



Planning Appeals Received

24 March 2016 - 21 April 2016

WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/> Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Parish/Ward:	Old Windsor Parish	Planning Ref.:	15/03518/TPO	PIns Ref.:	APP/TPO/T 0355/5123
Appeal Ref.:	16/00038/PRPA				
Date Received:	4 April 2016	Comments Due:	Not Applicable		
Type:	Part Refusal/Part Approval	Appeal Type:	Fast-track		
Description:	(T1) Sycamore - crown reduction by 1.5m on the northern, western and southern sides and by up to 2.5m on the eastern side, Crown lift to 6m. (T2) Sycamore - crown reduction by 1.5m on the northern, western and southern sides and by up to 2.5m on the eastern side, Crown lift to 5m from ground level removing secondary and tertiary branches only.				
Location:	16 Orchard Road Old Windsor Windsor SL4 2RZ				
Appellant:	Mr Ben Flegg c/o Agent: Mr Trevor Heaps THAC Ltd 168 Whitby Road Ruislip London HA4 9DR				



Appeal Decision Report

24 March 2016 - 21 April 2016

WINDSOR RURAL

Appeal Ref.: 15/00071/REF **Planning Ref.:** 15/01752/FULL **Plns Ref.:** APP/T0355/W/1
5/3133805

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

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

Description: 4 No. dwellings forming 2 pairs of semi-detached houses with associated parking, garages
and amenity space following demolition of existing dwelling

Location: **Lime Tree Lodge London Road Sunningdale Ascot SL5 0JN**

Appeal Decision: Allowed **Decision Date:** 15 April 2016

Main Issue: The Inspector considered that the effect on the sylvan nature of the area as a result of the four dwelling scheme as compared to the two dwelling scheme. They considered that if suitable planting and landscaping was provided along the London Road frontage, they considered that the single point of access to be provided under the four dwelling scheme could well strengthen the leafy quality of this part of London Road compared to the separate accesses proposed under the two dwelling scheme. The Inspector acknowledged that the proposal would differ with the prevailing character as regards plot size, but nevertheless it would still be compatible with the leafy residential suburb townscape type when considered as a whole. Notwithstanding the increased density of the proposal, the Inspector considered that it would not have an unacceptably adverse effect on the character and appearance of the surrounding area. Since the proposal is in accordance with the development plan, the terms of the presumption in favour of sustainable development meant that approval should be granted without delay. Full costs were awarded to the appellant on the grounds that the argument as to housing land supply was raised in the grounds of appeal. The information provided by the Council in response was vague. Although the Council asserted that this was a benefit which it took into account, such a balancing exercise does not appear in either the officer report or the Council's appeal statement. In the absence of evidence that the Council had paid due regard to the potential benefits of this housing proposal, the Inspector considered that the Council failed to properly substantiate its reason for refusal. The Inspector found this unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance.

Appeal Ref.: 15/00073/REF **Planning Ref.:** 15/01219/FULL **Plns Ref.:** APP/T0355/W/15/3133806

Appellant: Messrs Tilley And Acott **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates
Highway House Lower Froyle Hampshire GU34 4NB

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

Description: 5 No. 4 bedroom houses with associated parking following demolition of existing dwelling

Location: **Littlefield London Road Sunningdale Ascot SL5 0JN**

Appeal Decision: Dismissed **Decision Date:** 15 April 2016

Main Issue: The Inspector considered that the scheme as proposed would have a significant adverse effect on the character and appearance of the surrounding area. This is due to an adverse visual impact of built form from London Road and from the public footpath to the rear, the subdivision of rear garden space and effect on trees along the boundary with The Coppers and Sanderson. The combination of built form and number of gardens would act to diminish the spacious character of the immediate area contrary to Local Plan and Neighbourhood Plan Policies. The proposal would diminish the contribution the site makes to the sylvan character of the locality owing to a reduction in the size of the group of trees alongside the boundary with Sanderson (G6) and the likely pressure on the group of trees alongside the boundary with The Coppers (G1). The Inspector also concluded that whilst the delivery of extra houses in this locality carries substantial weight, it is not sufficient to outweigh the conflict with the development plan.

Appeal Ref.: 16/00003/REF **Planning Ref.:** 15/03608/FULL **Plns Ref.:** APP/T0355/D/16/3142512

Appellant: Mr Roland Clapton **c/o Agent:** Mr David Chivers PDP Ltd 32 Park Road Chiswick London W4 3HH

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

Description: Creation of two pairs of sash windows in south elevation of dwelling

Location: **Avenir Burleigh Road Ascot SL5 7PA**

Appeal Decision: Allowed **Decision Date:** 8 April 2016

Main Issue: The Inspector concluded that the proposal would not have a significant impact on the living conditions at April Cottage due to overlooking, or a significantly increased perception of being overlooked. The scheme would not therefore conflict with Royal Borough of Windsor and Maidenhead Local Plan 2003 policy H14 which requires that proposals should not have a significant effect on the amenities and privacy of adjoining properties. Summing up, the Inspector found that the Council's reason for refusal is sufficiently precise and that it is adequately substantiated in the report. Whilst the Inspector concluded that any significant harm to the neighbouring occupiers' living conditions can be addressed by conditions, this is a matter of judgement. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been clearly demonstrated, and the application for an award of costs is refused.
