

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

25 October 2017

Item: 7

Application No.:	17/02772/FULL
Location:	Lorien Brayfield Road Bray Maidenhead SL6 2BN
Proposal:	Attached garage
Applicant:	Mr Williams
Agent:	Not Applicable
Parish/Ward:	Bray Parish/Bray Ward

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 The site lies in the Green Belt and in the Bray Village Conservation Area. The proposal is for a single storey extension to this house, which has been much extended in the past, to form a single garage would result in a cumulative increase in floorspace of 79%. This is considered to be disproportionate and therefore inappropriate development in the Green Belt. The proposal is contrary to Policies GB1, GB2 and GB4 of the Local Plan. In addition, the proposed garage would harm trees on the site and in the neighbouring street, which are important to the character of the area and which are protected by being in a Conservation Area or by being street trees, so the proposal is contrary to Policy N6 of the Local Plan.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

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| 1. | Adverse impact on trees |
| 2. | Inappropriate development in the Green Belt |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Coppinger in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a corner plot in the village of Bray, containing a relatively large house and garden. There are trees on the plot and in the street close by which make an important contribution to the area. The site lies in the Green Belt and in the Bray Village Conservation Area. It is close to houses of various styles to the front and sides, and to open land to the rear.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a single storey side extension to the house to form a single garage, and an extension to the existing shingle drive is included in the scheme. The extension would have a floorspace of 26 sqm.

4.2

8335/69	Demolish porch and garage, build garage and loggia	Approved 27.8.1969
402309	Extension	Approved 16.6.1975
425501	Single storey side extension	Refused 16.1.1992

92/00075 (425658)	Two storey side extension to form granny annexe	Refused 16.4.1992
98/32662	First floor rear extension bay window to rear and rear conservatory	Approved 17.9.1998
14/00059	Single and two storey rear extension following demolition of existing conservatory	Approved 10.2.2014
15/03644	Construction of a new garage with first floor games room	Refused 21.01.2016 Appeal dismissed

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	Conservation Area	Protected Trees
Local Plan	DG1, H14	GB1, GB2, GB4	CA2	N6

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:

- RBWM Parking Strategy – view using link at paragraph 5.2
- Bray Village 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 Appearance and character
- ii Green Belt
- iii Bray Village Conservation Area
- iv Neighbouring Amenity
- v Parking
- vi Trees

Appearance and character

6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advises that

all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposal is considered to respect the appearance and design of the host dwelling and the appearance and character of the street scene would not be harmed.

Green Belt

- 6.3 Policy GB4 of the Local Plan states that proposals for extensions to existing dwellings in the Green Belt will only be approved where they do not cause a disproportionate addition over and above the size of the original dwelling. The supporting text to the policy explains that a disproportionate addition can occur through one large extension or through the cumulative impact of a series of small ones. In terms of assessing whether a proposal will result in a disproportionate addition, floorspace is a guiding factor, together with the bulk and scale and the effect on the openness of the Green Belt. Paragraph 89 of the NPPF states that an extension to a building in the Green Belt is not inappropriate, provided it does not result in disproportionate additions over and above the size of the original building.
- 6.4 The original dwelling had a floor area of approximately 178 sqm and with the existing extensions, which have a total floorspace of approximately 114 sqm. The property has already increased in floorspace by 64% over and above the original dwelling. The proposed extension has a floorspace of 26 sqm. As a result, the cumulative increase in floorspace would be 140 sqm, a 79% increase over and above the original dwelling.
- 6.5 Lorien has already had large two storey extensions to the rear and to the other side. The house's floorspace has been extended in the past by 64%, and the increase currently proposed would increase that percentage to 79%. The proposed extension would be a single garage with a steep roof in a prominent position on the corner of the road. The floorspace increase, together with the increase in bulk and scale of the house, together with the encroachment into the open area to the side of the house would be disproportionate (cumulatively with the previous extensions) to the size of the original dwelling. A previous proposal, 15/03644, for a two storey extension with 92 sqm of floorspace, representing a cumulative increase in floorspace of 116%, was refused by Panel, and was dismissed at Appeal.
- 6.6 Overall, the proposal will result in a disproportionate addition over and above the size of the original dwelling and is contrary to Policies GB4 and GB1 of the Local Plan and to Paragraph 89 of the NPPF. In addition it will cause loss of openness in the Green Belt, contrary to Policy GB2 of the Local Plan. The proposal is inappropriate development in the Green Belt, and no very special circumstances are apparent to outweigh the harm that will be caused.

Bray Village Conservation Area

- 6.7 The Council has to pay 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. The proposal is considered to preserve the character of the Bray Village Conservation Area.
- 6.8 The Bray Village Conservation Area Appraisal includes this site as being in Area B – 19th/ 20th Century Expansion. It goes on to say: 'The area is characterised by wide, tree lined streets and mature landscaped gardens. There is a feeling of openness and space, in contrast with the village core. The majority of open spaces within the Conservation Area tend to be the garden areas of private properties, yet these areas still add to the character of the village. The character of the area is sensitive to change through any loss of green spaces and trees within the Conservation Area itself. This pressure could come through any new build appearing in established green areas.'
- 6.9 The Conservation Officer has assessed the scheme, noting that it is a reduced size scheme to the refused application 15/03644, and has concluded that it preserves the character of the conservation area. Therefore the proposal is considered to with paragraph 134 of the NPPF and with Policy CA2 of the Local Plan.

Neighbouring Amenity

- 6.10 The proposed extension will not be close to any other properties. It is considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

Parking

- 6.11 Sufficient space would remain on the site to accommodate the car parking for the resulting 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.

Trees

- 6.12 Trees on and adjacent to the site are subject to Conservation Area controls. The trees make a significant contribution to the character and appearance of the area, being located in a prominent position on the boundary of the junction of Brayfield Road and Old Mill Lane. T3, T4 and T5 are street trees, managed by the Highway Authority for the benefit of residents and members of the public.
- 6.13 Within a short distance of the stem, the roots of trees are highly branched, so as to form 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. All parts of this system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil. The root system tends to develop sufficient volume and area to provide physical stability. The uptake of water and mineral nutrient by the root system takes place via the fine non-woody roots and associated beneficial fungi. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. All parts of the root system, but especially the fine roots, are vulnerable to damage. BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' gives information on determining a root protection area (RPA). This 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 is treated as a priority.
- 6.14 British Standard 5837:2012 states *'The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced.'* This includes assessing factors such as the *'...morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. presence of roads, structures and underground apparatus)'*. The adopted highway (Brayfield Road and Old Mill Lane) is formed of heavily consolidated material down to a minimum construction depth of 450mm. It is impervious and as such does not allow rainwater to percolate through nor gaseous diffusion to occur between the atmosphere and the soil beneath. The adopted highway does not provide conducive conditions for root growth and function. The applicant's 'Tree Retention and Protection Plan' does not properly take into account the lack of rooting underneath the adopted highway, and a commensurate area is therefore required to be added onto the remainder of the radial RPA to make up for this.
- 6.15 Whilst the proposed garage is shown to breach the RPA of T3, it is clear with a revised RPA the incursion will increase significantly. In addition, the garage may also breach the RPA of T2. In respect of T3, the viability of the tree cannot be secured and therefore it must be expected the tree will be lost should the proposal be implemented. There is also the prospect, that if the RPA is breached for T2, the viability of this tree would also be in doubt. This is unacceptable.
- 6.16 A further breach of the RPA is due to the extended driveway. This is undesirable, as with mature trees, such as T2 and T3, they are unlikely to tolerate changes within their RPA's. The crowns of

T2 and T3 would extend over part of the new section of driveway such that any vehicles parking here would be affected by fallen tree debris, which may result in greater pressure to prune.

- 6.17 It is indicated in the arboricultural report that some tip reduction of branches will be required on two trees, in particular the Hornbeam T2, to give clearance to the proposed garage. The tree would require repeated pruning to maintain a suitable clearance in future years. This would indicate the garage is positioned too close to this tree. The Council did not object to a previous works notification to prune a Hornbeam to give 2m clearance from the building (house), as this was reasonable under the circumstances, the building already being there. However, in allowing the garage, a poorer relationship would be created that would result in pressure to prune the Hornbeam, further than otherwise would be necessary.
- 6.18 Given the above, the proposal does not comply with policies N6 and DG1.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.
 The application was advertised in the Maidenhead Advertiser on 14.9.2017.
 The planning officer posted a notice advertising the application at the site on 12.9.2017.

No comments were received.

The applicant included a letter from a neighbour with the application, which stated that they supported the proposal, especially if new trees were provided.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Recommended for refusal - GB2 - The development will have an impact on the openness of the Green Belt and harm the character due to the scale, siting & design. DG1 - The addition of the garage is considered to be harmful to the character of the surrounding area and impacts on the street scene. C2 - The proposed development fails to either enhance or preserve the character of the conservation area.	6.2-6.9

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer	Recommends refusal	6.12-6.18
Conservation Officer	No objection	6.7-6.9

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing layout

- Appendix C – Proposed layout
- Appendix D – Front elevations existing and proposed
- Appendix E – Rear elevations existing and proposed
- Appendix F – Side elevations existing and proposed

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 NPPF.

In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The site is in the Green Belt and, cumulatively with other additions to the house already completed, the proposed extension would cause a disproportionate addition over and above the size of the original house contrary to saved Policy GB4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), and Paragraphs 87, 88 and 89 of the National Planning Policy Framework (NPPF). It therefore represents inappropriate development contrary to saved Policy GB1 of the Local Plan and the NPPF. Inappropriate development is by definition harmful to the Green Belt and no very special circumstances exist that clearly outweigh the harm caused by reason of inappropriateness. It would also cause loss of openness to the Green Belt, contrary to Policy GB2 of the Local Plan.
- 2 The impact of the proposal on the existing mature trees on and outside the site which are important to the character of the area and which are protected by being in a Conservation Area were not fully assessed in the accompanying Arboricultural Assessment, as the Root Protection Areas were wrongly plotted. The Local Planning Authority is not satisfied that the proposal would not harm the health and vitality of these trees, and it is likely that it will lead to the loss of those trees which are an important part of the character and appearance of the area. Whilst the proposed garage is shown to breach the RPA of T3, it is clear with a revised RPA the incursion will increase significantly. In addition, the garage may also breach the RPA of T2. In respect of T3, the viability of the tree cannot be secured and therefore it must be expected the tree will be lost should the proposal be implemented. There is also the prospect, that if the RPA is breached for T2, the viability of this tree would also be in doubt. This is unacceptable. A further breach of the RPA is due to the extended driveway. This is undesirable, as with mature trees, such as T2 and T3, they are unlikely to tolerate changes within their RPA's. The crowns of T2 and T3 would extend over part of the new section of driveway such that any vehicles parked here would be affected by fallen tree debris, which may in turn result in greater pressure to prune. It is indicated in the arboricultural report that some tip reduction of branches will be required on two trees, in particular the Hornbeam T2, to give clearance to the proposed garage. The tree would require repeated pruning to maintain a suitable clearance in future years. This would indicate the garage is positioned too close to this tree. The Council did not object to a previous works notification to prune a Hornbeam to give 2m clearance from the building (house), as this was reasonable under the circumstances, the building already being there. However, in allowing the garage, a poorer relationship would be created that would result in pressure to prune the Hornbeam, further than otherwise would be necessary. The proposal is therefore contrary to Policies N6 and DG1 of the Local Plan.