

Planning Appeals Received

17 October 2018 - 12 November 2018

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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 PIn 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: Maidenhead Unparished
Appeal Ref.: 18/60120/REF **Planning Ref.:** 18/01627/FULL **PIns Ref.:** APP/T0355/D/18/3212070
Date Received: 16 October 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Conversion of existing part hipped ends to front and flank elevations. New front gable feature 2x front and 6 x rear rooflights and conversion of garage into habitable accommodation.
Location: **1 White Rock Maidenhead SL6 8UD**
Appellant: Mr And Mrs Neal Shipman **c/o Agent:** Edward Caush And Associates 11 Southdown Road Cosham Portsmouth P06 2EB

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60125/ENF **Enforcement Ref.:** 16/50447/ENF **PIns Ref.:** APP/T0355/C/18/3210212
Date Received: 24 October 2018 **Comments Due:** 5 December 2018
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Without planning permission the material change of use of the land and building from C1 (Guesthouse) to C2 (Residential Institution).
Location: **15 Ray Drive Maidenhead SL6 8NG**
Appellant: Coghlan Lodges **c/o Agent:** Mr Chris Sawden S.T.P.C Maksons House 52 Station Road West Drayton Middlesex UB7 7BT

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60131/REF **Planning Ref.:** 18/00263/FULL **PIns Ref.:** APP/T0355/W/18/3211780
Date Received: 31 October 2018 **Comments Due:** 5 December 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of 7 x 1 bed and 9 x 2 bed apartments with associated parking with access off Braywick Road and Greenfields following demolition of 2 x dwellings.
Location: **25 - 27 Braywick Road Maidenhead**
Appellant: Mr & Mrs Goyal **c/o Agent:** Paul Dickinson Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60132/REF **Planning Ref.:** 17/01993/FULL **Plns Ref.:** APP/T0355/W/18/
3207932
Date Received: 31 October 2018 **Comments Due:** 5 December 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Proposed extension and conversion of the existing dwelling to provide 5 No. flats with associated parking and amenity space
Location: **107 Blackamoor Lane Maidenhead SL6 8RW**
Appellant: Dr Courtenay-Smith **c/o Agent:** Miss Stefania Petrosino JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 18/60133/REF **Planning Ref.:** 18/01482/OUT **Plns Ref.:** APP/T0355/W/18/
3211768
Date Received: 31 October 2018 **Comments Due:** 5 December 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Outline application (access, layout and scale) for the construction of x3 detached dwellings
Location: **35 Havelock Road Maidenhead SL6 5BJ**
Appellant: Mr J Parton **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish: Bray Parish
Appeal Ref.: 18/60135/REF **Planning Ref.:** 18/02064/FULL **Plns Ref.:** APP/T0355/D/18/
3213537
Date Received: 8 November 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Single storey front and rear extensions, conversion of garage into habitable accommodation including raising the roof and alterations to fenestration.
Location: **Willow Field Barn Belmont Farm Sturt Green Holyport Maidenhead SL6 2JH**
Appellant: Mr & Mrs Mackay **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor SL4 5EN

Appeal Decision Report

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Appeal Ref.: 18/60028/ENF **Enforcement Ref.:** 16/50424/ENF **Plns Ref.:** APP/T0355/C/17/3 188329

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

Decision Type: **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Without planning permission the material change of use of the land from A4 (Drinking Establishment) to a mixed use; namely a cafe/retail use/cycle repairs and meeting place (Sui Generis).

Location: **The Snooty Fox Warren Row Road Warren Row Reading RG10 8QS**

Appeal Decision: Part Allowed **Decision Date:** 30 October 2018

Main Issue: The appeal is allowed insofar as it relates to the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for: cycle repairs; and planning permission is granted on the application deemed to have been made under s177(5) of the Act, for the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for cycle repairs subject to the following conditions: (i) The premises shall only be open for customers between the hours of 09:00 and 19:00 on any day. (ii) No more than 25% of the total floor area within the ground floor of the building (including the floor space behind the bar, hallways and toilets) shall be used for and in connection with cycle repairs. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the use of the land for retail and as a cyclists meet, and planning permission is refused in respect of the material change of use of the land to use for retail and as a cyclists meet on the application deemed to have been made under s177(5) of the Act.

Appeal Ref.: 18/60039/REF **Planning Ref.:** 17/03466/FULL **Plns Ref.:** APP/T0355/W/18/3196952

Appellant: Shanly Homes Ltd **c/o Agent:** Mrs Rosalind Gall Kevin Scott Consultancy Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet Hampshire GU51 2UZ

Decision Type: Committee **Officer Recommendation:** Refuse

Description: Erection of 1 No. 8 storey building and 2 No. 7 storey buildings to provide 154 apartments with associated access and servicing, landscaped courtyards and podium level and 176 car parking spaces following demolition of existing buildings.

Location: **Desborough Bowling Club York Road Maidenhead SL6 1SF**

Appeal Decision: Withdrawn **Decision Date:** 26 October 2018

Appeal Ref.: 18/60051/REF **Planning Ref.:** 17/00336/OUT **Plns Ref.:** APP/T0355/W/17/3188237

Appellant: Mr Millen **c/o Agent:** Mr Andy King Andrew King And Associates 15 The Mill Tring Road Wilstone Tring HP23 4FP

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

Description: Outline application (access and layout only) for the construction of a detached dwelling.

Location: **Land At Nutfield Altwood Bailey Maidenhead**

Appeal Decision: Allowed **Decision Date:** 5 November 2018

Main Issue: Main issues included the character and appearance of the area, the future health and longevity of protected site trees and the living conditions of occupiers of Russley with particular regard to outlook and overlooking. The Inspector did not consider that the proposal would cause harm to the character or appearance of the area. Whilst it was acknowledged that the proposed dwelling's plot would be smaller than the plots of some other dwellings in the area, it would still be comparable to the plot of neighbouring Omega and it was considered that the plot was large enough to contain another dwelling without undermining the enclosure or privacy of Nutfield or other dwellings in the vicinity. The Inspector concluded that the density in the vicinity of the appeal site is irregular and therefore the proposal would not be out of keeping. Whilst it was not satisfied that the proposal was sufficiently detailed to safeguard the future of health of these protected trees to the front of the site, the Inspector concluded that there was nothing to suggest that a more detailed tree protection proposal could not provide adequate mitigation that could be secured by condition. The Inspector considered that although the development would give some enclosure to views from the rear of Russley, the propose dwelling would be sited to maximise the distance between it and Russley. As such, it was concluded that there would not be an adverse effect on outlook and any concerns with overlooking can be overcome at reserved matters and through condition by the careful placement of windows and obscure glazing.

Appeal Ref.: 18/60073/REF **Planning Ref.:** 18/00261/CPD **Plns Ref.:** APP/T0355/X/18/3201035

Appellant: Mr & Mrs J Powell **c/o Agent:** Mr David Holmes Progress Planning Burkes Court Burkes Road Beaconsfield HP9 1NZ

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

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

Location: **Glimpses The Pound Cookham Maidenhead SL6 9QD**

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

Main Issue: The appellant and the Council agree that the proposal complies with paragraph A.1(f)(i). However, having regard to the gap of 150mm between the proposal and an existing extension, the Council considered these elements to be joined and hence, with a combined width greater than half the width of the original dwellinghouse, contrary to paragraphs A.1(j)(iii) and A.1(ja). The Inspector notes that whether this 150mm gap is sufficient to separate the extensions is not defined within statute or 'Technical Guidance' and is a question of fact and degree. The Inspector does not regard 'The Watford Case' as being directly applicable as, in the Glimpses application, there would be no eaves overhang and the gap is significantly greater. The Inspector concludes this gap would be noticeable, materially separating the proposed and existing extensions and even if it has been designed to circumvent limitations of the GPDO, it nevertheless complies.

Appeal Ref.: 18/60083/REF **Planning Ref.:** 17/03583/OUT **Plns Ref.:** APP/T0355/W/18/3200818

Appellant: Punto Oeste Company Ltd **c/o Agent:** Mr Tom Mcardle Pike Smith And Kemp Rural The Old Dairy Hyde Farm Maidenhead Berkshire SL6 6PQ

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

Description: Outline application with all other matters to be reserved for the demolition of existing equestrian barn and replacement with new equestrian building

Location: **Land At Noel Farm At Junction of Forest Green Road And Long Lane Maidenhead**

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

Main Issue: The Inspector did not consider the proposed replacement building to be materially larger than the existing. Whilst he noted the Council's point regarding the increase in footprint, he concluded that overall the proposed building due to being lower in height than the existing would not be materially larger. The proposal was therefore considered to be an appropriate form of development within the Green Belt complying with NPPF paragraph 145 as well as local plan policies GB1 and GB2, although not afforded full weight.

Appeal Ref.: 18/60086/REF **Planning Ref.:** 18/00939/FULL **Plns Ref.:** APP/T0355/D/18/3206438

Appellant: Mr & Mrs Robb & Patel **c/o Agent:** Mr Jonathan Jarman Bell Cornwell LLP Unit 2 Meridian Office Park Osborn Way Hook Hampshire RG27 9HY

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

Description: Erection of a two-storey side extension and alterations to existing dwelling

Location: **May Cottage Lutmans Haven Knowl Hill Reading RG10 9YN**

Appeal Decision: Allowed **Decision Date:** 16 October 2018

Main Issue: The dwelling at the development site has had extensive development works in the past, however much of the enhancement has been undertaken within the original building's envelope, adding dormer windows, for example to make better use of the roof space. Thus, the cumulative increase in the volume of the building is not reflected in a simple floorspace calculation. Considering the overall impact of the proposed new extension, in conjunction with previous extensions, it can be concluded that the scheme would not result in "disproportionate" additions to the building as originally constructed (taking account of approved minor amendments). In reaching that conclusion, it is observed that an assessment of the "size" of the building is not merely a matter of measuring floor areas but involves a broader judgement. Hence it can be concluded that the proposed development does not amount to "inappropriate development" in the Green Belt. The proposed extensions and alterations would harmonise well with the existing building and it would not be more intrusive in the landscape. Indeed, the scheme would have a minimal impact on the openness of the setting. The appeal scheme would not be contrary to Paragraphs 144-145 of the revised NPPF, Policy GB1 and GB4 of the Council's Local Plan and Policy SP5 of the Borough Local Plan: Submission version. In terms of the cost reimbursement application, the Planning Inspectorate concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Therefore the application for an award of costs against the Royal Borough of Windsor & Maidenhead Council was refused.

Appeal Ref.: 18/60095/REF **Planning Ref.:** 17/03477/FULL **Plns Ref.:** APP/T0355/W/18/3202531

Appellant: Mr & Mrs Richards **c/o Agent:** Mr Al Morrow Phillips Planning Services Ltd Kingsbrook House
7 Kingsway Bedford MK42 9BA

Decision Type: Committee **Officer Recommendation:** Refuse

Description: Construction of a new dwelling following removal of redundant sewerage works and associated infrastructure

Location: **Site of Former Sewage Works Terrys Lane Cookham Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 9 November 2018

Main Issue: The Inspector considered that the proposed development would be inappropriate development which would be by definition be harmful to the Green Belt. The Inspector considered that the proposal would lead to a significant loss of openness, but would cause no harm to the character and appearance of the area, PROW, or foul drainage. It was the view of the Inspector that cumulatively, the other considerations put forward in favour of the proposed development have only modest weight. They did not clearly outweigh the totality of harm to the Green Belt, and other harm in respect of flood risk. Consequently, very special circumstances which are necessary to justify inappropriate development in the Green Belt did not exist, as set out in the Framework.

Appeal Ref.: 18/60103/NOND **Planning Ref.:** 17/03529/FULL **Plns Ref.:** APP/T0355/W/18/3202533

Appellant: Mr S Westwell **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW

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

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**

Appeal Decision: Withdrawn **Decision Date:** 19 October 2018