

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 October 2015

Item: 4

<b>Application No.:</b>	15/01962/FULL
<b>Location:</b>	Friary House 6 Friary Island Friary Road Wraysbury Staines TW19 5JR
<b>Proposal:</b>	Construction of double garage (retrospective)
<b>Applicant:</b>	Mr Vali
<b>Agent:</b>	Ms Tegwynne Goldthorpe
<b>Parish/Ward:</b>	Wraysbury Parish

**If you have a question about this report, please contact:** Victoria Goldberg on 01628 683551 or at [victoria.goldberg@rbwm.gov.uk](mailto:victoria.goldberg@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application was reported to the Panel of the 23<sup>rd</sup> September 2015, where it was deferred for a Panel site visit, which took place on the 15<sup>th</sup> October 2015.
- 1.2 The application details a balcony on the southern elevation and changes to the fenestration and materials of the previously approved garage/annex (14/00446/FULL). The design changes are considered acceptable providing a condition is imposed to prevent access to and use of the balcony. The impact on parking and flood risk is no different from the extant permission.

**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 Lenton, for the reason that the application needs to be considered in relation to the already approved permission for this site.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site covers a large area of approximately 0.3255 hectares and lies immediately adjacent to the River Thames. The site is located within an area liable to flooding (Flood Zone 3) and a creek runs through the central part of the site. The depth of the creek has recently been increased as it was previously poorly maintained and blocked with debris and vegetation. The entire site was inundated with flood waters during the 2014 flood event.
- 3.2 The site is largely undeveloped as the original dwelling has been demolished to accommodate a replacement house that was granted planning permission in 2014 (14/00446/FULL). The piers to support the replacement dwelling have been erected but the house has not yet been built.
- 3.3 The above planning application also detailed a replacement garage/annex and this is positioned in the northern corner of the site. The flank elevation of the garage is positioned on the eastern boundary adjacent to the rear gardens of the properties on Friary Road. The garage is in the process of being built and is largely complete; however, it has not been built in accordance with the approved plans.

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

Ref.	Description	Decision and Date
14/00446/FULL	Construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	<b>Approved:</b> 13.05.2014
14/02879/VAR	Construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek as approved under planning permission	<b>Approved:</b> 10.12.2014 This application was

	14/00446/FULL without complying with condition 2, 12,13,16,19 and 21 for no development shall take place prior to substantial completion, condition 17, changes to Creek Road, Man House and Access Road	submitted to delay the submission of details required by various conditions.
14/02906/CON DIT	Details required by condition 7 (construction management plan) of planning permission 14/00446 for the construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	<b>Approved:</b> 16.10.2014
15/01455/CON DIT	Details required by condition 2 (Materials) 6 (Access construction and visibility splays) 8 (Parking) 13 ( Sustainability Measures) 16 (Hard and soft landscaping) 19 (Management of buffer zone) and 21 ( Foul water treatment and disposal) of planning permission 14/00446/FULL for construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	<b>Pending consideration.</b>
15/01605/NMA	Non material amendment to planning permission 14/00446 to add balcony to south elevation of garage including amendment of windows to sliding doors to access balcony, addition of windows on north elevation, changing of materials to blue engineering bricks on ground floor and render on first floor, and change from 3 no. single garage doors to 2 no. garage doors with entrance doors on the ground floor west elevation	<b>Refused:</b> 4.06.2015

4.1 This application is retrospective and has been submitted in an attempt to regularise the changes that have been made to the approved design of the garage. The design changes from the previously approved scheme are detailed below:

- Three single garage doors have been replaced with two double doors.
- A balcony has been erected above the garage doors with windows changed to sliding doors above.
- High level windows have been inserted (above 1700mm) on the first floor of the northern elevation.
- The single door on the western elevation has been replaced with two doors and slotted windows either side. A canopy is positioned above the doors.
- The lower section of the building has been built and finished with blue engineering bricks rather than being rendered.
- The first floor section has been rendered rather than being clad in timber.
- All windows will have grey aluminium frames.

The footprint of the garage remains unaltered.

## 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	High risk of flooding	Highways /Parking issues
Local Plan	DG1	F1	T5, P4

5.2 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

•	National Planning Policy Framework  Core Planning Principles  Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:
•	be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
•	not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
•	proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
•	always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
•	take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

	<ul style="list-style-type: none"> <li>support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);</li> </ul>
	<ul style="list-style-type: none"> <li>contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;</li> </ul>
	<ul style="list-style-type: none"> <li>encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;</li> </ul>
	<ul style="list-style-type: none"> <li>promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);</li> </ul>
	<ul style="list-style-type: none"> <li>conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;</li> </ul>
	<ul style="list-style-type: none"> <li>actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and</li> </ul>
	<ul style="list-style-type: none"> <li>take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.</li> </ul>

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Design
- ii Impact on neighbouring properties
- iii Flood Risk
- iv Parking and highway considerations

### Design

- 6.2 The windows on the southern elevation have been replaced with sliding doors. This change is considered acceptable as the doors are not significantly larger than the previously approved windows and they are similar in design. In addition the installation of two garage doors rather three on this elevation is in keeping with the original scheme. The addition of the balcony softens the appearance of this elevation providing a break between the garage doors and sliding doors above.
- 6.3 The new entrance on the western elevation is larger than the approved single door but the addition of the canopy, slotted windows and side window adds interest to the elevation and breaks up the mass of brick and render. In addition the installation of four high level windows on the northern elevation breaks up the starkness of the previously approved elevation.
- 6.4 Render has been used on the first floor level when this was originally detailed at ground floor. As such this change is considered acceptable. Blue engineering bricks have now been utilised at ground floor level as they will be more robust than they previously approved render and can be easily washed down in the event of a flood. The bricks complement the grey render utilised above and the introduction of grey aluminium windows will be in keeping with the other materials used.

## Impact on neighbouring properties

- 6.5 The high level windows on the northern elevation are positioned 1.7m above floor level and therefore views out of them cannot be obtained from within the garage. As such they do not negatively affect the privacy of neighbouring properties.
- 6.6 The sliding doors installed on the southern elevation face the application site and views into neighbouring gardens cannot be achieved. However, the balcony negatively impinges on the privacy of the rear gardens in Friary Road as the balcony facilitates views into these gardens and results in an unacceptable level of overlooking. The harm identified could be overcome by imposing a condition preventing access to and use of the balcony to protect the privacy of neighbouring properties.

## Flood Risk

- 6.7 The alterations to the fenestration and materials used in the build do not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people at risk from flooding, as such the amendments accord with Policy F1 of the Local Plan.
- 6.8 The Environment Agency does not object to the application but have suggested that the condition restricting the use of the garage (detailed in the original application) is re-imposed.

## Parking and Highway Considerations

- 6.9 To comply with the Council's adopted parking standards a house with four or more bedrooms is required to provide three on site parking spaces. As the garage contains separate staff accommodation the highway Officer has previously advised that an additional space should be provided – making a total requirement for four spaces.
- 6.10 The garage can accommodate two vehicles but this is no different from the previously approved scheme. As the site is large it is considered that there should be no problem with providing adequate on site parking and turning space.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

30 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 3.07.2015

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

	Comment	Where in the report this is considered
1.	The balcony provides unrestricted views of my property.	6.6 A condition will be imposed to prevent access to and use of the balcony.
2.	It would be fairer to all parties, for an officer to visit the gardens of objecting neighbours to obtain an unbiased and realistic view of how this build and its multiple glazing impacts all of us.  It is noted that the agent has not referred to the objection concerning the third kitchen window directly looking directly into no.34. This was meant to be an 'opaque' bathroom window, however, this has become yet another kitchen window, it is not opaque, nor does it have a line of evergreen conifers or any	6.5 The case officer has attended the application site to obtain views from the windows within the garage.  The third kitchen window is a high level window

	other row of trees to create any form of privacy.	and kitchen units are positioned in front of it. Accordingly views into the neighbouring property cannot be obtained.
3.	The site is an area of severe flood risk and the garage should not adversely effect the ability to store water during a flood. Why did the applicant in the first instance submit an application that had no flood voids, ramp up entry and no 150mm gap under the garage doors.	The garage replaces an annex that had a larger footprint than the current build. As a result the development does not reduce the capacity of the floodplain. Additionally habitable accommodation is not proposed at ground floor level and therefore flood voids are not required.
4.	The southern elevation now has 4 floor to ceiling glass doors opening onto a balcony that will overlook all surrounding gardens including the road and public bridge that leads to Friary Island. Instead of being supported on open pylons along the western elevation which allowed the flow of flood water, it is now brickwork down to the ground which appears to be down to the ground without flood voids.	6.2 and 6.6  The previously approved scheme was not build on pylons and did not include flood voids.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Currently, we have <b>no objection</b> to the development as submitted. However, we strongly recommend that the Royal Borough of Windsor and Maidenhead (RBWM) impose the same planning condition as noted in previous decision notices requiring the accommodation in the garage to be solely used as ancillary accommodation to the main dwelling at 6 Friary Island and not as a separate residential dwelling. Furthermore, we advise that the RBWM to consider removing the permitted development rights for this site.	6.8

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	The parish Council object to the proposal as there are no flood voids, windows and glazing which overlook neighbours impact their privacy, raising the land and narrowing the creek will create more flooding for neighbours, the EA conclusions appeared to be wrong and the levels in the submission appeared to be either incorrect or not stated at all.	6.5 6.7-6.8

## 8. APPENDICES TO THIS REPORT

- Appendix A- Site Location Plans
- Appendix B- Elevations
- Appendix C- Floor Plan
- Appendix D- Previously approved scheme (14/00446/FULL)

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. 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 successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 No further window(s) or doors shall be inserted in the first floor of the garage/annexe hereby approved 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, H14, DG1.
- 2 The garage/annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.  
Reason: Occupation as a separate unit of residential accommodation would result in an unsatisfactory living environment for occupiers of both the existing house and the new development and would also be contrary to flooding policy F1 which seeks to prevent additional households being put at risk of flooding. Relevant Policies - Local Plan DG1, F1.
- 3 Irrespective of the details shown on drawing FH/1/15 Rev C, and prior to the first occupation of the house and garage/annexe building further details of proposed parking and turning areas shall be submitted for approval by the Local Planning Authority. The development shall not be occupied until vehicle parking space has been provided in accordance with such approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: The submitted drawings do not provide adequate parking and turning for 4 cars. 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 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.  
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.
- 5 Irrespective of the details shown on the approved plans, within 28 days of the date of this decision a scheme detailing barriers across the sliding doors preventing access to and use of the balcony shall be submitted. Once approved these barriers must be installed within 28 days of the date of the decision and be subsequently retained. At no time shall the balcony be used as a roof garden or similar amenity area.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - NPPF Core Principle 4.
- 6 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.