

# Old Windsor Parish Council

## MINUTES OF THE COUNCIL MEETING HELD ON TUESDAY 10<sup>th</sup> APRIL 2024 AT 7.30 P.M

PRESENT: Cllrs J. K. Dawson, M.V. Beer, M.P. Bennett, D. Boresjo, W. Chan, L.C. Jones and P. D. Jacques

John Lee – Clerk to the Council

APOLOGIES: Cllrs. J. Bhabra, J.A. Blackmore, J. Grove, N.J. Knowles and J. Mynott

### **143.23 ANNOUNCEMENTS**

There were no announcements.

### **144.23 PUBLIC QUESTION TIME**

There were five adult and two children members of the public present for planning.

### **145.23 MODEL CODE OF CONDUCT**

Cllr. Jones declared personal interests in relation to all the applications to be considered at this meeting as a member/deputy member of the Windsor Development Control Panel of the Borough Council and declared that they would not vote or make a final decision on any of them at this meeting.

### **146.23 MINUTES OF THE COUNCIL MEETING HELD ON THE 13th MARCH 2024**

The minutes were approved as a true record and were signed by the Chairman. Proposed by Cllr. Bennett and seconded by Cllr. Chan. All members were in favour.

### **147.23 MATTERS ARISING FROM THE ABOVE MINUTES**

Cllr. Beer requested that his report on Datchet Hythe End was attached to the minutes.

### **148.23 POLICY & FINANCE**

The payments list was proposed by Cllr. Jones and seconded by Cllr. Bennett with all members in favour.

### **149.23 ESTATES AND ENVIRONMENT**

The Clerk informed members that the fence between the Allotments and the back of the Day Centre was being replaced as it was old, damaged and no longer doing its job.

### **150.23 PLANNING APPLICATIONS**

<b>Ward:</b>	Old Windsor	
<b>Parish:</b>	Old Windsor Parish	
<b>Appn. Date:</b>	14th March 2024	<b>Appn No.:</b> 24/00647
<b>Type:</b>	Permitted Development Extended	
<b>Proposal:</b>	Single storey rear extension no greater than 3.79m in depth, 3.39m high with an eaves height of 3.00m.	
<b>Location:</b>	<b>69 Meadow Way Old Windsor Windsor SL4 2NY</b>	
<b>Applicant:</b>	Mr & Mrs Jasdeep & Kalwant Gill <b>c/o Agent:</b> Elaine Kimber Fluent ADS Ltd 69-71 Windmill Rd Sunbury On Thames TW16 7DT	
<b>Determination Date:</b>	25 April 2024	

**Members had NO OBJECTION to this application**

2 April 2024

Appn. No.: 24/00810

**Appn. Date:**

**Type:**

Full

**Proposal:**

Single storey rear extension and alterations to fenestration following demolition of existing conservatory and garage.

**Location:**

**6 Ashbrook Road Old Windsor Windsor SL4 2LS**

**Parish/Ward:**

Old Windsor Parish/Old Windsor

**Applicant:**

Mr And Mrs Collin And Sarah Rodgers

**Agent:**

Mr Ian Benbow Ian Benbow, RIBA Chartered Architect 12 Meadow Close Old Windsor Slough SL4 2PB **email:** benbowis@btinternet.com **tel:** 07890951987

**Members had NO OBJECTION to this application**

**Appn. Date:**

2 April 2024

**Appn. No.:**

24/00739

**Type:**

Full

**Proposal:**

Single storey front porch, part single part two storey side/rear extension and alterations to fenestration following demolition of existing elements.

**Location:**

**35 Straight Road Old Windsor Windsor SL4 2RT**

**Parish/Ward:**

Old Windsor Parish/Old Windsor

**Applicant:**

Mrs Dutt

**Agent:**

Mr Gurdev Kalsi Kalsi Designs 20 Harrowdene Road Wembley HA0 2JP **email:** gskalsi@btinternet.com **tel:** 07930966049

**Members have a VERY STRONG OBJECTION to this application.**

We believe the application is contrary to the following policies:

**RBWM SPD Borough Wide Design Guide 25 June 2020**

**PRINCIPLE 10.1:**

1. Extensions will be expected to be subordinate and respond positively to the form, scale and architectural style & materials of the original building. Developments that are over-dominant or out of keeping will be resisted.
2. Extensions should not result in a material loss of amenity to neighbouring properties as a result of overshadowing, eroding privacy or being overbearing.
3. Extensions should not result in properties having inadequate or poor quality amenity space.
4. Extensions which erode garden spaces and gaps which contribute to visual amenity and the character of the street scene will be resisted.

**PRINCIPLE 10.3:**

1. Side extensions should not erode neighbour amenities or the character of the street scene and local area. Proposals should remain sympathetic and subservient to the main building and not project beyond the building line on the street.

**PRINCIPLE 10.4:**

2. Proposals should be sympathetic and subservient to the design of the main building.

**PRINCIPLE 10.5:**

1. Roof alterations should be sympathetic and subservient to the design of the main building and not undermine the visual amenities of an area when viewed from public spaces such as streets and public open spaces.
2. All types of dormers must be set back from the sides and ridgeline of the roof and not occupy more than half the width and depth of the roof slope.

# OLD WINDSOR NEIGHBOURHOOD PLAN

## OW4: RESIDENTIAL AND BACKLAND DEVELOPMENT

Density...  
Plot Width...  
Building Height...  
Daylight and Sunlight...

## OW6: SUDS DESIGN AND MANAGEMENT

In line with NPPF paragraph 163, surface water drainage on any development must not add to the existing run off or cause any adverse impact to neighbouring properties or the surrounding environment/wildlife habitat.

Flood risk assessment.

## OW8: TOWNSCAPE

[not compliant with policy in general but in particular]:

3. have a similar form of development to properties....
5. reflect the boundary treatments prevailing in the surrounding area.

## OW10: ARCHAEOLOGICAL ASSETS

## OW14: PROTECTION OF NATURAL HABITATS, LANDSCAPE AND ECOLOGY

Removal of multiple trees on and surrounding property, solid brick walls interrupting ecology pathways in a species rich village.

## FLOODING

There is no Flood Risk Report supplied and we believe there should be one. This property has seen a lot of flooding recently especially on the concrete base for the outbuilding that is being built next to the boundary fence.

## OUTBUILDING

With regards to the outbuilding, members would like to point out the following condition that was part of the granting of the Certificate of Lawfulness:

### *Outbuilding*

*Class E – buildings etc incidental to the enjoyment of a dwellinghouse*

*E – the provision within the curtilage of the dwellinghouse of –*

*(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;*

*The proposal complies. The outbuilding would be used as garden storage, a gym and home office; all purposes incidental to the enjoyment of the dwellinghouse.*

Cllr. Boresjo declared an interest and took no part in the decision making for this application.

**Appn. Date:** 19 March 2024 **Appn. No.:** 24/00674  
**Type:** Cert of Lawfulness of Proposed Dev  
**Proposal:** Certificate of lawfulness to determine whether the proposed use of the land as a cravan site for the siting of mobile homes is lawful.  
**Location:** **Land Adjacent Newton Side Orchard Burfield Road Old Windsor Windsor**  
**Parish/Ward:** Old Windsor Parish/Old Windsor  
**Applicant:** Mr Fred Sines  
**Agent:** Richard Boother RPS Group Plc 20 Western Avenue Milton Park Abingdon  
OX14 4SH **email:** bootherr@rpsgroup.com **tel:** 01235 838 218

Old Windsor Parish council have grave concerns regarding Application 24/00674/CPD

1. This application maintains that the ancillary use granted in 23/92148/CLU the adjacent plot of land now becomes the same planning unit and therefore it would be lawful to site mobile homes on the plot. We dispute this assertion as the lawful use granted in September 2023 explicitly states that there is no lawful use other than recreational, parking of cars for residents of the adjacent plot of land and storage of two touring caravans. The LPA were satisfied that they did not involve development or require planning permission.

#### Notice of Decision

Appn. Date: 13th September 2023 Appn. No.: 23/02148

Type: Certificate of Lawful Use

Proposal: Certificate of lawful use for the ancillary recreational use of the land by residents of the adjacent mobile home park; the ancillary parking of cars by residents of the adjacent mobile home park; and the storage of two touring caravans, being activities that are not development as defined by section 55 of the Town and Country Planning Act 1990 and do not require planning permission.

Location: Land Adjacent Newton Side Orchard Burfield Road Old Windsor, Windsor.

2. Previous Parish Councils have seen applications come forward in 1997, 2010, 2012 (2), 2015 (2) and the current application. There have been constant attempts over the years to site residential units on what was once a green belt field, see attached Google Earth screenshots 2004 to 2021.

We have attached a summary of the history on this site. Enforcement has been delayed time and time again due to exploitation of the appeals process and the Planning authorities policy of pausing enforcement while appeals are in progress. In particular, we would like to draw your attention to the Mulvenna case that was sited by RBWM as a reason for not continuing with enforcement matters pertains to this site. (see below \*)

3. We acknowledge that a site visit was undertaken in 2023 with regards to 23/02148/CLU but would not have considered the effects on openness, green belt, flooding and any other material changes or additions to the agreed lawful use. The lawful use only refers to touring caravans and explicitly rules out residential development as it would require planning permission.
4. The proposal that any adjacent land (even if green belt, flood zone 3 and potentially increased hardstanding, can be used for residential development just because it is located next to a residential unit and has had play equipment situated on it) is potentially setting a dangerous precedent.
5. The mobile home park is a commercial business and has been allowed to use an adjacent field for the benefit of those homeowners, siting extra mobile homes on the adjacent field would now be reducing the facilities that were so apparently needed in September 2023. Looking at the attached map the addition of two mobile homes would severely reduce the amount of usable area for previously granted lawful use (app 23/02184/CLU).

**Mulvenna v SSCLG (C1/2016/0374) Shropshire Council, Southern Planning Committee. App No. 20/02669/FUL \***

Enforcement was stayed pending the determination of Mulvenna v SSCLG (C1/2016/0374) and Connors v SSCLG (C1/2014/2651) which were conjoined by the Court of Appeal as they shared a common point of principle, namely the effect, if any, of an unlawful decision to recover a planning appeal on the subsequent substantive determination of that appeal.

The Mulvenna case was heard in May 2017 and reserved judgement was handed down on 7 November 2017 with the Court of Appeal dismissing both appeals – see [2017] EWCA Civ 1850.

The appellants in Connors applied to the Supreme Court for permission to appeal (UKSC 2017/0233). The appellants in Mulvenna confirmed they had the intention to do the same but subject to obtaining public funding and as subsequently their time limit for applying to the Supreme Court was extended to 28 days after the final determination of the application for funding.

On 18 February 2019 the Council was notified that the public funding application for Mulvenna was refused but had been appealed and a further 2 month stay was agreed until the outcome of the appeal.

29 April 2019 the Council was notified that Ms Mulvenna's Supreme Court public funding appeal had been adjourned to an oral hearing yet to be scheduled and a further 2 month stay was requested.

By Order dated 27 June 2019, the Council was notified that the Supreme Court had refused permission to appeal in the Connors case. The permission decision for the Mulvenna case had been suspended pending confirmation of Mulvenna's public funding appeal which was listed for 10/11 September 2019.

The Mulvenna public funding appeal was subsequently pushed back on numerous occasions for numerous reasons including a panel member getting ill (apparently catching COVID-19) and a further stay was requested until 1 June 2020.

By email dated 2 June 2020, the Government Legal Department confirmed that the legal representative for Mulvenna has confirmed he had no further instructions/funding to pursue the Supreme Court application.

**There were six attachments sent in as well: 2004, 2010, 2018, 2021, 2400674 Screenshot and the History file.**

**151.23 CHAIRMANS REPORT**

The Chair spoke with members about this years carnival and was discussing what we might do if we have a stall.

**152.23 BOROUGH COUNCILLORS REPORTS**

There were no reports from the Borough Councillors for this meeting.

**153.23 COUNCILLORS REPORTS, QUESTIONS AND COMMENTS**

There were no reports, questions or comments for this meeting.

**154.23 NEXT MEETING**

The next Meeting of the Council will be the Annuals Meetings and will be held at the Parish Meeting Room on the 8<sup>th</sup> May 2024 at 7.30pm.

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**CHAIRMAN**

**THE MEETING CLOSED AT 8.45pm**