

# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

2 August 2017

Item: 1

<b>Application No.:</b>	16/03440/FULL
<b>Location:</b>	Piersburgh House 1 Woodfield Drive Maidenhead SL6 4NX
<b>Proposal:</b>	Construction of two detached dwellings (house A and B) and a new access onto Sandisplatt Road to serve House B following demolition of 1 Woodfield Drive.
<b>Applicant:</b>	Mr Dhillon
<b>Agent:</b>	Mr Paul Butt
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796697 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

## 1. SUMMARY

- 1.1 The gain in housing would be a clear benefit of the scheme; however it is considered that the proposal would result in a undue harm to TPO trees, character of the area and streetscene, and neighbouring amenity in terms of overlooking. There are no objections in respect of highways and parking. It is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

- |    |   |
|----|---|
| 1. | There is no overriding justification provided for construction within the Root Protection Area of T5 protected by Tree Preservation Order 013/2011 nor has it been satisfactorily demonstrated that technical solutions can't be implemented so that the tree can remain viable. Furthermore, given the future growth potential of existing established and protected trees on site and ultimate size and spread of the trees, the proposal would result in additional pressure to cut-back or remove a tree. |
| 2. | Due to the siting, layout, plot coverage, height and scale, form and design the proposal would result in an unduly conspicuous, incongruous, and cramped form of development to the detriment of the character of the area and streetscene.   |
| 3. | The introduction of new first floor and above windows at House B that would directly overlook the rear garden of no. 2 Woodfield Drive from the north, in addition to the existing direct overlooking from first floor windows at no. 3 Woodfield Drive to the south, the residential amenity for no. 2 Woodfield Drive would be eroded to an unacceptable level in terms of perceived and actual loss of privacy.  |

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Stretton irrespective of the recommendation.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises land at Piersburgh House, 1 Woodfield Drive, Maidenhead, which is a corner plot at the junction with Sandisplatt Road. The site is currently occupied by a two-storey detached house with attached double garage. There are a number of protected trees within the site, including a Cedar, Sycamore, Beech, Horse Chestnut and two Limes.
- 3.2 The site is within a residential area characterised by houses of a similar design and size to Piersburgh House. Properties are set back from the road within spacious plots and soft landscaping and mature trees provide a green backdrop to the existing development.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of two detached houses (house A and B) with a new access onto Sandisplatt Road to serve house B following the demolition of 1 Woodfield Drive.
- 4.2 There is no relevant planning history for the site.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7 and 11.

##### 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	Trees
DG1, H10, H11	P4, T5	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

##### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable housing mix, type and density	HO2, HO5
Acceptable impact on trees	NR2
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

##### Other Local Strategies or Publications

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

- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](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 Principle of Development
- ii Trees

- iii Design and Character
- iv Highway Safety and Parking
- v Residential Amenity
- vi Planning Balance

### **Principle of Development**

- 6.2 The aim to boost significantly the supply of housing represents a key element of national planning policy, as set out at NPPF paragraph 47. In this context there is no objection in principle to the loss of the existing dwelling, which is not Listed or located in a conservation area, and redevelopment of the site for housing. The gain in housing would be a benefit of the scheme provided that there is no undue harm to the character and amenity of the area.

### **Trees**

- 6.3 T1 (Cedar), T3 (Beech), T4 (Horse Chestnut) and T5 (Lime) are principle landscape features in the local and wider landscape and help define the sylvan character and appearance of the area. These trees are visible from the following vantage points: Sandisplatt Road, Sherwood Drive and Woodfield Drive. As such, the trees are protected by Tree Preservation Order 013/2011. Local Plan policy N6 states that new development, wherever practicable, allow for the retention of existing trees and where the amenity value of trees outweighs the justification for development planning permission may be refused.
- 6.4 The default position of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is that buildings and structures should be located outside of the Root Protection Area (RPA) as outlined in paragraph 5.3.1. The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of the roots and soil structure should be a priority. In this case, within a short distance of the stem the roots of trees are highly branched forming a network of small-diameter woody roots, which can extend radially for a distance much greater than the height of the tree, except where impeded by unfavourable conditions to provide physical stability. All parts of this system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil for the uptake of water and mineral nutrient. Taking into account known influences on tree root morphology, the proposed no dig driveway will breach T5's Root Protection Area (RPA) by approximately 21% which is considered unduly harmful to its health and longevity. Compounding the impact upon T5 is the proposed cross over, gate piers and anticipated foundations and retaining wall as it is not considered to be possible to construct the cross over without excavations and loss of roots and rooting environment within the RPA of T5 to ensure the driveway ties in with Sandisplatt Road.
- 6.5 Paragraph 5.3.1 of BS5837:2012 goes on to state that where there is an overriding justification for construction within the RPA, technical solutions may be available to prevent damage to trees and if operations within the RPA are proposed the project arboriculturist should demonstrate that the trees can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA, and propose a services of mitigation measures to improve the soil environment that is used by the tree for growth.
- 6.6 In this case the applicant has put forward that the benefits arising from the proposal demonstrably outweighs any adverse impact when assessed against the policies in the Framework as a whole and amounts of sustainable development. The relevant balancing exercise is assessed in paragraph 6.18. If it were concluded that there was an overriding justification to encroach upon the RPA, for completeness it is also be necessary to consider the tests of demonstrating that the trees can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA, and the provision mitigation measures to improve the soil environment that is used by the tree for growth. The ability of a tree to disturbance and alteration of its growing conditions is dependent on specific circumstances and site conditions. In this instance, due to the age of the tree and the already restricted rooting

area it is not anticipated that it would be possible to provide suitable compensation or mitigation for the encroachment into the root protection area of T5.

- 6.7 It is also considered that the site layout fails to take into account the future growth potential of existing established, protected trees on site. Section 7.2 of the submitted Arboricultural and Planning Integration Report proposes pruning operations to provide a better spatial relationship between the canopies of T1 and T4, and the north elevations of Plot 1 and Plot 2 to address the existing situation. However, given the siting of the proposed houses and the ultimate size and spread of the trees (in urban situations), the adjacent trees will restrict daylight into the study, lounge and bedrooms 1 and 2 to the house on plot 1, and the dining room and bedrooms 3 and 4 to the house on plot 2. It is also considered that due to the subdivision of the plot and subsequent smaller gardens, T1, T2, T3 and T5 would be an overshadowing and overbearing presence as they reach full maturity. It follows that there would be additional pressure for future pruning or even felling of the trees to the detriment of their health and longevity. Whilst protection afforded by the TPO 013/2011 would enable the Council to control any future tree work, it would be more difficult for it to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the property.

### **Design and Character**

- 6.8 Local Plan policy H10 states that new residential development will be required to display high standards of design to create attractive areas and where possible to enhance the existing environment, policy H11 states that planning permission will not be granted for schemes that introduce a scale or density of new development which would be incompatible with or cause harm to the character of the area, while policy DG1 states that harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. Core Principle 4 of the NPPF seeks to secure high quality design, paragraph 56 attaches great importance to design as a key aspect of sustainable development, and paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area.
- 6.9 The prevailing character of the area is one of large, detached dwellings set within spacious, mature plots. The houses on Woodfield Drive are similar in scale and appearance, resulting in a relatively uniform streetscene, while the houses on Sandisplatt Road exhibit a wider variety in appearance. Overall, it is considered that the overriding character of the area is residential, relatively low density, and suburban. It is also considered that the mature gardens, trees and shrubs along the highway and grass verges result in a verdant, sylvan character.
- 6.10 Following the demolition of the existing house the proposal involves the subdivision of the existing plot and the erection of a replacement dwelling fronting onto Woodfield Drive (House A) and new dwelling fronting onto Sandisplatt Road (House B). The plot for House A would be approximately 24m deep which is shorter than the other plots on Woodfield Drive which measure approximately 35m deep, while the plot for House B would be approximately 18m wide which is narrower than the other plots on the southern side of this section of Sandisplatt Road the majority of which measure approximately 24m wide. The exception to this would be The Shieling which is sited within a plot measuring approximately 20m wide. The proposed houses would be comparable in width and depth to the houses in their respective streets and as a result the dwellings would occupy a larger proportion of their plots. Furthermore, House A would be sited in a similar position as the existing house it replaces, which is approximately in line with the adjacent property to the south at no. 2 Woodfield Drive. Due to the truncated plot House A would offset from the rear (east) boundary by approximately 1.5m. House B would be sited approximately in line with the row of houses to the west on the southern side of this section of Sandisplatt Road, offset from the flank boundaries by approximately 1.5m. As a result, the side elevation of House B would extend approximately 9.5m across the rear of House A at two storey height and at a distance of 3m. Due to the number of cul-de-sacs within the area, a rear-to-side relationship is not out of keeping in itself, but other examples within the locality maintain a reasonable side-to-rear separation distance. House A also measures approximately 9.3m in height and incorporates two pitched roof gables which result in a more vertical emphasis that contrasts with the Georgian-style form and proportions of the other houses on Woodfield Drive

that measures approximately 8.3m in height thereby resulting in more horizontal emphasis. Given the relative uniformity on Woodfield Drive, the difference are particularly prominent. Consequently it is considered the proposal would result in an unduly conspicuous, incongruous, and cramped development that diminishes the characteristic qualities of the locality and streetscenes.

### **Highway Safety and Parking**

- 6.11 Local Plan policy T5 requires development to comply with Council's adopted highway design standards. The proposal comprises of a new vehicular access to be constructed from Sandisplatt Road to serve the new dwelling on plot B. Due to the wide grass verge, there would be good visibility in both directions for this new access point. The house on plot A will utilise the existing access to Woodfield Drive, where visibility is adequate.
- 6.12 The proposed dwelling with a double garage and space on individual driveways will provide 4 parking spaces in compliance with the Council's adopted Parking Strategy and Local Plan policy P4.
- 6.13 The development is likely to result in an additional 10 to 15 vehicle movements per day. This increase in traffic is not considered to result in an undue impact on local highway infrastructure or highway safety.

### **Neighbouring Amenity**

- 6.14 Local Plan policy H11 states that planning permission will not be granted for schemes which introduce a scale or density of new development that would cause damage to the amenity of the area, while Core Principle 4 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.15 House B would be sited approximately in line with the neighbouring property to the east at Solar House and would extend further rearwards into the site than Solar House. However, the distance of the nearest rear window serving a habitable room at Solar House and the existing detached garage sited adjacent to the shared boundary is considered to sufficiently mitigate any undue loss of light or visual intrusion as the result of the proposal. View from new windows at House B to Solar House would be oblique. There would be windows on the rear elevation at House A that would directly face Solar House, but given the similar spatial relationship between the existing house at 1 Woodfield Drive and Solar House views from these windows are not considered to result in a loss of privacy that is significantly over and above the existing situation.
- 6.16 House A would be sited approximately in line with the neighbouring property to the south at no. 2 Woodfield Drive and would not project significantly further forwards or rearwards than the house at this neighbouring site. It is therefore not considered to result in undue visual intrusion or loss of light to this property. View from new windows at House A to no. 2 Woodfield Drive would be oblique or would face the side elevation of the main house at no. 2 Woodfield Drive and so it is not considered to result in an undue loss of privacy in this respect. However, first floor windows and above to the rear of House B would directly face the rear garden of no. 2 Woodfield Drive at a distance of approximately 15m. It is noted that first floor front windows at no. 3 Woodfield Drive, sited to the south, would also face the rear garden of no. 2 Woodfield Drive from a similar distance. However, the introduction of direct overlooking from the north as a result of the proposal, in addition to the existing direct overlooking from the south is considered to materially erode the residential amenity for no. 2 Woodfield Drive to an unacceptable level in terms of actual and perceived overlooking.

### **Planning Balance**

- 6.17 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

- 6.18 It is acknowledged that this scheme would make a contribution to the Borough's housing stock which tilts the balance in favour of the development. However, it is the view of the Local Planning Authority that the socio-economic benefits of these additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed in terms of harm to TPO trees, character and appearance of the area and neighbouring amenity, contrary to the adopted Local Plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

## **7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable based upon the chargeable residential floor area of £100 per sqm. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

6 occupiers were notified directly of the application and the planning officer posted a notice advertising the application at the site on 23 November 2016.

1 letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The proposal is well planned and sympathetically designed to be in keeping with the other houses in the road.	Para. 6.9 – 6.10
2.	No negative impact on trees.	Para. 6.3 – 6.7

16 letters, including 1 from Maidenhead Civic Society, were received objecting to the application. A new red-line plan which amended the red-line at the access was submitted in February 2017 as the original red-line plan was found to be incorrect. Re-consultation was subsequently undertaken. 11 letters were received, including 1 Maidenhead Civic Society, reiterating concerns summarised below:

Comment		Where in the report this is considered
1.	Overdevelopment of the site, resulting in a cramped form of development	Para. 6.9 – 6.10
2.	Development out of keeping with the neighbouring properties, in particular height, plot sizes, the gaps between houses, and design	Para. 6.9 – 6.10
3.	Loss of privacy and light, to the detriment of neighbouring amenity	Para. 6.15 – 6.16
4.	Harm to trees and erosion of green character	Para. 6.3 – 6.7
5.	Increase in traffic and resultant harm to highway safety	Para. 6.11 – 6.13
6.	Loss of perfectly good existing dwelling	Para. 6.2
7.	Sandisplatt Road is private and owners need to give consent.	Not a material planning issue and a matter for the applicant and owner(s) of the private street to resolve.

### **Other consultees**

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection subject to conditions relating to access and parking as approved drawings, standard informatives, and non-standard informative to advise that a separate legal consent is required to form the proposed new access to Sandisplatt Road and a matter for the applicant and owner(s) of the private street to resolve.	6.11 – 6.13
Environmental Protection	No objection subject to informatives relating to dust and smoke control, and hours of construction.	Noted.
Arboriculture Officer	Objection and recommends refusal as the scheme fails to adequately secure the provision of important trees which contribute to the character and appearance of the area.  Verbal confirmation that the rebuttal to the initial comments does not alter the objection and recommendation.	Para. 6.3 – 6.7

## 9. APPENDICES TO THIS REPORT

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

## 10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 There is no overriding justification provided for construction within the Root Protection Area of T5 protected by Tree Preservation Order 013/2011 nor has it been satisfactorily demonstrated that technical solutions can be implemented so that the tree can remain viable. Furthermore, given the future growth potential of existing established and protected trees on site and ultimate size and spread of the trees, the proposal would result in additional pressure to cut-back or remove a tree. The proposal is therefore detrimental to the health and longevity of protected trees, contrary to saved policy N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).
- 2 Due to the siting, layout, plot coverage, height and scale, form and design the proposal would result in an unduly conspicuous, incongruous, and cramped form of development to the detriment of the character of the area and streetscene. The proposal is therefore contrary to Core Principle 4 of the National Planning Policy Framework (2012) and saved policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).
- 3 Due to the introduction of new first floor and above windows at House B that would directly overlook the rear garden of no. 2 Woodfield Drive from the north, in addition to the existing direct overlooking from first floor windows at no. 3 Woodfield Drive to the south, the residential amenity for no. 2 Woodfield Drive would be eroded to an unacceptable level in terms of perceived and actual loss of privacy. The proposal is therefore contrary to Core Principle 4 of the National Planning Policy Framework (2012) and saved policies H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).