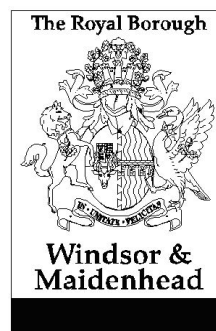


Planning Appeals Received
22 July 2016 - 19 August 2016



MAIDENHEAD

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:
Appeal Ref.: 16/60078/REF **Planning Ref.:** 15/03871/FULL **PIns Ref.:** APP/T0355/W/16/3152240
Date Received: 3 August 2016 **Comments Due:** 7 September 2016
Type: Refusal **Appeal Type:** Written Representation
Description: New chalet bungalow following demolition of shed and store
Location: **Land Adjacent 35A And 35B Boyn Valley Road Maidenhead**
Appellant: First National Investments Ltd **c/o Agent:** Mr Richard Cutler Cutler Architects 43 St Mary's Street Wallingford Oxfordshire OX10 0EU

Parish/Ward: Bisham Parish
Appeal Ref.: 16/60079/REF **Planning Ref.:** 15/03965/FULL **PIns Ref.:** APP/T0355/W/16/3152866
Date Received: 3 August 2016 **Comments Due:** 7 September 2016
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of porch, single storey rear extension, first and second floor front extension, first and second floor rear extension, with new lift location and amendments to fenestration's
Location: **White Lodge Bisham Road Bisham Marlow SL7 1RP**
Appellant: Mr And Mrs R Ting **c/o Agent:** Mr Bob Berry Bob Berry Architect Ltd Dell Cottage Horsemoor Lane Winchmore Hill Amersham Bucks HP7 0PL

Appeal Decision Report

29 June 2016 - 19 August 2016

MAIDENHEAD

The Royal Borough



Windsor &
Maidenhead

Appeal Ref.: 15/00046/REF **Planning Ref.:** 15/00118/FULL **Plns Ref.:** APP/T0355/W/15/3029921

Appellant: Mrs Jane Eastwood **c/o Agent:** Mrs Alison Heine Heine Planning 10 Whitehall Drive Hartford Northwich Cheshire CW8 1SJ

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

Description: Change of use to include stationing of caravans for occupation by gypsy-traveller family with fencing, access road, hard standing, utility block and landscaping. (Retrospective)

Location: **Land To The South of Hilarion Shurlock Road Waltham St Lawrence Reading**

Appeal Decision: Allowed **Decision Date:** 29 June 2016

Main Issue: The Inspector concluded that the harm due to inappropriate development in the Green Belt should have substantial weight, and that loss of openness and encroachment on the countryside has considerable weight. It was also concluded that there would be considerable harm to the appearance of the countryside. Regarding flooding the exception test was passed in respect of safe evacuation, but that the potential need for escape during flooding should have some weight against the grant of a temporary permission, and considerable weight against the grant of a permanent one.

On the other side of the balance the Inspector considered that the contribution which an additional pitch would make to meeting the acknowledged need for pitches should have considerable weight, that the absence of alternative pitches for the Appellant family and associated personal circumstances should have considerable weight in support of a permanent permission.

In the case of a permanent planning permission the Inspector considered that the advantages of the proposal were outweighed by its disadvantages, and therefore did not clearly outweigh its harms so as to amount to very special circumstances supporting the appeal, and concluded that a permanent permission should not be granted.

The hearing then proceeded on the basis that temporary permission be considered if a permanent one was withheld. Though being temporary does not affect the amount of harm caused to the Green Belt or the character of the countryside, the limited duration of such harms is a material consideration reducing the weight to be given to harms in a balancing exercise.

In assessing the resulting altered balance the January 2014 Written Ministerial Statement (WMS) underlines that protection of the Green Belt is a policy intent of Ministers and a statement of August 2015 carried forward into the PPTS 2015 states at paragraph 16 that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. This is repeated in relation to decision making at paragraph 24. In this particular case, however the Inspector considered that notwithstanding the general unlikelihood referred to, the particular advantages in this case of granting a temporary permission clearly outweigh the harms thereof, so as to amount to very special circumstances supporting the appeal.

The appeal site is the present and potential future home of the Appellant family, and enforced departure would be an interference with their human rights to home and home life and harmful to the best interests of the two children on the site. Given the particular personal circumstances of this case and after having full regard to the importance of protecting the Green Belt and the other public interest factors referred to as counting against the proposal, the Inspector considered that the denial of a temporary planning permission would not be proportionate to the community interest that would be harmed by such a temporary permission. The Inspector concluded that in the particular circumstances of this case and family, withholding a temporary permission would be a violation of the Appellant family's human rights. For this and all the foregoing reasons the Inspector concluded that temporary planning permission should be granted.

Appeal Ref.: 15/00057/REF **Planning Ref.:** 15/00168/FULL **Plns Ref.:** APP/T0355/W/1
5/3031132

Appellant: Messrs Wright, Rusher, Connelly, Smith, Cooper, Stevens **c/o Agent:** Mr Joseph Jones -
BFSGC 3 Sibleys Rise South Heath Great Missenden Buckinghamshire HP16 9QQ

Decision Type: Committee **Officer Recommendation:**

Description: Change of use of land to use as a residential caravan site to contain 7 x static caravans, 7
x touring caravans, with associated hardstanding and parking for 14 vehicles (partly
retrospective)

Location: **Land To The South of Hilarion Shurlock Road Waltham St Lawrence Reading**

Appeal Decision: Dismissed **Decision Date:** 29 June 2016

Main Issue: The Inspector concluded that the harm due to inappropriate development in the Green Belt should have substantial weight, and that loss of openness and encroachment on the countryside has considerable weight. Furthermore, considerable harm was given to the impact on the appearance of the countryside. Additionally the Inspector concluded that the flooding exception test had been passed in respect of safe evacuation, but that the need for escape during flooding should have some weight against the grant of a temporary permission, and considerable weight against the grant of a permanent one.

On the other side of the balance it was considered that the contribution which the additional pitches would make to the acknowledged need for pitches should have considerable weight, and that the personal circumstances of the Appellant families which include the absence of alternative pitches for them should have considerable weight.

In the case of a permanent planning permission the Inspector considered that the advantages of the proposal were outweighed by its disadvantages, and therefore did not clearly outweigh its harms so as to amount to very special circumstances supporting the appeal.

Turning to a possible temporary permission, though being temporary does not affect the amount of harm caused to the Green Belt or the character of the countryside, the limited duration of such harms is a material consideration reducing the weight they are to be given in a balancing exercise. The Inspector had already indicated that the flooding issue has less weight in respect of a temporary permission. As suitable provision is to be made in the emerging DPD, the harms need only continue for a limited period. The Inspector concluded that the weight to be given to these harms is thereby reduced. However, their cumulative effect remains substantial, such that even in respect of a temporary permission the supporting considerations of unmet need and personal circumstances do not clearly outweigh the harm to the Green Belt.

Having full regard to the importance of protecting the Green Belt and the other public interest factors referred to as counting against the proposal, the Inspector considered that the denial of a temporary planning permission would be proportionate to the community interest that would be harmed by such a temporary permission. In the particular circumstances of this case withholding a temporary permission would not be a violation of the Appellant occupiers' human rights. For this and all the foregoing reasons it was concluded that temporary planning permission should not be granted.

Appeal Ref.: 16/00034/REF **Planning Ref.:** 15/03317/CPD **Plns Ref.:** APP/T0355/X/16/3145610

Appellant: Mr Lillington **c/o Agent:** Miss Emma Runesson JSA Architects Ltd Tavistock House Waltham Road Maidenhead SL6 3NH

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

Description: Certificate of lawfulness to determine whether a detached outbuilding to serve as a garage block and an area of hard-standing is lawful.

Location: **Farthings Bridge Road Maidenhead SL6 8DF**

Appeal Decision: Allowed **Decision Date:** 1 August 2016

Main Issue: The proposed outbuilding has been specifically designed to accommodate those 10 cars and, on that basis, the Inspector considered the size of the proposed outbuilding to be commensurate with its intended purpose and not on the unrestrained whim of the appellant. The Inspector considered that the proposed outbuilding is of a size that is reasonably required for a purpose incidental to the enjoyment of this particular dwellinghouse. The Inspector also considered that the overall nature, scale and purpose of the proposed outbuilding is not unreasonable in the particular circumstances of the case. Finally, the Inspector considered that the proposed detached outbuilding and area of hardstanding would be required for a purpose incidental to the enjoyment of the dwellinghouse known as Farthings.

Appeal Ref.: 16/00041/REF **Planning Ref.:** 15/04243/FULL **Plns Ref.:** APP/T0355/D/16/3147423

Appellant: Mr And Mrs Paul Ripley **c/o Agent:** Mr Christian Leigh Leigh And Glennie Ltd 6 All Souls Road Ascot SL5 9EA

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

Description: Construction of first floor rear extension, alterations to roof on rear extensions and amendments to fenestrations.

Location: **Bow House Coronation Road Littlewick Green Maidenhead SL6 3RA**

Appeal Decision: Allowed **Decision Date:** 9 August 2016

Main Issue: The Inspector considered that the proposed extension would be disproportionate and would represent inappropriate development in the Green Belt with a minimal loss of openness. However, the Inspector also considered that the proposal would enhance the character and appearance of the Conservation Area via the improvement of the appearance of the dwelling. In conclusion, the Inspector considered that there are material considerations which outweigh the harm that was identified to the Green Belt, thereby justifying the proposal on the basis of very special circumstances.

Appeal Ref.: 16/60046/REF **Planning Ref.:** 16/00310/FULL **Plns Ref.:** APP/T0355/D/16/3149746

Appellant: Mr Riaz Azam **c/o Agent:** Mrs Jane Carter Carter Planning Ltd 85 Alma Road Windsor SL4 3EX

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

Description: Two storey side extension, conversion of loft conversion into habitable accommodation with 2 rear dormers and associated works.

Location: **26 St Lukes Road Maidenhead SL6 7AN**

Appeal Decision: Allowed **Decision Date:** 27 July 2016

Main Issue: The Inspector considers that the proposal would not result in an unacceptable change in the character and appearance of the original house to the extent that it would cause harm to the general character and appearance of the wider area or to its corner location, particularly as it is already different in its existing form from other houses nearby. Adequate spacing from the boundary would be retained and it would not appear cramped in the plot.

Appeal Ref.: 16/60047/REF **Planning Ref.:** 15/01516/FULL **Plns Ref.:** APP/TO355/W/15/3140786

Appellant: Mr Richard Potyka - RAP Building And Development Ltd **c/o Agent:** Mr Chris Sawden
S.T.P.C Maksons House 52 Station Road West Drayton Middlesex UB7 7BT

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

Description: Four detached houses with attached garages, new private access road following demolition of the existing dwelling

Location: **New Britwell 3 Westmorland Road Maidenhead SL6 4HB**

Appeal Decision: Dismissed **Decision Date:** 17 August 2016

Main Issue: The proposed houses on the frontage would have much narrower frontages. Furthermore, the proposed dwellings would be higher than the neighbouring property and the proximity of their flank elevations and gabled roofs would emphasise their verticality and contrast significantly with the character of their neighbours which display a more horizontal emphasis derived from their wide frontage elevations and catslide roofs. Consequently the proposed dwellings would appear visually incongruous and cramped in a street which otherwise displays a more spacious character. The tandem nature of the proposal is out of character and the houses to the rear of the plot would be visible from Westmorland Road. The proposed layout, when coupled with the uncharacteristic design and form of the proposed dwellings described above, would be at odds with, and would fail to respond to their immediate surroundings. Consequently the proposed development would diminish the spacious qualities and character of this part of the street. It would conflict with Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003).

Appeal Ref.: 16/60048/REF **Planning Ref.:** 15/03212/FULL **Plns Ref.:** APP/TO355/W/16/3144712

Appellant: Mr Martin Guthrie **c/o Agent:** Mr Peter Smith PJSA Chartered Surveyors The Old Place
Lock Path Dorney Windsor Berkshire SL4 6QQ

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

Description: Replacement dwelling following demolition of existing dwelling

Location: **Fernbank The Straight Mile Shurlock Row Reading RG10 0QN**

Appeal Decision: Dismissed **Decision Date:** 5 August 2016

Main Issue: The Inspector concluded that the appeal proposal would be inappropriate development and would have a neutral effect on openness of the Green Belt. The Inspector also concluded that there are no very special circumstances to justify the proposed development, which conflicts with Policies GB1, GB2 and GB3 of the Local Plan.

Appeal Ref.: 16/60053/COND **Planning Ref.:** 15/02928/FULL **Plns Ref.:** APP/T0355/W/16/
3148798

Appellant: Mr Ajmal Afzal **c/o Agent:** Mr Ehsan UL-HAQ ArchiGrace Limited 50 Two Mile Drive Slough
SL1 5UH

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

Description: Replacement detached dwelling (Amendments to 15/01252)(Part Retrospective)

Location: **Goplana Altwood Close Maidenhead SL6 4PP**

Appeal Decision: Allowed **Decision Date:** 5 August 2016

Main Issue: The Inspector concluded that the replacement dwelling, together with permitted development extensions, roof additions, alterations and ancillary buildings would not conflict with one of the core principles of the National Planning Policy Framework (the Framework) to provide a good standard of amenity for all existing and future occupiers of land and buildings. The Inspector stated that a clear obligation is set out for local planning authorities to justify conditions that remove permitted development rights, and to demonstrate why exceptional circumstances exist. On the basis of what she has seen, and in the clear absence of any real justification for attaching a condition that would represent a blanket removal of freedoms to carry out small scale alterations to the property, she concluded that the Condition 4 is not necessary, relevant to the development permitted or reasonable. It does not therefore meet the tests of paragraph 206 of the Framework and she concluded that the appeal should be allowed and Condition 4 removed.
