Planning Appeals Received
17 October 2018 - 12 November 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 PIIns 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 
Plns Ref.: APP/T0355/D/18/3212070 
Date Received: 16 October 2018 
Type: Refusal 
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 PO6 2EB

Ward: 
Parish: Maidenhead Unparished 
Appeal Ref.: 18/60125/ENF 
Planning Ref.: 18/00263/FULL 
Enforcement Ref.: 16/50447/ENF 
Plns Ref.: APP/T0355/C/18/3210212 
Date Received: 24 October 2018 
Type: Enforcement Appeal 
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 
Plns Ref.: APP/T0355/W/18/3211780 
Date Received: 31 October 2018 
Type: Refusal 
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
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

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

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

17 October 2018 - 12 November 2018

MAIDENHEAD

**Appeal Ref.:** 18/60028/ENF  **Enforcement Ref.:** 16/50424/ENF  **Plns Ref.:** APP/T0355/C/17/3188329

**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 café/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
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.

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.
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

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

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.

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

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

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 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.
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<th>18/60095/REF</th>
<th>Planning Ref.:</th>
<th>17/03477/FULL</th>
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<td>Appellant:</td>
<td>Mr &amp; Mrs Richards</td>
<td>c/o Agent:</td>
<td>Mr Al Morrow Phillips Planning Services Ltd Kingsbrook House 7 Kingsway Bedford MK42 9BA</td>
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**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.

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<th>18/60103/NOND</th>
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<td>Appellant:</td>
<td>Mr S Westwell</td>
<td>c/o Agent:</td>
<td>Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW</td>
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