

# Appeal Decision Report

14 April 2018 - 11 May 2018

## WINDSOR URBAN



**Appeal Ref.:** 17/60107/ENF      **Enforcement Ref.:** 16/50010/ENF      **Plns Ref.:** APP/T0355/C/17/3179697

**Appellant:** GFL Management And Wyevale GC **c/o Agent:** Mr Stephen Egerton Stephen Egerton Associates 33 Wavell Avenue Colchester C02 7HR

**Decision Type:** No Further Action      **Officer Recommendation:** No Further Action

**Description:** Appeal against the Enforcement Notice: Without Planning Permission the erection of two large canopies and the installation and siting of a metal storage container in association with the car wash use of the part of the car park.

**Location:** Windsor Garden Centre Dedworth Road Windsor SL4 4LH

**Appeal Decision:** Dismissed      **Decision Date:** 1 May 2018

**Main Issue:** Ground D: The canopies were installed in December 2015, some 18 months before the issue of the enforcement notice. There is, therefore no immunity against action against the canopies. The two metal containers installed in 2015 replaced a number of structures including a timber shed which served as the office/rest room. The larger container that enforced against is a much more substantial structure, entirely different to the timber shed it replaced. The breach of planning control began on the date the metal container was installed and not the date of installation of the timber shed it replaced. The metal container had not been in place for 4 years prior to the issue of the enforcement notice. The ground (d) appeal fails. Ground F: The ground (f) appeal suggests that the large metal container should be retained along with one of the canopies, representing a net reduction in development and harm to the green belt and that planning permission should be granted for the reduced scheme. In the absence of a ground (a) appeal there is no scope or power to reach such a conclusion in the current appeal. Anything short of full compliance with the requirements of the notice would not remedy the breach of planning control or remedy any injury to amenity which has been caused by the breach. The ground (f) appeal must, therefore, fail.

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**Appeal Ref.:** 18/60030/REF      **Planning Ref.:** 17/02584/FULL      **Plns Ref.:** APP/T0355/D/18/3192933

**Appellant:** Mrs Nicola Shurben 356 St Leonards Road Windsor SL4 3DX

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

**Description:** New vehicular access

**Location:** 356 St Leonards Road Windsor SL4 3DX

**Appeal Decision:** Dismissed      **Decision Date:** 18 April 2018

**Main Issue:** St Leonards Road is considered a primary distributor road and the Highway Design Guide states that on primary distributor roads the maintenance of free flowing traffic conditions and reasonable average speeds takes precedence over the need for access. Parking is provided to the rear of the site and it was considered the guidance in the Highway Design Guide was not outweighed by any other considerations, including that other properties on the road benefit from access.

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**Appeal Ref.:** 18/60031/REF      **Planning Ref.:** 17/02987/FULL      **Plns Ref.:** APP/T0355/D/18/3193555

**Appellant:** Ruth Webster **c/o Agent:** Mr Andrew Burningham Architecture: Ab High Trees Steven Way Ripon North Yorkshire HG4 2TJ

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

**Description:** Single storey side/rear extension following demolition of existing single storey extension

**Location:** **57 Elm Road Windsor SL4 3NB**

**Appeal Decision:** Dismissed      **Decision Date:** 19 April 2018

**Main Issue:** The main issue is the effect of the proposed extension on the living conditions of the occupiers of No 55 Elm Road, with regard to outlook.

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**Appeal Ref.:** 18/60036/REF      **Planning Ref.:** 16/03344/FULL      **Plns Ref.:** APP/T0355/W/17/3191281

**Appellant:** Provost And Fellows of Eton College **c/o Agent:** Mr John Bowles Porta Planning LLP 67 - 69 George Street London W1U 8LT

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

**Description:** Erection of timber sports pavilion building.

**Location:** **Gymnasium Eton College Common Lane Eton Windsor SL4 6DU**

**Appeal Decision:** Allowed      **Decision Date:** 4 May 2018

**Main Issue:** The Inspector commented that the small club house would have a modest floor area of 64 sq metres, with the area of stilts occupying just in excess of 1 sq m in area and volume of less than 1 cubic metre. The Inspector commented that the advice on piers in policy F1 is advisory and not part of the headline policy and should not be given the same weight as the development plan policy. In circumstances where the developer is the College who have control over the estate buildings and wider area, the development is for non-domestic purposes and where there is a strong opportunity for the college to manage any risk or potential hazard, these provide justification to set aside the flooding concerns. Overall the Inspector is satisfied that the building would not significantly affect flood capacity or flood flows in the area, would not increase the risk of flooding elsewhere and there would be no significant increased effect on people or properties. As such, the proposal would not conflict with national policy nor policy F1 of the Local Plan. Subject to conditions, the Inspector agreed with the Council that the development would preserve the character of the Conservation Area.

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## Planning Appeals Received

14 April 2018 - 11 May 2018

### WINDSOR URBAN

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://acp.planninginspectorate.gov.uk/> please use the PIns 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:** Windsor Unparished  
**Appeal Ref.:** 18/60041/REF **Planning Ref.:** 17/03050/FULL **PIns Ref.:** APP/T0355/D/18/3196817  
**Date Received:** 16 April 2018 **Comments Due:** Not Applicable  
**Type:** Refusal **Appeal Type:** Householder  
**Description:** Dropped kerb  
**Location:** 46 Clewer Hill Road Windsor SL4 4BW  
**Appellant:** Mr Christopher Barlow 46 Clewer Hill Road Windsor SL4 4BW

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 18/60042/REF **Planning Ref.:** 17/03644/FULL **PIns Ref.:** APP/T0355/D/18/3196927  
**Date Received:** 16 April 2018 **Comments Due:** Not Applicable  
**Type:** Refusal **Appeal Type:** Householder  
**Description:** Rear dormer  
**Location:** 70 Smiths Lane Windsor SL4 5PG  
**Appellant:** Mr G Bhullar **c/o Agent:** Mann Associates 45 Fulmer Drive Gerrards Cross Bucks SL9 7HG

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 18/60044/REF **Planning Ref.:** 17/02552/FULL **PIns Ref.:** APP/T0355/W/18/3198087  
**Date Received:** 17 April 2018 **Comments Due:** 22 May 2018  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** 2 No. semi-detached houses with raised patios, parking and new access following demolition of existing dwelling and carport  
**Location:** Trimstone Hermitage Lane Windsor SL4 4AZ  
**Appellant:** Mr & Mrs Reed **c/o Agent:** Mr Jake Colinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 18/60045/REF **Planning Ref.:** 17/03638/FULL **PIns Ref.:** APP/T0355/D/18/3196853  
**Date Received:** 19 April 2018 **Comments Due:** Not Applicable  
**Type:** Refusal **Appeal Type:** Householder  
**Description:** Single storey rear extension, first floor side/rear extension, new roof lights and alterations to fenestration following demolition of existing single storey rear element.  
**Location:** 23 Grove Road Windsor SL4 1JE  
**Appellant:** Mr & Mr Beresford And Schneider 23 Grove Road Windsor SL4 1JE

**Ward:**

**Parish:** Windsor Unparished  
**Appeal Ref.:** 18/60047/REF      **Planning Ref.:** 17/03682/FULL      **Plns Ref.:** APP/T0355/W/18/3199115  
**Date Received:** 19 April 2018      **Comments Due:** 24 May 2018  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of a detached single storey 2-bedroom dwelling  
**Location:** **Land Between 3 And 4 And 5 Clewer Fields Windsor**  
**Appellant:** Mr William Ball **c/o Agent:** Mr Kevin J. Turner 4 Little Oaks Close Shepperton Surrey TW17 0GA

**Ward:**  
**Parish:** Datchet Parish  
**Appeal Ref.:** 18/60048/REF      **Planning Ref.:** 17/03077/FULL      **Plns Ref.:** APP/T0355/W/18/3198369  
**Date Received:** 19 April 2018      **Comments Due:** 24 May 2018  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Enlargement of first floor front extension as approved under 14/01700/FULL.  
**Location:** **Westfield 141A Slough Road Datchet Slough SL3 9AE**  
**Appellant:** Mr K Suri **c/o Agent:** Mr John Quartermaine FEUK Ltd 30 Cobblers Close Farnham Royal Slough SL2 3DT