

Planning Appeals Received

3 March 2023 - 6 April 2023

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 PIns 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.: 23/60032/REF **Planning Ref.:** 20/03149/OUT **PIns Ref.:** APP/T0355/W/22/3313643
Date Received: 13 March 2023 **Comments Due:** 17 April 2023
Type: Refusal **Appeal Type:** Hearing
Description: Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of 49 No. apartments with associated parking and landscaping following demolition of existing building.
Location: **Maidenhead Spiritualist Church York Road Maidenhead SL6 1SH**
Appellant: Shanly Homes Limited Sorbon Aylesbury End Beaconsfield HP9 1LW

Ward:
Parish: Waltham St Lawrence Parish
Appeal Ref.: 23/60034/NONDET **Planning Ref.:** 22/03192/CPD **PIns Ref.:** APP/T0355/X/23/3318214
Date Received: 23 March 2023 **Comments Due:** 4 May 2023
Type: Non-determination **Appeal Type:** Written Representation
Description: Certificate of lawfulness to determine whether the proposed detached outbuilding is lawful.
Location: **The Cottage The Straight Mile Shurlock Row Reading RG10 0QN**
Appellant: Mr McArdle **c/o Agent:** Miss Emma Freeman Pike Smith And Kemp Rural The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Cookham Parish
Appeal Ref.: 23/60036/REF **Planning Ref.:** 22/01452/FULL **PIns Ref.:** APP/T0355/W/23/3315239
Date Received: 29 March 2023 **Comments Due:** 3 May 2023
Type: Refusal **Appeal Type:** Written Representation
Description: x3 dwellings with associated parking and landscaping, following demolition of the existing dwellings.
Location: **Briar Cottage And Holmwood Briar Glen Cookham Maidenhead**
Appellant: Germain Homes Ltd C/o Agent

Appeal Decision Report

3 March 2023 - 6 April 2023

Maidenhead

Appeal Ref.: 21/60074/ENF **Enforcement Ref.:** 21/50247/ENF **Plns Ref.:** APP/T0355/C/21/3286353

Appellant: Mr Jerry Donovan **c/o Agent:** Mr Martin Gaine Just Planning Suite 45 4 Spring Bridge Road London W5 2AA

Decision Type: **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Without planning permission, the carrying out of engineering operations comprising the excavation of holes in connection with the installation of concrete block pad foundations to facilitate retaining walls; and the importation of materials to raise land levels.

Location: **Land Adjacent Briar House Ascot Road Holyport Maidenhead**

Appeal Decision: Quashed **Decision Date:** 29 March 2023

Main Issue:

Appeal Ref.: 21/60075/ENF **Enforcement Ref.:** 21/50247/ENF **Plns Ref.:** APP/T0355/C/21/3286354

Appellant: Mr Jerry Donovan **c/o Agent:** Mr Martin Gaine Just Planning Suite 45 4 Spring Bridge Road London W5 2AA

Decision Type: **Officer Recommendation:**

Description: Appeal against the Enforcement notice: Without planning permission, the material change of use of the land to the storage of a metal container, building materials and plant and machinery in connection with development of the land; with facilitating works comprising the erection of gates.

Location: **Land Adjacent Briar House Ascot Road Holyport Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 29 March 2023

Main Issue:

Appeal Ref.: 22/60066/NOND ET **Planning Ref.:** 21/02723/FULL **Plns Ref.:** APP/T0355/W/22/3299837

Appellant: Mark Dodds **c/o Agent:** Mr Mark Dodds MDE 5 Devon Terrace Berwick Upon Tweed TD15 1JE

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

Description: x4 new dwellings.

Location: **Land West of Braywick Corner Ascot Road Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 16 March 2023

Main Issue: The proposed development would be significantly harmful to the character and appearance of the area. The appellant failed to demonstrate that the proposal would have an acceptable effect on biodiversity.

Appeal Ref.: 22/60081/REF **Planning Ref.:** 22/00248/FULL **Plns Ref.:** APP/T0355/D/22/3306528

Appellant: Mr Langton **c/o Agent:** Mr Richard Simpson 132 Brunswick Road LONDON W5 1AW

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

Description: Detached triple garage with habitable accommodation in the roofspace and external staircase following the demolition of the existing garage.

Location: **Tythe Barn Dean Lane Cookham Maidenhead SL6 9BB**

Appeal Decision: Dismissed **Decision Date:** 17 March 2023

Main Issue: The Inspector concluded that: The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, I conclude that the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to LP Policy QP5 and guidance contained in the Framework relating to Green Belts.

Appeal Ref.: 23/60002/REF **Planning Ref.:** 21/03365/FULL **Plns Ref.:** APP/T0355/W/22/3308381

Appellant: Mr P Gill 6 - 8 Florence Avenue MAIDENHEAD SL6 8SJ

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

Description: Conversion of the existing garage into a one bedroom apartment with associated parking.

Location: **6 - 8 Florence Avenue Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 27 March 2023

Main Issue: Inspector considered that: Overall, although the proposal would be acceptable in regard to highway safety, I have found that there would be conflict with the development plan as a whole, as the proposal would harm the character and appearance of the area, would fail to steer new development away from areas at the highest risk of flooding, and would fail to minimise CO2 emissions or achieve net-zero carbon. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan. The appeal should therefore be dismissed.

Appeal Ref.: 23/60005/REF **Planning Ref.:** 22/01278/FULL **Plns Ref.:** APP/T0355/D/22/3305674

Appellant: Mr V Jain Amber Rise Bray Road Maidenhead SL6 1UF

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

Description: Garage conversion, first floor front/side extension, enlargement of the existing rear raised terrace and alterations to fenestration.

Location: **Amber Rise Bray Road Maidenhead SL6 1UF**

Appeal Decision: Dismissed **Decision Date:** 30 March 2023

Main Issue: Policy NR1 of the Borough Local Plan requires that applications in areas liable to flooding be accompanied by a Flood Risk Assessment. No Flood Risk Assessment was submitted, so the proposal fails on procedural grounds.

Appeal Ref.: 23/60008/REF **Planning Ref.:** 22/01092/FULL **Plns Ref.:** APP/T0355/D/22/3312019

Appellant: Mr Razwan Khan 2 Simpson Close Maidenhead SL6 8RZ

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

Description: Single storey extension to the West elevation.

Location: **2 Simpson Close Maidenhead SL6 8RZ**

Appeal Decision: Allowed **Decision Date:** 27 March 2023

Main Issue: The submitted FRA is considered to make a robust assessment for the risk of flooding, which has shown that the development would not cause an increased risk to human life; would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. The scheme would therefore be made in accordance with LP Policy NR1.

Appeal Ref.: 23/60024/REF **Planning Ref.:** 22/01091/FULL **Plns Ref.:** APP/T0355/D/22/3312018

Appellant: Ms Tahira Javed 1 Simpson Close Maidenhead SL6 8RZ

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

Description: Single storey extension to the West elevation.

Location: **1 Simpson Close Maidenhead SL6 8RZ**

Appeal Decision: Allowed **Decision Date:** 20 March 2023

Main Issue: In its decision, the Council cited a single reason for refusal, which concerned the absence of a Flood Risk Assessment ('FRA'). However, as part of the appeal, an FRA was submitted. In an email dated 22 February 2023, the Council states that had the FRA been submitted as part of the application, it would have been found to be acceptable in addressing the impact of the development on flooding. In light of that, it recommends a condition requiring that the development be carried out in accordance with the mitigation measures in the FRA. The Council found that the scheme was acceptable in regard to its impact on the character and appearance of the area, neighbouring amenities and parking. From my consideration of the evidence, and my observations on site, I agree; and I conclude that it would not conflict with the development plan.
