
Appeal Decision

Site visit made on 30 November 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/T0355/D/20/3246173

26 Welley Road, Wraysbury, Staines TW19 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Shabana Ahmed against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02460, dated 2 September 2019, was refused by notice dated 4 December 2019.
 - The development proposed is described as 'extension of carport to extend to garage, making garage physically attached to main house via carport'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council have indicated within their reason for refusal that incorrect notices have been served in relation to the ownership certificates. However, the appellant states that the development has been carried out on their land and that the correct notices have been served. Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) sets out requirements for applicants seeking planning permission to notify land owners. Planning Practice Guidance (the PPG) details that whilst the scope of what can constitute a material consideration is very wide, planning is concerned with land use in the public interest, rather than private property interests¹. I have no evidence to indicate that the appellant's information is necessarily inaccurate or that any problem in regard to land ownership could not be properly dealt with under legislation dealing with private legal rights.

Main Issue

3. Therefore, the main issue is whether sufficient information has been provided to assess the proposal against the relevant local and national policies.

Reasons

4. The appellant has set out that the proposed development was carried out in June 2019. Section 73A of the Town and Country Planning Act 1990 allows for the submission of planning applications after the carrying out of development. From my site observations the development carried out is consistent with the

¹ Paragraph: 008 Reference ID: 21b-008-20140306

appellant's submissions. Whilst not all of the information has been drawn to scale, they provide a photographic record of the development with annotations of the relevant dimensions.

5. Based on the evidence and my site observations the proposal overhangs the fence between 24 and 26 Welley Road and it extends to a point around the site boundary. The Council set out that the site is located within flood zone 2 and 3. The appellant has not challenged this. The appellant sets out that the proposals have altered and extended the roof structure of the car port. As such, the development has changed the conditions for water run-off within a location at elevated risk of flooding. Furthermore, this is within the vicinity of the site boundary. I have noted the objection from the neighbour at no 24 which raised a number of points including concern over water run-off. However, the appellant has not addressed water run-off within their submissions.
6. The DMPO sets out a requirement at article 7(1)(c)(ii) for any other plans, drawings and information necessary to describe the development which is the subject of the application to be provided. Currently there is very little evidence of how water run-off and drainage has been managed, and the consequent effects. This may include effects on sustainable urban drainage and the living conditions of neighbouring occupiers having particular regard to nuisance from any run-off/drainage. Due to the lack of sufficient evidence I am unable to fully assess the proposal in these regards. Given the householder scale of the proposal I have considered whether a condition may address the paucity of information. However, because of the proximity of the development to the site boundary and the lack of information it is unclear whether such a condition would meet the relevant tests set out in the PPG.
7. I have had regard to other matters set out by the Council including the character and appearance of the area; living conditions of the occupiers of no 24 with particular regard to outlook, privacy and light; and highway safety. However, in these regards I consider that adequate information is available to make it clear where the proposal is located, its size and the scale of what the appellant seeks planning permission for. Due to the siting, scale, and design of the proposals I have no reason to consider that the scheme would be harmful in these regards. As such, and so far as relevant, I find no conflict with 'saved' policies DG1, P4, GB2, H14, or Appendix 12 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) and the National Planning Policy Framework. However, this does not address my earlier findings.
8. Therefore, in conclusion on the main issue, sufficient information has not been provided in order to fully assess the proposal against the relevant local and national policies.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR