

# Appeal Decision Report

28 June 2021 - 23 July 2021

Windsor and Ascot

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Royal Borough  
of Windsor &  
Maidenhead

**Appeal Ref.:** 20/60104/COND    **Planning Ref.:** 16/02366/FULL    **Plns Ref.:** APP/T0355/W/20/3248271

**Appellant:** Mr Tim Fowles **c/o Agent:** Mr Michael Krantz Gunnercooke LLP 1 Cornhill London EC3V 3ND

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

**Description:** Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)

**Location:** **Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW**

**Appeal Decision:** Allowed    **Decision Date:** 2 July 2021

**Main Issue:** The Inspector concluded that a condition is only necessary and reasonable to clarify inclusion of vehicle maintenance in the building's use and that its use should be in conjunction with the lawful use of the site as a waste processing facility or any other lawful use of the site. Accordingly a revised condition was imposed to confirm these matters. The Appellant submitted a costs application against the LPA this was refused by the Inspector.

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**Appeal Ref.:** 21/60025/REF    **Planning Ref.:** 20/00935/FULL    **Plns Ref.:** APP/T0355/W/20/3265984

**Appellant:** Sorbon Estates Ltd **c/o Agent:** Mr Kevin Scott Solve Planning Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet GU51 2UZ

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

**Description:** Construction of x10 flats with associated landscaping, parking and bin store and alterations to the existing access, following demolition of the existing building.

**Location:** **Essex Lodge 69 Osborne Road And Annexe Essex Lodge 69 Osborne Road Windsor**

**Appeal Decision:** Dismissed    **Decision Date:** 28 June 2021

**Main Issue:** **Costs Decision:** The application for an award of costs is refused. The Inspector is satisfied that the Council has substantiated the reason for refusal and provided objective analysis of the proposal's impact and is satisfied that the Council acted reasonably in refusing the application and that the applicant has not incurred unnecessary or wasted expense in the appeal process. **Appeal Decision:** Essex Lodge makes a positive contribution to the setting of the Conservation Area and is a non-designated heritage asset as confirmed in the Windsor Neighbourhood Plan. In view of the recently made status of the WNP the Inspector has given additional weight to the historic appearance and function role of Essex Lodge as a gateway building, its contribution to the wider area, the streetscene, the adjacent CA and its identification as a NDHA. In the context of the two-storey development on the northern side of the roundabout including King's House the proposed building would appear significantly larger, bulkier and less spaciouly laid out and would erode the open character of the area. The harm to the significance of the CA due to the adverse affect on its setting carries great weight and is not outweighed by the public benefits which arise from the proposal. The proposal involves the complete demolition of the existing building and so the scale of the harm to the asset would therefore be substantial and attracts great weight in the planning balance. The loss of the NDHA is not justified and the Inspector concludes that the proposed development would harm the character and appearance of the area, including the setting of the Inner Windsor Conservation Area and is contrary to Local Plan policies DG1, H10 and CA2.

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**Appeal Ref.:** 21/60027/ENF      **Enforcement Ref.:** 19/50267/ENF      **Plns Ref.:** APP/T0355/C/21/3 270786

**Appellant:** Ms Linda Zita Webb **c/o Agent:** Mr Kevin John Turner Kevin J Turner FRICS 64 Wood Road Shepperton Middlesex TW17 0DX

**Decision Type:** **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice: Without planning permission, erection of a single storey rear extension.

**Location:** **18 Coppermill Road Wraysbury Staines TW19 5NT**

**Appeal Decision:** Dismissed      **Decision Date:** 12 July 2021

**Main Issue:** Ground A The Inspector found that the increase in floorspace when taken in conjunction with previous extensions resulted in a disproportionate addition and as such it represented inappropriate development in the Green Belt. With regard to openness, the Inspector considered there is a only a very limited impact on the visual aspect of openness. Even so, as the extension has a physical presence, it reduces the spatial aspect of openness contrary to the fundamental aim of the Green Belt. Ground G The compliance period was increased from 3 months to 6 months as the Inspector considered, in balancing the importance of Green Belt policy against the appellant's private interests, and bearing in mind that there is no harm caused to neighbours' living conditions or the appearance of the area, the Inspector considered that extending the compliance period to 6 months would be reasonable.

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**Appeal Ref.:** 21/60028/REF      **Planning Ref.:** 20/02434/FULL      **Plns Ref.:** APP/T0355/W/20/3265991

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

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

**Description:** Construction of a two storey building with accommodation in the roof to provide x7 apartments and bin and bicycle storage with altered access, parking and landscaping, following demolition of the existing dwellinghouse.

**Location:** **Wilbury Cottage Beech Hill Road Ascot SL5 0BN**

**Appeal Decision:** Dismissed      **Decision Date:** 9 July 2021

**Main Issue:** The proposal would introduce a much larger building compared with what is existing. It would be more noticeable and conspicuous in the street scene and discordant with prevailing patterns of development comprising mostly smaller semi-detached and terraced houses with strong building lines, reflective of Victorian Village typology along Beech Road. The large building would breach the tree RPA. Although the breach may not be significant, in the absence of a soil assessment, and foundation design for cross-over and other hardstanding there is doubt about the overall effects of the proposal. Furthermore, it is not clear whether the submitted root radar survey is comprehensive. It cannot be reliably concluded that the root protection system is of sufficient extent to mitigate the encroachment of the proposal. Consequently, altogether, it could not be confidently concluded that the proposal would not give rise to development pressures on the trees that would result in poor long term health and deterioration. The adverse impacts identified, significantly and demonstrably outweigh any benefits of providing additional housing in this case, and the presumption in favour of sustainable development would not apply.

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**Appeal Ref.:** 21/60029/REF      **Planning Ref.:** 20/00780/FULL      **Plns Ref.:** APP/T0355/W/20/3265865

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

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

**Description:** Erection of 10 no. apartments with basement parking following demolition of existing building

**Location:** Hill House Cross Road Sunningdale Ascot SL5 9RX

**Appeal Decision:** Dismissed      **Decision Date:** 9 July 2021

**Main Issue:** The Inspector considered that the rear proportions of the proposal would still be substantial and far in excess of the most recent building permitted at the site and would present itself as an incongruous addition to the street scene when viewed from the eastern vantage points in Cross Road. Unlike the recent planning permission the rear portion would not appear subservient with the main built form. The extant planning permission would be more in keeping with the scale of the other buildings and the appeal proposal is too large in comparison to the prevailing development. The Inspector considered that the proposal would deliver a building of uncharacteristic bulk which would have a harmful effect on the character and appearance of the area, contrary to Local Plan Policies H10, H11 and DG1 and Neighbourhood Plan policies DG1, DG2 and DG3. The Inspector did not accept that the proposal would adversely affect the trees on the site.

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**Appeal Ref.:** 21/60039/REF      **Planning Ref.:** 20/02944/FULL      **Plns Ref.:** APP/T0355/D/21/3270394

**Appellant:** Ms Andromahe Michael **c/o Agent:** Ms Julie Greer GreerPritchard 32 Gilkes Crescent Dulwich London SE21 9BG

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

**Description:** Two storey side and single storey rear extension, relocation of front door, alteration to fenestration, side path to be refinished in gravel and pavers following demolition of existing elements.

**Location:** 57 Halfpenny Lane Sunningdale Ascot SL5 0EG

**Appeal Decision:** Dismissed      **Decision Date:** 14 July 2021

**Main Issue:** The Inspector concluded that the proposed development would harm the character and appearance of the area. It would be contrary to policies NP/DG1, NP/DG2 and NP/DG3 of the Neighbourhood Plan, and saved policies DG1 and H14 of Royal Borough of Windsor and Maidenhead Local Plan, which collectively require all new development should demonstrate good quality design, and with regards a proposal in Townscape Assessment Zone Victorian Village, it must respect the form and character of the street and the surrounding area.

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