

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

16 August 2017

Item: 5

Application No.:	17/01376/FULL
Location:	9 Park Street Windsor SL4 1LU
Proposal:	Construction of a garden pavilion
Applicant:	Mr And Mrs Bussey
Agent:	Mr David Evans
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed garden pavilion is considered to be of an acceptable scale, design and siting which would preserve the setting of the Grade II* Listed Building (9 Park Street), neighbouring No.11 Park Street (Grade II* Listed), the Windsor Town centre Conservation Area, and would cause no harm to neighbouring amenity, in line with Local Plan Policies LB2, CA2, DG1 and the relevant design and heritage conservation guidance contained with sections 7 and 12 of the NPPF.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- Councillor Rankin has called the application for Panel determination, in the public interest

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application relates to a No. 9 Park Street. The property is a Grade II* Listed building situated on the south side of Park Street. The large town house exists as part of a set of three almost identical listed properties and is set over 4 floors. In recent years the property experienced serious fire damage; as such many of its original features have been lost and replaced.
- 3.2 Together the early C19 houses form a symmetrical group, 3 storeys and basement, constructed of London stock brick, small modillioned Portland stone cornice and blocking course over 2nd floor windows, slate roof.
- 3.3 At present an outbuilding exists to the rear of the site that is of similar size and scale to the proposed pavilion.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the construction of a garden pavilion. The proposed outbuilding would have a light aluminium frame, with doors to match. The building would be 3.5m in height, finished with a flat roof and glazing. The proposal is the same as the previously approved garden pavilion at the site (13/03303/FULL and 13/03304/LBC).

Application No.	Description	Decision and Date
12/02821/FULL	Single storey extension to rear of property at basement level, construction of a rear garden pavilion and internal refurbishment including lift installation, works to front area to install new steps and adapt railings	Approved: 19.11.2012
12/02822/LBC	Single storey extension to rear of property at basement level, construction of a rear garden pavilion and internal refurbishment including lift installation, works to front area to install new steps and adapt railings	Approved: 19.11.2012
13/03303/FULL	Construction of a rear garden pavilion	Approved: 17.12.2013
13/03304/LBC	Construction of a rear garden pavilion	Approved: 17.12.2013

4.2

MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION National Planning Policy Framework

- Section 7 – Requiring Good Design
- Section 12 – Conserving and Enhancing the historic environment
- Core Planning Principles

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Setting of Listed Building
Local Plan	DG1	CA2	LB2

These policies can be found at:

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

Other Local Strategies or Publications

5.2 Other Strategies or publications relevant to the proposal are:

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP3, HE1

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>

Windsor Town Centre Conservation Area appraisal – view at

https://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration/666/conservation_areas_and_listed_buildings

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Setting of the Listed Building
- ii Impact on Windsor Town Centre Conservation Area
- iii Design
- iv Impact on the amenities of neighbours

Impact upon the setting of the listed building

6.2 The National Planning Policy Framework sets out that when dealing with designated heritage assets, great weight should be given to conserving the asset and its significance. Local Plan Policy LB2 provides similar emphasis on the preservation of the setting/grounds surrounding a heritage asset.

6.3 The proposed pavilion would be sited within the rear garden of 9 Park Street, where it would be set away from all boundaries and the main dwelling. The pavilion would be sited more than 30metres away from this Grade II* Listed building and more than 40metres away from No.11 Park Street, due to its sympathetic modern design, proportionate size and separation distance from the main house and mentioned neighbour it is considered that the proposed outbuilding would not cause harm to the

setting of the Grade II* Listed building or the neighbouring Listed Building (No.11 Park Street).

- 6.4 In making this decision the Council has had special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the Windsor Town Centre Conservation Area

6.5 Windsor Town Centre Conservation Area Appraisal (2009) outlines the special and significant characteristics of Park Street. The appraisal suggests that the layout of Park Street has been altered very little since the 18th century and although some buildings are now early 20th century, the Street still contains exceptional examples of Georgian architecture. The houses are principally made up of red brick with tiled roofs and some have Doric pilasters on either side of the entrance doorways supporting entablatures. Properties within the street are terraced or semi detached, two to three storey brick townhouses and some include basements. The majority of properties within the street have steep roof pitches with clay tiles and pitched dormers. Mansard roofs are found on properties such as 4 and 5 Park Street partly hidden behind parapet walls.

- 6.6 Due to its design, size and siting at the rear of the property, the proposed outbuilding would not be visible from Park Street, Sheet Street or Windsor High Street, and would have no adverse impact upon the special characteristics of the area.

- 6.7 In making this decision the Council has also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Quality of Design

- 6.8 National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposed outbuilding would have a light aluminium frame, with doors to match. The design of the outbuilding is considered to be acceptable.

Impact on neighbouring amenity

- 6.9 Due to its separation distance from neighbouring properties, the existing privacy limitations provided by the urban environment in which the proposed summer house is located, the proposal is unlikely to lead to any significant loss of privacy, outlook, daylight, sunlight or otherwise negatively impact upon the amenities of neighbouring properties.

Other Considerations

- 6.10 The proposal is the same as a previously approved scheme at the site (13/03303/FULL and 13/03304/LBC). Although the mentioned permissions have lapsed, the policy context remains the same, as does the built environment surrounding the site, for these reasons the previous planning permission is considered to be a material planning consideration in the determination of this application. The use of this pavilion as an independent dwelling would require planning permission.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

The following comments were received in relation to the proposed development:

Comment	Officer response
<p>Historic England:</p> <p>On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p>	Noted. See section 6 of the report.
<p>Borough's Conservation Officer (verbal comments):</p> <p>No objection as the scheme appears to be a resubmission of a previously approved scheme and there have been no significant changes in the legislation regarding heritage assets.</p>	
<p>8A Park Street (community comment):</p> <p>A building without consent has been constructed to the rear of the property.</p> <p>The structure could become an independent dwelling as it includes a shower.</p> <p>The planning request is for a light steel structure but a heavy steel frame is currently in place.</p> <p>Due to its design and material finish the building is an eyesore. The size of the pavilion is also far too big for the plot and dominates the garden. All of which adversely affects the setting of the listed buildings and those surrounding.</p>	The application does not relate to the existing building to the rear of the site. The application is a resubmission of a previously approved scheme. See section 6 of the report for further comments.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed plans

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application. The Case Officer has sought solutions to these issues

where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully/unsuccessfully resolved.

9. 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 stone and roofing material 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 CA2.
- 3 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.