



# Appeal Decision Report

22 April 2016 - 19 May 2016

## WINDSOR RURAL

**Appeal Ref.:** 15/00078/REF      **Planning Ref.:** 15/00292/FULL      **Plns Ref.:** APP/T0355/W/15/3134104

**Appellant:** Mr And Mrs T Brocklehurst **c/o Agent:** Ms Nicola Broderick NMB Planning Ltd 124 Horton Road Datchet Slough SL3 9HE

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

**Description:** Erection of 2 new dwellings with associated garaging, following demolition of existing dwelling.

**Location:** 48 Llanvair Drive Ascot SL5 9LN

**Appeal Decision:** Dismissed      **Decision Date:** 4 May 2016

**Main Issue:** The proposed new dwelling on Plot 1 to the front of the site would be situated much further forward towards the road than the existing dwelling. Properties are sited in a more staggered, less uniform building line along this part of Llanvair Drive with individual houses set at various distances from the road. The new dwelling would not be as wide as the existing dwelling. However, the proposed garage with accommodation above would be set back from, but located on the west side of the building, which would add to its width when viewed from the road. It would also be taller than the house it would replace. Whilst these points of difference may not be unacceptable individually in themselves, they should be considered in combination with the other effects of the scheme. The plan form of the two new proposed dwellings would essentially be a square, which together with the 2 ½ storey heights and large side element, would result in a very substantial building mass. Notwithstanding the size of the appeal site, the addition of a building here of the scale and footprint proposed, together with the scale of the replacement building on Plot 1, would significantly erode the impression of openness and green space that contributes to the area's character. The considerable size of the garage and extensive areas of hard surfacing associated with the drive and turning area for Plot 2 would further erode the balance of built development to openness. In addition, the sub-division of the plot and the siting of a dwelling to the rear of the site would introduce a form of development in depth, sometimes referred to as 'backland' development. This would be incongruous with the existing surrounding pattern of development. These factors would have a harmful effect on the established character of the area. The additional height of Plot 1 in comparison to the existing dwelling, together with its position further forward towards the road would result in it being more prominent in the street scene. Although views would be filtered to a limited extent by vegetation, the greater height and closer siting of Plot 1 to the road would be perceived from the street scene. The extensive drive associated with Plot 2 would also be discernible from this aspect. The provision of an additional drive to the front would increase the extent of hard surfacing thereby reducing the area available for soft landscaping and eroding the green space which contributes to the area's sylvan character. These are factors that reinforce my finding that the scheme would be harmful. Views of the new dwelling on Plot 2 would be limited in their scope. However, the built form would be apparent from neighbouring residential views and clearly visible from within the site itself which the Inspector considered to be important considerations. In the absence of suitable mitigation, the Inspector concluded that the proposed development would be likely to have a significant effect, either alone or in combination with other development, upon the integrity of the TBH SPA. Given the sensitivity of the SPA and its European protection within the hierarchy of designated sites in the NPPF, the Inspector gave significant weight to the harm arising from the potential for likely significant adverse effects. This identified harm would represent a clear and substantial conflict with the provisions of the NPPF. Taking these matters together, the Inspector concluded that they are sufficient to significantly and demonstrably outweigh the scheme's benefit and to overcome the presumption in favour of granting planning permission set out in 8 paragraph 14 of the NPPF. For these reasons the scheme would not amount to sustainable development in the terms of the NPPF.

**Appeal Ref.:** 16/00005/NOND **Planning Ref.:** 15/03219/FULL **Plns Ref.:** APP/T0355/W/16/  
ET 3142555

**Appellant:** Miss Aimee Pyall **c/o Agent:** Mr Malcolm Lelliott MVL Architects And Surveyors 19 Church  
Street Godalming Surrey GU17 1EL

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

**Description:** Single storey 1 bed annexe following demolition of the existing garage

**Location:** **46 Queens Close Old Windsor Windsor SL4 2PR**

**Appeal Decision:** Dismissed **Decision Date:** 12 May 2016

**Main Issue:** The Inspector concluded that the lack of any site specific FRA, the proposal would result in an unacceptable impact on localised flood risk issues and an unacceptable risk to property and/or life. Accordingly, the proposed development would be contrary to Policy F1 of the LP which seeks the aforesaid aims. It would also be contrary to Paragraph 103 of the Framework, which as a whole, is an important material consideration; the aims of which are cited above. The existing garage is accessed by an asphalt track which lies between Nos 46 and 47 and 48 Queens Close. The location and block plans, which show the appeal site outlined in red, do not include this track within the appeal site area. In the absence of the access track being included within the site area, it is not possible to be sure that the owners or those with access rights over this track to the other garages have been notified. The absence of this information in this case means that the proposal would fail to make adequate provision for the appeal site to be accessed from the public highway. It would therefore be contrary to Paragraph 17 of the Framework in which planning should always seek to secure a high quality of design, as supported by the Guidance. During the site inspection the Inspector noted that the area is characterised by properties facing onto the main highway. The proposed scheme would introduce a new residential building in an uncharacteristic location, which, setting aside his concerns relating to access monetarily, would be accessed via an asphalt track serving a number of garages. The proposed development would therefore introduce a building that would be at odds with the prevailing pattern of development within the street scene and fail to promote or reinforce local distinctiveness, and a building which could be used for sleeping, eating and living separately from No 46. The Inspector therefore concluded that the proposed development would result in unacceptable harm to the character and appearance of the street scene.

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## Planning Appeals Received

22 April 2016 - 19 May 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](mailto: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](mailto:teamp13@pins.gsi.gov.uk)

<b>Parish/Ward:</b>	Sunninghill And Ascot Parish		
<b>Appeal Ref.:</b>	16/60044/PRPA	<b>Planning Ref.:</b>	15/03663/TPO
		<b>PIns Ref.:</b>	APP/TPO/T0355/5203
<b>Date Received:</b>	4 May 2016	<b>Comments Due:</b>	Not Applicable
<b>Type:</b>	Part Refusal/Part Approval	<b>Appeal Type:</b>	Fast-track
<b>Description:</b>	(T1) Blue Atlantic Cedar - Fell (T2) Norway Maple - fell. (TPO 22 of 1998)		
<b>Location:</b>	<b>21 Huntsmans Meadow Ascot SL5 7PF</b>		
<b>Appellant:</b>	Mr Peter Baker 21 Huntsmans Meadow Ascot SL5 7PF		
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish		
<b>Appeal Ref.:</b>	16/60050/REF	<b>Planning Ref.:</b>	16/00099/FULL
		<b>PIns Ref.:</b>	APP/T0355/W/16/3147260
<b>Date Received:</b>	19 May 2016	<b>Comments Due:</b>	23 June 2016
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Written Representation
<b>Description:</b>	Change of use from B1 Business to B1 Business and D1 Medical, installation of 1 external extract grille for quench pipe at first floor level to rear elevation		
<b>Location:</b>	<b>Unit 6 Queens Square Ascot Business Park Lyndhurst Road Ascot SL5 9FE</b>		
<b>Appellant:</b>	Cruciate Properties Ltd <b>c/o Agent:</b> Mr George Vasdekys Salisbury Jones Planning 33 Bassein Park Road London W12 9RW		
<b>Parish/Ward:</b>	Sunningdale Parish		
<b>Appeal Ref.:</b>	16/60051/REF	<b>Planning Ref.:</b>	15/03090/FULL
		<b>PIns Ref.:</b>	APP/T0355/W/16/3145589
<b>Date Received:</b>	19 May 2016	<b>Comments Due:</b>	23 June 2016
<b>Type:</b>	Refusal	<b>Appeal Type:</b>	Written Representation
<b>Description:</b>	Redevelopment of site to provide 6 x 3 bedroom apartments		
<b>Location:</b>	<b>The Little House Charters Road Sunningdale Ascot SL5 9QF</b>		
<b>Appellant:</b>	Kebbell Homes Ltd <b>c/o Agent:</b> Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor SL4 5EN		