



Appeal Decision Report

21st January 2010 – 17th February 2010

MAIDENHEAD

Appeal Ref.: 09/60103/REF **Planning Ref.:** 09/00930/FULL **Plns Ref.:** APP/T0355/A/09/2110724

Appellant: Options Utility Services Ltd **c/o Agent:** Michael Williams Planning 42 Broadway Maidenhead SL6 1LU

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

Description: Change of use of part of site from storage to construction waste recycling facility

Location: **Options Utility Services Ltd Silco Drive Maidenhead SL6 1ET**

Appeal Decision: Allowed **Decision Date:** 8 February 2010

Main Issue: This application was refused because insufficient information was provided to enable the Council to determine it properly. A subsequent application was submitted which provided the required information including specialist studies on noise, dust, water and transport. These studies were also before the inspector who considered the appeal. The inspector considered the proposal was broadly in line with government policy in respect of waste. On considering the environmental impacts he concluded that the development would be unacceptable without mitigation but that this could likely be achieved through planning conditions, a position adopted by the Council too. He agreed with all the conditions proposed by the Council, including, importantly, that the use be given a 12 month "trial run" temporary permission, rather than the 3 years sought by the appellant. (Crossrail have indicated they will be acquiring the site after 3 years in any case). Other conditions attached relate to installation of protective bunds to reduce noise impacts, a limit on noise levels at the nearest houses, a limit of 24,000 tonnes of material to be recycled, time limits on operation of plant, machinery and power tools and repair and maintenance and submission, approval and implementation of dust control measures and of drainage works.

Appeal Ref.: 09/60105/REF **Planning Ref.:** 09/00786/FULL **Plns Ref.:** APP/T0355/A/09/2111886

Appellant: Hurley Gate Management Ltd **c/o Agent:** Hawkins Eades Planning 100 High Street Great Missenden Buckinghamshire HP16 OBE

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

Description: Erection of two timber entrance gates

Location: **0 East Arms Place Hurley Maidenhead SL6 5LE**

Appeal Decision: Dismissed **Decision Date:** 11 February 2010

Main Issue: Inspector concluded that the gates were inappropriate development in the Green Belt, visually alien and harmed the open character of the southern part of the Hurley Village Conservation Area. He was not persuaded by the residents' safety arguments or, because East Arms Place was now a private street, by the Council's concerns relating to the creation of a mixed and inclusive community.

Appeal Ref.: 09/60107/REF **Planning Ref.:** 09/01312/VAR **Plns Ref.:** APP/T0355/A/09/2112653

Appellant: Mr Karl Elliot **c/o Agent:** Carter Planning Ltd 85 Alma Road Windsor Berkshire SL4 3EX

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

Description: Replacement dwelling as approved under 09/00625/Full without complying with condition 3 of that permission so that Class E of the property's permitted development rights is allowed

Location: **Beeches Henley Road Maidenhead SL6 6QW**

Appeal Decision: Allowed **Decision Date:** 28 January 2010

Main Issue: The appeal was allowed, and a new condition was imposed taking away only Classes A and B rights of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification). The Inspector concluded that restricting Class E (Outbuildings) did not meet the tests of Circular 11/95 'The Use of Conditions in Planning Permissions', because removing permitted development rights should only be done in exceptional circumstances, and the site being in a Green Belt does not amount to exceptional circumstances. Therefore the condition was neither necessary nor relevant.

Appeal Ref.: 09/60129/REF **Planning Ref.:** 09/01952/FULL **Plns Ref.:** APP/T0355/D/09/2117806

Appellant: Mr Tim Dorney **c/o Agent:** Mr Neil Davis 19 Woodlands Avenue Winnersh Wokingham Berkshire RG41 3HL

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

Description: First floor side extension and two storey rear extension

Location: **Knowle House Gas Lane Maidenhead SL6 1UX**

Appeal Decision: Allowed **Decision Date:** 27 January 2010

Main Issue: The Inspector considered that the juliet balcony would not result in any unreasonable overlooking or loss of privacy for the adjoining occupiers when using their rear garden.

Appeal Ref.: 09/60130/REF **Planning Ref.:** 09/01455/FULL **Plns Ref.:** APP/T0355/D/09/2117899

Appellant: Mr Jorge Pinheiro **c/o Agent:** Mr D Howarth - David Howarth Architect 2 Gallows Hill Kings Langley Hertfordshire WD4 8PJ

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

Description: Part two storey part single storey side extension

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

Appeal Decision: Allowed **Decision Date:** 27 January 2010

Main Issue: The Inspector considered that taking into account the fence and vegetation on the common boundary, the proposed extension would not cause a significant amount of overshadowing nor would it have such an overbearing impact to warrant refusal of the application.
