

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 June 2017

Item: 2

Application No.:	16/03138/FULL
Location:	Land At 29 Cranbrook Drive Maidenhead
Proposal:	New dwelling following demolition of existing extension and garage at No. 29 Cranbrook Drive
Applicant:	Mr And Mrs Crown
Agent:	Mrs Antonia Lewis
Parish/Ward:	Maidenhead Unparished/Furze Platt Ward

If you have a question about this report, please contact: Greg Lester on 01628 682955 or at greg.lester@rbwm.gov.uk
--

1. SUMMARY

- 1.1 The proposal seeks planning permission for the erection of a detached three bedroom dwelling on part of the existing garden area of no. 29 Cranbrook Drive following the demolition of the existing garage and single storey side extension.
- 1.2 It is considered that the proposed dwelling, on balance, is of an acceptable design and scale and would not result in a negative impact on the character or appearance of the area.
- 1.3 The proposed dwelling due to its siting and distance from existing properties would not result in demonstrable harm to the residential amenities of the adjacent occupiers.
- 1.4 Sufficient parking provision is made on site to cater for both the existing and proposed dwellings.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
--

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Derek Sharp due to the amount of local interest generated by the proposal.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on Cranbrook Drive to the north side of No. 29, on its existing garden area. A garage and single storey extension to the existing dwelling occupy the site and would be demolished. The existing property has a mix of semi-mature shrubs and trees to the boundary, with the rear garden area laid to lawn. The north boundary is bounded by a walkway that serves to access the rear of properties to the north and interconnects with properties to the east.
- 3.2 Properties in the area comprise a mixture of dwelling types. The site of the proposed forms part of a development of detached properties set back from the road, with parking to the front, and garages located within the spacious garden to the side/rear. Properties to the north are terraced and have smaller south facing gardens.
- 3.3 The existing property has adequate parking to the front of at least 3 cars, excluding the existing garage.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal seeks full planning permission for the erection of a two storey detached three bedroom dwelling of a Georgian style to reflect that of the existing dwelling, and associated hard surfacing to provide two parking spaces.
- 4.2 The proposal would result in the demolition of the existing garage and single storey side extension (north elevation), with parking provision for both the existing dwelling and proposed dwelling to be provided to the front elevation. The existing dwelling would be provided with 3 parking spaces and the proposed new dwelling would be provided with 2 parking spaces.
- 4.3 The proposed dwelling would be approximately 9 metres in width, with a depth reduced to 7.2 metres following the submission of amended plans, and a height of 7.4 metres to the ridge.
- 4.4 A previous application submitted for outline planning permission (00/36283/OUT) was refused for failing to respect the spacious character of the area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking
DG1, H10, H11	P4, T5

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area
- ii The impact on residential amenity
- iii Parking and highway safety

The impact on the character and appearance of the area

- 6.2 The appearance of a development is a material planning consideration. Local Plan Policy H11 identifies that in established residential areas, planning permission will not be granted for schemes that introduce a scale of density of new development, which would be incompatible with

or cause damage to the character and amenity of the area. In addition, Local Plan Policy H10 identifies that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas, and where possible, to enhance the existing environment.

- 6.3 The application site is in an area which comprises of detached dwellings of varying sizes. Properties are set within spacious plots; however, there is variety in the separation between dwellings. The proposed dwelling is located approximately 3.5 metres from the side wall of the existing dwelling at no.29, and occupies a plot measuring approximately 27.5 metres in depth and approximately 12 metres in width, narrowing to 10.5 metres. This is comparable to the existing dwellings where separation distances between the side elevations vary from 2-3 metres and plot sizes are generally approximately 30 metres in depth and around 15-17 metres in width. The proposed dwelling is set in line at both the front and rear elevations with the property at no.29, and has a revised layout from the scheme that was previously refused, resulting in a more open and spacious appearance, and whilst it is not as spacious as the other plots that are to be found in the locality, it is not considered that the proposal would appear cramped within the plot. Adequate amenity space is also provided. The proposed new dwelling as a result would occupy a plot similar in size to those of the existing detached properties and would maintain the set back from the road and footway. Whilst the garage has been omitted, and the original garage demolished, there would be no requirement in terms of planning for the applicant to retain their garage, which could be demolished without planning permission. It is not considered that the proposed layout, design or mass of the property would be harmful to the character of the area. Whilst a number of objections referred to the proposal setting a precedent for allowing further infill dwellings, it should be noted that each application will be assessed on its merits and that no two applications are the same.
- 6.4 A number of letters received from neighbouring occupiers referred to restrictive covenants that were placed upon the development, restricting amongst other things the erection of separate units of accommodation. Whilst these restrictive covenants may be present within the property deeds, these are matters that are separate to the grant of planning permission. It does not preclude the determination of the current application, nor prevent the granting of planning permission. In the event the applicant is in breach of a restrictive covenant, civil proceedings may be undertaken by the relevant developer/management body. This is not a planning matter.

The impact on residential amenity

- 6.5 The existing layout of the estate provides for detached dwellings in reasonably sized plots, providing a spacious look and feel. Properties have also been provided with a garage, which is generally set to the side/behind the property in the garden. The proposal would introduce a new dwelling in the space to the north side of the existing dwelling at no.29, closing the gap with the row of terraced properties to the north. The gap would reduce from 29 metres from the north elevation (two storey) of no.29 to the south elevation of properties to the north, to approximately 17 metres to the side of the proposed new dwelling. It should be noted that the existing garage serving no.29 Cranbrook Drive is located a similar distance from the rear elevation of those properties to the north, although this is of single storey construction with an apex roof.
- 6.6 At present the properties to the north do not have any windows facing them. The proposed new dwelling proposed no new openings in the north elevation. Any new windows in the north elevation can be conditioned to prevent the insertion of additional windows without the need to first obtain planning permission. Whilst the new dwelling will introduce windows to the rear (east) elevation, due to the existing dwelling already being in a position where the property to the east, 1 Avondale, is overlooked from the first floor windows to a degree, being partially obscured by a garage, it is not considered that the addition of the new dwelling would result in a materially greater level of overlooking than currently exists. It is noted that the proposed dwelling would be closer to the terraced properties to the north, but any overlooking from the rear windows would be oblique and not direct and is unlikely to result in demonstrable harm to residential amenity.
- 6.7 Whilst it is noted that objections have been made with regard to an increase in noise, the intervening alleyway can be used as a thoroughfare and any additional noise from a residential

dwelling is considered unlikely to materially impact on the residential amenity of neighbouring occupiers.

- 6.8 The proposed new dwelling will occupy a greater footprint than the existing garage, and whilst it will be set in from the boundary of the site by 1 metres, it's overall height is significantly greater than the existing single storey garage, giving the new dwelling the possibility to negatively impact the amount of light received by the properties to the north, and also result in an overbearing impact. It is considered that the proposed dwelling being set in from the boundary will assist in reducing the impact to the properties to the north, and the intervening passageway will further offset any impact. However, due to the orientation of the properties it is considered there will be some loss of light to the gardens of 27 and 25 Cranbrook Drive, although it is not considered that this would be so significant as to warrant a recommendation for refusal. The introduction of a two storey gabled wall in close proximity to the boundary with the neighbouring properties also has the potential to introduce an overbearing impact on those dwellings that would be opposite the dwelling, namely 25 and 27 Cranbrook Drive. However, the proposed dwelling is set in 1 metre from the boundary, and the intervening passageway is approximately 3 metres in width, giving a buffer of approximately 4 metres to the proposed dwelling from the boundary of the properties to the north. Whilst the outlook would change with the introduction of a two storey dwelling, it is considered the gap between the boundary and the dwelling would provide some relief and a significant adverse impact on residential amenity is not considered to be likely. It is therefore considered, on balance, that the proposed new dwelling would be unlikely to demonstrably harm residential amenity.

Parking and highway safety

- 6.9 Both the existing dwelling and the proposed new dwelling benefit from dropped kerbs. The proposed plans show that the existing dwelling will be provided 3 spaces and the proposed new dwelling 2 spaces. It is considered that the proposals provide sufficient space on site to accommodate the car parking for the resulting dwelling and the existing dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004. The Local Highway Authority raised no objection to the scheme.
- 6.10 A number of objections were received referring to the parking on the street of vehicles associated with the existing dwelling, and whilst this would have the potential to impact on visibility of vehicles emerging from the driveways of both the existing and proposed dwelling, there are currently no restrictions to prevent parking on the highway, such as double yellow lines. In the event vehicles are causing an obstruction this would be dealt with under separate legislation and is not relevant to the determination of the current application. It is also not considered the proposal would have an adverse impact on highway safety.
- 6.11 It is noted that no provision has been made on the plans for a cycle store or bin store. It is considered these could be reasonably required via a suitably worded planning condition.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable; however the applicant has submitted a Self Build Exemption Claim Form.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

10 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4 November 2016.

29 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Neighbours did not inform me of their intentions.	Noted
2.	Noise, disturbance, overbearing nature of the development	6.5 - .6.9
3.	Loss of daylight and privacy/overlooking	6.6, 6.8
4.	Highway impacts/Insufficient parking	6.9 – 6.10
5.	Contrary to requirements of deeds	6.4
6.	Openness of estate will be negatively impacted	6.2, 6.3
7.	Would set a precedent for more gardens to be used for building	6.3
8.	Garage is used as a photographic studio	Not a material planning consideration
9.	Vehicles park on the road.	6.9-6.10
10.	Damage would result to the existing house from removing extension.	Noted.

1 letter was also received in support of the application, making the following comments:

1. Sufficient space between buildings
2. Acceptable visibility for cars emerging
3. Adequate parking provision is made

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection subject to informatives.	Noted
Local Highway Authority	The Highways Authority offers no objection to the proposal subject to a condition regarding the provision of one site parking. (see condition3)	6.9-6.11

Other Consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	The site is too small for subdivision and the current proposals would result in a cramped form of development with a scale and form that is unneighbourly. There would be a loss of sunlight in the adjacent rear gardens to the north, which would be overshadowed.	6.2-6.4

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED:

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy

- 3 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

- 4 No window(s) shall be inserted at first floor level in the north elevation(s) of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

- 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 Dust Control Informative (Non-Standard)The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control:London working group on Air Pollution Planning and the Environment (APPLE):London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
- 2 Smoke Control Informative (Non-Standard)The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal.The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
- 3 The applicant should be aware the permitted hours of construction working in the Authority are as follows:Monday-Friday 08.00-18.00Saturday 08.00-13.00No working on Sundays or Bank Holidays.
- 4 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 6 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 7 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.