

# Appeal Decision Report

19<sup>th</sup> January 2009 - 18 February 2009

## MAIDENHEAD

**Appeal Ref.:** 08/60036/ENF **Enforcement Ref.:** 07/00503/ENF **Plns Ref.:** APP/T0355/C/07/2061349

**Appellant:** Mr V Lee **c/o Agent:** Green Planning Solutions Llp 3a High Street Much Wenlock Shropshire TF13 6AA

**Decision Type:** Issue Notice **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice for: Importation of waste soil and hardcore

**Location:** **Land Between Sheepcote Lane Ascot Road And Paley Street Maidenhead**

**Appeal Decision:** Dismissed **Decision Date:** 30 January 2009

**Main Issue:** The Inspector considered that the large scale importation and deposit of waste materials was inappropriate development and must be removed within 3 months. He also considered the adverse effect on the area was seriously harmful to the appearance of the Green Belt. He went on to say the formation of the access road across the site had been primarily to facilitate the importation of waste and not for agricultural or polo use, and was also inappropriate development and should be removed.

---

**Appeal Ref.:** 08/60087/REF **Planning Ref.:** 07/01239/FULL **Plns Ref.:** APP/T0355/A/08/2073713

**Appellant:** Michael Shanly Homes **c/o Agent:** RPS Planning 52 Princess Street Manchester M1 6JX

**Decision Type:** Committee **Officer Recommendation:** Defer and Delegate

**Description:** Redevelopment to provide 402 residential units comprising 288 one and two bed flats and 114 no. two, three and four bed houses and a 46-unit "Extra Care" Housing Scheme, plus associated open space, car parking and landscaping, with a principal access off Blackamoor Lane, limited secondary access off Simpson Close, a footway link to Deerswood and a separate pedestrian/cycleway connection to Blackamoor Lane.

**Location:** **St Marys Park (Former Badnells Pit And Jenkinsons Yard And Spoore Merry) Blackamoor Lane Maidenhead**

**Appeal Decision:** Allowed **Decision Date:** 27 January 2009

**Main Issue:** The decision on this significant appeal - by the Secretary of State for Communities and Local Government (SSCLG) - was made towards the end of January. As allowed, it turned on four key issues: Effect on the character and appearance of the wider area. Effect on the living conditions of nearby residents. Sustainability - considered both in terms of accessibility and quality of living conditions for future residents, and Adequacy of provision for affordable housing, off-site infrastructure and amenities (and the implications of a lack of these on the scheme as sustainable development). In short measure, the SSCLG, in consideration of her Inspector's Report, reached these conclusions: No significant conflict with government guidance, nor Structure and Local Plan policies, in terms of the effect of the development on the character and appearance of the area No significant policy conflict identified in terms of the impact of the development on local residents' living conditions Development endorsed as sustainable development in broad measure, and no conflict found with Structure and Local Plan policies on site sustainability Shortfall of support for infrastructure provision across the board amounts to a significant shortcoming in the overall sustainability of the development, but that this was off-set by the benefit of site remediation at no cost to the public purse (and because delay on this could result in loss of Green Belt land to accommodate housing growth). The appeal permission is linked to a Unilateral Undertaking which commits the developer to contribute to a range of community infrastructure contributions (amounting to \_£900k); to make provision for up to 22 units of Shared Ownership accommodation on the site (flats and houses), and to bring forward a scheme for the creation of a raised safe escape route across Town Moor. The permission itself has 43 conditions, and these include the precedent requirement to carry out highway mitigation measures in 7 locations, along the A4 and elsewhere, and to provide the safe means of escape work within the public highway along Blackamoor Lane; to carry out full remediation of the polluted parts of the site as permitted before commencement of any redevelopment works, and to have agreed a Method Statement effecting control over construction activity on the site for the duration of the development. There is a control also over the hours of working on site. there was a separate appeal for costs and a partial award was granted to the developer.

---

**Appeal Ref.:** 08/60096/ENF **Enforcement Ref.:** 08/00528/ENF **Plns Ref.:** APP/T0355/C/08/2074280

**Appellant:** Mr. R. F. Mellors The Warrener Warren Row Road Warren Row Reading RG10 8QS  
**c/o Agent:** John Andrew Associated

**Decision Type:** Issue Notice **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice for: The erection of a detached stable block

**Location:** **The Warrener Warren Row Road Warren Row Reading RG10 8QS**

**Appeal Decision:** Allowed **Decision Date:** 29 January 2009

**Main Issue:** Appeal allowed under S. 174 (2) (c) in that the Inspector considered that the size, siting and appearance of the stable block was not materially different from that granted planning permission in 2007 (ref. 07/00635). It did not therefore require separate planning permission.

---

**Appeal Ref.:** 08/60126/ENF **Enforcement Ref.:** 08/00543/ENF **Plns Ref.:** APP/T0355/C/08/2081303

**Appellant:** Mr. J. Bennett **c/o Agent:** John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY

**Decision Type:** Issue Notice **Officer Recommendation:**

**Description:** Appeal against the Enforcement Notice for: Change of use of the land and buildings for the servicing and repair, storage and re-sale of a number of commercial vehicles in excess of that provided by the Lawful Development Certificate granted on the 19th January 2003 (ref: APP/T0355/X/03/1121996) and the storage of cars and vans not connected with the authorised use of the land

**Location:** **Carcomm Trading Ltd Oakley Green Lodge Oakley Green Road Oakley Green Windsor SL4 4PZ**

**Appeal Decision:** Dismissed **Decision Date:** 4 February 2009

**Main Issue:** The Inspector dismissed the appeal under S. 174 (2) (d) of the Act as he considered that the appellant had not proved that the use of the land for 40 commercial vehicles had continued for in excess of 10 years as claimed, and was therefore immune from enforcement action. He also considered that the use constituted "inappropriate development" in the Green Belt, albeit planning permission existed for up to 20 vehicles, and refused to grant planning permission under S. 174 (2) (a).

---

**Appeal Ref.:** 08/60138/REF **Planning Ref.:** 07/02996/FULL **Plns Ref.:** APP/T0355/A/08/2081391

**Appellant:** Mr V Lee **c/o Agent:** Green Planning Solutions Llp 3a High Street Much Wenlock Shropshire TF13 6AA

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

**Description:** Alterations to agricultural access from the B3024 (Retrospective)

**Location:** **Land Between Sheepcote Lane Ascot Road And Paley Street Maidenhead**

**Appeal Decision:** Dismissed **Decision Date:** 30 January 2009

**Main Issue:** In dismissing the appeal, the Inspector concluded that the formation of the access has led to a seriously damaging effect on the mainly rural former character and appearance of B3204 Paley Street. He found that this causes harm not only in its own right but also to the aims of saved local plan Policy GB2(B)(1). The policy aims to prevent development that would harm the character of the countryside due to the scale, siting or design of the development or choice of materials employed. The decision also noted that the highway safety reason for refusal had been withdrawn by the Council.

---

**Appeal Ref.:** 08/60140/REF **Planning Ref.:** 08/00179/FULL **Plns Ref.:** APP/T0355/A/08/2083484

**Appellant:** Mr K Shields **c/o Agent:** Michael Williams Planning 42 Broadway Maidenhead Berkshire SL6 1LU

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

**Description:** Detached triple garage with three dormer windows

**Location:** **Deacon Lodge High Street Hurley Maidenhead SL6 5LT**

**Appeal Decision:** Dismissed **Decision Date:** 27 January 2009

**Main Issue:** Inappropriate development within the Green Belt.

---

**Appeal Ref.:** 08/60141/REF **Planning Ref.:** 08/00784/FULL **Plns Ref.:** APP/T0355/A/08/2082916

**Appellant:** Mr G Sheard **c/o Agent:** PHD Chartered Town Planners P O Box 700 St Albans Hertfordshire AL2 3WB

**Decision Type:** Committee **Officer Recommendation:** Defer and Delegate

**Description:** Construction of 14 flats (6 x 2 and 8 x 1 bed) with associated parking and access

**Location:** **Greenfields House 7 Braywick Road Maidenhead SL6 1BN**

**Appeal Decision:** Allowed **Decision Date:** 27 January 2009

**Main Issue:** The Inspector concluded that there would not be any significant harm to the character of the area citing the redevelopment provided the opportunity to create a focal point, it would be in keeping with the overall pattern of development, the bulk of the building would be broken up due to the variation in the roof and the step backs, and there is an opportunity for new planting. With respect to the financial contributions to off-set the impacts of the development, the appellant entered into a legal agreement undertaking to pay the requisite monies.

---

**Appeal Ref.:** 08/60142/REF **Planning Ref.:** 08/01562/FULL **Plns Ref.:** APP/T0355/A/08/2083869

**Appellant:** Hencan South Limited **c/o Agent:** Mr Mark Carter - Carter Planning Ltd 85 Alma Road Windsor Berkshire SL4 3EX

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

**Description:** Detached double garage

**Location:** **Winterdown Stone House Lane Cookham Maidenhead SL6 9TP**

**Appeal Decision:** Allowed **Decision Date:** 4 February 2009

**Main Issue:** Three issues the focus of this appeal determination: 1. Preservation or enhancement of the character or appearance of Cookham Dean Conservation Area - found in favour; 2. Exacerbation of flooding problems in the area - found that there would be no exacerbation, and 3. Inappropriate development in the Green Belt - found that the development would be inappropriate, in combination with the approved remodelling and enlargement of the house, but that there was sufficient in the way of positive considerations, including the removal of a number of existing outbuildings within the site, to outweigh the harm caused (the vsc test).

---

**Appeal Ref.:** 08/60146/REF **Planning Ref.:** 08/01266/FULL **Plns Ref.:** APP/T0355/A/08/2085063

**Appellant:** Mr Simon Dore **c/o Agent:** Michael Williams Planning 42 Broadway Maidenhead Berkshire SL6 1LU

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

**Description:** Rear conservatory

**Location:** **Weavers Cottage Knowl Hill Common Knowl Hill Reading RG10 9YE**

**Appeal Decision:** Allowed **Decision Date:** 10 February 2009

**Main Issue:** The main issue in this case was whether the proposed conservatory extension to the listed cottage amounted to inappropriate development in the Green Belt. In considering it against PPG2, and both Structure and Local Plan Green Belt policies, the Inspector came to the view that it would not give rise to a disproportionate enlargement of the cottage, cumulatively of 90%, by reason of its limited bulk and visual impact on the building and the locality, and its containment within the site as a single storey 'light' form of construction. The Inspector concluded that the extension did not amount to inappropriate development in conflict with Policy GB4 and would not cause harm to openness in the Green Belt. He noted also that a separate listed building consent for the conservatory had already been granted.

**Appeal Ref.:** 08/60148/REF **Planning Ref.:** 08/01477/FULL **Plns Ref.:** APP/T0355/A/08/2084873

**Appellant:** Mr Jorge Pineiro **c/o Agent:** Mr David Howorth 2 Gallows Hill Kings Langley Herts WD4 8PJ

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

**Description:** Two storey side extension

**Location:** **Breydon Ray Park Avenue Maidenhead SL6 8DZ**

**Appeal Decision:** Dismissed **Decision Date:** 20 January 2009

**Main Issue:** The Inspector considered that the 2 storey side extension would unduly dominate the rear outlook from the neighbouring property no .1. Furthermore the cat slide roof would be out of keeping with the roof design of the original house and would be both harm the appearance of the original property and the street scene in general. As such the proposal failed to comply with Local Plan policy H14.

---

**Appeal Ref.:** 08/60154/REF **Planning Ref.:** 07/02542/FULL **Plns Ref.:** APP/T0355/A/08/2085429

**Appellant:** Summerleaze Ltd **c/o Agent:** Stephen Bowley Planning Consultancy Ferndale Tiddington Thame Oxon OX9 2LQ

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

**Description:** Extension of sand and gravel workings, disposal of silt and restoration to a lake suitable for nature conservation and passive recreational use: erection of site office and fuel tank, construction of ground conveyor and retention of existing conveyor to Monkey Island Lane processing plant

**Location:** **Land Bounded By The Cut And The M4 Upper Bray Road Bray Maidenhead**

**Appeal Decision:** Allowed **Decision Date:** 16 February 2009

**Main Issue:** The proposed development accords with the prevailing policies. The principle of mineral extraction in the Green Belt here is not inappropriate. The proposed development would not cause significant harm to the character and appearance of the area. This development would not represent inappropriate development in the Green Belt. The proposed development would not harm the living conditions of nearby residents. There would not increase the risk of flooding in the area.

---

**Appeal Ref.:** 08/60156/REF **Planning Ref.:** 08/00727/FULL **Plns Ref.:** APP/T0355/A/08/2082864

**Appellant:** Mr Sardar Hussain **c/o Agent:** Mr R Clarke Kewferry Farm Rickmansworth Road Northwood Middlesex HA6 2RF

**Decision Type:** Committee **Officer Recommendation:** Defer Legal Agreement

**Description:** Construction of a 19-bedroom guest house and a 5-bedroom detached house with associated access, parking and landscaping

**Location:** **15 And 16 Ray Drive Maidenhead**

**Appeal Decision:** Dismissed **Decision Date:** 19 January 2009

**Main Issue:** The main issues identified by the Inspector were appearance of the area, residential amenity and provision of appropriate community infrastructure. The Decision found that the proposal was acceptable in respect to the first and second of these issues. However, the draft unilateral undertaking was not satisfactory. Although the Council had agreed that the draft undertaking would satisfy the needs for increased infrastructure provision, the document had not been correctly completed in that it was undated and one of the owners had not signed the agreement. The Inspector was of the view that the terms of the obligation could not therefore be enforced, and the appeal was dismissed for this reason.

---

**Appeal Ref.:** 08/60159/REF **Planning Ref.:** 08/01025/FULL **Plns Ref.:** APP/T0355/A/08/2086518

**Appellant:** Mr Richard Hopes **c/o Agent:** Mr R Rigby - Robert Rigby Architects Ltd 42 Portman Road Reading Berkshire RG30 1EA

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

**Description:** Two storey side extension and front porch

**Location:** **4 East Cottages Bath Road Littlewick Green Maidenhead SL6 3QR**

**Appeal Decision:** Dismissed **Decision Date:** 22 January 2009

**Main Issue:** Disproportionate addition and therefore inappropriate development within the Green Belt.

---

**Appeal Ref.:** 08/60162/REF **Planning Ref.:** 07/03190/FULL **Plns Ref.:** APP/T0355/A/08/2082987

**Appellant:** Ms Nicole Mellors **c/o Agent:** John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY

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

**Description:** Construction of a detached stable block and a manege (retrospective application - amendment to permission 07/00635)

**Location:** **The Warrener Warren Row Road Warren Row Reading RG10 8QS**

**Appeal Decision:** Withdrawn **Decision Date:** 3 February 2009

---