



## Appeal Decision Report

30<sup>th</sup> April – 27<sup>th</sup> May 2009

## WINDSOR

**Appeal Ref.:** 07/60158/REF **Planning Ref.:** 07/01189/FULL **Plns Ref.:** APP/T0355/A/07/2058549

**Appellant:** Rigsby New Homes Ltd **c/o Agent:** Lennon Planning Ltd 35 The Avenue Southampton Hampshire S017 1XN

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

**Description:** Construction of 15 x 2 bed flats with bin stores, landscaping, parking provisions and alterations to access onto London Road following demolition of existing dwelling

**Location:** **Fairfield House London Road Sunningdale Ascot SL5 9RY**

**Appeal Decision:** Allowed **Decision Date:** 12 May 2009

**Main Issue:** The main issues for consideration were the impact of the development on the Thames Basin Heaths Special Protection Area (SPA) of Chobham Common, the standard of amenity for occupiers of the proposed development, with particular regard to outlook and daylight, and developer contributions.

Prior to the appeal hearing, the appellant submitted amended drawings that it considered dealt with the occupiers' amenity issue. The Inspector acknowledged that, whilst the revisions did not go all the way to resolving this matter - not all of the habitable rooms of each flat would benefit from the improvements, they ameliorated the concerns to the extent that this overcame the Council's concerns.

Prior to the Inspector's decision, a completed unilateral undertaking (UU), committing the developer to contributions towards infrastructure requirements and improvements/actions regarding the SPA issue, was submitted and accepted by the Inspectorate. The Inspector considered that the developer contributions issue was resolved by the UU.

With regard to the impact on the SPA, the Inspector accepted the appellant's submission that Ascot Heath, Windsor Great Park (including Savill Garden) and land at Valley End, Chobham, all had the characteristics of Suitable Alternative Natural Green Space (SANG), to the extent that they are able to provide an acceptable, alternative recreation experience to that afforded by Chobham Common. The Inspector considered that these factors, together with a package of measures to improve access to and management of those sites and the restriction of dog ownership by occupiers of the proposed flats, all offered by the appellant in the above-mentioned UU, were sufficient to ensure that there would be no increase in any harmful impact on the SPA from the proposed development.

**Appeal Ref.:** 07/60159/REF **Planning Ref.:** 07/01190/FULL **Plns Ref.:** APP/T0355/A/07/2058548  
**Appellant:** Rigsby New Homes Ltd **c/o Agent:** Lennon Planning Ltd 35 The Avenue Southampton Hampshire SO17 1XN  
**Decision Type:** Delegated **Officer Recommendation:** Refuse  
**Description:** Construction of 14 x 2 bed flats with bin stores, landscaping, parking provision and alterations to access onto London Road following demolition of existing dwelling  
**Location:** **Fairfield House London Road Sunningdale Ascot SL5 9RY**  
**Appeal Decision:** Allowed **Decision Date:** 12 May 2009

**Main Issue:** The main issues for consideration were the impact of the development on the Thames Basin Heaths Special Protection Area (SPA) of Chobham Common, the standard of amenity for occupiers of the proposed development, with particular regard to outlook and daylight, and developer contributions.

Prior to the appeal hearing, the appellant submitted amended drawings that it considered dealt with the occupiers' amenity issue. The Inspector acknowledged that, whilst the revisions did not go all the way to resolving this matter - not all of the habitable rooms of each flat would benefit from the improvements, they ameliorated the concerns to the extent that this overcame the Council's concerns.

Prior to the Inspector's decision, a completed unilateral undertaking (UU), committing the developer to contributions towards infrastructure requirements and improvements/actions regarding the SPA issue, was submitted and accepted by the Inspectorate. The Inspector considered that the developer contributions issue was resolved by the UU.

With regard to the impact on the SPA, the Inspector accepted the appellant's submission that Ascot Heath, Windsor Great Park (including Savill Garden) and land at Valley End, Chobham, all had the characteristics of Suitable Alternative Natural Green Space (SANG), to the extent that they are able to provide an acceptable, alternative recreation experience to that afforded by Chobham Common. The Inspector considered that these factors, together with a package of measures to improve access to and management of those sites and the restriction of dog ownership by occupiers of the proposed flats, all offered by the appellant in the above-mentioned UU, were sufficient to ensure that there would be no increase in any harmful impact on the SPA from the proposed development.

---

**Appeal Ref.:** 08/60128/ENF **Enforcement Ref.:** 08/00546/ENF **Plns Ref.:** APP/T0355/C/08/2087911  
**Appellant:** Ms. Tanya Payne **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: Erection of gates and railings  
**Location:** **Tangles 17 Llanvair Drive Ascot SL5 9HS**  
**Appeal Decision:** Allowed **Decision Date:** 18 May 2009

**Main Issue:** Inspector accepted that 1.9m sliding gate is adjacent to highway so the appeal failed on ground c (that planning permission is not required). However, Inspector decided that the 1.9m sliding gate can be retained (i.e. on ground a) subject to a condition requiring the removal of the 1m gates along the edge of the footway. Costs application made by the appellant was unsuccessful, the Inspector concluding that the Council has not acted unreasonably and its behaviour has not caused the applicant to incur unnecessary costs.

---

