



Appeal Decision

Site visit made on 2 March 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/T0355/D/22/3312018

1 Simpson Close, Maidenhead SL6 8RZ

- 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 Tahira Javed against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/01091, dated 22 April 2022, was refused by notice dated 5 September 2022.
 - The development proposed is described as a 'small single storey front / side extension, with a tiled roof to create an internal porch and storage area. The area will be less than 50% of the dwelling's footprint. Please see the project outline documents for further details.'
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front / side extension, with a tiled roof to create an internal porch and storage area at 1 Simpson Close, Maidenhead SL6 8RZ in accordance with the terms of the application, Ref 22/01091, dated 22 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A3 TJ 00 A, A3 TJ 01, A3 TJ 02, and A3 TJ 03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Ref: AEG0648_SL6_RBWM_1Simpson_01 prepared by Aegaea, and the flood risk mitigation measures contained therein shall be retained thereafter.

Procedural Matters

2. I have taken the description of the proposal in my formal decision from the application form, but have omitted references to matters which are subjective or not an act of development.
3. I have no details of the proposal at 2 Simpson Close, which is referred to at Part E of the appeal form. Irrespective of that, and alleged unauthorised development elsewhere, I have dealt with this scheme on its planning merits.

4. In its decision, the Council cited a single reason for refusal, which concerned the absence of a Flood Risk Assessment ('FRA'). However, as part of the appeal, an FRA was submitted. In an email dated 22 February 2023, the Council states that had the FRA been submitted as part of the application, it would have been found to be acceptable in addressing the impact of the development on flooding. In light of that, it recommends a condition requiring that the development be carried out in accordance with the mitigation measures in the FRA.
5. The Council found that the scheme was acceptable in regard to its impact on the character and appearance of the area, neighbouring amenities and parking. From my consideration of the evidence, and my observations on site, I agree; and I conclude that it would not conflict with the development plan.
6. I have considered a representation by the Directors on behalf of the Mariners Residents Association, which states that the applicants do not own the freehold of the land, that the scheme would be in breach of a covenant, and that it would block vehicular access to an electricity substation from Simpson Close.
7. However, on the application and appeal forms the appellant certifies that she owns the land; and in any event an appellant does not have to own a site to seek planning permission on it. On the basis of my visit, given the gap between the proposed extension and the western boundary of the site, I have no cogent evidence that the scheme would prevent vehicular access to the substation. Finally, any breach of covenant would be a separate legal matter.
8. Consequently, having assessed the proposal against the development plan and with regard to other material considerations, the appeal will be allowed.

Conditions and Conclusion

9. I have considered the matter of conditions against the tests in the National Planning Policy Framework ('Framework'). I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, a condition is also necessary requiring that the development be faced in matching materials.
10. Finally, having regard to policies in the Framework and the development plan, and to ensure that the scheme does not increase the risk of flooding, a condition is necessary requiring that it be carried out in accordance with the mitigation measures contained in the FRA.
11. For the above reasons, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR