



Appeal Decision Report

4 August 2016 - 29 September 2016

Windsor Urban

Appeal Ref.: 16/00004/REF **Planning Ref.:** 15/03292/CPD **Plns Ref.:** APP/T0355/X/16/3142500

Appellant: Mrs L Lee **c/o Agent:** Dr Anton Lang Anton Lang Planning Services Ltd P O Box 462 Newcastle Upon Tyne NE3 9DY

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

Description: Certificate of lawfulness to determine whether conversion of loft into habitable accommodation with the construction of 2 dormers and installation of 3 roof lights are lawful

Location: **132 Vansittart Road Windsor SL4 5DQ**

Appeal Decision: Dismissed **Decision Date:** 28 September 2016

Main Issue: Condition B.2(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 states: (b) the enlargement shall be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; The main rear roof will be replaced almost entirely by a dormer; and it is this dormer, and not the original roof, that will be joined to something; and what it will join is not the roof of an extension, but the other dormer that it is proposed to construct. The Inspector considered the advice on page 36 of the Government publication Permitted development rights for householders: Technical Guidance (April 2016 revision) and the parties' observations about it. The Introduction to the Guidance states: "It is designed to be used by anyone who wants to understand more about the detailed rules on permitted development and the terms used in those rules" and it adds: "Given the very substantial variations in the design of individual houses, this guide cannot cover all possible situations that may arise". In some respects, page 36 lends support to the appellant's case, but after a detailed consideration of how the terms of the Order apply to the particular enlargement proposed in this appeal, the Inspector came to the view that it is not permitted development. The Inspector therefore concluded that the operations would not be lawful if begun at the time of the application. The Inspector was satisfied that the Council's refusal of the application is well-founded, although not for the reasons given by them.

Appeal Ref.: 16/00006/REF **Planning Ref.:** 15/03595/FULL **Plns Ref.:** APP/T0355/D/16/3142311

Appellant: Mr Ben Sherriff **c/o Agent:** Mr Michael Williams Michael Williams Planning 17 Chestnut Drive Windsor SL4 4UT

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

Description: Single storey rear extension, alteration to roof to include a rear dormer and 2 rear roof lights

Location: **14 Albert Street Windsor SL4 5BU**

Appeal Decision: Part Allowed **Decision Date:** 4 August 2016

Main Issue: The proposed single storey rear extension was granted planning permission as the Council no longer wish to pursue the reason for refusal as the proposed extension would be less than 30sqm, in compliance with the aims of Local Plan Policy F1. The proposed roof alterations and dormers were refused at appeal as they would form an incongruous roof extension which would detract from the established character and appearance of the distinctive row of terraced houses on Albert Street; contrary to Local Plan Policies DG1 and H14 of the Local Plan.

Appeal Ref.: 16/60045/REF **Planning Ref.:** 16/00801/FULL **Plns Ref.:** APP/T0355/D/16/3149252

Appellant: Mr And Mrs Nigel And Sam Lawrence **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

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

Description: Part single part two storey extension, conversion of existing garage into habitable accommodation with amendments to fenestrations

Location: **74 Gallys Road Windsor SL4 5RA**

Appeal Decision: Allowed **Decision Date:** 4 August 2016

Main Issue: Due to the siting of the proposed works and size of the corner plot. The inspector considers that a proposal of this nature is of an acceptable size and would not appear unduly large or disproportionate. The Inspector conceded that the proposed extension would significantly alter the balance of the pair of semis because the gable would be at the end of the frontage, but overall the development would add character to the building and would not significantly harm its existing appearance enough to warrant refusal of the application.

Appeal Ref.: 16/60049/REF **Planning Ref.:** 15/03533/FULL **Plns Ref.:** APP/T0355/W/16/3145654

Appellant: Mrs H Gregory Osborne **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd 22 Tanglewood Close Pyrford Woking Surrey GU22 8LG

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

Description: Erection of single storey detached two bed dwelling with associated parking and amenity space.

Location: **Land At 24 York Avenue Windsor**

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

Main Issue: The Inspector considered that the proposed bungalow would not only be uncharacteristic in this location by reason its siting and restricted plot size, but it would also appear visually incongruous within a part of the street which is dominated by robust two-storey dwellings which are relatively consistent in their intrinsic design characteristics, scale and form. In the view of the Inspector, the appeal proposal would fail to respond to its immediate surroundings and diminish the spacious qualities and character of this part of the street. However, the Inspector did not consider that the proposal would have a harmful effect on the living conditions of future occupiers.

Appeal Ref.: 16/60073/REF **Planning Ref.:** 15/03436/FULL **Plns Ref.:** APP/T0355/W/16/3151668

Appellant: Mr Daniel Coombes- Altiora Investments Ltd **c/o Agent:** Miss Catherine Wilson CSK Architects 93A High Street Eton Near Windsor Berkshire SL4 6AF

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

Description: Erection of 2 bed apartment and associated car port.

Location: **Land Rear of 91A Dedworth Road Windsor SL4 5BB**

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

Main Issue: The Inspector concluded that the proposed development would not harm the character and appearance of the area. There would be no conflict with Policies DG10, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003) which aim to protect the character and appearance of an area.

Appeal Ref.: 16/60077/REF **Planning Ref.:** 16/01437/FULL **Plns Ref.:** APP/T0355/D/16/
3153297

Appellant: Mr Manoj Gangarh **c/o Agent:** Mrs Joanne Brough BB Planning 24 Pinders Farm Drive
Warrington Cheshire WA1 2GF

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

Description: Single storey side extension following demolition of existing garage

Location: **5 Ditton Road Datchet Slough SL3 9LJ**

Appeal Decision: Dismissed **Decision Date:** 7 September 2016

Main Issue: The Inspector concluded that the proposed development conflicts with the empirical terms of LP policy F1, and it had not been adequately demonstrated that a departure from its provisions is warranted.
