

Appeal Decision Report

13 April 2019 - 23 May 2019

WINDSOR

Appeal Ref.: 18/60072/NOND **Planning Ref.:** 18/00095/FULL **Plns Ref.:** APP/T0355/W/18/3
ET 203764

Appellant: Mr Doug Stewart **c/o Agent:** Mr Gary Stevens Barton Willmore LLP 7 Soho Square London
W1D 3QB

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

Description: Demolition of the existing basement and concrete plinth above and erection of a building of
between 1 and 7 storeys containing 217 residential apartments (Use Class C3), including a
cafe (Use Class A3) measuring 146 sqm (GIA), car and cycle parking, plant enclosures,
access improvements, service bay, drop off spaces, substation, and associated landscaping
and open space; and a five storey building to provide 16,389sqm (GIA) of office floorspace
(Use Class B1), together with ground level and basement car and cycle parking, service bay
and associated landscaping

Location: Windsor Business Quarter 67 Alma Road Windsor

Appeal Decision: Allowed **Decision Date:** 3 May 2019

Main Issue: The Inspector concluded that the proposed residential building would adversely affect the
character and appearance of the surrounding area because of the design of its northern
frontage and height of building on the north-western corner. However, he found that this
limited harm would be outweighed by the significant benefits of the scheme. The benefits of
the scheme are the re-development of a disused piece of urban land, and the provision of 217
flats and a new office building. Local residents raised a number of issues at the Inquiry in
relation to parking, the impact on local heritage and the impact on living conditions at
neighbouring properties. The Inspector concluded that there would be no harmful impacts on
these issues from the proposal. The Inspector dismissed the appellant's claims for costs and
did not consider that the Council had acted unreasonably. The two claims related to the
Council's decision not to defend two of the original reasons for refusal and the updated
position on the Council's 5 year housing land supply.

Appeal Ref.: 18/60121/REF **Planning Ref.:** 17/03056/OUT **Plns Ref.:** APP/T0355/W/18/3207532

Appellant: Mr Kris Collett **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Outline application (access) for the construction of 11 x 2 bed apartments and associated access.

Location: **Land To The Rear of 4 And 5 Claver Drive Ascot**

Appeal Decision: Dismissed **Decision Date:** 25 April 2019

Main Issue: The site makes an important contribution to the openness of the area formed by low density development. The proposed building would be of substantial proportions and spread across the site. The loss of protected trees would have a harmful effect on character and appearance. The proposed apartment block would not sit comfortably on sit without compromising the future occupants living conditions which in turn could lead to post development pruning pressures. Contrary to neighbourhood plan and adopted local plan. Whilst not pulled together in a single document, the information required by NP/H1 (development brief) has been submitted through various documents such that this policy requirement is satisfied. Issues of drainage could be dealt with by means of a condition. Affordable housing not required from this development. The submitted section 111 is undated and not signed by all witnesses and parties to it and therefore as it stands the agreement would not make adequate provision for mitigation of the effects on the SPA. The Council cannot currently demonstrate a 5 year housing land supply therefore para 11 is engaged. There are social and economic benefits associated with the provision of more housing and these are attributed significant weight, however the adverse impacts would significantly and demonstrably outweigh these benefits.

Appeal Ref.: 18/60129/REF **Planning Ref.:** 16/01254/FULL **Plns Ref.:** APP/T0355/W/18/3210790

Appellant: Farmglade Limited **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

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

Description: Demolition of existing residential garage and outbuildings associated with Southfields and replacement of part of the front boundary wall; construction of single storey building to accommodate an electrical sub-station, switch room and CCTV room; satellite dishes; foul pumping station including kiosk, service vehicle parking and secure means of enclosure; landscaping and a new vehicular access lane including fencing and gate with an upgraded existing access with the A308 Windsor Road.

Location: **Southfields And Land Rear of Southfields Windsor Road Water Oakley Windsor**

Appeal Decision: Dismissed **Decision Date:** 15 April 2019

Main Issue: The Inspector considered that the utilities compound which included a new building, 3 satellite dishes, a pumping station, vehicle parking, and construction of vehicular access following the demolition of 3 outbuildings would have a greater impact upon the openness of the Green Belt than the current development on site. Furthermore the proposal would see structures sited further into the Green Belt away from existing development leading to encroachment into the countryside. As such the proposal represents inappropriate development, would decrease openness and would not accord with the purposes of including land in the Green Belt. Furthermore it would also cause harm to the rural character of the area. In the absence of any Very Special Circumstances which would clearly outweigh the Green Belt harm and the harm to the rural character of the area.

Appeal Ref.: 18/60137/REF **Planning Ref.:** 18/01673/OUT **Plns Ref.:** APP/T0355/W/18/3215559

Appellant: Mr Kris Collett **c/o Agent:** Mr Tom Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Outline application for access, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x14 apartments with associated access and landscaping works.

Location: **Land To The Rear of 4 And 5 Claver Drive Ascot**

Appeal Decision: Dismissed **Decision Date:** 25 April 2019

Main Issue: The loss of protected trees would have a harmful effect on character and appearance. These trees make an important contribution to the verdant and mature local landscape. There is insufficient space on site to accommodate the development shown without compromising the long-term retention of protected trees. Replacement planting would take years to mature. The impact on living conditions of future occupiers in terms of light would be acceptable but unacceptable with regard to loss of outlook. The issue of development brief and statement of community involvement has been addressed. Issue of drainage could be dealt with by means of a condition. Affordable housing not required from this development. The submitted section 111 is undated and not signed by all witnesses and parties to it and therefore as it stands the agreement would not make adequate provision for mitigation of the effects on the SPA. The Council cannot currently demonstrate a 5 year housing land supply therefore para 11 is engaged. There are social and economic benefits associated with the provision of more housing and these are attributed significant weight, however the adverse impacts would significantly and demonstrably outweigh these benefits.

Appeal Ref.: 18/60134/ENF **Enforcement Ref.:** 15/50430/ENF **Plns Ref.:** APP/T0355/C/18/3195612

Appellant: Mr Paul Williams **c/o Agent:** Mr D Lane DLA Town Planning Ltd Unit 5 Gavel Centre Porters Wood St Albans Hertfordshire AL3 6PQ

Decision Type: **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: 1. Non-compliance with condition 1 of planning permission 11/01377 (consent for temporary use of the land for the storage of 3 mobile homes and a touring caravan, storage containers, site office, material storage and off street parking for work vehicles required to facilitate the construction of planning approval 09/00510). 2. Formation of a hard surface without planning permission.

Location: **28 Station Road Wrybury Staines TW19 5NE**

Appeal Decision: Dismissed **Decision Date:** 3 May 2019

Main Issue: Condition 1 of the 2011 permission remains necessary to ensure the discontinuation of a development that is inappropriate within the Green Belt and results in harm to the character and appearance of the area and increased flood risk. Accordingly, the Inspector refused to grant planning permission on the deemed application and has found that the Enforcement Notice is necessary to remedy the breach of planning control.

Appeal Ref.: 19/60013/REF **Planning Ref.:** 18/02151/FULL **Plns Ref.:** APP/T0355/W/19/3222439

Appellant: Mr Parmjit Grewal **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

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

Description: Replacement dwelling with new front boundary treatment, entrance gates and additional parking

Location: **Upton Lodge 12 Winkfield Road Windsor SL4 4BG**

Appeal Decision: Dismissed **Decision Date:** 7 May 2019

Main Issue: The Inspector determined that the scale, design and siting of the proposed dwelling would not accord with the spacious character of the area and would have a harmful effect on the character and appearance of the area, contrary to Local plan policies DG1, H10 and H11 and emerging policies SP3 and HO5. The bulk, scale and siting of the proposed dwelling would have a significant effect on outlook from the rear garden of number 10 Winkfield Road and result in a significant loss of daylight and sunlight. The proposal would have a harmful effect on the living conditions of the occupants of number 10 Winkfield Road, contrary to emerging policies SP3 and HO5 and the NPPF. The alternative plan submitted with the appeal (1634/1E) provides the necessary visibility and no gates are proposed. The highway safety concerns have been overcome.

Appeal Ref.: 19/60029/REF **Planning Ref.:** 18/02739/FULL **Plns Ref.:** APP/T0355/D/19/3222632

Appellant: Mrs Beverley Phillips **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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

Description: Detached single storey annex following the demolition of the existing garage/office.

Location: **5 Croft Corner Straight Road Old Windsor Windsor SL4 2RP**

Appeal Decision: Allowed **Decision Date:** 14 May 2019

Main Issue: The proposed single storey annex would occupy the full width of the site fronting the yard and have a similar, slightly wider footprint to the existing building. It would be slightly higher than the existing building and constructed of brick, with a flat roof. The Inspector considers that the siting, size and height of the proposal would not be out of keeping with the pattern of buildings in this rear yard area. Apart from the door and window facing the yard and the flat roof it would appear similar to the existing garage and office building and the other outbuildings around the yard, and would be seen against the background of the houses beyond. The rear garden of No. 5 is narrow and the site as a whole is not large enough to accommodate a separate dwelling. Although the annex would have all the facilities to allow for independent living it is intended for use by an elderly relative. The Inspector considers that, notwithstanding the separate door onto the yard, it would be part of the planning unit, as is the garage/office at present, and as such, its use would be ancillary to the main residential use of No. 5. The Inspector concludes that the proposal would not harm the character and appearance of the area and that it is consistent with saved policies DG1, H12 and H14 of the local plan and SP3 of the Submission Version. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

Appeal Ref.: 19/60030/REF **Planning Ref.:** 18/03409/VAR **Plns Ref.:** APP/T0355/D/19/3222698

Appellant: Mrs Eva Pawlik-Cazin **c/o Agent:** Mr John A Andrews John Andrews Associates 22 Harvest Hill Road Maidenhead Berkshire SL6 2QQ

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

Description: Variation to planning permission 17/03345/FULL (under Section 73a) to vary the wording of condition 1 to read, The development hereby permitted shall be completed within three months from the date of this permission, and condition 3 to read, Notwithstanding the design of the windows shown on the approved plans, the window within the dormer in the south-east facing roof slope of the extension shall be of a permanently fixed non-opening design and fitted with obscure glass with the exception of an opening top light that is a minimum of 1.7 metre above the finished internal floor level and the window shall not be altered without the prior written approval of the council.

Location: **130 St Andrews Crescent Windsor SL4 4EN**

Appeal Decision: Allowed **Decision Date:** 20 May 2019

Main Issue: The Inspector gave careful consideration to the views from both windows relevant for this appeal. In the case of the rearmost one, serving the rear bedroom, it was found it difficult to glimpse more than an oblique view into the southeast corner of the rear garden of No. 128 without virtually leaning out of the open window. In the Inspector's opinion, such arrangement in itself is no worse than is experienced as a result of conventional first floor windows such as those in both No. 128 itself and No. 132 on the other side. The Inspector noticed two windows on the first floor of No. 128 facing No. 130. These are obscure glazed as are two small ones on the ground floor and providing sufficient level of privacy for the rooms they serve. In these circumstances, the Inspector considered that there would be no diminution in the level of privacy experienced by the occupants of No. 128 as a result of the dormer windows in No. 130 as they stand at present.
