

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

**Appeal Decision Report**

**6 January 2017 - 3 February 2017**

The Royal Borough



**Windsor &  
Maidenhead**

**MAIDENHEAD**

**Appeal Ref.:** 16/60089/REF      **Planning Ref.:** 16/00971/FULL      **Plns Ref.:** APP/T0355/W/16/  
3156047

**Appellant:** Mr Roy Keates **c/o Agent:** Miss Lottie Burgess Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

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

**Description:** Construction of garage (retrospective)

**Location:** **New Farm New Farm Fishery Drift Road Maidenhead SL6 3ST**

**Appeal Decision:** Dismissed      **Decision Date:** 17 January 2017

**Main Issue:** The appellant has not argued that the proposal would not be inappropriate in the Green Belt and sets out the considerations he argues amount to the very special circumstances necessary to justify the development in the Green Belt. The appellant argues that a garage would usually be acceptable as permitted development within the Green Belt and is a building for an ancillary use to a dwellinghouse. Nevertheless, no evidence or detailed justification has been provided of how the proposal would comply with the relevant permitted development criteria or to show how the proposal, as an ancillary outbuilding, would fall within the criteria for appropriate development as set out in either the development plan or the Framework. On this basis, the Inspector considered the proposed development to be inappropriate development within the Green Belt. Whilst noting the judgement in *Timmins & Anor v Gedling Borough Council*, the Inspector considered that the resulting garage would have a materially greater impact on openness. Whilst this impact would be somewhat limited in the context of the wider area, it would amount to harm to the Green Belt that carries substantial weight in accordance with the Framework. The proposed dwelling would represent inappropriate development in the Green Belt that would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. The Inspector gave careful consideration to the other arguments in favour of the proposal. However, the Inspector found that such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposal development is therefore contrary to the Green Belt aims of policies GB1 and GB2 of the Local Plan and the Framework.

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**Appeal Ref.:** 16/60090/COND    **Planning Ref.:** 16/01753/FULL    **Plns Ref.:** APP/T0355/W/16/3156065

**Appellant:** Mr Nick Evans **c/o Agent:** Mr Tom McArdle Pike Smith And Kemp Ltd The Granary Hyde Farm Marlow Road Maidenhead SL6 6PQ

**Decision Type:** Delegated    **Officer Recommendation:** Application Permitted

**Description:** Single storey rear extension

**Location:** **Honey Lane Farm Honey Lane Hurley Maidenhead SL6 6RG**

**Appeal Decision:** Allowed    **Decision Date:** 17 January 2017

**Main Issue:** The Government's Planning Practice Guidance advised that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the fall back position of the permitted development extension, exceptional circumstances do not exist to justify the removal of permitted development rights. The application for an award of costs is refused, as unreasonable behaviour on the part of the Council has not been demonstrated.

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**Appeal Ref.:** 16/60091/NOND ET    **Planning Ref.:** 16/01090/FULL    **Plns Ref.:** APP/T0355/W/16/3155315

**Appellant:** Mr Rowen Atkinson - Atkinsons Private Nursing Homes **c/o Agent:** Mr Paul Devine Left City Ltd Storey B/2 160 West George Street Glasgow G2 2HG

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

**Description:** Alterations and extension to roof to provide additional habitable accommodation, amendments to fenestration and demolition of existing conservatory

**Location:** **Longlea Fifield Road Fifield Maidenhead SL6 2PG**

**Appeal Decision:** Dismissed    **Decision Date:** 30 January 2017

**Main Issue:** The appeal site is in the Green Belt and the proposal would have resulted in a substantial increase in the massing of the building at the rear and a very significant increase in size, which would amount to a disproportionate addition over and above the size of the original building. As such the proposal represented inappropriate development in the Green Belt. As the resultant increase in bulk and massing would be significant, there would be loss of openness to the Green Belt. In addition, the proposal would have led to a loss of privacy of the neighbouring property to the detriment of their living conditions. The other considerations cited by the appellant in support of the proposal, relating to accommodation for the elderly, do not outweigh the harm to the Green Belt and other harm identified and accordingly no very special circumstances exist to justify the proposed development.

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**Appeal Ref.:** 16/60092/REF    **Planning Ref.:** 16/00831/CLAS SO    **Plns Ref.:** APP/T0355/W/16/3156044

**Appellant:** Forever Fuels **c/o Agent:** Mrs Jan Molyneux Molyneux Planning 38 The Lawns Brill Aylesbury Buckinghamshire HP18 9SN

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

**Description:** Change of use from offices ( B1(a) ) to a dwelling house (C3).

**Location:** **Forever Fuels Summerleaze Barn 225 Blackmoor Lane Maidenhead SL6 8RT**

**Appeal Decision:** Dismissed    **Decision Date:** 19 January 2017

**Main Issue:** The information submitted with both the application and in support of the appeal did not provide evidence that the measures suggested by the Flood Risk Assessment would enable prospective occupiers of the dwelling to remain for an extended period of time in the event of a flood. As such, it would be contrary to paragraph 103 of the Framework.

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**Appeal Ref.:** 16/60094/NOND    **Planning Ref.:** 16/01887/FULL    **Plns Ref.:** APP/T0355/W/16/3  
ET    157199

**Appellant:** Mr Michael Smyth **c/o Agent:** Ms Shelley Woods Relic Studio Ltd Battlers Green Farm  
Common Lane Radlett Hertfordshire WD7 8PH

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

**Description:** Conversion and change of use of barn to dwelling including raising of roof.

**Location:** **Unit 1 Coningsby Farm Coningsby Lane Fifield Maidenhead**

**Appeal Decision:** Dismissed    **Decision Date:** 13 January 2017

**Main Issue:** The Inspector found that various increases in roof ridge and eaves height for this barn conversion scheme of between 12.5% and 25% represented disproportionate additions to the property, so the scheme could not be considered to be exempted from being inappropriate development within the Green Belt, as set out in the fourth bullet point of paragraph 89 of the NPPF 2012. She also found that while there is limited visibility of the barn, the openness of the Green Belt would still be reduced by the increase in the mass and bulk of the building, and therefore there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

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**Appeal Ref.:** 16/60102/REF    **Planning Ref.:** 16/01700/FULL    **Plns Ref.:** APP/T0355/D/16/  
3159482

**Appellant:** Mr Nigel Braithwaite **c/o Agent:** Mr Michael Drake Michael Drake Architects Ltd 83  
Greenbank Road Greenbank Bristol BS5 6HE

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

**Description:** Two storey side and rear extension

**Location:** **3 Golden Ball Lane Maidenhead SL6 6NW**

**Appeal Decision:** Dismissed    **Decision Date:** 9 January 2017

**Main Issue:** The Inspector found that the proposed extension would be disproportionate to the size of the original dwelling, and therefore would be inappropriate development in the Green Belt.

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## Planning Appeals Received

30 December 2016 - 3 February 2017

The Royal Borough



Windsor &  
Maidenhead

### MAIDENHEAD

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](mailto: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](mailto:teamp13@pins.gsi.gov.uk)

**Ward:**

**Parish:**

**Appeal Ref.:** 16/60112/PRPA      **Planning Ref.:** 16/02471/TPO      **PIns Ref.:** ENV/3162630

**Date Received:** 30 December 2016      **Comments Due:** Not Applicable

**Type:** Part Refusal/Part Approval      **Appeal Type:** Fast-track

**Description:** T1 (London Plane); crown reduce by around 25% (circa 3m) from the overall height and radial crown spread.

**Location:** **6 Astor Close Maidenhead SL6 1XQ**

**Appellant:** Mr And Mrs King **c/o Agent:** Mr Matthew Vaughan Four Seasons Tree Care Ltd 1 Beech Road Thame OX9 2AL

**Ward:**

**Parish:** Maidenhead Unparished

**Appeal Ref.:** 17/60008/REF      **Planning Ref.:** 16/02260/FULL      **PIns Ref.:** APP/T0355/D/16/3  
165825

**Date Received:** 17 January 2017      **Comments Due:** Not Applicable

**Type:** Refusal      **Appeal Type:** Householder

**Description:** Part single part two storey side/rear extension, widened front dormer, enlargement and conversion of loft into habitable accommodation to form gable end with 3 x rear dormers, front porch and amendments to fenestration.

**Location:** **24 Clarefield Drive Maidenhead SL6 5DP**

**Appellant:** Mr And Mrs P Catchpole 24 Clarefield Drive Maidenhead SL6 5DP

**Ward:**

**Parish:** Bray Parish

**Appeal Ref.:** 17/60011/REF      **Planning Ref.:** 16/02614/FULL      **PIns Ref.:** APP/T0355/D/16/  
3165979

**Date Received:** 19 January 2017      **Comments Due:** Not Applicable

**Type:** Refusal      **Appeal Type:** Householder

**Description:** Part single storey, part two storey front extension, rebuilding existing ground floor rear conservatory and first floor rear extension over

**Location:** **The Inches Holyport Road Maidenhead SL6 2HD**

**Appellant:** Mr Blue Kinane **c/o Agent:** Mr Graham Gray The T P A Design Co Ltd 33A St Lukes Road Maidenhead SL6 7DN

**Ward:**  
**Parish:** Cookham Parish  
**Appeal Ref.:** 17/60014/NONDET **Planning Ref.:** 16/01411/FULL **Plns Ref.:** APP/T0355/W/16/3  
162882  
**Date Received:** 19 January 2017 **Comments Due:** 23 February 2017  
**Type:** Non-determination **Appeal Type:** Written Representation  
**Description:** Erection of 4 No. dwellings with associated access works, public open space, car parking and landscaping to include on site parking area for nursery staff and additional parking for the residents of Roman Lea.  
**Location:** **Land To North And East of Cookham Nursery School Station Hill Cookham Maidenhead**  
**Appellant:** Oakford Homes **c/o Agent:** Mr Alistair Harris Wyg Plc First Floor The Pavilion Grange Drive Hedge End SO30 2AF

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 17/60015/REF **Planning Ref.:** 16/02661/CPD **Plns Ref.:** APP/T0355/X/17/  
3166403  
**Date Received:** 24 January 2017 **Comments Due:** 7 March 2017  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Certificate of lawfulness to determine whether a single storey outbuilding is lawful  
**Location:** **Green Acres Fifield Road Fifield Maidenhead SL6 2NX**  
**Appellant:** Mr And Mrs Rieder **c/o Agent:** Mr Alistair Lloyd Abracad Architects The Atrium Broad Lane Bracknell RG12 9BX

**Ward:**  
**Parish:**  
**Appeal Ref.:** 17/60016/REF **Planning Ref.:** 16/02364/FULL **Plns Ref.:** APP/T0355/D/16/  
3165965  
**Date Received:** 1 February 2017 **Comments Due:** Not Applicable  
**Type:** Refusal **Appeal Type:** Householder  
**Description:** Single storey rear extension and amendments to fenestration on side elevation  
**Location:** **25 Moor Lane Maidenhead SL6 7JX**  
**Appellant:** Mr Kevin Shea **c/o Agent:** Mr Derek Ingram 8 Garthlands Maidenhead SL6 7PJ