



SUNNINGDALE PARISH COUNCIL

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Clerk: Ruth Davies

Zarreen Hadadi
Planning Officer
RBWM

19 May 2021

Dear Zarreen

21/01341: Tay Mount Lady Margaret Road Sunningdale Ascot SL5 9QH
Variation (under Section 73) of condition 14 (approved plans) to substitute those plans approved under 20/03121/FULL for the construction of a residential block containing 1no. three bedroom and 5no. two bedroom apartments with associated parking and landscaping following the demolition of the existing dwelling.

The Planning Committee considered this application at its meeting on 18 May 2021 and **objects** to this application.

1. Firstly, we contend that the changes proposed in this application over the approved scheme (20/03121) alter the description of development.

The approved scheme is described as "*Construction of a residential block containing 1no. three bedroom and 5no. two bedroom apartments*" and this is clearly shown in the floor plans for that application.

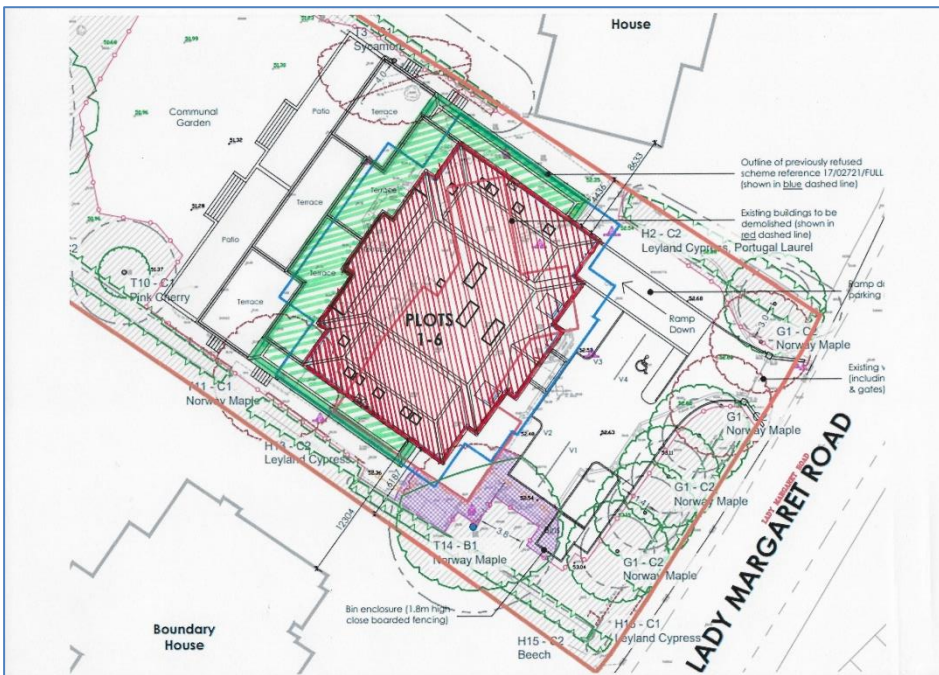
In this latest application the drawings now show 3no. three bedroom and 3 no. two bedroom apartments. Plots 1 and 2 are now labelled on the plans as 3 bedroom 'Duplex' apartments which they were not on the approved scheme. Concerningly, given that the definition of Duplex includes two separate entrances there would be the potential to further subdivide these two duplex apartments into four apartments by converting the room indicated as a 'utility room' into a kitchen.

The current application represents a substantive change in scope to the approved scheme.

In a recent Court of Appeal ruling (Finney v Welsh Ministers [2019] EWCA Civ 1868.), the Court provided a clear ruling that section 73 cannot be used to change the description of development. We therefore believe any change of this magnitude should follow a full planning application.

2. Secondly, in terms of what is proposed, this application represents a significant increase in footprint to what has been approved.

3. On the ground floor and basement levels, the effect, is best shown in the diagram below (where the orange hashed area is the approved scheme and the green hashed area is the additional footprint for this application).



The true extent of the change can best be seen at the rear of the development.

The diagram below shows the proposed rear elevation.



The added bulk at the side and rear of this development now has a massing effect that the approved scheme did not – and is now not in keeping with the street scene and townscape character of 'Leafy Residential Suburbs'. The approved two storey building (including dormer windows and two small balconies in the roof space) has now become a four-storey building.



There was an earlier application for a block of 10 apartments on this site (17/02721), which was refused and dismissed on appeal. One of the main elements of the Planning Inspector's ruling concerned the effect of the proposed apartments on the character and appearance of the surrounding area. He concluded:

“that the proposed block of flats would harm the character and appearance of the surrounding area. As such, the development would conflict with Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (LP), Policies NP/DG1.2 and NP/DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP) and the Framework that seek good quality design that retains the character of the area, including that the design of new buildings should be compatible with the street scene and not to cause damage to the character and appearance of the area”.

Under this new application, the walls of the proposed additions to the approved scheme now sit on top of and, in many areas, extend beyond the walls of the Refused scheme (17/02721).

Although this additional development is mainly limited to the ground floor, we believe that this proposal, by reason of its added width and extended footprint would now make the block appear cramped and would represent overdevelopment of the site. This would be contrary to policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations, Adopted 2003), policies NP/DG1.2 and NP/DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan, Adopted April 2014, and paragraph 64 of the National Planning Policy Framework.

We ask that this application is **Refused**.

Yours sincerely

Yvonne Jacklin and Michael Burn
Co-Chairs of the Planning Committee