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Notice of Meeting

Windsor and Ascot Development Management Committee

Councillors Amy Tisi (Chair), Mark Wilson (Vice-Chair), David Buckley, Alison Carpenter, Carole Da Costa, Devon Davies, Sayonara Luxton, Julian Sharpe and Julian Tisi

Wednesday 7 June 2023 7.00 pm

Grey Room - York House & on [RBWM YouTube](#)

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Agenda

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1	Apologies for Absence To receive any apologies for absence.	-
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3	Minutes To approve the minutes of the meeting held on 5 April 2023 as a true and accurate record.	7 - 8
4	22/03431/OUT - Land To The South of Old Ferry Drive Wraysbury And Land At 19 Old Ferry Drive Wraysbury Staines PROPOSAL: Outline application for layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x4 detached 2 storey dwellings. RECOMMENDATION: Refuse APPLICANT: Mr Fowles MEMBER CALL-IN: Cllr Gary Muir EXPIRY DATE: 9 June 2023	9 - 26
5	Planning Appeals Received and Planning Decision Report To note the contents of the report.	27 - 32

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Democratic Services, Democratic.Services@RBWM.gov.uk, with any special requests that you may have when attending this meeting.

Published: 30 May 2023



LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed within the report, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary within the report.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DPIs (relating to the Member or their partner) include:

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, and*
 - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) *any unpaid directorships*
 - b) *any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority*
 - c) *any body*
 - (i) *exercising functions of a public nature*
 - (ii) *directed to charitable purposes or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*
- of which you are a member or in a position of general control or management*

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which ***affects*** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) ***affects*** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 5 APRIL 2023

Present: Councillors David Cannon (Chairman), Sayonara Luxton (Vice-Chairman), Shamsul Shelim, David Hilton, Amy Tisi, Ewan Larcombe, Jon Davey, Carole Da Costa and John Bowden

Officers: Jane Cryer, Sian Saadeh, Jo Richards and Jeffrey Ng

Apologies for Absence

Apologies were received from Councillors Muir and Wisdom Da Costa, with Councillors Bowden and Carole Da Costa substituting respectively.

Declarations of Interest

Councillor Bowden declared that he was Ward Councillor for Eton and Castle, and had property close to this site. He was a member of the Windsor Business Forum and had received a presentation from the developers of the site prior to the development coming to Committee. He came to the meeting with an open mind.

Councillor Shelim declared that he was also a Ward Councillor for Eton and Castle and a member of the Windsor and Eton Society. He was a member of the Windsor Business Forum and owned a business in Windsor. He came to the meeting with an open mind.

Councillor Tisi declared that she had attended briefings from the developers of the site prior to the development coming to Committee. She came to the meeting with an open mind.

Councillor Davey declared that he had attended briefings from the developers of the site prior to the development coming to Committee. He came to the meeting with an open mind.

Minutes

AGREED UNANIMOUSLY: That the minutes of the meeting held on 1 March be approved subject to amendments.

22/02893/FULL - Windsor Yards King Edward Court Windsor

The Committee was addressed by Philip Skottowe on behalf of the applicant, and Councillor Rayner, Ward Councillor for Eton and Castle.

Councillor Tisi proposed a motion to authorise the Head of Planning to grant planning permission upon the completion of a Section 106 legal agreement, Section 278 legal agreement and the conditions listed in Section 14 of this report. The motion was seconded by Councillor Hilton.

A named vote was taken.

22/02893/FULL - Windsor Yards King Edward Court Windsor (Motion)	
Councillor David Cannon	For
Councillor Sayonara Luxton	For
Councillor Shamsul Shelim	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Councillor Ewan Larcombe	For
Councillor Jon Davey	For
Councillor Carole Da Costa	For
Councillor John Bowden	For
Carried	

The result was 9 votes in favour, therefore the motion passed.

22/02990/FULL - 119 - 120 High Street Eton Windsor SL4 6AN

This item was withdrawn from the agenda by the applicant prior to the meeting.

22/03413/PIP - Land Adj 25 The Drive Wraysbury Staines TW19 5ES

The Committee was addressed by Jeremy Butterworth on behalf of the applicant.

A motion was proposed by Councillor Hilton to refuse this permission in principle application for the reasons listed in the report. This motion was seconded by Councillor Larcombe.

A named vote was taken.

22/03413/PIP - Land Adj 25 The Drive Wraysbury Staines TW19 5ES (Motion)	
Councillor David Cannon	Against
Councillor Sayonara Luxton	For
Councillor Shamsul Shelim	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Councillor Ewan Larcombe	For
Councillor Jon Davey	For
Councillor Carole Da Costa	For
Councillor John Bowden	Against
Carried	

The result was 7 votes in favour and 2 votes against, therefore the motion passed.

Planning Appeals Received and Planning Decision Report

The Committee noted the report.

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIR.....

DATE.....

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

DEVELOPMENT CONTROL PANEL

7 June 2023

Item: 1

Application No.:	22/03431/OUT
Location:	Land To The South of Old Ferry Drive Wraysbury And Land At 19 Old Ferry Drive Wraysbury Staines
Proposal:	Outline application for layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x4 detached 2 storey dwellings.
Applicant:	Mr Fowles
Agent:	Mr Alan Gunne-Jones
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks outline consent to erect four detached dwellings in the Green Belt. The matters to be considered are layout and scale with all other matters including access, appearance and landscaping reserved for subsequent assessment.
- 1.2 The proposal constitutes inappropriate development in the Green Belt and no very special circumstances exist to outweigh the harm to the Green Belt by virtue of its appropriateness, harm to openness or any other harm.
- 1.3 The proposal fails to provide an acceptable flood risk assessment and fails to pass the sequential and exceptions tests.
- 1.4 The introduction of housing would be detrimental to the open and rural character of the site itself and the wider setting in general. No net gain in biodiversity has been demonstrated and there is concern that the layout and scale would have an adverse impact on the living conditions of a neighbouring property.

It is recommended the Committee refuses this outline application for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The proposed development would constitute inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The proposed development would result in significant harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment. No very special circumstances have been demonstrated to outweigh the harm or any other harm and the proposal is contrary to Local Plan policy QP5, the guidance set out in section 13 of the NPPF and neighbourhood plan policy HOU4.
2.	The proposed development lies within Flood Zones 2 & 3. The proposal fails to pass the sequential test. Furthermore, in the absence of an acceptable flood risk assessment, the proposal fails to assess the flood risk to future occupiers and elsewhere. The proposal is contrary to Local Plan policy NR1, the guidance set out in Section 14 of the NPPF and neighbourhood plan policy SUSTDEV 02.
3.	The introduction of housing on this site would fail to respect and enhance the local natural character of the environment, and would result in an erosion of the open, undeveloped and rural character and appearance of the site itself and the wider setting in general. The proposal is therefore contrary to Local Plan policy QP3 and neighbourhood plan policies HOU1 and OE1.

4.	The proposed dwelling on plot A, due to its siting, scale and proximity to the adjacent dwelling, number 7 Old Ferry Drive, would appear overdominant, resulting in an unacceptable loss of light and outlook to these neighbouring occupants, contrary to Local Plan policy QP3.
5.	The proposal has failed to demonstrate through quantifiable methods that there will be a 'net gain in biodiversity' and the proposal is therefore contrary to Local Plan policy NR2 and Neighbourhood Plan policy OE2.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application since the application has been called in by former Cllr Muir irrespective of recommendation given the issues raised including green belt and flooding and mass and bulk in terms of the street scene.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the southern side of Old Ferry Drive, a private road in Wraysbury. The site measures approximately 0.6ha and comprises a flat, open field. The site forms part of a larger parcel of land, measuring approximately 2.17ha, shown outlined in blue on the location plan, which comprises an assortment of buildings/structures including 5 mobile homes, some timber buildings used for livery and open fields used for grazing horses.
- 3.2 To the east of the application site lies detached residential properties of varying architectural types and styles. To the north lies an area of dense trees and to the northwest lies King John's Hunting Lodge a grade II* listed building. To the west of the application site lies the site entrance serving the assortment of buildings and mobile homes and beyond the site entrance lies a single, detached dwelling. To the west also lies a large, wooded area known as 'The Kayles', a designated Local Green Space in the Neighbourhood Plan.
- 3.3 Old Ferry Drive is a single width carriageway without footpaths. A row of trees within the grass verge line the road in front of the application and a brick wall with railing runs along the front boundary of the site.

4. KEY CONSTRAINTS

- 4.1 The site lies within the designated Green Belt and within Flood Zone 2 (medium probability of flooding) and in part, Flood Zone 3 (high probability of flooding). There is a Grade II* listed building to the northwest of the site. The area is covered by an article 4 Direction and lies within an Amber Impact Zone for great crested newts.

5. THE PROPOSAL

- 5.1 Outline consent is sought to erect 4 detached, 2 storey dwellings. Only layout and scale are being considered at this stage. All other matters including access, appearance and landscaping are to be considered at the reserved matters stage.
- 5.2 The proposed dwellings would front onto Old Ferry Drive and each dwelling would be served by an individual access from Old Ferry Drive, although no details have been provided at this stage.
- 5.3 It is proposed to remove 4 mobile homes, located within the area outlined in blue to the west of the application, as part of the proposal.

6. RELEVANT PLANNING HISTORY

- 6.1 An outline application, reference 21/02144/OUT, for a larger housing development was reported to Committee last year with a recommendation for refusal and subsequently withdrawn.

- 6.2 A certificate of lawfulness granted under 11/03457/CLU relates to a parcel of land to the west of the application site, within the applicant's ownership. It is worth pointing out that the plan extract provided on p.5 of the Cover Note accompanying this application incorrectly shows the extent of land covered by the certificate. The plan attached to the certificate covers a much smaller area.
- 6.3 There is current ongoing enforcement investigation relating to replacement buildings and an area of hard surfacing on the adjoining site, owned by the applicant.

Reference	Description	Decision
21/02144/OUT	Outline application for access and layout only to be considered at this stage with all other matters to be reserved for the construction of x 32 dwellings (comprising x14 two store affordable retirement living units, x 4 two-storey detached dwellings and x14 two-storey semi-detached dwellings) revised pedestrian and vehicular access, local business/community hub and children's play area, following removal of existing structures.	Withdrawn 5.4.2022
11/03457/CLU	Certificate of lawfulness to determine whether the material change of use of land, buildings and structures from agricultural to permanent residential use comprising of 4 mobile homes and 2 storage crates is lawful.	Granted 16.3.2012

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Climate Change	SP2
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Sustainable Transport	IF2

Adopted Horton and Wraysbury Neighbourhood Plan (2021-2033)

Issue	Policy
Management of the Water Environment	SUSTDEV02
Good Quality Design	HOU1
Footprint, Separation, scale & bulk	HOU2
Redevelopment and change of use	HOU4
Water Supply, Waste Water, Surface Water and Sewerage Infrastructure	HOU5
Heritage Assets	BE2
Landscape	OE1
Ecology	OE2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 5 – Delivering a sufficient supply of homes

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 -- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- Strategic Housing Market Assessment (SHMA) 2016
- Interim Sustainability Position Statement
Corporate Strategy
Environment and Climate Strategy
RBWM Parking Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

9.1 4 occupiers were notified directly of the application.

9.2 2 letters were received supporting the application including a letter from the Old Ferry Drive Residents Association (OFDRA), summarised as:

Comment	Where in the report this is considered
1. The erection of 4 dwellings would improve the visual appearance of the area.	See section 10iii & 10x
2. It would bring the site back into positive use.	See section 10x
3. The proposal offers the prospect of ending years of controversy surrounding the squalor of this site and failure to comply with various enforcement notices and the detrimental effect it has had on the visual amenity of the area.	See section 10x
4. Proposal would alley fears that site could be sold off to undesirable purchasers.	Not a material planning consideration
5. Proposal is in stark contrast to previous high-density development.	See section 10iii
6. Houses will be raised above ground level and mobile homes will be demolished – negligible impact on flood plain capacity.	See section 10ii
7. Proposal will end the risk of unauthorised invasion of the site.	Not a material planning consideration
8. No increase in population density and traffic with the demolition of the mobile homes	See section 10vii
9. Proposal does not encroach the functional floodplain.	See section 10ii

3 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Site is not an allocated site for development in the BLP – no need to develop on Green Belt and flood plain.	See section 10i and 10ii
2.	Current enforcement case relating to construction of 2 buildings and laying of hard standing – 19/50379/ENF. In addition, wall built along front boundary and extra mobile home brought onto site without planning permission. Skips and containers on site all add to change the character of the site.	Not a material planning consideration
3.	Old Ferry Drive is a single, unadopted road without pavements. Limited sight lines onto Welley Road would struggle to accommodate extra traffic.	See section 10vii
4.	Further pressure on services could exacerbate drainage issues for residents of Friary Island during periods of high-water levels.	See section 10ii
5.	Proposal does not meet exceptions in Green Belt and would remove an important parcel of land and conflict with the purposes of the green belt and have adverse impact on openness and character of area.	See section 10i
6.	Inappropriate development in Green Belt – no VSC exists.	See sections 10i and 10x
7.	Development is located outside the defined settlement boundary of Wraysbury and is contrary to the BLP policy SP1	See section 10i
8.	Rural location – not limited infilling and not a ‘small gap’.	See section 10i
9.	Would introduce new residential development, ‘more vulnerable’ use within Flood Zones 2 & 3.	See section 10ii
10.	The site has been flooded in recent years and comprises functional flood plain. Development would put occupiers at risk of flooding and surrounding occupiers.	See section 10ii
11.	Increase the number of people and properties at risk of flooding	See section 10ii
12.	Reduce capacity of the flood plain to store flood water and impede flow of flood water.	See section 10ii
13.	Residents on Friary Island have suffered foul water blockages during flooding events and the existing infrastructure will need upgrading to cover demand.	Section 10ii
14.	Unacceptable impact on highway safety – poor visibility splay from Old Ferry Drive onto Welley Road	See section 10vii
15.	Concerned about level of construction traffic – road not designed for high level of construction vehicles.	See section 10vii
16.	Proposal would erode the rural nature of the area and remove significant space in the Green Belt.	See section 10i

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Object	See section 10ii

Consultees

Consultee	Comment	Where in the report this is considered
Ecology Officer	No information regarding biodiversity net gain provided	See section 10vi
Natural England	No comments received	

Environmental Protection	No objection – conditions and informatives recommended	Noted
NatureSpace	Low risk to Great Crested Newts	See section 10vi
Archaeology Officer	Site falls within an area of archaeological significance and condition recommended.	Noted
Highways	Further details required	See section 10vii

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Wraysbury Parish Council	Strongly object on the grounds of over development in the green belt and in flood zone 3 putting additional people at risk. This plot was not identified in the Borough Plan as an area for development. So having met the required permitted development in the Borough this would be an unnecessary development in the flood plain and green belt.	See section 10i and 10ii

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Impact on Character and Appearance
- iv Impact on living conditions
- v Trees and Landscaping
- vi Ecology and Biodiversity
- vii Highways and Parking
- viii Other material considerations
- ix Housing Land Supply
- x Very Special Circumstances

i. Green Belt

10.2 The application site lies within the designated Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 137 of the NPPF). Green Belt serves five purposes including to assist in safeguarding the countryside from encroachment. Paragraphs 147 and 148 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (e) limited infilling in villages and (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

10.4 Most of the application site is open, undeveloped Green Belt and there is only a very small portion in the northwest corner of the application site which could be said to be previously developed

land as it falls within the plan area granted a Certificate of Lawfulness under 11/03457/CLU. On this basis the proposal has been assessed under part (e) limited infilling and not under (g) limited infilling or partial or complete redevelopment of previously developed land.

10.5 Borough Local Plan policy QP5 (4) states that certain forms of development are not considered inappropriate within the Green Belt. Within the Royal Borough, village settlement boundaries are identified on the Policies Map and these boundaries will be used in determining whether limited infilling may be acceptable:

- a) *Limited infilling within the identified village settlement boundaries within the Green Belt as designated on the Policies Map marked 'Settlements (QP5)'*
- b) *Limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground. In assessing the village envelope consideration will be given to the concentration, scale, massing, extent and density of built form on either side of the identified village settlement boundary and the physical proximity of the proposal site to the identified village settlement boundary.*

10.6 Paragraphs 6.18.9- 6.18.11 'Limited Infilling' provide an explanation to policy QP5. It states:

'For the purposes of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.'

Case law has now established that the infilling in villages exception is not restricted to sites that fall within identified settlement boundaries in the local plans. This impacts on villages with defined boundaries shown on the Policies Map and small villages that do not have defined boundaries.

Where the built form of a village extends wider than the settlement boundary the Council will need to assess whether or not the proposal site could be understood as falling within the wider understanding of the village extent and thus able to benefit from the limited infilling exception. Proposal sites for villages where no boundary has been defined will need to be assessed on a case-by-case basis. The Council considers there to be very few opportunities for limited infilling in those smaller villages where no settlement boundary has been designed. Should any proposals come forward, these will be considered on their planning merits, taking into account national and local planning policies (including any policies in made Neighbourhood Plans).

10.7 The Framework does not provide any definition of limited infilling. In this case the site does not fall within an identified village settlement boundary within the Green Belt as designated on the Policies Map marked 'Settlements (QP5)'. Whilst the application site lies adjacent to the built-up settlement boundary of Wraysbury, it forms a wide, open space beyond the settlement boundary and is rural in character. To the west of the site lies much more sporadic development comprising mobile homes and buildings within the applicant's ownership and a single detached dwelling and woodland beyond. The application site therefore does not lie within the village envelope. The proposal would form an extension to the built-up settlement area and given the width of the gap, the proposal would not constitute a small gap in an otherwise built-up frontage. The proposal does not represent limited infilling within a village, nor does it meet any of the other exceptions identified within the NPPF.

Impact on openness and purposes of the Green Belt

10.8 The proposed development would introduce 4 large, detached dwellings on a site which is currently an open field. The proposal would have a significant visual and spatial impact on the openness of the Green Belt when compared to the existing site and would conflict with one of the five purposes of the Green Belt namely, to assist in safeguarding the countryside from encroachment.

10.9 Overall, it is concluded that the proposal would not constitute 'limited infilling in villages' and would therefore constitute inappropriate development in the Green Belt, contrary to Local Plan

policy QP5 and the guidance set out in section 13 of the NPPF and contrary to neighbourhood plan policy HOU4. 'Very Special Circumstances' (VSC) would need to be demonstrated to outweigh the harm to the Green Belt caused by inappropriateness and any other harm and this is considered below under section 10.x.

ii. Flood Risk

- 10.10 The application site lies within Flood Zones 2 & 3 (medium and high-risk probability of flooding). The application has been accompanied by a site-specific Flood Risk Assessment and a Sequential and Exceptions Test. There is evidence of historic flooding on this site.

Sequential Test and Exceptions Test

- 10.11 Residential development is classified as "More Vulnerable" in terms of flood risk vulnerability and a sequential test is required. Paragraph 162 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Local Plan policy NR1 also requires a sequential test for all development in areas at risk of flooding. Only if it is not possible for development to be located in areas with a lower risk of flooding will the exception test be applied. To pass the exception test it must be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 10.12 The geographical search area of the Sequential Test (ST) is Borough-wide; however, the ST is only passed on a reduced site search area. The ST needs to cover all reasonably available sites, which include any sites that are suitable, developable and deliverable and is not limited to sites within the Housing and Economic Land Availability Assessment (HELLA) only.
- 10.13 Furthermore, there are queries regarding the dismissal of several of the assessed sites. The test identifies 2-4 Albert Street, Maidenhead as unsuitable since the prior approval is believed to have been implemented. However, based on the Council's record, it is unclear whether this is the case. Numbers 30-32 Forlease Road, Maidenhead has also been identified as unsuitable since planning permission, reference 18/00421/FULL, has not been implemented and the site is partially within Flood Zone 3a. However, sites would only be considered unsuitable if planning permission has been granted and the conditions discharged. The test also discounts some potentially developable sites which states that there is no indication the site is for sale or available. However, no further evidence is provided to demonstrate that land agents or landowners were contacted to enquire about the availability of those sites.
- 10.14 Overall, the ST is not considered to be robust enough to demonstrate that there are no other reasonably available sites at a lower risk of flooding that could accommodate this development and it is determined that the proposed development fails to pass the ST in this case and is contrary to Local Plan policy NR1 and the guidance set out in section 14 of the NPPF.

Site-specific Flood Risk Assessment

- 10.15 Local Plan policy NR1 sets out that development will only be supported within designated Flood Zones 2 and 3, where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is considered.
- 10.16 Neighbourhood Plan policy NP/SUSTDEV02 sets out that development proposals for residential development within Flood Zones 2 and 3 will not be supported apart from the one for one replacement of houses and 'permitted development' extensions.
- 10.17 A flood risk assessment (FRA) prepared by WtFR Ltd and dated 11th January 2023 accompanies the application. The FRA sets the flood level at 17.88mAOD and the finished ground floor levels

are set 300mm above the flood level at 18.18mAOD. The site lies within a low-risk area for surface water flooding and has a medium-high groundwater vulnerability. The FRA sets out a SuDs scheme to control of the disposal of surface water runoff which includes the provision of soakaways and permeable paving.

- 10.18 The Environment Agency has objected to the application and has recommended refusal on the grounds that the proposal fails the second part of the Exceptions Test which requires the applicant to demonstrate that the development will be safe without increasing flood risk elsewhere and where possible should reduce flood risk overall. In this instance the FRA fails to:
- Use the most up to date available information to assess flood risk – the FRA needs to refer to the Thames (Hurley to Teddington) 2019 – Staines reach model.
 - Demonstrate that the development will be safe for its lifetime i.e. demonstrate that finished floor levels are set up above the 1% AEP plus an appropriate allowance for climate change flood level to reduce the risk of flooding to people and property. A topographical survey of the site and a comparison with the modelled flood levels is required.
 - Consider whether flood risk will be increased in the surrounding area – it needs to be demonstrated that any loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change can be directly compensated for to prevent an increase in flood risk elsewhere. The modelling shows that the site is wholly within the 1% AEP plus 35% Climate Change flood extent. Therefore, there will be an impact on flood storage. The FRA provides no assessment as to what flood storage is going to be lost through this development.
 - Address the opportunities to reduce flood risk – level for level flood plain compensation is required for any loss in flood plain storage. Level for level compensation is the matching of volumes lost to the flood plain through increases in built footprint with new flood plain volume by reducing ground levels. Currently the modelling indicates that level for level compensation may not be possible.
- 10.19 Overall, the FRA accompanying the application is inadequate and has failed to demonstrate that the proposal is acceptable in terms of flood risk in accordance Local Plan policy NR1 and the guidance set out in section 14 of the NPPF. Further details relating to surface water and foul water drainage would need to be dealt with at the reversed matters stage.

iii. Impact on Character and Appearance

- 10.20 Local Plan policy QP3 requires new development to be of a high standard of sustainable design that respects and enhances the local, natural or historic environment paying particular regard to urban grain, layouts, rhythm, density, heights and scale, amongst other things. Neighbourhood Plan Policy NP/HOU1 requires development proposals to make a positive contribution to the character and sense of place to Horton and Wraysbury's built environment and character. Policy NP/HOU2 requires new development to respect the footprint, separation, scale, bulk and height of buildings in the surrounding area and to respect established building lines and plot widths and arrangements of front gardens, walls and railings. Policy NP/OE1 requires development to conserve and enhance the quality and character of the landscape in the Neighbourhood Plan area. In particular, development will be expected to retain and where possible improve the visual appearance of the land by protecting and enhancing landscape features such as vegetation, existing trees and hedgerows,
- 10.21 Only layout and scale are being assessed at this stage. The proposed dwellings would be 2 storeys and the proposed finished ground floor levels would be set 300mm above the flood level at 18.18mAOD. The proposed dwellings would front onto Old Ferry Drive and are set back from the road. The plot sizes, widths, footprints and the spacing provided would reflect the general layout and density of the residential development to the east of the site.
- 10.22 However, as set out above, the site is currently open fields and is used for grazing of horses. It provides an important transition between the built-up settlement boundary and more rural open countryside. It lies outside the character area 'Wraysbury Welley Area' in the Horton and Wraysbury Character Assessment 2018, but contributes positively to the character and appearance of the area by virtue of its natural landscape and rural and undeveloped character. The introduction of housing on this site would erode the open and rural character and appearance of the site itself and the wider setting in general, failing to conserve and enhance the

quality of the landscape, contrary to Local Plan QP3 and Neighbourhood Plan Policies HOU1 and OE1.

iv. Impact on living conditions

- 10.23 Local Plan policy QP3 requires new development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, sunlight and daylight amongst other things.
- 10.24 The proposed dwelling on plot A would project a considerable distance beyond the rear elevation of the adjacent dwelling, number 7 Old Ferry Drive. Whilst full elevations have not been provided, the submissions set out that each dwelling is to be a 4-bed, two-storey dwelling raised above the flood level. At this outline stage, the proposed layout and scale of the development are matters for consideration. It is considered that the proposed dwelling on plot A, due to its layout and scale, and the juxtaposition with the neighbouring property, number 7, would appear overdominant, resulting in an unacceptable loss of light and outlook to these neighbouring occupants, to the detriment of their residential amenities and contrary to Local Plan policy QP3.

v. Trees and Landscaping

- 10.25 Local Plan policies QP3 and NR3 highlight the importance of trees to the character of an area and the quality of a development. There is a row of trees within the grass verge fronting Old Ferry Drive. No arboricultural information has been provided with the application. It is understood that each dwelling would be served by an individual access and the impact of the proposed new accesses on these trees has not been demonstrated. Since access is a reserved matter, it is expected that the relevant tree information would be provided at the reserved matters stage to enable a proper assessment of the proposals impact on these trees in accordance with Local Plan policy NR3. There are no other trees of amenity value on the application site and landscaping is a reserved matter.

vi. Ecology & Biodiversity

- 10.26 The application has been accompanied by an updated ecological impact assessment (Arbtech, February 2023).
- 10.27 The site is located within 2km of several designated sites including Wraysbury No.1 Gravel Pit SSSI which is within 300m of the site. The ecology assessment concludes that the proposal will have no detrimental impact on the nearby designated sites and the site is not located within a SSSI Impact Risk Zone for which Natural England identifies smaller residential development as having a potential effect on any statutory designated sites in the surrounding area.
- 10.28 The site lies adjacent to an area of priority woodland, albeit to the north of Old Ferry Drive. Details of precautionary mitigation in the form of a Construction Environmental Management Plan would need to be secured by condition in the event of approval being granted.
- 10.29 No information regarding biodiversity net gain has been provided. The application site primarily comprises grassland. Local Plan policy NR2 requires, amongst other things, that development proposals demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. It has not been demonstrated through quantifiable methods that there will be a net gain in biodiversity and the proposal is therefore contrary to Local Plan policy NR2 and Neighbourhood Plan policy OE2. Whilst landscaping is a reserved matter, no information has been provided with regard to what could be achieved on site in terms of biodiversity net gain.
- 10.30 The site does not have suitable habitat to support reptiles, badgers, roosting bats, dormice, hedgehogs, otters or water voles. The site lies within an Amber Impact Zone for great crested newts. The on-site habitat is not of high value to GCNs however there are waterbodies nearby that do not appear to have been assessed or surveyed and there is a small risk of GCNs commuting through the site. It is therefore recommended that some reasonable avoidance measures (RAMs) are conditioned if approval is granted. A condition in relation to sensitive lighting and nesting birds is also required.

vii. Highways and Parking

- 10.31 The application is accompanied by a Transport Note.
- 10.32 Old Ferry Drive is a single width carriageway with no footpaths and has a speed limit of 20mph. The Highways section is satisfied that the proposal would have no adverse impact on the local road network in terms of traffic generation. Each dwelling is to be served by an individual access and access arrangements/details including visibility splays are to be dealt with at the reserved matters stage.
- 10.33 Each dwelling would need to provide at least one cycle parking space/store to meet the minimum standards. The Council's parking standards for four or more bedrooms requires a maximum of three car parking spaces to be provided. Neighbourhood Plan policy NP/HOU1 requires a minimum of 3 spaces to be provided for 4 or more bed dwellings. Given the narrowness of the road and the lack of space for on-street parking 3 spaces should be provided in this location rather than 2 spaces as suggested. The layout would appear to be adequate to provide 3 spaces within each plot.

viii. Other Materials Considerations

Climate Change and Sustainability

- 10.34 Local Plan policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The sustainability matters will be dealt with at the reserved matters stage.

Impact on Heritage Assets

- 10.35 A grade II * listed building, King Johns Hunting Lodge, is situated to the northwest of the application site, on the opposite side of Old Ferry Drive. The building is well screened by trees and not visible from Old Ferry Drive. Given the level of screening and the distance maintained between the application site and the listed building, the proposal would have no harmful impact on the setting of the listed building in accordance with Local Plan policy HE1 and neighbourhood plan policy BE2.

ix. Housing Land Supply

- 10.36 Following a recent interim update to the Council's 5 year housing land supply position, the Council currently cannot demonstrate a 5 year housing land supply. The assessed level of supply is currently 4.69 years.
- 10.37 As such in accordance with paragraph 11 of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development applies. The NPPF explains that this means:

“(d)....granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 10.38 The Council does not have a 5 year housing land supply but a 4.69 year supply. This is just below the 5 year requirement and the shortfall is not considered to be significant. As such relatively limited weight is attached to the scale of the shortfall.

10.39 Notwithstanding, in this case the proposal would conflict with policies in the NPPF that seek to protect the Green Belt and areas at risk of flooding. Thus, in accordance with paragraph 11(d)(i) of the NPPF, the tilted balance would not be engaged.

x Very Special Circumstances

10.40 Paragraph 147 of the NPPF sets out that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by virtue of inappropriateness, and any other harm resulting from the proposal, is outweighed by other considerations.

Green Belt Harm

10.41 The proposed development does not constitute limited infilling in a village and is therefore inappropriate by definition. Furthermore, the introduction of 4 detached dwellings on a site which is currently an undeveloped, open field would harm the openness and one of the purposes of the Green Belt as set out above. This cumulative harm to the Green Belt is afforded **substantial weight**.

Other Harm

10.42 The proposal would cause significant harm to flood risk for the reasons set out in above, would erode the rural character and appearance of the site itself and locality in general and would result in an unacceptable impact on the living conditions of number 7 Old Ferry Drive. In addition, net biodiversity gain has not been demonstrated. These other identified harms are afforded **significant weight**.

Benefits of the proposal

10.43 The applicant argues that the existing developed part of the site (to the west of the application site) detracts from the setting and appearance of the Green Belt. As part of the proposal the applicant is proposing to remove 4 mobile homes, which are currently lawful, from the area of land to the west. The applicant argues that the visual enhancement of the site will be a clear benefit. It is acknowledged that the site to the west of the application site has a rather unkempt appearance and some of the structures are lawful including 4 mobile homes. However, the mobile homes proposed to be removed are relatively small and cover a relatively small area of the adjoining site. Any visual improvement of the site from their removal would be limited and would only attract **very limited weight**.

10.44 Some local residents have expressed concern that the site could be sold off to undesirable purchasers and that the proposal is an opportunity to tidy up the site. However, the proposal relates to an open field and not to the site to the west. No weight is given to this argument.

10.45 The scheme would provide four dwellings to the Council's housing land supply. Whilst this is recognised as a benefit, given the limited contribution it is only afforded **limited weight**.

10.46 Overall the benefits put forward would not outweigh the harm to the green belt resulting from the proposals inappropriateness (afforded substantial weight) and the other harm relating to flood risk, character and appearance, biodiversity net gain and impact on the neighbouring property. As such, no Very Special Circumstances have been demonstrated in this case.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development is CIL liable. In the absence of floor areas, no calculation can be carried out.



12. PLANNING BALANCE & CONCLUSION

- 12.1 As stated above, in this case the proposal would conflict with policies that seek to protect the Green Belt and areas at risk of flooding. Thus, in accordance with paragraph 11(d)(i) of the NPPF, the tilted balance would not be engaged.
- 12.2 The site lies within the Green Belt and within Flood Zones 2 and 3. The proposal does not constitute limited infilling in a village and is inappropriate development which attracts substantial weight. The benefits of removing the 4 mobile homes on the adjacent site and the economic benefit to the local economy during the construction phase and after would be very limited. The provision of 4 dwellings would only make a small contribution to the Council's 5 year housing land supply. As such, the benefits surrounding the scheme would not outweigh the substantial harm to the Green Belt and the other harm relating to flood risk, character and appearance, biodiversity net gain and impact on the neighbouring property.
- 12.3 Outline consent should be refused.

13. APPENDICES TO THIS REPORT

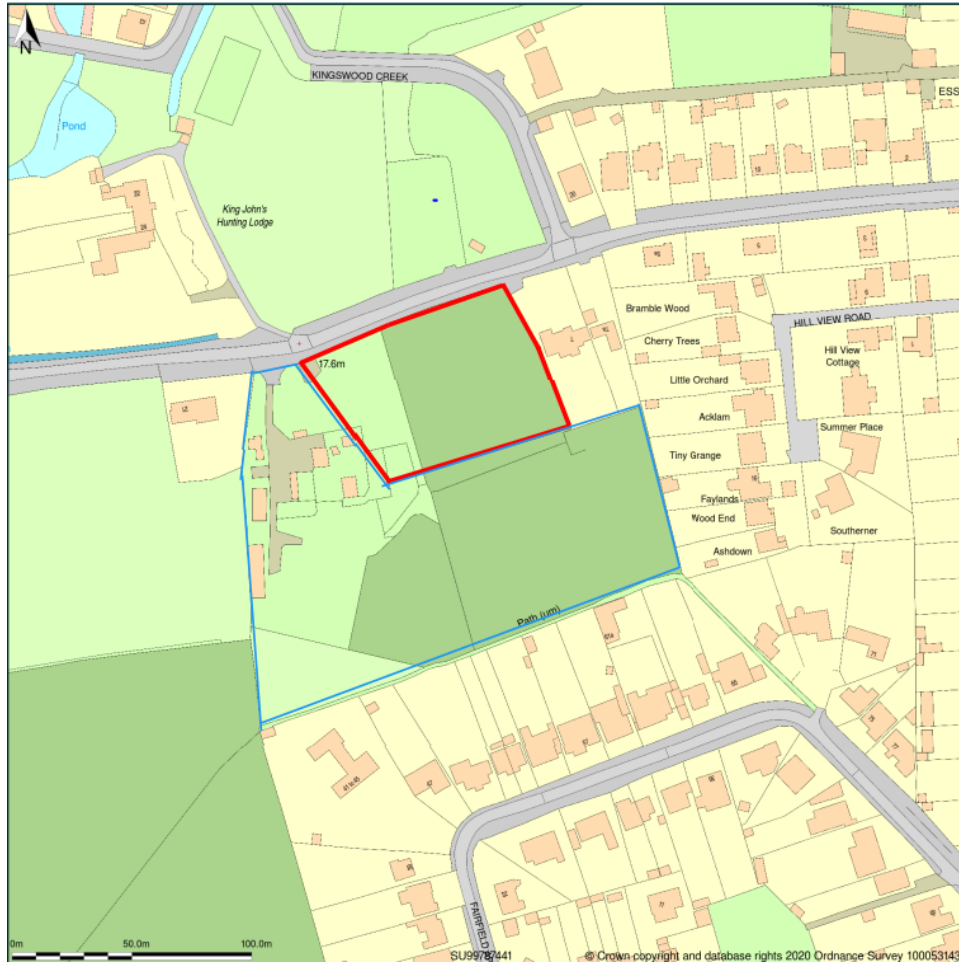
- Appendix A – Location Plan
- Appendix B – Site Layout

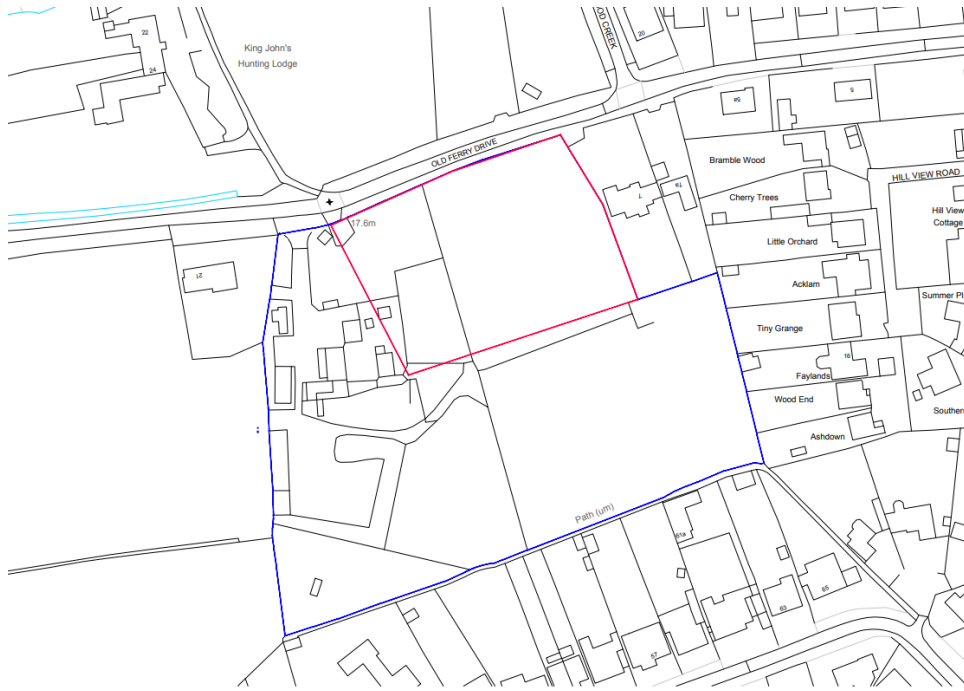
14. REASONS RECOMMENDED FOR REFUSAL

- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in significant harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm to the Green Belt or any other harm. The proposal is therefore contrary to policy QP5 set out in the Borough Local Plan (adopted February 2022), the guidance set out in section 13 of the NPPF and policy HOU4 set out in the Horton and Wraysbury Neighbourhood Plan (2021-2023).
- 2 The proposed development lies within Flood Zones 2 & 3 (medium and high risk of flooding). The proposal has failed to demonstrate that there are no other reasonably available sites for the proposed development within an area at lower risk of flooding and the proposal therefore fails the sequential test. Furthermore, the flood risk assessment fails to adequately assess the flood risk posed by the proposal in terms of future occupiers and elsewhere. As such the proposal is contrary to policy NR1 set out in the Borough Local Plan (adopted February 2022), the guidance set out in Section 14 of the NPPF and policy SUSTDEV02 set out in the Horton and Wraysbury Neighbourhood Plan (2021-2023).
- 3 The introduction of housing on this site would fail to respect and enhance the local natural character of the environment, and would result in an erosion of the open, undeveloped and rural character and appearance of the site itself and the wider setting in general. The proposal is therefore contrary to policy QP3 of the Borough Local Plan (adopted February 2022) and policies HOU1 and OE1 set out in the Horton and Wraysbury neighbourhood plan (2021-2023).
- 4 The proposed dwelling on plot A, due to its siting, scale and proximity to the adjacent dwelling, number 7 Old Ferry Drive, would appear overdominant, resulting in an unacceptable loss of light and outlook to these neighbouring occupants, contrary to policy QP3 of the Borough Local Plan (adopted February 2022)
- 5 The proposal has failed to demonstrate through quantifiable methods that there will be a 'net gain in biodiversity' and the proposal is therefore contrary to policy NR2 set out in the Borough Local Plan (adopted February 2022) and policy OE2 set out in the Horton and Wraysbury neighbourhood plan (2021-2023).

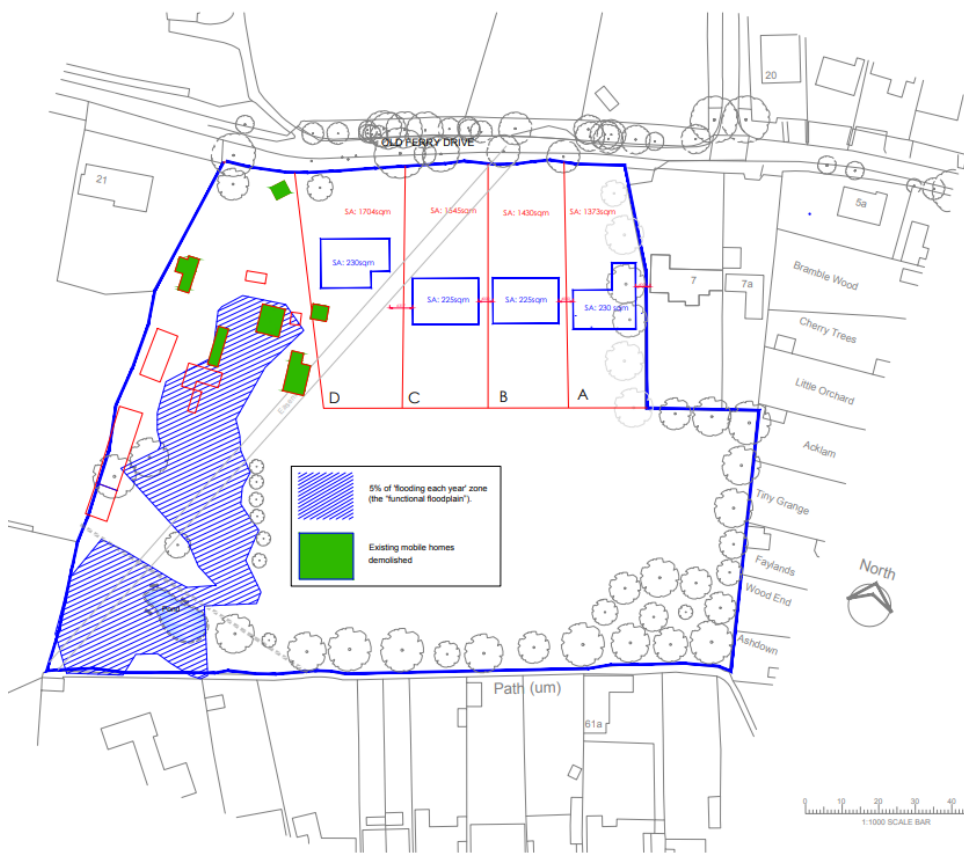
Application number 22/03431/OUT - Land to south of Old Ferry Drive, Wraysbury & land at 19 Old Ferry Drive, Wraysbury

Appendix A – Location Plan





Appendix B – Site Layout



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Agenda Item 5

Planning Appeals Received

23 March 2023 - 26 May 2023

Windsor and Ascot

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: Old Windsor Parish
Appeal Ref.: 23/60035/REF **Planning Ref.:** 22/02601/FULL **Pins Ref.:** PP/T0355/D/23/3317732
Date Received: 28 March 2023 **Comments Due:** N/A
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Ground floor front extension, removal of existing flat-roofed dormer, x3 front dormer, side/rear extension with front dormer, following demolition of the existing garage. Addition of x2 rear dormers, x2 rear rooflights, alterations to roof and increase in main ridge height.
Location: **Little Friars 15 Orchard Road Old Windsor Windsor SL4 2RZ**
Appellant: Dr Yahya Al-Manthri **c/o Agent:** Mr Khalid Choudhary CSE Consulting Devonshire House Cliveden Office Village High Wycombe HP12 3YZ

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 23/60037/REF **Planning Ref.:** 22/03182/FULL **Pins Ref.:** APP/T0355/D/23/3317484
Date Received: 31 March 2023 **Comments Due:** N/A
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Part garage conversion, part first floor, part two storey front/side extension, single storey rear extension and alterations to fenestration.
Location: **27 Cavendish Meads Ascot SL5 9TB**
Appellant: Carrie Piggott **c/o Agent:** Mrs Fiona Jones 3 Elizabeth Gardens ASCOT Berkshire SL5 9BJ

Ward:
Parish: Windsor Unparished
Appeal Ref.: 23/60038/REF **Planning Ref.:** 22/01095/PT20A **Pins Ref.:** APP/T0355/W/22/3313187
Date Received: 3 April 2023 **Comments Due:** 8 May 2023
Type: Refusal **Appeal Type:** Written Representation
Description: Application for prior approval for construction of one additional storey to building to provide x4 additional dwellings.
Location: **Maynard Court Clarence Road Windsor SL4 5BG**
Appellant: Mr Haz Sran **c/o Agent:** Mr Charles Welham 33 Bancroft Hitchin Hertfordshire SG5 1LA

Ward:
Parish: Windsor Unparished
Appeal Ref.: 23/60043/REF **Planning Ref.:** 22/02431/FULL **Pins Ref.:** APP/T0355/D/23/3318499
Date Received: 12 May 2023 **Comments Due:** N/A

Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Wrap around extension, (front/side/rear), raising of the eaves and ridge, and alterations to fenestration.
Location: **29 York Road Windsor SL4 3NX**
Appellant: Simon Arthur 29 York Road Windsor SL4 3NX

Ward:
Parish: Windsor Unparished
Appeal Ref.: 23/60044/REF **Planning Ref.:** 23/00291/FULL **Plns Ref.:** APP/T0355/D/23/3321702

Date Received: 22 May 2023 **Comments Due:** N/A
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Part single part two storey side/rear extension, garage conversion and alterations to fenestration.
Location: **1 Knights Close Windsor SL4 5QR**
Appellant: Ms Yu Ting Dong **c/o Agent:** Mr Michael Pennie P And A Design Consultants Ltd. 4 Hogarth Road Dagenham Essex RM8 2NJ

Ward:
Parish: Horton Parish
Appeal Ref.: 23/60045/NONDET **Planning Ref.:** 22/02544/FULL **Plns Ref.:** APP/T0355/W/22/3313272

Date Received: 25 May 2023 **Comments Due:** 29 June 2023
Type: Non-determination **Appeal Type:** Written Representation
Description: Single storey side extension to link the main dwelling to the detached Summer Room.
Location: **Brookfield Lodge Datchet Road Horton Slough SL3 9PS**
Appellant: Daljit Bhail Brookfield House Park Lane Horton SL3 9PR

Ward:
Parish: Horton Parish
Appeal Ref.: 23/60046/NONDET **Planning Ref.:** 22/02545/LBC **Plns Ref.:** APP/T0355/Y/22/3313273

Date Received: 25 May 2023 **Comments Due:** 29 June 2023
Type: Non-determination **Appeal Type:** Written Representation
Description: Consent for a single storey side extension to link the main dwelling to the detached Summer Room.
Location: **Brookfield Lodge Datchet Road Horton Slough SL3 9PS**
Appellant: Daljit Bhail Brookfield House Park Lane Horton SL3 9PR

Appeal Decision Report

23 March 2023 - 26 May 2023

Windsor and Ascot

Appeal Ref.: 22/60051/REF **Planning Ref.:** 21/02260/CLAS **Plns Ref.:** APP/T0355/W/22/
SO 3294385

Appellant: Threadneedle Property Unit Trust **c/o Agent:** Mr Chris Moore Savills (UK) Limited 33
Margaret Street London W1G 0JD

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

Description: Change of use from offices (Class B1(a)) to dwellinghouses (Class C3) to create x30 flats.

Location: **Berkshire House 39 - 51 High Street Ascot SL5 7HY**

Appeal Decision: Dismissed **Decision Date:** 4 April 2023

Main Issue: While a Noise Assessment was supplied with the application, it only considered the impact of road traffic noise intrusion. Noise from the ground floor commercial premises were not considered. In the absence of consideration of noise from the commercial premises, the Inspector was not satisfied that the evidence demonstrates that no harm would be caused to the future occupiers of the proposed development. The proposal would therefore conflict with para. 0.2(1)(d) of the GPDO.

Appeal Ref.: 22/60076/REF **Planning Ref.:** 21/02983/FULL **Plns Ref.:** APP/T0355/W/22/3305462

Appellant: Mr Stevens **c/o Agent:** Mrs. Raveen Matharu Savills (Uk) Ltd 33 Margaret Street LONDON W1G 0JD

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

Description: Replacement dwelling following demolition of existing dwelling and outbuildings.

Location: **Saltaire Devenish Road Sunningdale Ascot SL5 9QP**

Appeal Decision: Dismissed **Decision Date:** 18 April 2023

Main Issue: The appeal was dismissed on the grounds that an appropriate planning obligation to secure the buildings emissions contribution and lifestyle contribution had not been provided to accord with policy SP2 and the Interim Sustainability Position Statement. Subject to imposing suitably worded conditions, the proposal would not have a harmful effect upon the trees and would accord with policy NR3 and neighbourhood plan policy NP/EN2. The proposal would be in keeping with and would not be harmful to the character and appearance of the area and would not conflict with policy QP3 or neighbourhood plan policies NP/DG1, NP/DG2 and NP/DG3. The benefits of the scheme were not considered to outweigh the harm caused by not securing mitigation to combat climate change.

Appeal Ref.: 23/60001/REF **Planning Ref.:** 22/00319/VAR **Plns Ref.:** APP/T0355/W/22/3308700

Appellant: Mr Gilbert **c/o Agent:** Mr Neil Davis 19 Woodlands Avenue Winnersh WOKINGHAM Berkshire RG41 3HL

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

Description: Variation (under Section 73A) of Condition 14 (Approved Plans) to substitute those plans approved under 19/03431/FULL for the Change of use from D1 (medical) to C3 (residential) with alterations to the roof to include a new roof terrace and glass balustrade following the removal of the existing dormer and rooflight, new front entrance, doors with glass balustrade to the first floor side elevation, part render, alterations to fenestration, pergola and associated works to provide 1 x studio, 4 x one bedroom flats and 2 x two bedroom flats with amended plans.

Location: **Blomfield Place 30 Frances Road Windsor SL4 3EE**

Appeal Decision: Dismissed **Decision Date:** 3 April 2023

Main Issue: The Inspector considered that the blind dormer harms the character and appearance of the Inner Windsor Conservation Area (CA) and subsequently fails to preserve the character and appearance of the CA. The Inspector commented that the harm to the significance of the CA would be less than substantial to which the Inspector attached considerable importance and great weight. The Inspector also considered that the blind dormer was contrary to principle 10.5 of the RBWM Borough Wide Design Guide Supplementary Planning Document. The Inspector expressed the opinion that the dormer does not harm the living conditions of neighbours (in particular those in Helena Road). The Inspector commented that the alterations to the layout of Flat 5 (from Studio to 1 bedroom flat) fundamentally changed the accommodation description of the original development and therefore require a separate planning application as they cannot be considered under a Variation (S73) application.

Appeal Ref.: 23/60004/REF **Planning Ref.:** 22/00224/FULL **Plns Ref.:** APP/T0355/D/22/3306907
Appellant: Mr & Mrs Gosal **c/o Agent:** Mr Alistair Lloyd Abracad Architects The Atrium Broad Lane Bracknell Berkshire RG12 9BX
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Garage conversion, two storey front/side extension with front entrance canopy, two storey side/rear extension with balcony, steps to the rear and alterations to fenestration.
Location: **Sunnycroft Larch Avenue Ascot SL5 0AP**
Appeal Decision: Allowed **Decision Date:** 5 April 2023

Main Issue:

Appeal Ref.: 23/60015/REF **Planning Ref.:** 22/02314/FULL **Plns Ref.:** APP/T0355/D/22/3313963
Appellant: Mr James McCauley **c/o Agent:** Mrs Judy Giddings 26 Melbourne Road Teddington TW11 9QX
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: First Floor Front extension, cladding and render, front dormer window, part conversion of car port to habitable accommodation, extension to car port with new steps and alterations to hard standing.
Location: **57 The Avenue Wraysbury Staines TW19 5EZ**
Appeal Decision: Allowed **Decision Date:** 24 March 2023

Main Issue: The outbuilding was considered to be sufficiently subordinate and set back from the street, and of appropriate mass, bulk and materials, that it would not be so intrusive in the streetscene as to justify withholding planning permission. The outbuilding was not considered to cause harm to the character and appearance of the area. Standard conditions applied.

Appeal Ref.: 23/60022/REF **Planning Ref.:** 22/02387/FULL **Plns Ref.:** APP/T0355/D/23/3314703
Appellant: Mr Jinder Singh Nagpal **c/o Agent:** Mr Terence Telles First Floor 1 Hythe Street DARTFORD DA1 1BE
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Part single/part two storey front, side and rear extension, relocation of front entrance door and alterations to external finishes and fenestration.
Location: **27 Bulkeley Avenue Windsor SL4 3LY**
Appeal Decision: Dismissed **Decision Date:** 19 April 2023

Main Issue:

Appeal Ref.: 23/60023/REF **Planning Ref.:** 22/01373/FULL **Plns Ref.:** APP/T0355/D/22/3313926

Appellant: Ms Michelle Downey **c/o Agent:** Mr Duncan Gibson 74 Parsonage Lane WINDSOR Berkshire SL4 5EN

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

Description: x2 rear dormers

Location: **1 Kentons Lane Windsor SL4 4JH**

Appeal Decision: Allowed **Decision Date:** 19 April 2023

Main Issue: The Inspector concludes that the proposal would not amount to poor design and would not harm the character and appearance of the area. It would therefore comply with Policy QP3 of the BLP, the aims of the SPD, and the National Planning Policy Framework (the Framework), all of which require a high quality of design.

Appeal Ref.: 23/60037/REF **Planning Ref.:** 22/03182/FULL **Plns Ref.:** APP/T0355/D/23/3317484

Appellant: Carrie Piggott **c/o Agent:** Mrs Fiona Jones 3 Elizabeth Gardens ASCOT Berkshire SL5 9BJ

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

Description: Part garage conversion, part first floor, part two storey front/side extension, single storey rear extension and alterations to fenestration.

Location: **27 Cavendish Meads Ascot SL5 9TB**

Appeal Decision: Allowed **Decision Date:** 15 May 2023

Main Issue: Appeal allowed, proposal would not be considered to harm the host dwelling or wider locality.
