the building remains unused and why the previous owner was unable to continue and consequently it is not possible to attach weight to the need for the additions, as opposed to a better marketing and service offer, in order to bring the re-opening of the building and the delivery of the economic benefits claimed. The Inspector has concluded that very special circumstances have not been shown to exist inappropriate development in the Green Belt. The Inspector allowed the appellant's application for award of costs. The Inspector considered that the Council did not carry out a 2-stage approach to the Green Belt assessment, commenting that each consideration was tested as to whether it was very special circumstances necessary to allow inappropriate development in the Green Belt. The Inspector concluded that the appellant was put to additional expense in addressing parking, heritage and tree considerations, and whilst the accompanying Appeal Decision concurs with the Council on the question of inappropriate development and the lack of very special circumstances, the appellant did incur unnecessary expense in addressing the failing of the Council to demonstrate the correct approach to the Green Belt balance, as determined by the Courts, during the application stage. The Inspector considers that a partial award of costs is justified and requires RBWM to pay Pearmain Pubs Ltd, the costs of the appeal proceedings limited to those costs incurred in respect of parking, heritage and tree matters, and in reiterating the correct approach to very special circumstances.

Appeal Ref.: 18/60026/REF **Planning Ref.:** 17/02955/FULL **Plns Ref.:** APP/T0355/D/17/3190776

Appellant: Mr Roland Clapton **c/o Agent:** Mr David Chivers Planning Design Partnership Ltd 32 Park Road Chiswick London W4 3HH

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

Description: Construction of a detached garage and new garden wall

Location: **Earleydene Orchard Earleydene Ascot SL5 9JY**

Appeal Decision: Allowed **Decision Date:** 6 April 2018

Main Issue: Decision: The Inspector indicates the main issue to be whether the proposal represents inappropriate development in the Green Belt. With reference to the court case Sevenoaks District Council vs SSE and Dawe (1997), the Inspector notes a detached outbuilding may be regarded as a 'domestic adjunct' and in this instance, the proposed garage is deemed to 'effectively be part of the dwelling'. It follows that it can be considered under Framework Paragraph 89 and Local Plan Policy GB1 relating to extensions. The scale, appearance and siting of the building are all acceptable. The conclusion is that the proposal would neither constitute a disproportionate addition nor inappropriate development in the Green Belt and the impact on openness need not be considered. Costs: The Inspector does not find the Council's interpretation of Green Belt policy to be unreasonable as outbuildings are generally not permitted by Framework Paragraph 89 or in the Local Plan. It follows that they would normally be considered inappropriate development in the Green Belt. The treatment of a proposed outbuilding as equivalent to an extension is deemed to be a judgement for the decision-maker. The Inspector accepts the demolition of the previous garage was likely included in the consideration of the application for the replacement dwelling and is not a significant material consideration in this appeal. Insufficient information concerning the planning history of existing garages in the area has been provided and thus inconsistent decision making is not demonstrated. It is therefore concluded that the Council has not behaved unreasonably.
