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NOTICE OF MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 11TH NOVEMBER, 2015

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

COUNCILLORS PHILLIP BICKNELL (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JOHN COLLINS, GARY MUIR, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, JESSE GREY, NICOLA PRYER, EILEEN QUICK, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796251

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 14
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm or from Democratic Services on 01628 796310 or democratic.services@rbwm.gov.uk	15 - 50
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	51 - 52

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Agenda Item 3

To listen to an audio recording of this meeting, go to:

<http://www.rbwm.gov.uk/web/43672.htm>

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

14 OCTOBER 2015

PRESENT: Councillors: Phillip Bicknell (Chairman), Malcolm Alexander (Vice-Chairman), Michael Airey, John Bowden, John Collins, Jesse Grey (substituting for Councillor Muir), Samantha Rayner and Shamsul Shelim.

Also present: Councillor Nicola Pryer

Officers: Neil Allen, Melvin Andrews, Wendy Binmore, Helen Leonard, Simon Rowberry, and Sarah Smith.

PART I

17/15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Muir.

18/15 DECLARATIONS OF INTEREST

Cllr Bicknell – Declared a personal interest in item 15/01889 as he is a member of the Royal Berkshire Fire and Rescue Service Board and is the Chairman of the budget steering group. He stated he would not take part in the discussion or the vote and would leave the room in the interests of transparency. He also declared a personal interest in item 15/02477 as his partner, Councillor Pryer had called the application in but, he had not discussed the item with her and had come to Panel with an open mind.

Cllr Alexander – Declared a personal interest in item 15/01889 as his son attends The Windsor Boys School and the school would benefit from S106 money received from the development.

Cllr Bowden – Declared a personal interest in item 15/01889 as he lives in a conservation area adjacent to St Marks Road.

Cllr Grey – Declared a personal interest in item 15/01889 as he was interviewed by Radio Berkshire about the application but, he did not express an opinion during the interview and had come to Panel with an open mind.

Cllr Shelim – Declared personal interests in item 15/01889 as his son attends The Windsor Boys School which would benefit from S106 money received from the development; and he owns The Viceroy restaurant on St Leonards Road which is in close proximity to the development.

19/15 MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 16 September 2015 be approved.

20/15 PLANNING APPLICATIONS (WUDC 12/15)

The Panel considered the Director of Development and Regeneration's report on planning applications received and received updates in relation to a number of applications, following the publication of the agenda.

NB: Updates were received in relation to planning applications marked with an asterisk.

<u>Application</u>	<u>Applicant and Proposed Development</u>
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15/01889*	Royal Berkshire Fire and Rescue Service: Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following the demolition of the existing fire station at Royal Berkshire Fire and Rescue Service, Windsor Fire Station, St Marks Road, Windsor SL4 3BE - THE PANEL VOTED to APPROVE in accordance with the Director of Development and Regeneration's recommendations and with the conditions listed in Section 10 of the main report and with the additional/amended conditions in Section 3 of the update report as listed below:
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- 1. Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority. Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies – Local Plan H11, DG1.**
- 2. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority. Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies 0 Local Plan DG1.**
- 3. No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have**

been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the local Planning Authority to any variation has been obtained. Reason: to ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy – Local Plan DG1.

4. Prior to the occupation of the apartment building a refuse management strategy for the apartments shall have been first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these details. Reason: In the interests of highway safety. Local Plan Policy T5.
5. Prior to the first occupation of the development details of a balcony screen for the southern elevation of the roof top terrace and balcony screens for the sides of the balconies serving flats 4 and 7 and 1 and 9 at first and second floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these screens shall be erected prior to first occupation and retained in accordance with the approved details. Reason: In the interests of the amenities of the occupiers of 20 Hawtrey Road.
6. Prior to the occupation of the houses, details of a privacy screen for the eastern elevation to the raised terrace to the rear of the houses shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the privacy screen shall be erected and maintained in accordance with these details. Reason: in the interests of the amenities of the occupiers of 44 St Marks Road.
7. No further window(s) shall be inserted at first floor level or above in any flank elevation without the prior written approval of the Local Planning Authority. Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.
8. The first floor window(s) in the flank elevation of the town houses shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window(s) shall be permanently retained in that condition thereafter. Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies – Local Plan H11.
9. No development shall take place until full details of the Drainage System have been submitted to and approved in writing by the Local Planning Authority. These shall include:
 - Full details of all components of the proposed drainage system including dimensions,

- locations, gradients, invert and cover levels, and drawings as appropriate; and
- Results of intrusive ground investigations demonstrating the depth of any seasonally high groundwater table and infiltration rates are determined in accordance with the BRE Digest 365.
 - Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed soakway based on accurate infiltration rates for the site.
 - Demonstration that the proposed development will not increase the volumes and rates of surface water runoff flowing off the site; and
 - Full details of the maintenance arrangements for the development, covering every aspect of the proposed drainage system. Reason: To ensure that an adequate Drainage system is provided. Policy – To comply with the NPPF.

Informative: The applicant is advised that as the development involved the diversion of a Thames Water foul sewer, Thames Water's consent will be needed prior to diverting the sewer. The information submitted has not provided details of levels to demonstrate this is practical. The applicant is advised that if during the detailed design phases the levels on the site will need to change that a revised planning permission is likely to be required and this shall be obtained before development is commenced.

Four Councillors voted for the motion (Cllrs Airey, Alexander, Collins and Grey), two Councillors voted against the motion (Cllrs Rayner and Shelim), and one Councillor abstained (Cllr Bicknell).

(The Panel was addressed by James Burns in objection and Mark Carter, the agent. A statement was also read out from Cllr Ranking in objection).

15/02452*

Mr and Mrs Clausen: Raising of existing roof ridge line, rear dormer roof extension and 2 No. front rooflights to facilitate loft conversion at 29 Arthur Road, Windsor SL4 1RS – **THE PANEL VOTED UNANIMOUSLY to DEFER in order to carry out a site visit**

(The Panel was addressed Anders Clausen, the applicant and a statement was read out on behalf of Cllr Ranking in favour).

15/02477*

Claire Bishop – Paradigm Housing Group: Construction of 14 dwellings (13x3-bedroom and 1x4-bedroom) and a retail unit

following demolition of existing retail units as approved under permission 13/00381/FULL to amend the position of plots 10 – 12 and correct the layout of plots 4 – 6)approved plans 25B and 30P1) at The Parade and Car Park Rear of 109 and 111 Ruddlesway Windsor – **THE PANEL VOTED to APPROVE planning permission, in accordance with the Director of Development and Regeneration’s recommendations for the reasons and with the conditions listed in Section 10 of the Main Report and amended conditions in Section 3 of the update report as listed below:**

- 1. Details of the design and appearance of proposed sheds and their associated bases shall be submitted to and approved in writing by the Local Planning Authority prior to the provision of sheds or associated bases, on site. The sheds within the root protection areas of trees shall be built on a frame (such as timber) placed on existing ground level, or shall be built on paving slabs placed on existing ground level under the outer edge/pressure points of the sheds, so as to allow aeration of the ground beneath the sheds. The sheds and bases shall be constructed and maintained in accordance with the approved plans/details. Reason: In the interest of the visual amenities of the area and to ensure there is no damage to trees covered by TPO. Relevant Policies – Local Plan N6, Neighbourhood Plan NP/EN2.**

Six Councillors voted for the motion (Cllrs Airey, Alexander, Bowden, Grey, Rayner and Shelim), two Councillors voted against the motion (Cllrs Bicknell and Collins).

(The Panel was addressed by Helen Price in objection).

21/15 ESSENTIAL MONITORING REPORTS (WUDC 13/15)

Details of appeal decisions and planning appeals received were noted.

22/15 MEETING

The meeting, which began at 7.00pm, ended at 8.30pm.

Chairman

Date.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

11th November 2015

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APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	15/02292/FULL	Recommendation	PERM	Page No.	15
Location:	Flaming Cow Unit A Windsor Bridge Court 75 High Street Eton Windsor SL4 6BT						
Proposal:	Amendments to fenestration/ventilation						
Applicant:	Mr Elawadi - The Flaming Cow	Member Call-in:	Not applicable	Expiry Date:	5 October 2015		
<hr/>							
Item No.	2	Application No.	15/02452/FULL	Recommendation	REF	Page No.	29
Location:	29 Arthur Road Windsor SL4 1RS						
Proposal:	Raising of existing roof ridge line, rear dormer roof extension and 2 No. front rooflights to facilitate loft conversion						
Applicant:	Mr And Mrs Clausen	Member Call-in:	Not applicable	Expiry Date:	16 September 2015		
<hr/>							
Item No.	3	Application No.	15/02657/FULL	Recommendation	PERM	Page No.	39
Location:	70 Wolf Lane Windsor SL4 4YZ						
Proposal:	Construction of a two storey rear extension and first floor front extension						
Applicant:	Mr Elgendy	Member Call-in:	Cllr Ms N Airey	Expiry Date:	29 September 2015		
<hr/>							
Planning appeals Received						Page No.	51

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Agenda Item 4

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

11 November 2015

Item: 1

Application No.:	15/02292/FULL
Location:	Flaming Cow Unit A Windsor Bridge Court 75 High Street Eton Windsor SL4 6BT
Proposal:	Amendments to fenestration/ventilation
Applicant:	Mr Elawadi - The Flaming Cow
Agent:	Mr Scott Wood - CSK Architects
Parish/Ward:	Eton Town Council
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for the alterations to the fenestration of the Flaming Cow restaurant, so that the existing window openings facing High Street and Brocas Street include ventilation grilles. This is proposed to allow for the air conditioning units inside the restaurant to operate more efficiently, thereby removing the need to open windows and doors, which in turn will reduce the odour emitted from the restaurant.
- 1.2 The proposed alterations to the fenestration are considered to cause less than substantial harm to the appearance of the Conservation Area, however, the reduction in odour escaping the restaurant is considered to constitute a public benefit which outweighs this less than substantial harm, in accordance with paragraph 134 of the National Planning Policy Framework (NPPF). As the harm would be very limited, it is considered that the proposed development would preserve the appearance of the Conservation Area, in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires development to either preserve or enhance the character or appearance of the Conservation Area.

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

2. REASON FOR PANEL DETERMINATION

- The Director of Development and Regeneration considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The building is situated next to Eton Bridge, and benefits from a mixed A3 (cafe and restaurant) and residential use. The site is within the Eton Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03715/FULL	Retention of safety handrail on steps on public highway	Approved on the 30 th January 2015
14/02632/CON DIT	Details required by condition 5 (new equipment) of planning permission 11/02245 for the change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and	Approved on the 7 th November 2014

	retention of cafe unit, and pontoon on the river.	
12/02896/FULL	Installation of a roof mounted television aerial and a satellite dish (retrospective)	Approved on the 26 th November 2012
12/02799/CON DIT	Details required by condition 1-11 of planning permission 11/02245 for a change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and retention of cafe unit, and pontoon on the river.	Partial Approval and Refusal of conditions on the 17 th October 2012
11/02245/FULL	Change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and retention of cafe unit, and pontoon on the river.	Approved on the 21 st November 2011

- 4.1 The application proposes alterations to the fenestration of the building to include ventilation grilles on the elevations within the existing window openings facing the High Street and onto Brocas Street. This is proposed so that the air conditioning units which are to be installed within the restaurant operate more efficiently, so that doors and windows do not need to be opened when the restaurant is in operation. An amended plan was received (and consulted on with neighbours and consultees) showing the windows to be fixed shut, which again will help reduce the odours escaping the restaurant.
- 4.2 The applicant has provided the following information about why the proposed external alterations are required, and how this works with the internal air conditioning unit. This is set out below:

'The louvres / grills above the windows will directly funnel fresh air in to a condenser unit. In turn, the fresh air will be cooled or heated depending on the desired temperature wanted inside the restaurant.'

The mechanical process of cooling or heating air itself generates heat. This heat from the condenser unit will be extracted through the opposite end of the louvres. Air exchange from the louvres to the machine will take place with ductwork to avoid dissipation.

There is no air being taken from inside the restaurant in this process. Therefore, there is no increased risk of odour emanating from the restaurant as a result.'

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	Conservation Area	Setting of Listed Building	Pollution
Local Plan	DG1	F1	CA2	LB2	NAP3

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

- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

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 Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at: 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
- Conservation Area appraisal - view at: http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

<ul style="list-style-type: none"> • 	<p>National Planning Policy Framework</p> <p>Core Planning Principles</p> <p>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:</p>
	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
	<ul style="list-style-type: none"> • 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"> • 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);
	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • 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);

	<ul style="list-style-type: none"> • 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;
	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the Conservation Area, and Setting of the Listed Building
- ii Impact on residential amenity;

Impact on the character and appearance of the Conservation Area, and Setting of the Listed Building

- 6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF at paragraph 129 explains that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Both Listed Buildings and Conservation Areas are heritage assets.
- 6.3 Paragraph 134 of the NPPF sets out where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.4 The site is situated within the Conservation Area, and opposite to the site is The George Inn which is a Grade II Listed Building.
- 6.5 The proposed alterations include the introduction of ventilation grilles within the top half of the existing window openings to the restaurant facing the High Street and Brocas Street. The size of the window opening will be unaltered, but the area for the window panes will be smaller, as the ventilation grilles will be put in. There is an existing ventilation grille on the window facing Brocas street (which is to be enlarged), and the agent has advised the grilles on the other windows would have the same appearance as this.
- 6.6 It is not considered that the changes to the fenestration would cause harm to the setting of the Listed Building on the opposite side of the road (the George Inn), as the alterations are not considered to be so significant to result in harm to the setting of the Listed building. In respect of the character and appearance of the Conservation Area, from longer views of the site from the opposite side of Windsor Eton Bridge, and from further down Eton High Street, the ventilation grilles will not appear prominent. However, in closer views within the Conservation Area, it is considered that the proposed changes to the fenestration collectively would cause some harm to the appearance of the Conservation Area, although it is considered to be limited and so it is considered that the appearance of the Conservation Area will be preserved, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. However, judged against the NPPF, it is considered that the proposed changes would cause less than substantial harm to the appearance of the Conservation Area. As such, the harm must be weighed against the public benefits of the proposal.

- 6.7 The reason for making the application for the proposed external alterations is to improve the efficiency of the air conditioning units within the restaurant in order to moderate the temperature of the restaurant, which in turn will mean that windows and doors from the restaurant do not need to be opened, which will help prevent odours escaping from the restaurant which are causing the current odour problems.
- 6.8 The Council's Environmental Protection officer has been consulted on the application, and agrees the system proposed would significantly improve the odour issues in the area. This is not to say that there will be no odour from the restaurant; it is quite common for smells from café and restaurant uses to be present in the street. However, it is considered that this system would help control odour to an acceptable level.
- 6.9 Given the number of comments from local residents over the odour that is emitted from the restaurant at present, it is considered that this solution would help overcome the problems, and as such the public benefit is considered to outweigh the less than substantial harm to the appearance of the Conservation Area. The proposal is therefore considered to comply with paragraph 134 of the NPPF.
- 6.10 Policy CA2 of the adopted Local Plan states that:
- 'In respect of Conservation Areas, the Borough Council will require that any development will enhance or preserve the character or appearance of the Conservation Area.'*
- 6.11 As explained in section 6.6 of the report, it is considered the changes to the fenestration are fairly limited, and as such the proposed development would preserve the appearance of the Conservation Area in accordance with Policy CA2 of the Local Plan.

Impact on residential amenity

- 6.12 Given that the proposed alterations are to improve the odours being released from restaurant, it is considered this will improve the impact on residential amenity to neighbouring occupiers. Environmental Protection has recommended a number of conditions to ensure odour and noise are controlled. These conditions are set out in section 7 of the report. However, they have been amended (set out in section 9) so that they meet the 6 tests for imposing planning conditions as set out in the National Planning Practice Guidance (NPPG), which are that they are:
- necessary;*
 - relevant to planning and;*
 - to the development to be permitted;*
 - enforceable;*
 - precise and;*
 - reasonable in all other respects*

Other Material Considerations

- 6.13 Objectors state the premises are unsuitable for an A3 use, but are one the Council insisted on. It should be noted however, that before this development there was a larger A3 use at ground floor level.
- 6.14 Objectors invite officers to visit the site when the restaurant is in operation to experience the odour problems. The Environmental Protection Officer is aware of the odour issues at present, and this is why this application has been submitted in attempt to overcome these issues.
- 6.15 It is raised that the landlord has not given their permission for the works, and as such this exercise in applying for planning permission seems premature. It should be noted that the agent has confirmed that notice has been served on the landlord (Certificate B) and all freeholders and leaseholders with an interest in the site have been served notice of the application; this is all that

is required for the planning application. Whether or not the landlord agrees to the changes is a private matter that the applicant will need to resolve, it is not a planning consideration.

- 6.16 It is raised that the alterations would not comply with Policy SF1 of the Local Plan. It is not considered that this policy is particularly relevant to this proposal, as this policy relates to shop fronts and this is and has been a restaurant use. However the design considerations, and impact on the character and appearance of the Conservation Area have been considered.
- 6.17 It is stated that there is a higher risk of fire with an A3 use; however, this is not relevant to the planning consideration as fire risks are dealt with by separate legislation.
- 6.18 Concern is raised that the alterations will further depreciate the value of the neighbouring residential properties; however the value of properties is not a planning consideration.
- 6.19 The condition on the original planning permission stated that:

'No extraction equipment shall be installed without the prior approval of a scheme, which sets out the noise levels produced and the manufacturer's maintenance specifications, to limit the noise from the equipment has been submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenities of the area. Relevant Policy Local Plan NAP3.'

- 6.20 As such the Local Planning Authority could consider odour control under this condition discharge.
- 6.21 It should be noted that this application does not give the Council the opportunity to reconsider the wording of condition 5 of the original permission.
- 6.22 It is stated by an objector that a flue would be more appropriate to deal with odour. However, it is not for the Local Planning Authority to consider this, and it must be considered whether this application is acceptable in planning terms.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser on the 20th August 2015.

The planning officer posted a statutory notice advertising the application at the site on 13th August 2015.

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

Comment		Where in the report this is considered
1.	The changes will do nothing to reduce the emission of cooking smells in the area. The root cause of the problem is that the extraction system discharges at street level.	See 6.2-6.12
2.	Additional louvres and windows that fully open will detrimentally affect the external appearance of the building thus impacting on the character and appearance of the Conservation Area.	See 6.2-6.11
3.	No attempt has been made by the applicant to address the concerns of local residents.	Noted, however this application seeks to address the odour issues.

4.	Premises are unsuitable for an A3 use, but is one the Council insisted upon. The need for this application confirms this fact, and they hope the Council will reconsider its position on the matter.	6.13
5.	Refers to the fact that Environmental Protection recommended planning conditions on the planning application, but the Local Planning Authority ignored this in granting permission.	Noted.
6.	Invite officers to visit the area on a Monday, when the restaurant is closed, and mid-week; they say there is a noticeable difference in odour.	6.14
7.	The increased vents will not prevent odour going into the surrounding streets.	See paragraphs 6.2-6.12
8.	It is their understanding that the landlord needs to agree alterations to the building, and this has not been sought, as such applying for planning permission seems premature.	6.15
9.	Major concerns that changes to the building would have a detrimental impact on the appearance of the building.	6.2-6.11
10.	The landlord (Windsor Bridge Court Management Company) have not granted the leaseholder permission to do the works. This whole exercise therefore seems pointless.	6.15
11.	The application should be made null and void, as the applicant has not served notice on the overall landlord of the property. At no point were the landlord and freeholders notified of the application, and so planning permission cannot be applied for.	6.15
12.	The proposed alteration to the ventilation continues to be in direct conflict with DEFRA guidelines on Restaurant extraction. Allowing a larger louvre will not solve the odour problems.	See 6.2-6.11 of the report.
13.	The proposed alterations to the fenestration will add to the disturbance to the quiet living of the adjacent residents.	See 6.2-6.12 of the report.
14.	Would remind the Council of their duties under the Human Rights Act, in particular Protocol 1, Article, which states that a person has the right to a peaceful enjoyment of all their possessions which includes their home and land. At present residents of Windsor Bridge Court have had these rights violated by the activities of the Flaming Cow, as they cannot open their windows to enjoy fresh air.	Noted, this application aims to mitigate the odour issues at the site.
15.	Proposed changes are totally inappropriate in the Conservation Area.	See 6.2-6.11 of the report.
16.	Proposal conflicts with policy SF1 and CA2 of the Local Plan.	6.16
17.	Additional louvres and windows that fully open will adversely impact on the Conservation Area.	4.1, 6.2-6.11
18.	Concern that freeholders and leaseholders of the site have not been notified of the application, as required by the planning act.	6.15
19.	The restaurant leaves its windows open during the summer months, which make the odour problems worse. The option of having windows that open fully will make the situation worse.	4.1
20.	Having windows that open fully will increase noise.	4.1
21.	Don't believe full consideration was given to Environmental Health issues when the permission was originally granted.	Noted.
22.	There is noise from the restaurant which causes disturbance to the flats above, even with the windows closed.	Noted, see recommended

		conditions by EP.
23.	Flat above can no longer open their windows, owing to the odour that emanates from it.	Noted.
24.	There is a higher risk of fire from the A3 use.	6.17
25.	The value of the property has already fallen since the opening of the Flaming Cow, and the installation of the ventilation grilles will further depreciate the value of the property.	6.18
26.	Windsor Bridge Court Management Co Ltd. holds the freehold of the site for 75 High Street, Eton and we have to advise you that no such Notice has been served on the Company in respect of the above planning application. As this is an offence under S65 (5) of the 1990 Act we request that the Local Planning Authority declare the application not valid.	6.15
27.	The expectation of residents, owners and planners that the unit would be a coffee shop; there was no provision for cooking installed within the building.	Noted.
28.	There is wide knowledge that the building has a covenant on it with strict provisions about noise, hours of work etc....	Noted.
29.	There was strong opposition for the local community, and this was expressed at a licencing panel. The business operator is consistently breaching the licencing conditions	Noted.
30.	When the extraction equipment was assessed under the previous discharge of conditions application, the Panel were told that odour could not be taken into account.	6.19,6.20
31.	The noise from the restaurant is already high, as the door to the restaurant is left open. Having windows that open will add to the problem.	4.1
32.	Health and hygiene concerns; the orange pipe belches out warm fat and grease, and this is a concern to many people who walk this route who ingest the fumes. There are also toilet fumes. Allowing windows to open would heighten this problem.	See 4.1
33.	They trust RBWM will now revisit the wording of condition 5 and its correct wording and intent, now that this application has created the opportunity. In the meantime there should be a thorough independent investigation.	6.21
34.	Consider a flue would be more appropriate to control odour.	6.22
35.	If the extraction is not sufficient as it is, it should relocate to a more suitable location and not put the properties in the vicinity in such a degrading position.	Noted.
36.	Planning Department failed to take into account the conditions recommended by Environmental Protection for controlling odour in the original permission. This is why the current situation exists.	Noted.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Eton Town Council	The Council would point out that there is no technical data in the application and so it is not possible to make any informed comment.	Noted. The Environmental Protection Officer has been consulted on the application.
Environmental	Raise no objection to the alterations subject to the following	See

Protection	<p>conditions being imposed:</p> <p>1)The proposed ventilation grille above the fixed shut windows on the High Street will only be open when they are funnelling fresh air into an internal condenser unit; which is to be used to cool or heat air to the desired temperature within the restaurant:</p> <p>a) No air should be taken from inside the restaurant during this process.</p> <p>b) No cooking smells from within the premises will have passage through the louvres.</p> <p>c) The main door of the restaurant (with the exception of access and egress) must remain closed when the internal condenser unit is in operation.</p> <p>d) When the internal condenser unit is not in operation the Louvres must remain closed.</p> <p>2) The increased ventilation grille which is to be installed at the extraction point on Brocas Street must be connected to the Kitchen Extraction System and will only allow improved airflow through the filtration system which is used for odour control devised under the control of odour and noise from commercial kitchen exhaust systems as detailed in the DEFRA guidance.</p> <p>3) The following noise level assessment condition should be applied to assess the new noise levels due to the louvres:</p> <p>The rating level of the noise emitted from the site shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night) by at least 10dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises The measurement and assessment shall be made in accordance with BS 4142: 2014 'Method for rating industrial noise affecting mixed residential and industrial area'.</p>	recommended conditions in section 9.
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8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed elevations and floor plans
- Appendix C - Previously approved elevations

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 NPFF.

In this case the issues have been successfully 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 The materials to be used on the window frames and louvres shall be PPC Aluminium, and shall match the materials of the existing window frames. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
- 3 The proposed ventilation grille above the fixed shut windows on the High Street will only be open when they are funnelling fresh air into an internal condenser unit; which is to be used to cool or heat air to the desired temperature within the restaurant: The following measures shall be adhered to for the lifetime of the development:
 - a) No air should be taken from inside the restaurant during this process.
 - b) When the internal condenser unit is not in operation, the Louvres must remain closed.Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 4 The increased ventilation grille which is to be installed at the extraction point on Brocas Street must be connected to the Kitchen Extraction System and will only allow improved airflow through the filtration system which is used for odour control devised under the control of odour and noise from commercial kitchen exhaust systems as detailed in the DEFRA guidance.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 5 The rating level of the noise emitted from the site shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night) by at least 10dB(A). The noise levels shall be determined 1m from the nearest noise sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014 Method for rating industrial noise affecting mixed residential and industrial area.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 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.

Appendix A- Site Location Plan



Appendix B- Proposed Elevations



High Street Elevation



Brocas Street Elevation

Appendix C- Previously approved elevations



High Street Elevation



Schedule of Materials

Brocas Street Elevation

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

11 November 2015

Item: 2

Application No.:	15/02452/FULL
Location:	29 Arthur Road Windsor SL4 1RS
Proposal:	Raising of existing roof ridge line, rear dormer roof extension and 2 No. front rooflights to facilitate loft conversion
Applicant:	Mr And Mrs Clausen
Agent:	Mr Peter Rees
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Brian Benzie on 01628 796323 or at brian.benzie@rbwm.gov.uk

1. SUMMARY

- 1.1 The application was deferred at the Panel meeting of the 14th October for the Panel to view the site.
- 1.2 The increase in the main ridge height and the scale and bulk of the proposed dormer extension would appear visually discordant and unsympathetic to the character and appearance of the area and detrimental upon the appearance of the row of terraces. It would significantly detract from the character of the host dwelling and be at odds with the roof scape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and the proposed dormer extension would fail to integrate with, and respect, the appearance of the original dwelling.

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

- | | |
|----|--|
| 1. | The increase in ridge height and excessive mass and bulk of the dormer window and its poor design would result in a discordant form of development which is unsympathetic to the host dwelling and the area in general. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- The Director of Development and Regeneration considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is a mid terrace Victorian dwelling with a traditional outrigger element to the rear extending over two stories. The terrace appears to have been built in various stages as the ridge heights of groups of houses vary along the road. The application property is at the end of a run of houses where the ridge height according to the submitted plans is 7.8m. A number of the properties have made alterations to the rear at ground and first floor levels.
- 3.2 Whilst the fronts of the properties remain largely unchanged, a number of the nearby properties, further to the west of the application property, have made alterations to their roofs in the form of dormer extensions. However, with the exception of no.35 Arthur Road, as these dwellings are within a group of dwellings where the ridge height is greater than the application property, it was unnecessary to raise the ridge height to accommodate the dormers and it would appear that the majority of the dormers have been constructed under the dwellings permitted development rights.
- 3.3 The property (no. 27) to the east of the application property has a considerably lower ridge height than no.29 (7.8m) at a height of 7.2 m and this is noticeable within the street scene especially when viewed from the Windsor Dials roundabout area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There have not been any previous applications at the site.
- 4.2 The proposal seeks to raise the ridge height of the existing dwelling by approximately 0.5m together with the construction of an L shaped dormer extension with rear facing windows and 2 front roof lights. The proposal would create additional bedroom space.
- 4.3 The proposed L shaped, flat roof dormer extension would extend to the full width of the enlarged roof and wrap around the existing first floor outrigger, projecting 3.8m from the existing roof slope to the full depth of the outrigger. One window is to be inserted in each of the rear facing elevations of the dormers and one within the side elevation of the outrigger extension.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Parking
	✓	✓	✓
Local Plan	DG1, H14	F1	P4

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

The application has also been assessed against and is considered to comply with the Council's 'Sustainable Design and Construction' Supplementary Planning Document (SPD), which can be viewed at: https://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm

Other Local Strategies or Publications

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

- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i impact upon the character and appearance of the host dwelling and the area in general;
- ii impact on highway safety;
- iii impact on the living conditions of occupiers of neighbouring properties, and
- iv area liable to flood.

Impact upon the character and appearance of the host dwelling and the area in general.

- 6.2 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider

street scene. The National Planning Policy Framework (NPPF) was published in March 2012 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 59 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new buildings in relation to neighbouring buildings and the local area more generally.

- 6.3 Local Plan Policy H14 advises that extensions should not have an adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general. Policy DG1 seeks to secure a high quality standard of design.
- 6.4 The current proposal seeks to raise the ridge height of the dwelling by approximately 0.5m above the ridge height of the other dwellings to the west and will be similar in height to the roof extensions recently granted and built at no. 35 Arthur Road. An application for the raising of the roof and two dormers has recently been granted at the adjoining property no. 27 Arthur Road; however, this permission has not been implemented.
- 6.5 The proposed dormer extension would wrap around the existing first floor outrigger to the rear of the dwelling and would project 3.8m from the existing roof slope. The raising of the ridge height would have two effects; the ridge height of the application property would be noticeably higher (approximately 0.5m) than the dwellings immediately to the west (nos. 31 and 33) and considerably higher than the property to the east no.27 (approximately 1.1m); and as the current roof slope angle is to be maintained, the ridge of the new roof will not maintain its alignment with the other terraced dwellings along Arthur Road and this will be readily apparent from public areas. In addition due to the considerable difference in heights between the ridge line of no. 27 (as existing) and the top of the dormer over the outrigger, a large part of box dormer will be seen in the street views.
- 6.6 The proposal by reason of its increase in height, the scale and bulk of the proposed dormer extension would appear visually discordant and unsympathetic to the character and appearance of the area and detrimental upon the appearance of the row of terraces. The way the dormer window links between the main roof and the rear extension would create an awkward appearance which is considered to be poor design. It would significantly detract from the character of the host dwelling and be at odds with the roof scape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and the proposed dormer extension would fail to integrate with and respect the appearance of the original dwelling. The development would be contrary to policies Local Plan Policies DG1 and H14 and with the aims and objectives of the NPPF.

Impact on highway safety.

- 6.7 In accordance 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, it is necessary for 4 bedroom dwellings to provide 3 parking spaces. It is recognised that there would be a shortfall in parking provision in accordance with the adopted Parking Strategy, 2004 as a result of this proposal, however, there are parking restrictions along Arthur Road and given its close proximity to Windsor Town Centre, no objections are raised.

Impact on the living conditions of occupiers of neighbouring properties.

- 6.8 Policy H14 requires that extensions should not result in an unacceptable loss of light or privacy to neighbouring properties or significantly affect their amenities by being visually intrusive or overbearing. It is not considered that the proposal would result in an unacceptable level of overlooking upon the amenities of neighbouring dwellings. If the application had been recommended for approval, a condition restricting this window to be obscure glass would have been attached.

Area liable to flood.

- 6.9 The site lies within an area liable to flood, Flood Zone 3 (high risk) therefore the proposal ought to satisfy the requirements of Local Plan Policy F1. In this case the proposed development relates to the construction of a first floor extension and loft conversion and as such Policy F1 is not applicable in this case.

Other Material Considerations.

- 6.10 It is noted that there are a number of dwellings further to the west along Arthur Road with large box dormers to the rear however; it would appear that the majority of these dormers have been erected under the dwellings permitted development rights. The exception to this is nos. 35 and 65 Arthur Road which were granted full permission.
- 6.11 Number 65 was granted permission for a dormer within the main roof space in 2011; however, this application did not include the raising of the ridge height of the dwelling and was of such a scale that it would have constituted permitted development. In addition to this it is flanked on either side by dormers of a similar size and design.
- 6.12 Numbers 35 and 27 was granted permission by the Windsor Urban Development Control Panel in January and July 2015 respectively and the extension at no.35 is nearing completion. The extensions as currently proposed under this application, are of the same scale, bulk and mass as that approved at no. 27 and 35. Each planning application should be treated on its own merits where in this case there is a material difference in circumstance between the approvals at nos. 27 and 35 and that now proposed, which is considered to warrant objecting to the now proposed extension.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 neighbouring properties were directly notified directly of the application and a site notice was posted on the 21 August 2015.

No letters were received supporting or objecting to the application as a result of the direct notifications or the posting of the site notice.

8. APPENDICES TO THIS REPORT

- Appendix A – Existing Elevations
- Appendix B – Proposed Elevations and Floor Plans
- Appendix C – Site Location Plan

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 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 not been successfully resolved.

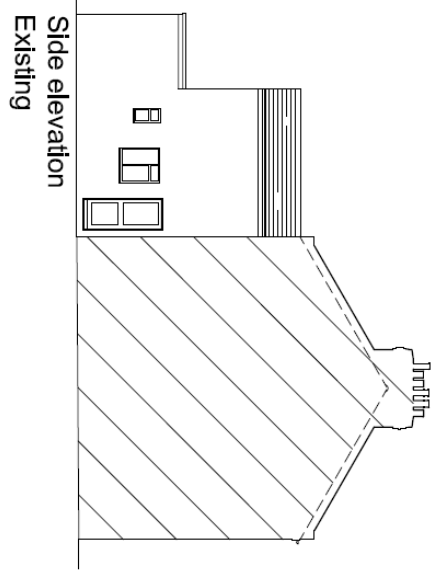
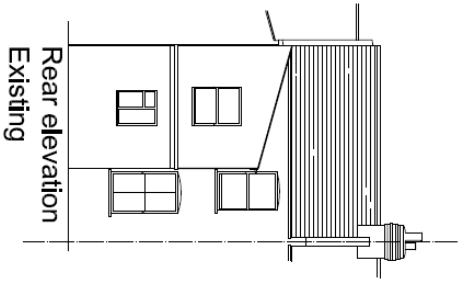
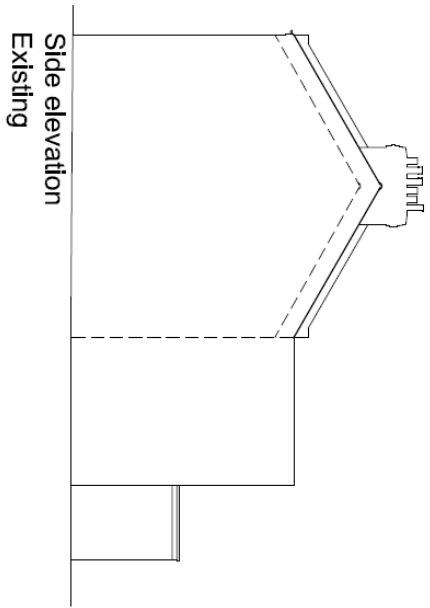
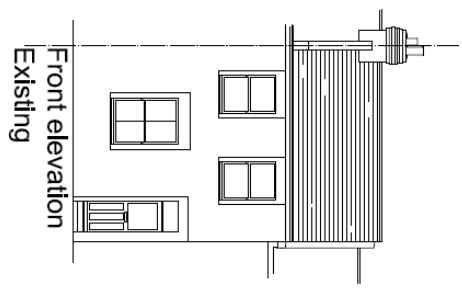
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal by reason of the increase in the ridge height, the scale and bulk of the proposed dormer extension when taken together with its overall poor design and its bland appearance would appear visually discordant and unsympathetic to the character and appearance of the area and detrimental upon the appearance of the row of terraces. It would significantly detract from the character of the host dwelling and be at odds with the roof scape of other dwellings within the immediate area. The application site is clearly visible from public vantage points and the proposed dormer extension would fail to integrate with and respect the appearance of the original dwelling. The development would be contrary to policies The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations 2003) Policies DG1 and H14 and with the aims and core principle objectives of the NPPF.

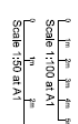
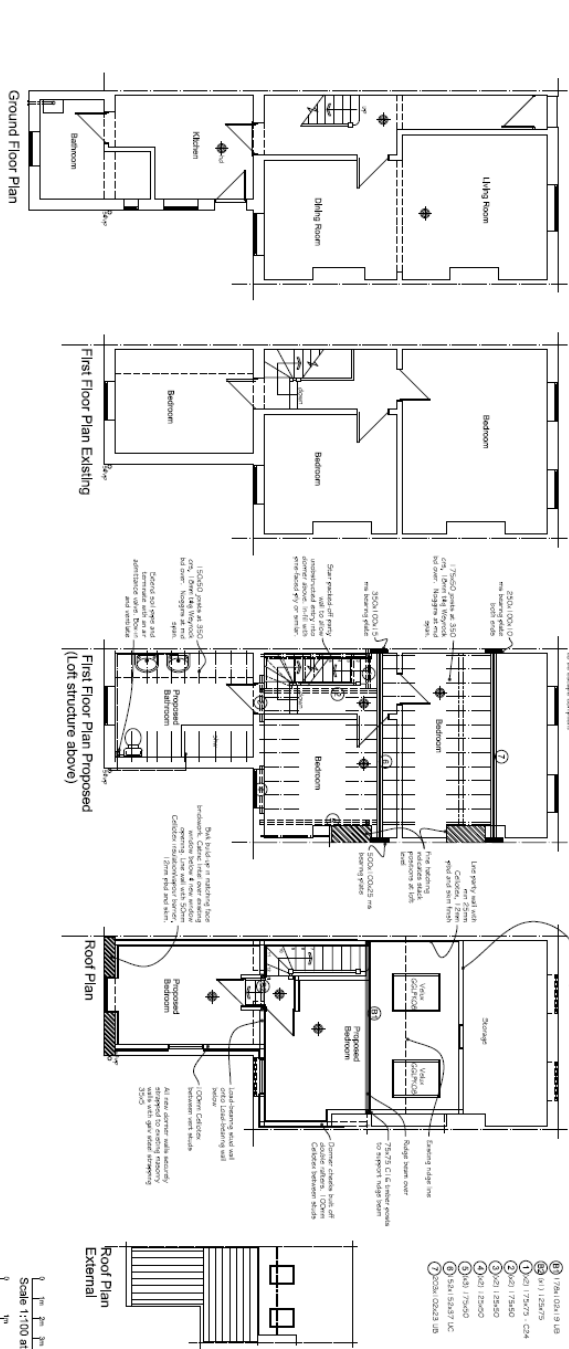
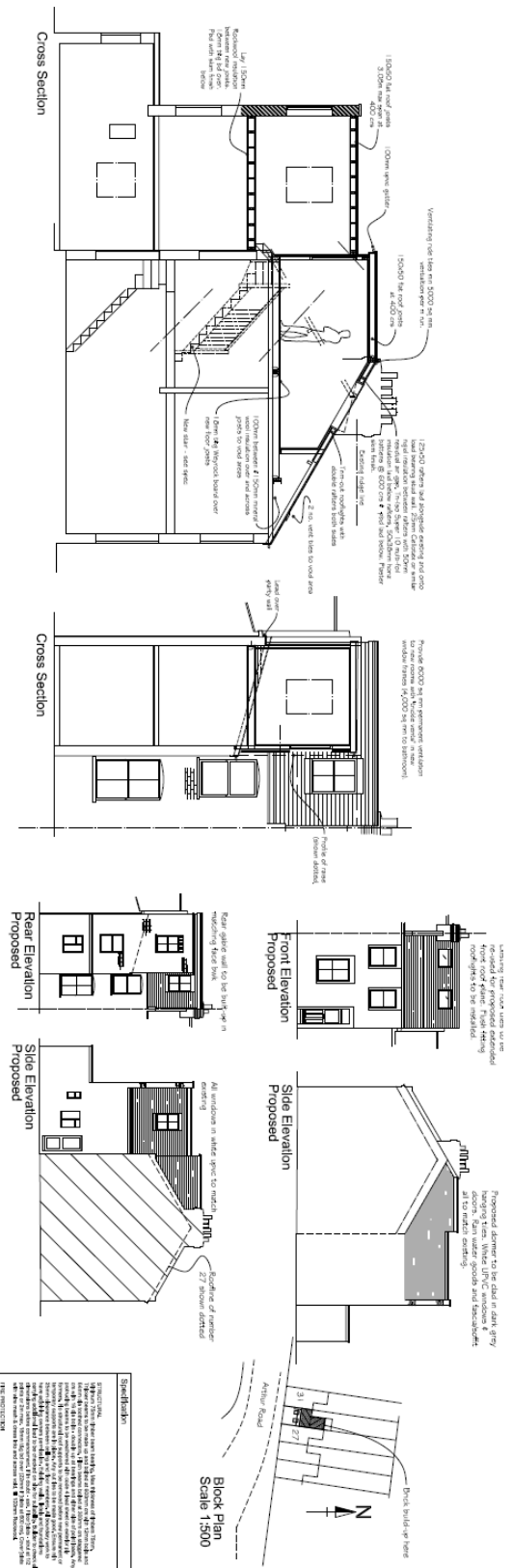
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Appendix A Existing Elevations

Scale 1:100 at A3
0 1m 2m 3m 4m 5m



Appendix B Proposed Elevations and Floor Plans



Proposed Loft Conversion			
DATE:	13th 2015	ISSUED BY:	RS
DRAWN BY:	CEI/AD	SCALE:	1:100 & 1:500
CLIENT:	27th Avenue Street, Wickham		
	Wickham		
	Wickham		
	Wickham		



Appendix C Location Plan



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

11 November 2015

Item: 3

Application No.:	15/02657/FULL
Location:	70 Wolf Lane Windsor SL4 4YZ
Proposal:	Construction of a two storey rear extension and first floor front extension
Applicant:	Mr Elgendy
Agent:	Mr P N Robson
Parish/Ward:	Park Ward

If you have a question about this report, please contact: David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is for the construction of a two storey rear extension and a first floor front extension. The proposal is considered to be acceptable in all respects including impact on the street scene, character of the area and the amenities of neighbouring dwellings.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Airey who thinks the application should be discussed at panel before being decided if recommended for approval as a matter of public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a two storey detached dwelling located at the end of a residential cul – de – sac which forms part of Wolf Lane. The design and size of dwellings on this part of Wolf Lane vary with no uniform design predominant. The application site itself appears to be unaltered whereas other dwellings within this part of Wolf Lane and more widely have extended in one form or another. The site is adjacent to a wooded area with a pedestrian footpath linking this part of Wolf Lane with the adjacent cul – de – sac further along Wolf Lane.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There are two main elements to the proposal. The first is a two storey rear extension measuring 3.9m in depth, 9m in width and 6.5m in height with a pitched roof. Secondly, a first floor front extension above the existing garage with a depth of approximately 2.7m, width of 4.1m and would have a height of 5.6m with a pitched roof (including the existing ground floor garage).
- 4.2 The council has no relevant planning history for this site.

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	Sufficient Parking	Protected Trees
	✓	✓	✓
Local Plan	DG1, H14	P4	N6

5.2 Strategies or publications relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

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 using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area.
- ii Impact on the amenity of neighbouring properties; and
- iii Impact on parking and pedestrian safety.

Impact on the character and appearance of the area

6.2 The National Planning Policy Framework (NPPF) was published in March 2012 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 59 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new buildings in relation to neighbouring buildings and the local area more generally. Local Plan Policy H14 states that extensions should not have any adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general. As this property is at the end of the row it has a prominent siting in the street scene, as such it is important that the extensions are in keeping with the character of the area.

6.3 The design of the proposed extensions are considered to be in keeping with the original dwelling, the first floor front extension has a very shallow roof pitch and is approximately 4.1m wide. The proposed two storey rear extension at less than 4m in depth is considered to be in keeping with the original dwelling in terms of design it is also considered that the extension when viewed from public view points would not have a detrimental impact on the character or appearance of the street scene.

6.4 There are a variety of house designs in the area and whilst there are no extensions exactly like the current proposal in the immediate vicinity of the site, this is not a reason to refuse the application. Overall the proposed changes are considered to be of an acceptable design and are not considered to have a significant negative impact on the character of the original property, neighbouring properties or the street scene.

Impact on the amenity of neighbouring properties

6.5 The National Planning Policy Framework (NPPF) was published in March 2012 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy H14 requires that extensions should not result in an unacceptable loss of light or privacy to neighbouring properties or significantly affect their amenities by being visually intrusive or overbearing. Light guidelines

are provided in Appendix 12 of the Local Plan to assist with assessing whether a proposed extension would result in a loss of light to the neighbouring properties.

- 6.6 Being at the end of the row of properties No. 70 has only one immediate neighbour (No. 68). The rear gardens of properties on this side of Wolf Lane are north facing. The light angles have been checked in accordance with Appendix 12 of the Local Plan and the rear extension would comply with the 45 degree light angle. It should also be noted that No. 68 has been extended to the rear with a ground floor extension. Similarly, it is not considered that the first floor front extension would have a detrimental impact on neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.
- 6.7 There would be one additional high level window in the east facing elevation of the original dwelling, facing the flank wall of no.68) which would serve the bathroom. A condition is attached requiring this window to be fitted with obscure glazing.
- 6.8 There is an Area Tree Preservation order on trees in the area; however, there are no substantial trees in the rear garden of the application site. It is not considered that the proposed development would have a detrimental impact on these trees.
- 6.9 The existing three bedroom house has a garage, which is below our size standard of 3x6m at 2.4x5.7m to count as a garage parking space and two spaces on the driveway. The proposed four bedroom house would have the existing substandard garage and two driveway spaces. The Councils maximum car parking standard is 3 spaces for a four bedroom house. It is considered that 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.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 07.09.2015.

3 letters were received in response to the application, summarised as:

	Comment	Officer response
1.	A number of residents in the cul – de – sac are elderly and the impact of the disruption, noise due to the building work will have a major impact on us. There are ambulances that come frequently and assurance is required that the building works will NOT disrupt this at any cost. Mr. Elgendy himself is out of the country often or indeed the residence and assurance is needed that the neighbours are NOT left dealing with his workmen in his absence especially if they cause a nuisance or act disrespectfully. (2)	As with all building works a certain level of noise can be expected, ultimately planning applications can not be decided on the basis of how much noise results during construction. However, noise nuisance can be investigated and if necessary action taken under separate Environmental Protection legislation. There are double yellow lines along this part of Wolf Lane and therefore parking is prohibited. However, this again is something controlled by other legislation. The behaviour of the builder is not a planning matter and should be discussed with the applicant.
2.	The drive in question for the above property is narrow and the housing of skips and building vans will be a hindrance to residents coming in and out of their houses during the day, not	It is recommended that a condition is attached to ensure that before the development starts a construction management plan is submitted and

	mentioning the dust and noise which will have an impact on the health of the residents, and cause untold stress. (3)	approved.
3.	No other house on the Sunley estate extends to the frontage as this plan proposes, which makes it an ugly site, plus not in keeping with the rest of the estate. The frontage will definitely lose the balance with the other houses in the cul – de – sac and indeed the estate. (3)	Other properties on Wolf Lane have been extended to the front. Wolf Lane is a mixture of differing house designs. It is considered that the proposal is in keeping with the original dwelling and the street scene. Indeed there are dwellings close to the site which extend out from the front elevation.
4.	The house in question will be used as a residential property and not rented out to various families or random people , which in turn increases the traffic and parking within the cul – de – sac, not to mention the noise and disturbance arising from the proposal (A similar house in the neighbourhood was rented out to six random people , causing parking issues as they had 4 cars between them, and the house caught fire and was totally gutted) This was brought to the attention of Mr. Phil Bicknell our councillor from the RBWM offices (3)	The application is to extend a C3 dwelling house and it is on this basis that the application should be determined. Any future change of use of the house may require planning permission.
5.	That the building work will not start before 9.00am and finish by 5.00pm at the very latest.	An informative will be added to any permission advising the applicant of the hours builders are allowed to work.
6.	That the public pathway between our houses will not be blocked with building works and vehicles causing a health and safety hazard/issues	This is not a planning matter and would be dealt with by the Public Rights of Way Team if this was to occur.
7.	The first floor front extension and two storey rear extension are fairly substantial and I have a single storey rear extension. I would like you to consider the impact on loss of light to my side windows.	Para. 6.8 – 6.9

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing and 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 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 NPFF.

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

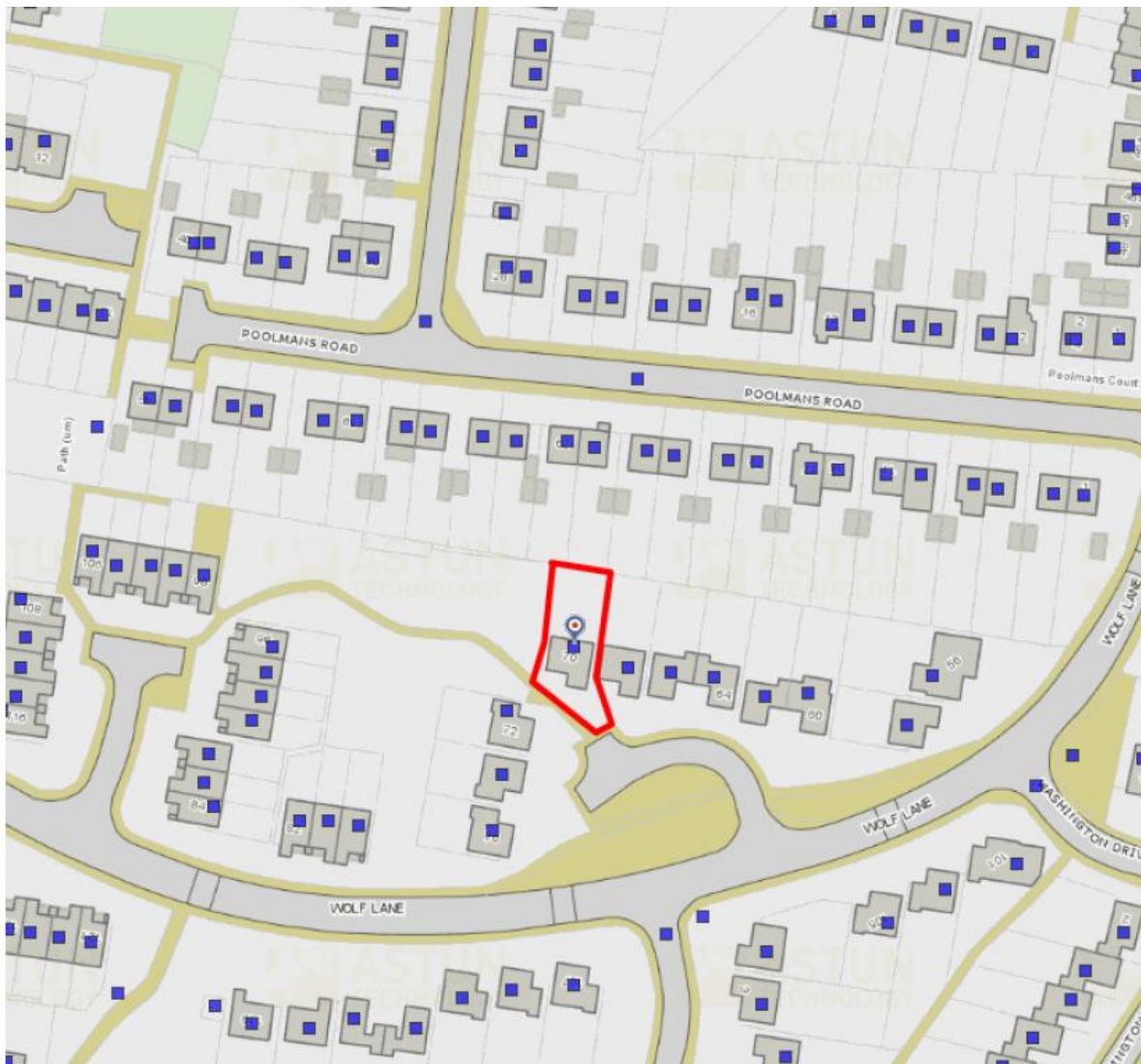
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 4 Any hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 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.

Informatives

- 1 The RBWM Sustainable Design & Construction Supplementary Planning Document can be read at:http://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm
- 2 The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 3 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.
- 4 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.
- 5 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.

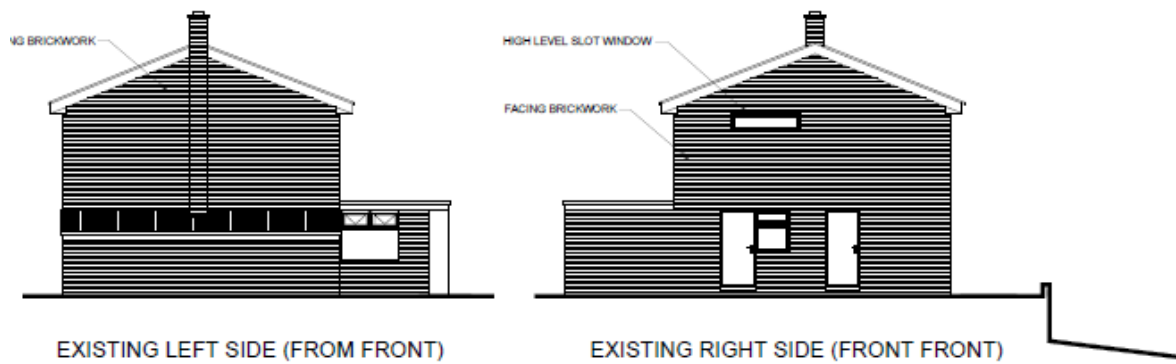
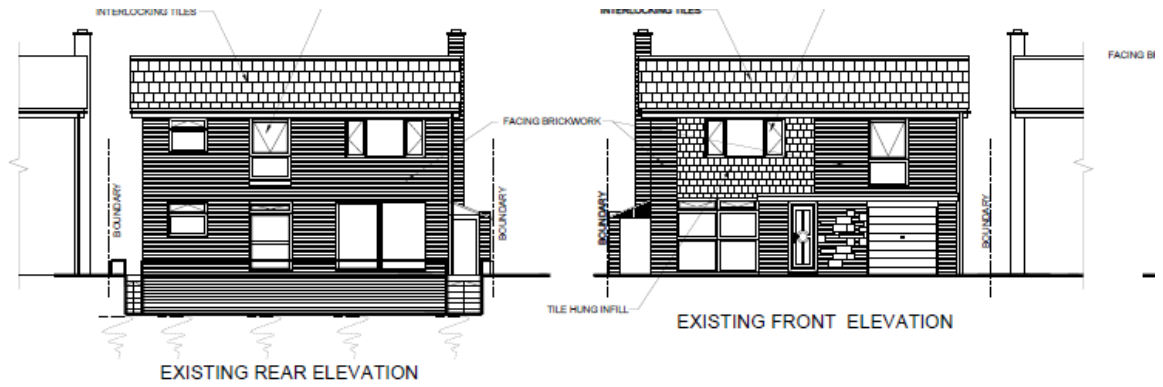
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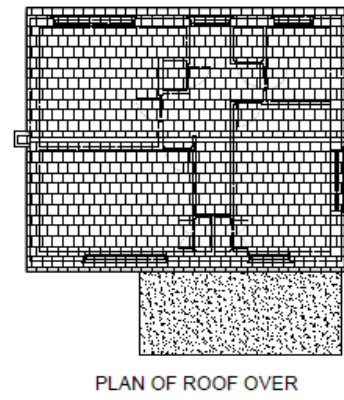
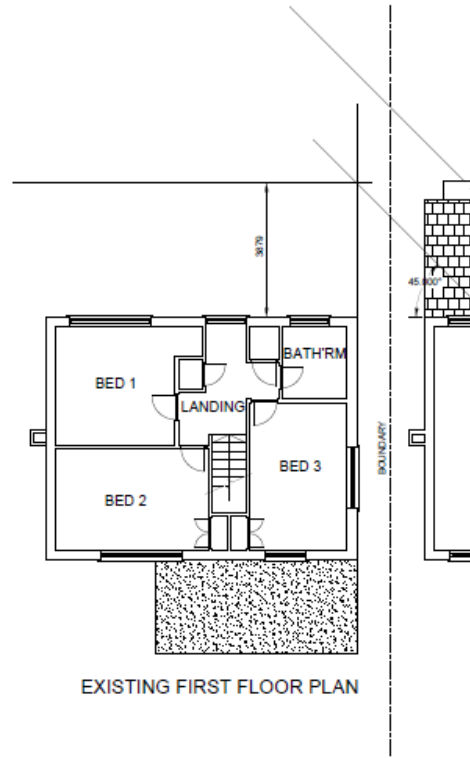
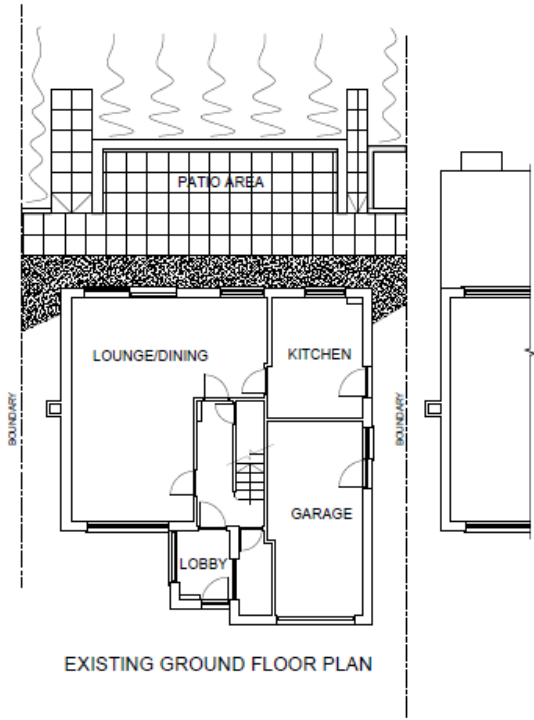
Appendix A- Site Location



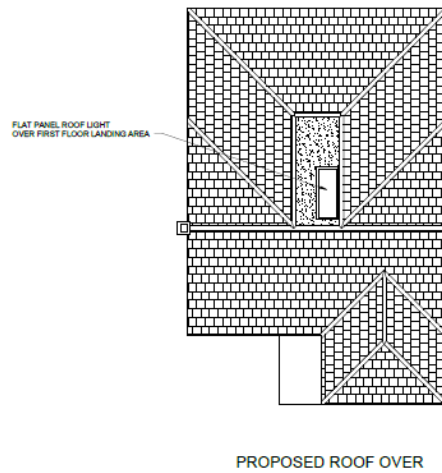
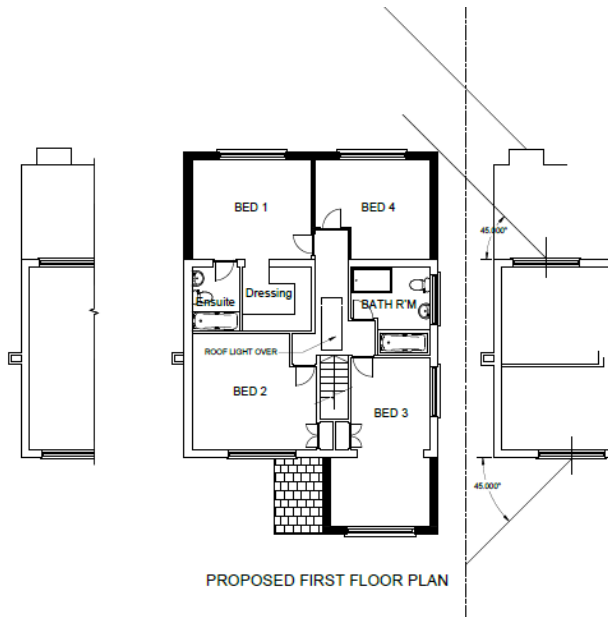
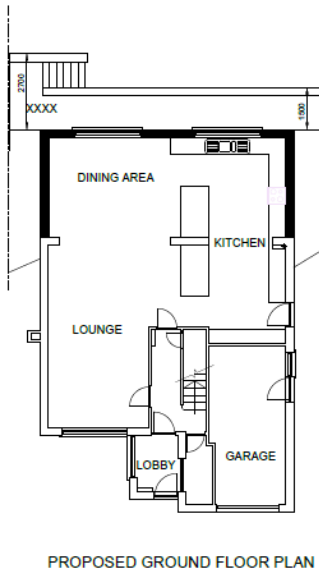
Appendix B- Existing and Proposed Plans

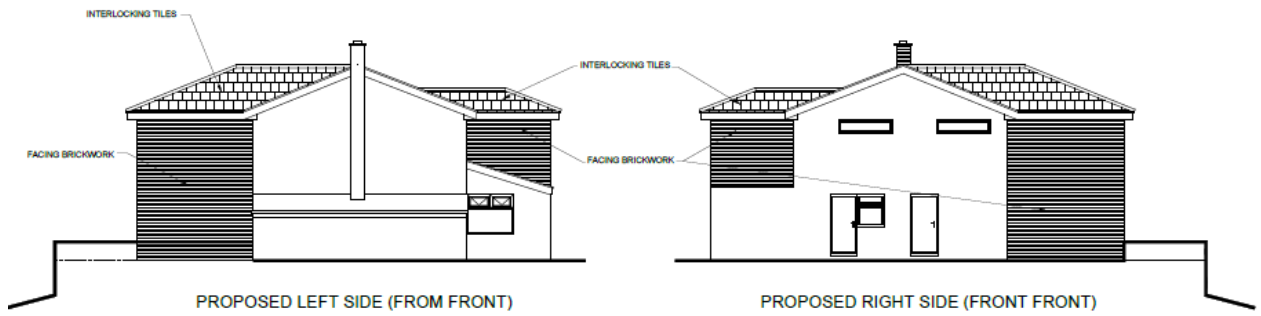
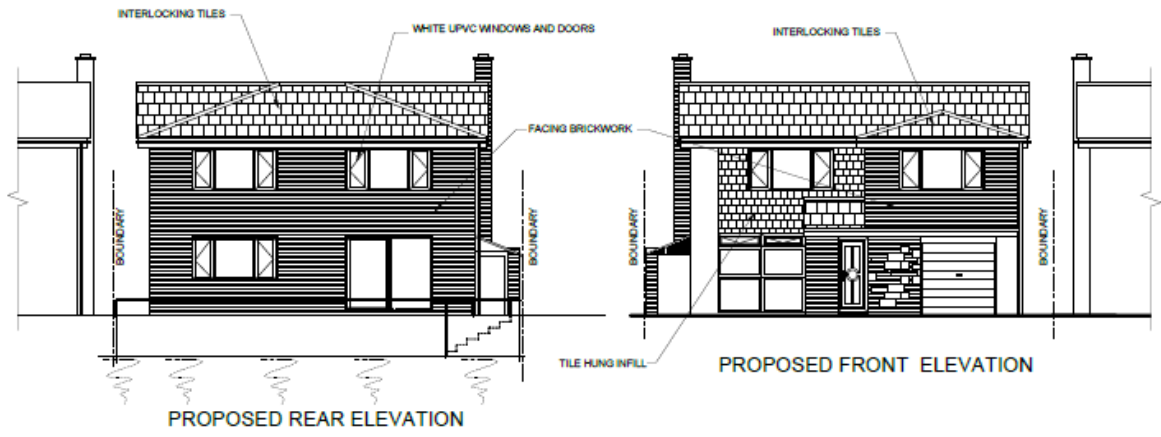
Existing





Proposed





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Planning Appeals Received

3 October 2015 - 28 October 2015

WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at www.planningportal.gov.uk/pca should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Parish/Ward:
Appeal Ref.: 15/00080/REF **Planning Ref.:** 15/00899/FULL **PIns Ref.:** APP/T0355/W/
 15/3131371
Date Received: 14 October 2015 **Comments Due:** 18 November 2015
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use of ground floor from office to car parking and residential use. First and second floor side/rear extension with integral car ports at ground floor level and raising existing roof level
Location: **1 Bolton Road Windsor SL4 3JW**
Appellant: Mr R Boreham **c/o Agent:** Mr Mike Fenton Hawkins Eades Planning 100 High Street Great Missenden Buckinghamshire HP16 OBE

Parish/Ward:
Appeal Ref.: 15/00081/REF **Planning Ref.:** 14/04086/FULL **PIns Ref.:** APP/T0355/W/
 15/3133196
Date Received: 14 October 2015 **Comments Due:** 18 November 2015
Type: Refusal **Appeal Type:** Written Representation
Description: New dwelling with detached garage
Location: **Land Rear of 20 Bolton Avenue Windsor**
Appellant: Mr Steve Bedford **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

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