

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

Planning Appeals Received

18 August 2018 - 17 September 2018

MAIDENHEAD

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 Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

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

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

Ward:

Parish: White Waltham Parish

Appeal Ref.: 18/60096/REF **Planning Ref.:** 17/01205/LBC **Plns Ref.:** APP/T0355/Y/18/3195830

Date Received: 21 August 2018

Comments Due: 25 September 2018

Type: Refusal

Appeal Type: Written Representation

Description: Formation of new vehicular access and installation of new gate.

Location: **Lane Farm Cherry Garden Lane Littlewick Green Maidenhead SL6 3QG**

Appellant: Ms Bancroft And Mr Rees **c/o Agent:** Mr Philip Tilbury H.J. Stribling And Partners New Inn 51 Eton Square Eton Windsor SL4 6BQ

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 18/60097/REF **Planning Ref.:** 17/03617/FULL **Plns Ref.:** APP/T0355/W/18/3200810

Date Received: 24 August 2018

Comments Due: 28 September 2018

Type: Refusal

Appeal Type: Written Representation

Description: Construction of 1 x 2 bed dwelling

Location: **38 Pinkneys Road Maidenhead SL6 5DL**

Appellant: Mr Kulwinder Thaman **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 18/60098/REF **Planning Ref.:** 17/03340/FULL **Plns Ref.:** APP/T0355/W/18/3198979

Date Received: 24 August 2018

Comments Due: 28 September 2018

Type: Refusal

Appeal Type: Written Representation

Description: Construction of two semi-detached dwellings

Location: **Land Adjacent 1 The Drive Ray Street Maidenhead**

Appellant: Mr Mohamed Hanif **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 18/60099/REF **Planning Ref.:** 17/03738/FULL **Plns Ref.:** APP/T0355/W/18/3200557

Date Received: 28 August 2018

Comments Due: 2 October 2018

Type:	Refusal	Appeal Type:	Written Representation
Description:	Detached dwelling with parking and vehicular access and widening of existing access to No. 26 Moor Lane		
Location:	Land At 26 Moor Lane And 26 Moor Lane Maidenhead		
Appellant:	Mr A Nazir c/o Agent: Mr Ifti Maniar Green Stone Planning _ Design 11 Bankside Headington Oxford OX3 8LT		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	18/60100/REF	Planning Ref.:	17/03616/FULL Plns Ref.: APP/T0355/W/18/3196409
Date Received:	28 August 2018	Comments Due:	2 October 2018
Type:	Refusal	Appeal Type:	Written Representation
Description:	Proposed attached two bedroom house with vehicular access from Well House Road		
Location:	Land At 35 Edinburgh Road Maidenhead		
Appellant:	Mr Manazir Hussain c/o Agent: Mr Nadeem Kayani Versa Planning 2 Sunnyside Cottages Colham Green Road Hillingdon UB8 3QP		
Ward:			
Parish:	Bray Parish		
Appeal Ref.:	18/60101/REF	Planning Ref.:	17/03552/FULL Plns Ref.: APP/T0355/W/18/3200684
Date Received:	28 August 2018	Comments Due:	2 October 2018
Type:	Refusal	Appeal Type:	Written Representation
Description:	Continue the use as a house of multiple occupation and garage conversion into habitable space		
Location:	3 Windsor Road Maidenhead SL6 1UZ		
Appellant:	Mr Peter Wilkes c/o Agent: Mr Tim Farley Copesticks 39 Tudor Hill Sutton Coldfield Birmingham B73 6BE		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	18/60102/REF	Planning Ref.:	17/02682/OUT Plns Ref.: APP/T0355/W/18/3198163
Date Received:	28 August 2018	Comments Due:	2 October 2018
Type:	Refusal	Appeal Type:	Written Representation
Description:	Outline application (access, layout and scale) for the construction of two dwellings and new vehicular access		
Location:	Land Rear of 44 St Marks Crescent Maidenhead		
Appellant:	Mr Sciannaca 44, St Marks Crescent Maidenhead SL6 5DG		
Ward:			
Parish:	Bisham Parish		
Appeal Ref.:	18/60103/NONDET	Planning Ref.:	17/03529/FULL Plns Ref.: APP/T0355/W/18/3202533
Date Received:	28 August 2018	Comments Due:	2 October 2018
Type:	Non-determination	Appeal Type:	Written Representation
Description:	Erection of detached house and triple garage following demolition of existing dwelling and garage		
Location:	The Thatched House Cottage Bisham Road Bisham Marlow SL7 1RL		
Appellant:	Mr S Westwell c/o Agent: Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	18/60104/REF	Planning Ref.:	18/00824/FULL Plns Ref.: APP/T0355/W/18/3204044
Date Received:	29 August 2018	Comments Due:	3 October 2018

Type:	Refusal	Appeal Type:	Written Representation
Description:	Extension and raising of roof to form additional habitable dwelling, two storey front extension and basement with amendments to vehicular access (Amendment to 16/00333/FULL		
Location:	23 Havelock Road Maidenhead SL6 5BJ		
Appellant:	Mr Ian Parkinson c/o Agent: Mr Kaleem Janjua M C S Design Architectural Services 53 Westmead Windsor SL4 3NN		
Ward:			
Parish:	Maidenhead Unparished		
Appeal Ref.:	18/60105/REF	Planning Ref.:	17/02051/FULL Plns Ref.: APP/T0355/W/18/3201583
Date Received:	31 August 2018	Comments Due:	5 October 2018
Type:	Refusal	Appeal Type:	Written Representation
Description:	Erection of 14 x dwellings, car parking, landscaping and associated works following demolition of existing building and structures		
Location:	55 St Marks Road Maidenhead SL6 6DP		
Appellant:	Cophall Investments Limited c/o Agent: Mr Mark Harris The Barton Willmore Planning Partnership 7 Soho Square London W1D 3QB		
Ward:			
Parish:	Waltham St Lawrence Parish		
Appeal Ref.:	18/60108/REF	Planning Ref.:	18/00500/CPD Plns Ref.: APP/T0355/X/18/3206630
Date Received:	13 September 2018	Comments Due:	25 October 2018
Type:	Refusal	Appeal Type:	Written Representation
Description:	Certificate of Lawfulness to determine whether the proposed outbuilding is lawful		
Location:	Crosside Broadmoor Road Waltham St Lawrence Reading RG10 0HY		
Appellant:	Mr R Ellis c/o Agent: Ms N Broderick NMB Planning Ltd 10 Church Road Alderton Tewkesbury GL20 8NR		

Appeal Decision Report

18 August 2018 - 17 September 2018

MAIDENHEAD

Appeal Ref.: 18/60010/REF **Planning Ref.:** 17/02131/FUL **Plns Ref.:** APP/T0355/W/17/3189076
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Appellant: Cromwell Trust **c/o Agent:** Mr Philip Andrews WvH Planning Ltd Elmwood High Park Avenue East Horsley Leatherhead Surrey KT24 5DD

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

Description: Demolition of all buildings within the existing compound area and erection of a terrace of 5(no) x 2-storey residential properties and erection of a pair of semi-detached 2-storey residential units (7 units in total)

Location: Compound At Thrift Wood Farm Ockwells Road Maidenhead

Appeal Decision: Dismissed **Decision Date:** 26 June 2018

Main Issue: The totality of the appeal scheme would represent a significant material difference to that of the single dwelling scheme, with residential development spread across the site. As such, although the proposal to be previously developed land, it would not convincingly meet any of the exceptions set out in NPPF. As such it was concluded that it would constitute inappropriate development, which is, by definition, harmful to the Green Belt. Such development should not be approved except in very special circumstances. The new building, which would accommodate five of the seven residential units, is shown to be positioned across the span of the former barn's footprint. In comparison, its appearance as a contemporary piece of architecture, and which would be evident from Ockwells Road, would be in stark contrast with the former barn. Although the development retains a similar footprint it was considered that the impact on openness would be harmful. The nature of the proposal involving seven 2-storey houses set in two separate new buildings would involve the introduction of a residential use of particular and significant intensity. The resultant domestic external paraphernalia associated with the development, along with on-site parking, associated activity and vehicular movements would have a substantially greater impact on the openness of the Green Belt than would have been the case with the former barn structure, irrespective of the barn's greater bulk, depth and height. The proposed demolition of the former stable building with its intended replacement by a horseshoe shaped two-storey building would compound matters and, overall, the scheme would represent an intrusive form of development. It was concluded that the proposal would be harmful to the openness of the Green Belt, contrary to relevant advice within the Framework and also in material conflict with the objectives and requirements of LP Policy GB2(a). Given the constraints, the proposed scale and intensity of the development involving seven, tightly packed residential units, albeit in two separate blocks, would be out of character with its surroundings. The degree and character of the proposed residential use across the site would also outweigh the reduced mass and bulk of the main building relative to the former barn. There is a substantial material difference between the approved scheme involving the site's redevelopment with a new single dwelling and an associated triple garage. The materiality is such that the extant planning permission cannot be reasonably taken as a basis for considering the level of residential development in the current appeal proposal to be acceptable in principle. It was concluded that the proposal would be harmful to the character and appearance of the area, reinforcing the harm already identified to the openness of the Green Belt. Application for an award of costs by the appellant is refused: The basis of this costs application is that the Council's decision is inconsistent with the advice it provided during the earlier pre-application discussions. The essence of the applicant's case in this regard is that the Council accepted, during these discussions, that the barn which was to be demolished and replaced could be treated as 'existing development'. The case report relating to the subsequent planning application showed otherwise. It was concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Whether or not the former barn is factored into the proposal makes no difference to the fact that, in accordance with the Framework, the Inspector's assessment found that the current proposal would be inappropriate development, would be harmful to the Green Belt's openness and also harmful to the character and appearance of the area. The Council's reasons for refusal cites, amongst other things, the siting, appearance, overall design and scale and the spread of built form across the site. These are matters of judgement and have been cogently set out in the refusal reasons. In this context the appeal would still have ensued.

Appeal Ref.: 18/60053/REF **Planning Ref.:** 17/03098/FULL **Plns Ref.:** APP/T0355/W/18/3196911

Appellant: Mr Leeming **c/o Agent:** Mrs Emily Temple ET Planning Ltd Beechey House 87 Church Street Crowthorne RG45 7AW

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

Description: Change of use of existing HMO (Class C4) to a large HMO (Sui Generis) (Retrospective)

Location: **Tesca 16 Belmont Road Maidenhead SL6 6JW**

Appeal Decision: Allowed **Decision Date:** 28 August 2018

Main Issue: That there is no cogent evidence to demonstrate that the development would in itself have an unacceptable effect on highway safety. The proposal would therefore not conflict with the aims of policy P4 of the Local Plan. The application for costs was refused. The Inspector concluded that it is not unreasonable for the decision taker to come to a different conclusion to the planning case officer.

Appeal Ref.: 18/60054/REF **Planning Ref.:** 17/02668/FULL **Plns Ref.:** APP/T0355/W/18/3193556

Appellant: Mr Amer Awan 32 Castlevue Road Slough SL3 7NQ

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

Description: Change of use from C2 to 7 x self-contained residential flats (use class C3) incorporating part two storey/ part single storey rear extension with basement, replacement roof with front and rear dormers and side rooflights, and extension to existing rear access.

Location: **74 Norfolk Road Maidenhead SL6 7AZ**

Appeal Decision: Allowed **Decision Date:** 12 September 2018

Main Issue: The main issues were the effects of the proposal on the character and appearance of the surrounding area and the effect of the proposal on parking provision, having regard to highway and pedestrian safety. The Inspector concluded that the development would have an acceptable impact on the character and appearance of the surrounding area as the proposed front elevation would remain similar to the existing and as there is no overriding height, architectural style or property width within this part of Norfolk Road, the changes to width and roof form which increase the property's bulk, are not considered to be harmful to the wider street scene. The proposed level of hard surfacing to the rear and open boundary would be in keeping with existing character along Cordwallis Road. Inspector considered the proposal to comply with policies H10, H11 and DG1 of the Local Plan. Whilst the Inspector agreed that there was parking pressure in the nearby area, it was considered that no substantive evidence had been submitted to demonstrate that if there were parking overspill from this property, which had a shortfall of one parking space, that one additional car parked on street would be so significant that it would be detrimental to highway safety. Inspector therefore concludes that the proposal is not contrary to local plan policy P4.

Appeal Ref.: 18/60055/REF **Planning Ref.:** 17/02604/CLD **Plns Ref.:** APP/T0355/X/17/3191078

Appellant: Mr R Tucker **c/o Agent:** Mrs Emily Temple ET Planning Ltd Beechey House 87 Church Street Crowthorne Berkshire RG45 7AW

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

Description: Certificate of lawfulness to determine whether existing use of the workshop as B1C - Light Industrial for furniture repairs, general building works, ancillary storage of tools, materials and paperwork is lawful

Location: **21A Boyn Valley Road Maidenhead SL6 4DT**

Appeal Decision: Dismissed **Decision Date:** 14 August 2018

Main Issue: The Inspector found that the available evidence is not sufficiently clear, precise or unambiguous to show that on the balance of probability, the use of the appeal site claimed began more than ten years prior to the date of the application and was continuous thereafter. For the reasons given above he concluded that the Council's refusal to grant a certificate of lawful use or development in respect of the B1 (c) use of the workshop for furniture repairs, general building works, ancillary storage of tools, materials and paperwork was well-founded and that the appeal should fail. The Costs application was dismissed, as the Inspector found that the Council had not acted unreasonably, and that no unnecessary expenses were incurred.

Appeal Ref.: 18/60056/REF **Planning Ref.:** 17/02232/CPD **Plns Ref.:** APP/T0355/X/17/3189850

Appellant: Mr & Mrs J Dunn **c/o Agent:** Mr Christian Leigh Leigh And Glennie Ltd 6 All Souls Road Ascot Berkshire SL5 9EA

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

Description: Certificate of lawfulness to determine whether a single storey rear extension is lawful

Location: **Haycroft High Street Hurley Maidenhead SL6 5LT**

Appeal Decision: Allowed **Decision Date:** 28 August 2018

Main Issue: The appellant submitted a further application in which revised plans show the distance between the proposed extension and the existing extensions at 300mm, and no longer having a staggered rear building line. The appellants suggest that this would leave a short space between the two elements of the building which would be buildable and maintainable. The Council's reasons for refusing this application were essentially the same as for Appeal A (17/01417/CPD 18/60057/REF). Although the configuration of the new extension would be slightly different from that in Appeal A, a similar gap would obtain between it and the existing extensions and there would be no physical contact between the two. Again, the gap would only exist along part of the depth of the rear extension. As with the proposal in Appeal A, it would be seen from some vantage points as a separate element from the existing extensions. Adopting the reasoning applied to Appeal A as to the meaning of the language used in the Order, and having regard to the previous appeal decisions and the Guidance, the proposed extension would not be "joined" to "any existing enlargement of the original dwelling house" for the purposes of Class A.1(ja). It is also the case that the enlarged part of the dwelling could not "extend beyond a wall forming a side elevation of the original dwelling house" for the purposes of Class A.2 (b) and (d). That being so, the refusal of the application cannot be well-founded. For the reasons given above, the Council's decision to refuse to grant a LDC in respect of a single storey rear extension at Haycroft, High Street, Hurley, Maidenhead SL6 5LT was not well-founded and that the appeal should succeed.

Appeal Ref.: 18/60057/REF **Planning Ref.:** 17/01417/CPD **Plns Ref.:** APP/T0355/X/17/3189849

Appellant: Mr & Mrs J Dunn **c/o Agent:** Mr Christian Leigh Leigh And Glennie Ltd 6 All Souls Road Ascot Berkshire SL5 9EA

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

Description: Single storey rear extension

Location: **Haycroft High Street Hurley Maidenhead SL6 5LT**

Appeal Decision: Allowed **Decision Date:** 28 August 2018

Main Issue: The original main dwelling has existing extensions added to both sides. The proposed development is a rear extension 4m deep from the original rear elevation, and having side walls positioned to leave gaps between them and the inner side elevations of the existing extensions, the purpose being, as the appellants state "to ensure they do not touch each other." The Council refused the application claiming that the proposed gaps would be 20mm but it clear that the distance shown on the plans is 300mm. The Council suggests that the proposed gap is so small as to be immaterial, so the new and existing extensions should be considered to be joined together. Consequently it is said, firstly, that the total enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwelling house and have a width greater than half the width of the original dwelling house. Thus the proposal would fail to comply with Class A.1 (j) (iii). Secondly, as the site is on Article 2(3) land, the Council reasons that the restriction in Class A.2 (b) applies in that the total enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house. A greater separation is proposed here than in the previous appeals (Decision APP/Y1945/X/16/3151883 dated 6 January 2017 and Appeal decision APP/U2235/X/13/2195960 dated 3 January 2014), the proposed extension could be erected without touching the existing extensions, and, significantly, the gaps between them would be along a relatively small proportion of the depth of the rear extension, which was not the case in the earlier decisions. This latter point aids appreciation as a separate element. As to whether the gap would enable maintenance of all of the resulting structure, it is not persuasive on the evidence that this would necessarily be the case. However taking into account all that the Inspector had seen and read, he is persuaded on the balance of probabilities that the proposed extension, being the "enlarged part", would not be "joined" to "any existing enlargement of the original dwelling house" for the purposes of the restriction set out in in Class A.1(ja). Further, under Class A.2(b) and (d) of Part 1, Schedule 2 to the Order, the enlarged part of the dwelling house could not be said to extend beyond a wall forming a side elevation of the original dwelling house. Consequently, the refusal of the application is not well-founded. For the reasons given above, the Council's decision to refuse to grant a LDC in respect of a single storey rear extension at Haycroft, High Street, Hurley, Maidenhead SL6 5LT was not well-founded and that the appeal should succeed.

Appeal Ref.: 18/60064/REF **Planning Ref.:** 17/02220/FULL **Plns Ref.:** APP/T0355/W/18/3197283

Appellant: Mr Jora Singh Dhillon **c/o Agent:** Mr Paul Zyda Zyda Law 44 Wellington Road Nantwich CW5 7BX

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

Description: Construction of 2 x two-bedroom flats

Location: **Land At 53 And 54 Brunel Road Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 13 September 2018

Main Issue: The main issues were the effect of the proposal on the living conditions of neighbouring occupiers; the effect of the proposal on the character and appearance of the area; and the effect of the proposal on highway safety in terms of car parking. The Inspector agreed that the proposal would due to a combination of its proposed height and proximity to the shared boundaries, it would form an overbearing presence which would significantly reduce the outlook and light received to the flank windows at no 53/54 Brunel Road and also on the light received by the existing rear windows at these neighbouring properties. Inspector therefore considered the development to be contrary to paragraph 127 of the NPPF which is a more relevant policy that policy H14 referenced in the reason for refusal as that only refers to house extensions and not new builds. The Inspector agreed that the development would have an unacceptable effect on the character and appearance of the area as the limited spacing between the development and its flank boundary as well as the neighbouring properties beyond would be out of keeping with the spacious pattern of development and would result in a cramped appearance within the plot and the wider street scene. Proposal was therefore considered contrary to policies DG1, H10 and H11 of the local plan. Inspector did not consider that any substantive evidence had been submitted to demonstrate that the capacity for parking on the street is unduly limited nor that additional on street parking in this location would be detrimental to highway safety. Therefore concluded that the development would not have a negative effect on highway safety and therefore not contrary to policies DG1 or P4 of the local plan. Appeal dismissed based on an unacceptable impact on the living conditions of existing occupiers and the character and appearance of the area.

Appeal Ref.: 18/60085/REF **Planning Ref.:** 18/00564/FULL **Plns Ref.:** APP/T0355/D/18/3204679

Appellant: Mr & Mrs Gallagher **c/o Agent:** Mr S Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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

Description: Part single, part two storey side extension, single storey rear extension and alterations to fenestration.

Location: **Willow House 15 Pinkneys Road Maidenhead SL6 5DJ**

Appeal Decision: Dismissed **Decision Date:** 29 August 2018

Main Issue: The Inspector found that the proposal would result in an unacceptable effect on the living conditions of the occupiers of the neighbouring property, contrary to policies H14 of the local plan, SP3 of the emerging local plan and the Framework.
