

# NOTICE OF MEETING

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## MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 19TH DECEMBER, 2018**

at

**7.00 pm**

in the

### **COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

COUNCILLOR DEREK WILSON (CHAIRMAN)  
COUNCILLOR LEO WALTERS (VICE-CHAIRMAN)  
COUNCILLORS CLIVE BULLOCK, MAUREEN HUNT, RICHARD KELLAWAY,  
PHILIP LOVE, DEREK SHARP, ADAM SMITH AND CLAIRE STRETTON

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, CARWYN COX, JUDITH DIMENT,  
MOHAMMED ILYAS, MARION MILLS, MJ SAUNDERS, HARI SHARMA,  
LISA TARGOWSKA AND PAUL BRIMACOMBE

Karen Shepherd – Service Lead - Governance  
Democratic Services

Issued: Tuesday, 11 December 2018

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](http://www.rbwm.gov.uk) – if you are viewing this on the website and there are appendices you are unable to access, please contact the Panel Administrator **Shilpa Manek** 01628 796310, or [democratic.services@rbwm.gov.uk](mailto:democratic.services@rbwm.gov.uk)

**Accessibility** - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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## **AGENDA**

### **PART 1**

ITEM	SUBJECT	WARD	PAGE NO
1.	<b><u>APOLOGIES FOR ABSENCE</u></b> To receive any apologies for absence.		
2.	<b><u>DECLARATIONS OF INTEREST</u></b> To receive any declarations of interest.		3 - 4
3.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b> To consider the Head of Planning'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 at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> .		5 - 52
4.	<b><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></b> To consider the Appeals Decision Report and Planning Appeals Received.		53 - 54

## **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' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Maidenhead Panel

19th December 2018

#### INDEX

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

<b>Item No.</b>	1	<b>Application No.</b>	18/02352/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	7
<b>Location:</b>	The Royal British Legion Sawyers Crescent Maidenhead SL6 3ND						
<b>Proposal:</b>	Redevelopment of the site to create x2 3 bed semi detached dwellings, x2 4 bed semi detached dwellings with parking, access and amenity space, following demolition of existing building.						
<b>Applicant:</b>	The Royal British Legion	<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	21 December 2018	

<b>Item No.</b>	2	<b>Application No.</b>	18/02771/FULL	<b>Recommendation</b>	DD	<b>Page No.</b>	20
<b>Location:</b>	Berkshire To Somerset And Kent And Sussex And Hampshire To Devonshire Lodges Courtlands Maidenhead						
<b>Proposal:</b>	Infill and side extensions to lodges to provide 7 x one bedroom and 2 x two bedroom dwellings and associated bin stores						
<b>Applicant:</b>	Group One Ltd	<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	23 November 2018	

<b>Item No.</b>	3	<b>Application No.</b>	18/02840/VAR	<b>Recommendation</b>	REF	<b>Page No.</b>	33
<b>Location:</b>	Braybrook House River Gardens Bray Maidenhead SL6 2BJ						
<b>Proposal:</b>	Variation to planning permission 18/01831/FULL to remove Condition 8 [Removal of PD outbuildings].						
<b>Applicant:</b>	Mr Moore	<b>Member Call-in:</b>	Cllr David Burbage		<b>Expiry Date:</b>	27 November 2018	

<b>Item No.</b>	4	<b>Application No.</b>	18/03114/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	41
<b>Location:</b>	Butlers Gate Winter Hill Road Cookham Maidenhead SL6 6PJ						
<b>Proposal:</b>	Two storey rear extension, following demolition of the existing part single part two storey rear element and alterations to fenestration.						

**Applicant:** Mr And Mrs Murrill

**Member Call-in:** Not applicable

**Expiry Date:** 24 December 2018

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Appeal Decision Report

Page No. 53

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

19 December 2018

Item: 1

<b>Application No.:</b>	18/02352/FULL
<b>Location:</b>	The Royal British Legion Sawyers Crescent Maidenhead SL6 3ND
<b>Proposal:</b>	Redevelopment of the site to create x2 3 bed semi detached dwellings, x2 4 bed semi detached dwellings with parking, access and amenity space, following demolition of existing building.
<b>Applicant:</b>	The Royal British Legion
<b>Agent:</b>	Mr Simon Sharp
<b>Parish/Ward:</b>	White Waltham Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at <a href="mailto:susan.sharman@rbwm.gov.uk">susan.sharman@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The proposal is to redevelop the former Royal British Legion site in Sawyers Crescent, Maidenhead, by demolishing the existing building and replacing it with 2 pairs of semi-detached houses with gardens and parking areas. The scheme is identical to that previously approved by the Panel approximately three years ago. As there has been no material change in planning policy or relevant circumstances, the principle of development remains acceptable.
- 1.2 The proposed houses would be of a similar scale and design to other residential properties in the area and would not harm the living conditions of any neighbours. While the new access off Heywood Court Close would displace some cars currently parking in the turning area of this close, this is not a reason to refuse the application as the proposal itself complies with the Council's adopted parking standards.
- 1.3 The proposal would improve the appearance of the site, make an efficient use of the land and contribute to the supply of housing in the Royal Borough.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.</b>
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**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

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

- 3.1 The application site is located on the south side of Sawyers Crescent, close to its junction with Heywood Court Close. It is roughly L-shaped, approximately 0.09 ha and occupied by a part-two, part-single storey building positioned adjacent to the south-east side boundary. The remainder of the site is hard-surfaced. The building is vacant, but was previously occupied by the Royal British Legion. Access is currently provided off Sawyers Crescent.
- 3.2 The site is located within a residential area, with predominantly semi-detached and terraced housing, although there is a small block of flats on the corner of Heywood Court Close. It is within walking distance of Woodlands Business Park, local amenities and open countryside and the area benefits from a regular bus service.

#### 4. KEY CONSTRAINTS

- 4.1 The application site is within a built-up area of White Waltham, outside Green Belt. Having regard to this and the planning history (see below), there are no significant constraints associated with the site.

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

- 5.1 The proposal is identical to application 15/00456/FULL, approved by Panel on 10<sup>th</sup> June 2015, (decision issued 7<sup>th</sup> September 2015). There is no other planning history relevant to the site.
- 5.2 Planning permission is sought for two pairs of semi-detached houses. Units 1 and 2 would be positioned next to a garage block facing Sawyers Crescent and each would have 4 bedrooms. The building would be approximately 16.1m wide, 7.8m deep and 8.1m high. Each unit would have 3 parking spaces to the front.
- 5.3 Units 3 and 4 would each have three bedrooms and be positioned at right angles to units 1 and 2. These properties would be accessed via Heywood Court Close, with each provided with two off-street parking spaces. All four dwellings would have private rear gardens, cycle and bin storage.
- 5.4 The dwellings would have a simple and contemporary design, with buff coloured brickwork and grey roof tiles.
- 5.5 The density of the development is 44 dwellings per hectare.

#### 6. DEVELOPMENT PLAN

##### **Adopted Royal Borough Local Plan (2003)**

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5

These policies can be found at

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

##### **Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)**

Issue	Neighbourhood Plan Policy
Quality design	Gen 2
Community facilities	Gen 5

#### 7. MATERIAL PLANNING CONSIDERATIONS

##### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4 - Decision-making

Section 8 – Promoting healthy and safe communities

Section 12- Achieving well-designed places

##### **Borough Local Plan: Submission Version (BLP:SV)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Infrastructure.	IF2, IF7



- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for examination in January 2018, with the first examination stage taking place in June 2018.
- 7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.
- 7.3 In this case, policies SP2 and SP3 are given significant weight, while policies IF2 and IF7 are given limited weight.

This Submission Version of the Borough Local Plan can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Other Local Strategies or Publications

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

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

29 residences were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14<sup>th</sup> September 2018.

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

Comment		Where in the report this is considered
1.	Heywood Court Close is the cul-de-sac and houses 28 and 29 along with the surrounding flats, which do not have any allocated parking, have to park where the proposed entrance will be.	9.13
2.	The cul-de-sac is already very congested and creating an exit into Heywood Court Close would make the current situation catastrophic, because there are no parking spaces within the vicinity.	9.13
3.	There is a public footpath crossing the proposed entrance, when was it extinguished?	The footpath will remain as existing.
4.	Rubbish collection will be severely restricted with cars being parked around the entrance.	9.13

5.	The entrance to the new development will become constantly doubled parked by visitors and occupants of nearby houses because there is no other option.	9.13
6.	The parking space for Unit 4 does not fit two cars.	Complies with parking standards
7.	Object due to parking and congestion in the area. It is already frustrating enough down Heywood Court Close and Sawyers Crescent not having enough parking for residents without having more cars to cater for.	9.13
8.	Cars from Heywood Court Close are constantly over flowing out onto Sawyers Crescent. I have to park a good 5 minute walk up Sawyers Crescent which is not ideal with a child or shopping.	9.13
9.	The flats have continually asked for years to have the grassed areas outside changed into parking for tenants, but have been told no due to Sawyers Crescent being a bus route.	9.13
10.	The proposed car parking on Heywood Court Close will lead to carnage for existing residents. All of the parking should be accessed from the Sawyers Crescent side	9.13
11.	The last Council meeting where the previous application was discussed argued that the round space on Heywood Court Close was a turning circle. However older residents on the street have highlighted that these have always been car parking spaces	9.13
12.	There is an easier solution to this – the parking could be accessed from the lane that runs from Sawyers Crescent along the rear (north-west) of the site.	The Council is required to consider the proposal as submitted.

### Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to conditions in respect of access, visibility splays, construction management, parking as approved, cycle parking, refuse and recycling provision and re-location of street light.	9.10 – 9.12
Environmental Protection	No objections. Recommends a condition in respect of a site specific construction environmental management plan be attached to any consent.	Condition 9 section 13

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development;
- ii The impact on the character and appearance of the area;
- iii The impact on future occupiers of the development and neighbours;
- iv Parking provision and highway safety.

### The principle of development

9.2 The loss of the site as a community facility was accepted under planning application 15/00456/FULL. Although that permission lapsed (by one week prior to submission of the current application), there has been no material change in planning policy since to the extent that a different view should be taken in this case. The proposal is therefore not contrary to Policy CF1

of the Local Plan, Gen 5 of the Neighbourhood Plan (NP), Policy IF7 of the emerging Borough Local Plan, nor paragraph 92 of the NPPF.

- 9.3 The site is located within a predominantly residential area and therefore the type of redevelopment proposed is acceptable.

#### **The impact on the character and appearance of the area**

- 9.4 The area is characterised by two-storey semi-detached or terraced houses. Flats within the vicinity are within a two-storey block. Some of the existing properties have front gardens while others have been hard-surfaced to provide off-street parking. The area is identified in the Townscape Assessment as an Early Post-War Suburb (Area 9I Woodlands Park).
- 9.5 The height and scale of the proposed dwellings would be similar to those in the area. Unit 1 would be positioned at the end of the rear garden of the neighbouring flats, with a gap of approximately 7.5m being retained between the buildings. Unit 2 would be adjacent to an existing garage block that sits back from the edge of the highway. Accordingly, good sized gaps between the proposed development and existing buildings would be retained ensuring the development facing Sawyers Crescent would not appear cramped. The extension of hardsurfacing to the front of these new properties, to provide off-street parking, would not be out of keeping with character and appearance of the area.
- 9.6 Units 3 and 4 would be accessed off Heywood Court Close and would appear as a continuation of the residential properties along the north-west end of this cul-de-sac. A gap of approximately 2m would be retained between the new houses and 31 Heywood Court Close and the scale and design would also be in-keeping with the surrounding development. Again, off-street parking accessed off the close would not be out of character.
- 9.7 The proposed redevelopment of the site would improve the appearance of the site. Subject to conditions 2, 3, 4, 5 and 15 in section 13 of this report, the proposal complies with adopted policies DG1, H10 and H11 of the Local Plan, Policy Gen 2 of the NP, emerging policies SP2 and SP3 of the BLP: SV, and paragraph 127 of the NPPF.

#### **The impact on future occupiers of the development and neighbours**

- 9.8 The proposed dwellings would be located in an area of fairly close-knit residential development. However, the separation distances between proposed and existing buildings (as outlined above) are generally good. The rear corner of Unit 2 would be quite close to the side elevation of Unit 3 at approximately 6.5m, but its rear aspect would face the front garden of Unit 3 and so would be largely open. Overall, the living conditions of future occupiers of the development and existing neighbours will not be harmed as a result of development appearing dominant or overbearing, or from loss of privacy or loss of day or sunlight. All four properties would be provided with some private amenity space.
- 9.9 Subject to conditions 6, 7 and 8 in section 13 of this report, the proposal complies with policy SP3 of the BLP: SV and paragraph 127 of the NPPF.

#### **Parking provision and highway safety**

- 9.10 Sawyers Crescent and Heywood Court Close are classified as residential adopted highways, and both have a 30mph speed restriction, footways and street lighting. Heywood Court Close is a cul-de-sac.
- 9.11 There is an existing dropped kerb onto Sawyers Crescent which is to be retained for Unit 2. Unit 1 is to have a new access onto Sawyers Crescent. In addition, the proposal involves providing a new vehicular access off the turning-head in Heywood Court Close to serve Units 3 and 4. The required visibility splays from the access points can be achieved.
- 9.12 The proposed parking provision complies with the Council's adopted parking standards. Each of the new properties would be provided with appropriate bin and cycle storage.

- 9.13 Objections to the application received from local residents relate to parking problems in the area, and the potential for these to be made worse by the proposal. These are the same as or similar to objections raised under the previous application. Essentially, as a result of the proposed access to Units 3 and 4, some space within the existing turning head in Heywood Court Close, which is currently used for parking, will be lost. However, it is important to stress that this is an existing problem in the area, (not one created by the proposal), and that the turning head is public highway and not allocated specifically for parking. Provided the application complies with the Council's adopted parking and highway standards, (which it does), no objection can be raised to the proposal on parking or highway safety grounds. It should also be stressed that the purpose of the turning head is to enable access to existing off-street parking in the close and to facilitate turning manoeuvres of vehicles within the close. Vehicles parked that obstruct the highway are liable to be moved by the Police. There appears to be opportunities within existing sites, (being within a bus-route area does not prohibit off-street parking as suggested by objectors), where off-street parking could be provided to alleviate the existing problem, (subject to appropriate permissions and licensing where necessary).
- 9.14 The Highway Authority has no objections to the proposal. Subject to conditions 9, 10, 11, 12, 13, 14 and 16 in section 13 of this report, the proposal complies with P4 of the Local Plan, IF2 of the BLP: SV and paragraph 108 of the NPPF.

### **Other Material Considerations**

#### Housing Land Supply

- 9.15 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.16 Footnote 7 of the NPPF (2018) clarifies that "the policies which are most important for determining the application are out-of-date" include policies for applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The Borough Local Plan Submission Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment, a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted, due regard needs to be given to the NPPF (2018) and standard method to be applied, set out in national planning guidance, to determine the minimum number of homes needed for the borough. At the time of writing and based on this methodology, the Council is able to demonstrate a five year rolling housing land supply in accordance with current national guidance.

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

- 10.1 The development is CIL liable. As the application site is within the Maidenhead urban area the CIL charge is £100 per square metre. As the proposed floorspace of the dwellings is 415 sq.m the CIL charge will be approximately £41,500.

### **11. CONCLUSION**

- 11.1 The principle of the proposed development was established by the previous planning approval for an identical proposal, and as there has been no material change in planning policy (or other material considerations) since that approval, it remains acceptable. The proposal would not harm the character and appearance of the area, nor the living conditions of future or existing residents. It also complies with the Council's adopted parking and highway standards. Accordingly and subject to appropriate conditions, the proposal complies with the relevant development plan policies and it is recommended planning permission is granted.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C – Proposed elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: This is a pre-commencement condition to ensure the development does not harm the visual amenities of the area or the living conditions of any neighbours. Relevant Policy Local Plan DG1.
- 3 No development shall take place above slab level until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, H10.
- 4 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) 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 size of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
- 5 Prior to occupation, 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. Other than those walls, fences and other means of enclosure approved under this condition, no other walls, fences or other means of enclosure shall be erected without the prior written approval of the Local Planning Authority.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area, in the interests of minimising crime and anti-social behaviour, and in the interests of highway safety and convenience. Relevant Policy - Local Plan DG1
- 6 No further windows shall be inserted at first floor level in the side elevations of Units 1 and 2 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.

- 7 No window(s) shall be inserted at first floor level in the side elevations of Units 3 and 4 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 H14.
- 8 The first floor windows in the side elevations of Units 1 and 2 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass, minimum level 3. The windows shall not be altered 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 DG1, H10.
- 9 The development shall not be occupied until the accesses have been constructed in accordance with the approved drawing. The access shall thereafter be retained.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 10 Prior to construction works, a management plan showing how 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.
- 11 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
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.
- 12 No part of the development shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the access points onto Sawyers Crescent. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 13 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 14 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 15 No part of the development shall be occupied until full details of both hard and soft landscape works, including car park markings, footpath markings and bollards, have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the

date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 16 No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing the re-location of the street lighting column at the vehicular entrances to Units 1 and 2 facing Sawyers Crescent. The relocation shall not vary from the approved details.

Reason: In the interests of highway safety. Relevant Policy - Local Plan DG1.

- 17 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.

The Royal British Legion Club  
Sawyers Crescent, Woodlands Park, Maidenhead, SL6 3ND



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#### Accommodation Summary

##### Unit 1

- 4 Bedroom Semi Detached House
- 3 Off Street Parking Spaces
- Ensuite to Master Bedroom
- GIA: 115.6 m<sup>2</sup> (1,244 ft<sup>2</sup>)

##### Unit 2

- 4 Bedroom Semi Detached House
- 3 Off Street Parking Spaces
- Ensuite to Master Bedroom
- GIA: 115.6 m<sup>2</sup> (1,244 ft<sup>2</sup>)

##### Unit 3

- 3 Bedroom Semi Detached House
- 2 Off Street Parking Spaces
- GIA: 92.3 m<sup>2</sup> (994 ft<sup>2</sup>)

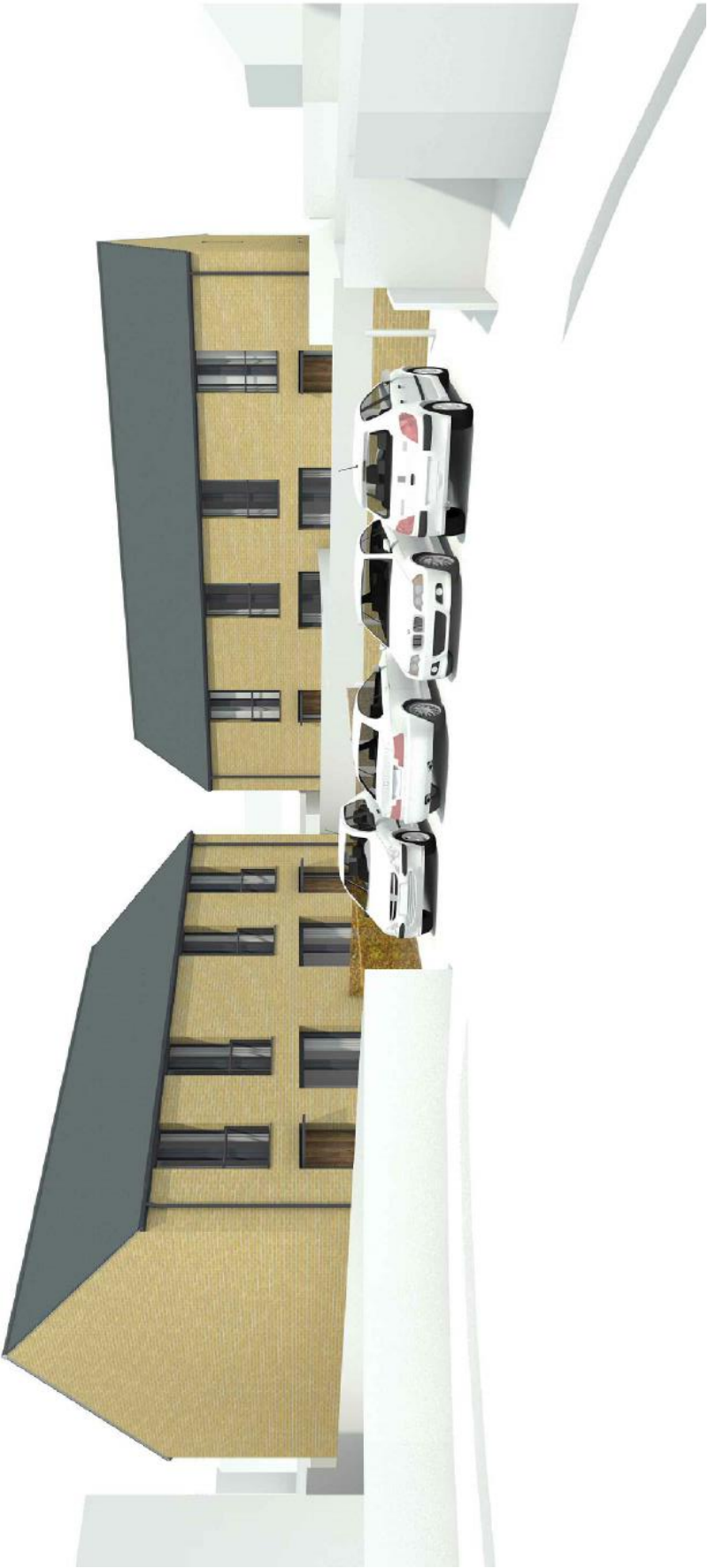
##### Unit 4

- 3 Bedroom Semi Detached House
- 2 Off Street Parking Spaces
- GIA: 92.3 m<sup>2</sup> (994 ft<sup>2</sup>)

Proposed street elevation from Heywood Court

michael jordan architect

AL 200000





# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## PLANNING COMMITTEE

### MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 December 2018

Item: 2

<b>Application No.:</b>	18/02771/FULL
<b>Location:</b>	Berkshire To Somerset And Kent And Sussex And Hampshire To Devonshire Lodges Courtlands Maidenhead
<b>Proposal:</b>	Infill and side extensions to lodges to provide 7 x one bedroom and 2 x two bedroom dwellings and associated bin stores
<b>Applicant:</b>	Group One Ltd
<b>Agent:</b>	Mr Garry Hutchinson
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

## 1. SUMMARY

- 1.1 The area surrounding the application site has a very mixed character comprising a variety of uses, differing scales and design of development and two of Maidenhead's busiest roads. Although the design and use of contemporary materials will not match the main host buildings, they complement the recently constructed roofs on them, and the scale and form of the development will not dominate the existing buildings, ensuring the balance and symmetrical appearance of the buildings will be maintained.
- 1.2 The proposal would make more efficient use of land in a very sustainable location, without harming the character and appearance of the area.
- 1.3 The siting, scale and design of the proposed dwellings are such that they will not harm the living conditions of any neighbours by causing loss of light, loss of privacy or from appearing overbearing. The living conditions of future occupiers of the development would be acceptable.
- 1.4 The whole of Courtlands, in which the application site is located, is subject to a residents parking scheme. As with previous applications, the current proposal is for a car free development with no additional car parking being provided. The applicant has confirmed their willingness to enter into a Unilateral Undertaking to secure preclusion on future residents/developers obtaining parking permits. Accordingly, the Highway Authority raises no objections to the proposal.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure preclusion on future residents obtaining parking permits and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if the undertaking referred to above is not completed by the 31 <sup>st</sup> January 2019 unless the Head of Planning and applicant have agreed an extension of time for the reason that the proposal would not create sustainable travel.

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is comprised of eight apartment blocks which are located within the Courtlands estate, accessed off Shoppenhangers Road, Maidenhead. Courtlands is a rectangular road which loops round what is effectively a self-contained residential estate comprising a mix of apartment blocks and semi-detached dwellings, dating predominantly from the 1960s.
- 3.2 The existing apartment blocks, to which the application relates, each have four storeys and are located on the outer perimeter of Courtlands. Dorset and Hampshire Lodges are next to each other and back onto the Braywick Road, while the other Lodges back onto Shoppenhangers Road. All eight buildings are practically identical in scale and appearance, with the main, original three-storey building being constructed in a red multi-stock facing brick with a feature low level soldier course banding. An identical fourth floor has recently been added to each of the buildings, which has a contemporary mansard-style roof. The Lodges are currently separated by single storey bin stores. A small area of soft landscaping is provided to the front of the flats, laid mainly to grass, with similar treatment to the rear.
- 3.3 Parking for the whole of Courtlands is provided on-street although there are two areas of garage parking in the inner part of the site.
- 3.4 The application site is on the outer-edge of Maidenhead Town Centre, just outside the Maidenhead Town Centre Area Action Plan boundary. Maidenhead Station is located to the north-west of Courtlands on the opposite side of Shoppenhangers Road. Braywick Road lies to the north-east, Rushington Avenue to the south-east and Maidenhead Golf Club to the south-west. Residential properties lie to the west. The site is in a highly accessible area.

#### **4. KEY CONSTRAINTS**

- 4.1 The main constraints to the site relate to parking and its location on an important route into Maidenhead. The application site is also located in an Air Quality Monitoring Area (AQMA).

#### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal involves five infill extensions to be constructed between the Devonshire, Dorset and Hampshire Lodges (2 units), between the Sussex and Kent Lodges (1 unit) and between Berkshire, Wiltshire and Somerset Lodges (2 units). Each of these infill units would have one bedroom and the cycle storage that currently exists would be retained at ground level.
- 5.2 In addition to the five infill units, one bedroom units are proposed at the end/sides of Hampshire Lodge and Sussex Lodge (creating a further 2 units), and a two bedroom house is proposed to be attached to each of the 'exposed' sides of Kent Lodge and Somerset Lodge, (providing another 2 units). In total, 9 new dwellings are proposed.
- 5.3 The infill units would be three-storeys high, in-line with the main roof of each Lodge, and would not project beyond the existing front and rear elevations. The ground floor would be constructed in brick to match the host buildings, with the rest of the extension taking its design from that of the fourth storey, with aluminium doors and windows, metal cladding and curved roofs. The 'end' / side dwellings would appear similar to the infill units, with the exception of additional fenestration in the exposed flank elevations.
- 5.4 Additional bin stores are proposed. No parking is proposed with the development.
- 5.5 There are two previous planning application relevant to the consideration of the current application:

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
13/03481/FULL	Proposed roof development to provide 6 one bedroom flats at Hampshire, Dorset and Devonshire Lodges (2 flats each) and 2 x 2 bed	Refused 20.02.14.  Allowed on appeal 13.10.14.

	flats at Cookham Lodge and Marlow Lodge, together with associated bin and cycle storage.	
16/01919/FULL	Raising of roof to provide 11 flats comprising 10 x 1 bedroom flats at Berkshire, Kent, Somerset and Wiltshire Lodges ( 2 flats each), with associated storage and 1 x 2 bedroom flat at Henley Lodge.	Approved 28.10.16.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for examination in January 2018, with the first examination stage taking place in June 2018.
- 7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.
- 7.3 In this case, policies SP3 and SP3 are given significant weight, while policy IF2 is given limited weight.

## Other Local Strategies or Publications

7.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

112 residences were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11<sup>th</sup> October 2018.

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

Comment		Where in the report this is considered
1.	Over-development of the site – there is already enough development at Courtlands.	9.7
2.	This will have a significant adverse impact on traffic in the area, making an intolerable situation worse.	9.12
3.	The council's previous conditions in relation to strict control of constructor's vehicles were completely ignored by this applicant and therefore they should not be allowed to develop further.	9.14
4.	Courtlands has suffered for the past 2 years from constructors flouting Health and Safety Regulations, creating hazards for local residents.	9.14
5.	There is a complete lack of parking in Courtlands. This is a real problem particularly in the evenings and at weekends – despite no additional parking permits being issued. The current parking problem is not monitored effectively by traffic wardens. Even if people are not given parking permits, they are still able to park in Courtlands in the evenings and at weekends – but there isn't enough space. Even though the new flats were not allowed parking permits they have been issued them by the Council – The Council does not check. This situation is unsustainable.	9.13
6.	Trees have been removed as a result of the recent developments, and more trees have recently been removed.	9.14
7.	The entrance to Courtlands is already used for dropping off and collecting people at peak times.	9.13
8.	Adding flats will require more refuse bins which will take up space on the side of the road, reducing the amount available for parking.	9.13
9.	The living rooms on the proposed infill flats will cause noise disturbance to adjacent second floor bedrooms.	Condition 3 section 13
10.	Existing residents will lose some of the private storage available on the ground floor.	Private matter between residents and landowner
11.	People resort to parking on grassed areas which spoils the appearance of the area.	9.13

12.	Some of the current parking spaces are owned by a private company which blocks them off, so they cannot be used.	9.13
13.	Refuse collections are difficult to navigate through the congested road.	9.13
14.	The flats are very small.	9.8
15.	The development will have a further impact on the road junction with Shoppenhangers Road.	9.12
16.	The development is discriminatory as the flats are not accessible to people with limited mobility.	This is covered by Building Regulations
17.	The windows do not match the existing.	9.3 – 9.6
18.	The development will lead to an increase in noise in the area.	Not significantly.
19.	If this application is approved it will set a precedent for further applications at Courtlands.	Each case is treated on its own merits.
20.	There is no mention of s106 contributions, are these not required.	10
21.	This will increase problems with the old drains inside the flats.	Not a planning matter.
22.	One of the historic pillars denoting the entrance to Courtlands was recently damaged by a large lorry entering the estate – Nobody takes responsibility for the damage and inconvenienced caused.	9.14

### Consultee responses

Consultee	Comment	Where in the report this is considered
Highway Authority	No objections subject to a legal agreement ensuring no parking permits are issued to residents of the proposed development, and conditions in relation to a Construction Management Plan, cycle and bin storage.	9.11-9.12

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development;
- ii The impact on the character and appearance of the area;
- iii The impact on the living conditions of future occupiers and neighbours;
- iv Parking provision;
- v Other material considerations.

### The principle of development

9.2 The application site is located within the built-up area of Maidenhead wherein the principle of development is acceptable.

### The impact on the character and appearance of the area

9.3 The area surrounding Courtlands has a very mixed character comprising a variety of uses, differing scales and design of development and two of Maidenhead's busiest roads. As set out in the description of the site (in section 3 above), the appearance of the Lodges adjacent to Braywick Road and Shoppenhangers Road has changed recently with the addition of a fourth storey in a more contemporary form. When considering the appeal in respect of the initial planning application for the fourth storeys, the Planning Inspector observed the importance of maintaining the balance and symmetrical appearance of the buildings, and did not object to the



use of different materials to those found on the estate as they would harmonise with buildings within the wider area.

- 9.4 In this case, the infill extensions would be set below the fourth storey on each Lodge and not project beyond the front and rear elevations of the host buildings. As such, the gaps between the Lodges will be retained and the scale of the proposed development will appear subservient to them. Each infill extension would have a curved roof to match the form and design of the fourth storey roof, and the more contemporary fenestration and metal cladding above ground floor would also complement this.
- 9.5 The units proposed to the sides of Somerset, Kent and Hampshire Lodges would be almost identical in scale and design to the infill extensions with the exception of a single side window on each three floor. The corner unit to the side of Sussex Lodge would be slightly wider than the other extensions and would have its main outlook facing east towards Braywick Road, but in all other respects it will reflect the main features of the other proposed extensions.
- 9.6 Essentially, although the design and use of contemporary materials will not match the main host buildings, they complement the recently constructed roofs on them. In addition, the scale and form of the development will not dominate the main Lodge buildings. As the extensions are to Lodges that are positioned next to each other, the balance and symmetrical appearance of the buildings will be maintained.
- 9.7 The proposal would make more efficient use of land in a very sustainable location, without harming the character and appearance of the area. Subject to conditions 2, 8 and 9 in section 13 of this report, the proposal complies with adopted policies DG1, H10 and H11 of the Local Plan, emerging policies SP2 and SP3 of the BLP: SV, and paragraph 127 of the NPPF.

### **The impact on the living conditions of future occupiers and neighbours**

- 9.8 The gross internal space proposed for the 1 bedroom units is 58sq.m (including a double bedroom of 13sq.m), and for the 2 bedroom units is 70sq.m, (including 14sq.m for the master bedroom and 11sq.m for the second bedroom. These comply with the minimum Technical Housing Standards, nationally described space standard, March 2015.
- 9.9 Although the new units will not be provided with any private amenity space, there are communal grassed areas to the rear of the buildings that could be used. There are also public parks (Braywick and Grenfell) within walking distance of the site.
- 9.10 The siting, scale and design of the proposed dwellings are such that they will not harm the living conditions of any neighbours by causing loss of light, loss of privacy or from appearing overbearing. Subject to conditions 3, 4 and 7 the proposal complies with policies DG1 and H10 of the Local Plan, policies SP3 and EP1 of the BLP: SV and paragraph 127 of the NPPF.

### **Parking provision**

- 9.11 Courtlands is an adopted, unclassified road which joins Shoppenhanger's Road, directly opposite an entrance into Maidenhead Railway Station. The site is in a sustainable location being within a short walking distance of Maidenhead Town Centre with access to local services and amenities. Bus services can also be accessed on Shoppenhanger's Road.
- 9.12 The whole of Courtlands is subject to a residents parking scheme. As with the previous applications, the current proposal is for a car free development with no additional car parking being provided. The applicant has confirmed their willingness to enter into a Unilateral Undertaking to secure preclusion on future residents/developers obtaining parking permits. Accordingly, the Highway Authority raises no objections to the proposal.
- 9.13 It is noted that all of the objections received have expressed concerns with regard to the parking problems at Courtlands. To a large extent, this is an existing problem and not one caused by the proposal or, theoretically, by the previous fourth storey developments, as these are 'car-free' developments not requiring parking for their residents. As the previous applications, in particular

the appeal decision, have accepted these car-free developments subject to a legal undertaking that parking permits will not be issued to residents of the new properties, the application cannot be refused on this ground. The Highway Authority has also not raised an objection for this reason. However, it is acknowledged that there will be visitors and deliveries parking at the site, particularly during the day in the case of deliveries, and in the evenings and at weekends for visitors. The proposal and previous developments will/have therefore likely contributed to the problem. Although the issue of parking is not a reason for refusal, the Planning Authority can (and will) check that none of the recent developments have been issued with parking permits for Courtlands, and work with the parking authorities within the Council to investigate possible solutions to the problem.

- 9.14 With regard to the concerns raised in relation to construction traffic and management of the works on the previous schemes, it is recommended that for this application a much tighter construction management plan is imposed, (should the applications be approved), as covered by condition 4. This is to be agreed with the applicant prior to the application being determined and will include measures to regularly monitor the construction works.
- 9.15 Subject to conditions 4, 5 and 6 in Section 13 of this report, and a unilateral undertaking in respect of no parking permits being issued to residents of the new development, the proposal complies with policies P4 and T5 of the Local Plan and IF2 of the BLP: SV.

### **Other Material Considerations**

- 9.16 The application site is located within an Air Quality Monitoring Area (AQMA). Previous planning applications did not take account of this, possibly on the basis that the developments are 'car-free' and therefore would not contribute to emissions in the local area. However, as the number of people living in the area would increase as a result of the proposal, and therefore potentially more people exposed to traffic pollution, it is reasonable and necessary to impose a pre-commencement condition (with the applicant's agreement) requiring an air quality impact assessment, that includes details of any mitigation measures, to be submitted and approved (as set out in condition

### **Housing Land Supply**

- 9.17 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.18 Footnote 7 of the NPPF (2018) clarifies that "the policies which are most important for determining the application are out-of-date" include policies for applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The Borough Local Plan Submission Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment, a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted, due regard needs to be given to the NPPF (2018) and standard method to be applied, set out in national planning guidance, to determine the minimum number of homes needed for the borough. At the time of writing and based on this methodology, the Council is able to demonstrate a five year rolling housing land supply in accordance with current national guidance

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

- 10.1 The development is CIL liable and a charge of £100 per square metre applies. The proposed floorspace of the dwellings is 303 sq.

## **11. CONCLUSION**

- 11.1 The application site is located within a highly sustainable location and would make efficient use of the land available. Subject to conditions in respect of materials and landscaping, it would not harm the character and appearance of the area. Living conditions of future occupiers of the development and existing residents would also be acceptable, subject to the recommended conditions. The development is proposed to be 'car-free' with no parking provided, subject to a legal agreement that no parking permits are issued to residents of the proposed development and action by the Planning Authority can ensure this is the case.
- 11.2 Having regard to the material considerations in this case, and as set out in the report above, the proposal complies with adopted development plan policies and should be approved.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Proposed street scene elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above ground level in the case of the infill extensions and slab level in the case of the other dwellings hereby approved shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy: Local Plan: DG1, H10 and Borough Local Plan: Submission Version (BLP: SV), policy SP3.
- 3 Prior to commencement, details of the soundproofing and insulation between the existing development and the new dwellings hereby approved shall be submitted to and agreed in writing by the local planning authority. The details shall include any necessary ventilation measures to habitable rooms. The development shall be carried out as approved, and the soundproofing, insulation and ventilation measures shall be installed prior to the first occupation of the dwellings and retained thereafter.  
Reason: This is a pre-commencement condition to ensure details of soundproofing, insulation and ventilation are considered prior to any works being carried out on site, to ensure these are incorporated into the buildings as these are being constructed and to protect the living conditions of neighbours. Relevant Policy BLP:SV Policy SP2 and paragraph 127 of the NPPF.
- 4 Prior to commencement, a site specific Constructional Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following: 1) Full details explaining and showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period; 2) Details of a log that shall record all daily deliveries and traffic accessing Courtlands in association with the development, to include the times of arrival and departure, type of vehicle and vehicle registration and the purpose of their visit. The log shall be made available to the Local Planning Authority within 2 working days of any request; 3) Works shall only be carried out during the following hours: 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays and/or bank Holidays; Deliveries associated with the development shall only take place

within the permitted hours specified; Procedures for emergency deviation of the agreed works;  
4) Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Reason: This is a pre-commencement condition to ensure details of construction management are considered prior to any work being carried out on site, so as to minimise the impact to traffic flows and highway safety and to protect the amenities of surrounding occupiers during the construction of the development. Relevant Policies - Local Plan T5, BLP: SV Policy EP1.

- 5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 6 No part of the development shall be occupied until the refuse bin storage areas and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 7 Prior to commencement, an Air Quality Impact Assessment, that includes full details of any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Any measures required shall be fully implemented as approved and prior to occupation of the development.

Reason: This is a pre-commencement condition to ensure that any mitigation measures required are fitted during the construction of the development and to protect peoples health by ensuring air pollutants are kept to a minimum during the lifetime of the development. Relevant Policy: BLP:SV policy EP1 and paragraph 181 of the NPPF.

- 8 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 9 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.





Areas of infill & side extensions

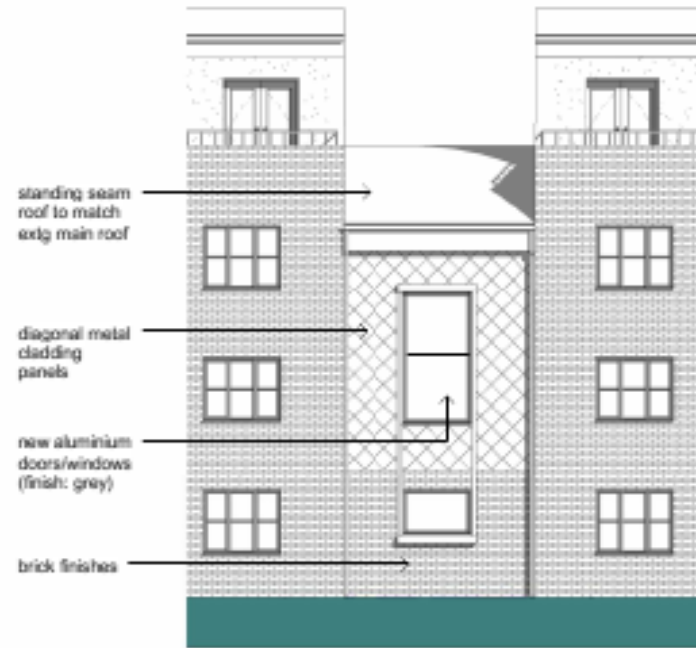


Proposed infill elevations

31



② Front



① Rear

Proposed street elevations



Marlborough House | Buckingham House | Somerset Lodge | Wiltshire Lodge | Berkshire Lodge

01 Street Scene Elevations in Context - Shoppenhangers Road, Somerset, Wiltshire & Berkshire Lodges - Scale 1:200



Braywick Road | Sussex Lodge | Kent Lodge | Lam House | Marlborough House

02 Street Scene Elevations in Context - Shoppenhangers Road, Sussex & Kent Lodges - Scale 1:200



Devonshire Lodge | Dorset Lodge | Hampshire Lodge | Sussex Lodge | Shoppenhangers Road



# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 December 2018

Item: 3

<b>Application No.:</b>	18/02840/VAR
<b>Location:</b>	Braybrook House River Gardens Bray Maidenhead SL6 2BJ
<b>Proposal:</b>	Variation to planning permission 18/01831/FULL to remove Condition 8 [Removal of PD outbuildings].
<b>Applicant:</b>	Mr Moore
<b>Agent:</b>	Mr Jake Collinge
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

**If you have a question about this report, please contact:** Alys Hughes on 01628 796040 or at [alys.hughes@rbwm.gov.uk](mailto:alys.hughes@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 A variation is sought under section 73 for the removal of condition 8 of planning permission 18/01831/FULL which requires all outbuildings built under Article 3, Schedule 2, Part 1 and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2012 (as amended) following the granting of planning permission 18/01831/FULL and prior to the commencement of works to be removed or demolished.
- 1.2 The condition was included to prevent further encroachment in the Green Belt and further harm to openness. It is considered to pass the six tests as outlined under paragraph 55 of the NPPF as it is necessary, reasonable, relevant to planning and to the development permitted, enforceable, precise and is in accordance with paragraphs 133 and 134 of the NPPF.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):**

- |    |  |
|----|--|
| 1. | <b>Condition 8 of planning permission 18/01831/FULL which this application seeks to remove, was included to prevent further encroachment in the Green Belt and further harm to openness in accordance with paragraph 133 and 134 of the NPPF. The proposal complies with the six tests for planning conditions as outlined under paragraph 55 of the NPPF and also paragraph 53 which states that “conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so”. It is not therefore considered that there is any material consideration that would justify the removal of this condition which would cause further harm to the Green Belt.</b> |
|----|--|

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor David Burbage in the public interest, given panel interest and knowledge of the site.

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

- 3.1 The proposal site comprise of 0.62 hectares of land on the banks of the Thames and is occupied by a chalet style bungalow which has recently been granted permission to be replaced under planning reference 18/01831/FULL. A boat house, tennis court and a pool house also exists on site.

### 4. KEY CONSTRAINTS

- 4.1 The proposal site is situated within the Green Belt and is located on land designated as flood zones 2 and 3. The site also forms part of the setting of the river Thames.

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

- 5.1 The proposal is for the removal of condition 8 of planning permission 18/01831/FULL for a replacement dwelling. The condition reads as follows:

*'No development shall take place until any buildings and/or enclosures constructed under Article 3 and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) following the granting of this permission and prior to the commencement of works the subject of this permission, have been removed or demolished in their entirety. All materials resulting from such removal/demolition shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner.*

*Reason: The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2, GB4'.*

### 5.2

Reference	Description	Decision & Date
96/30485/FULL	Single storey front extension	Approved 08/10/1996
99/33969/FULL	Single storey side extension (amendment to permission 96/30485)	Approved 19/08/1999
00/35796/FULL	Two detached houses with access and garage facilities	Refused 04/03/2000 Appeal Dismissed
04/41522/FULL	New double garage to front and render finish to external brickwork	Refused 26/03/2004
04/42073/FULL	Construction of new double garage to front of dwelling and render finish to external brickwork of house	Refused 04/06/2004
08/00334/FULL	Timber entrance gates with brick piers and walling	Refused 07/04/2008
09/00286/FULL	Timber entrance gates with brick piers and walling	Approved 14/04/2009
13/02235/FULL	Construction of a detached boathouse with first floor ancillary accommodation over, following demolition of existing	Approved 25/09/2013
14/00521/CPD	Certificate of lawfulness to determine whether a proposed single storey outbuilding is lawful	Permitted Development 03/03/2014
15/00417/FULL	Erection of 5 bedroom detached house and garage and modifications to site.	Refused 15/04/2015
16/00082/FULL	Replacement 5 bed detached dwelling	Refused. 28/11/2017
16/01065/CPD	Certificate of lawfulness to determine whether the construction of tennis court and boundary fence is lawful.	Permitted Development 22/06/2016
16/03060/FULL	Alterations to the design and layout of the replacement boathouse (as approved under 13/02235)	Approved 1/12/2016
17/00019/CPD	Certificate of lawfulness to determine whether a detached outbuilding for home office use is lawful.	Pending consideration
17/03333/VAR	Alterations to the design and layout of the replacement boathouse(as approved under 13/02235) as approved under planning permission 16/03060/ULL to vary condition 3 (approved plans) to substitute approved drawing number 2200/BH/01B with drawing number 2200/BH/01C	Permitted. 22/12/2017
18/00218/PDXL	Single storey rear extension no greater than 8m in depth, 3.99m high with an eaves height of 2.1m.	Permitted. 05/03/2018
18/00312/CPD	Certificate of lawfulness to determine whether the proposed erection of a single storey side extension and the provision of habitable accommodation in the existing roof void is lawful.	Permitted 05/04/2018
18/01831/FULL	Demolition of existing dwelling and erection of replacement dwelling	Permitted 27/09/2018

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Impact on the Green Belt	GB1, GB2 and GB3

These policies can be found at

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

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4 - Decision-making

Section 13- Protecting Green Belt land

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Green Belt	SP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

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

Comment		Where in the report this is considered
1.	Condition in question is vital part of the granting of planning permission 18/01831/FULL.	Noted. See section 9 - explanation of recommendation
2.	The condition is a necessary and proportionate requirement to balance the grant of planning permission.	Noted. See section 9 - explanation of recommendation

### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Environment Agency	Do not wish to be consulted on this application. No comment	Noted

### **Consultees**

Consultee	Comment	Where in the report this is considered
Parish Council	'Refuse to vary. The request is contrary to policy GB1, GB2 and F1'.	Noted
Environment Protection	No objections	Noted
Highways Authority	No objections	Noted

## 9. EXPLANATION OF RECOMMENDATION

9.1 Section 73 of the Town and Country Planning Act (as amended) specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of this application.

9.2 Permission is sought to remove condition 8 of planning permission 18/01830/FULL which reads as follows:

*'No development shall take place until any buildings and/or enclosures constructed under Article 3 and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) following the granting of this permission and prior to the commencement of works the subject of this permission, have been removed or demolished in their entirety. All materials resulting from such removal/demolition shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner.'*

*Reason: The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2, GB4'.*

It has been noted in the application form by the agent that the condition does not comply with Government policy/advice in connection with the same, however no explanation has been given as to why it is considered that it doesn't comply.

9.3 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. These six test must be satisfied each time a decision to grant planning permission subject to conditions is made.

9.4 As noted in the planning officer assessment report for application 18/01830/FULL, the replacement dwelling resulted in a 53% increase in floorspace, a 28% increase in ridge and a 73% increase in eaves height above the existing dwelling. There is also a total of three existing outbuildings on site (pool building, office and boat house) as well as a tennis court. Due to the size of the plot, there is space to construct further outbuildings under permitted development provided they comply with the criteria under Class E and are considered reasonably necessary. This application itself suggests that it is the intention of the applicant to construct further outbuildings on site under permitted development.

9.5 The condition included requires all outbuildings built under Article 3, Schedule 2, Part 1 and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2012 (as amended) following the granting of planning permission 18/01831/FULL and prior to the commencement of works to be removed or demolished. It has been included to ensure the protection of the Green Belt from further encroachment and also against the further loss of openness. These are identified under paragraph 133 and 134 of the NPPF as being part of the Green Belt's characteristics and purposes. This condition also goes along side condition 9 which removes the permitted development rights of the approved replacement dwelling. For these reasons and for the explanation given above, it is considered that the condition is reasonable in

this regard and is also relevant to planning and to the development to be permitted. As such, the development is considered to satisfy the six tests necessary to impose a planning condition and complies with paragraph 55 of the NPPF. It also complies with paragraph 53 of the NPPF as it is considered that there is a clear justification to use conditions to restrict national permitted development rights.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is not altered under this current application and therefore the CIL agreed under 18/01831/FULL still applies.

## **11. CONCLUSION**

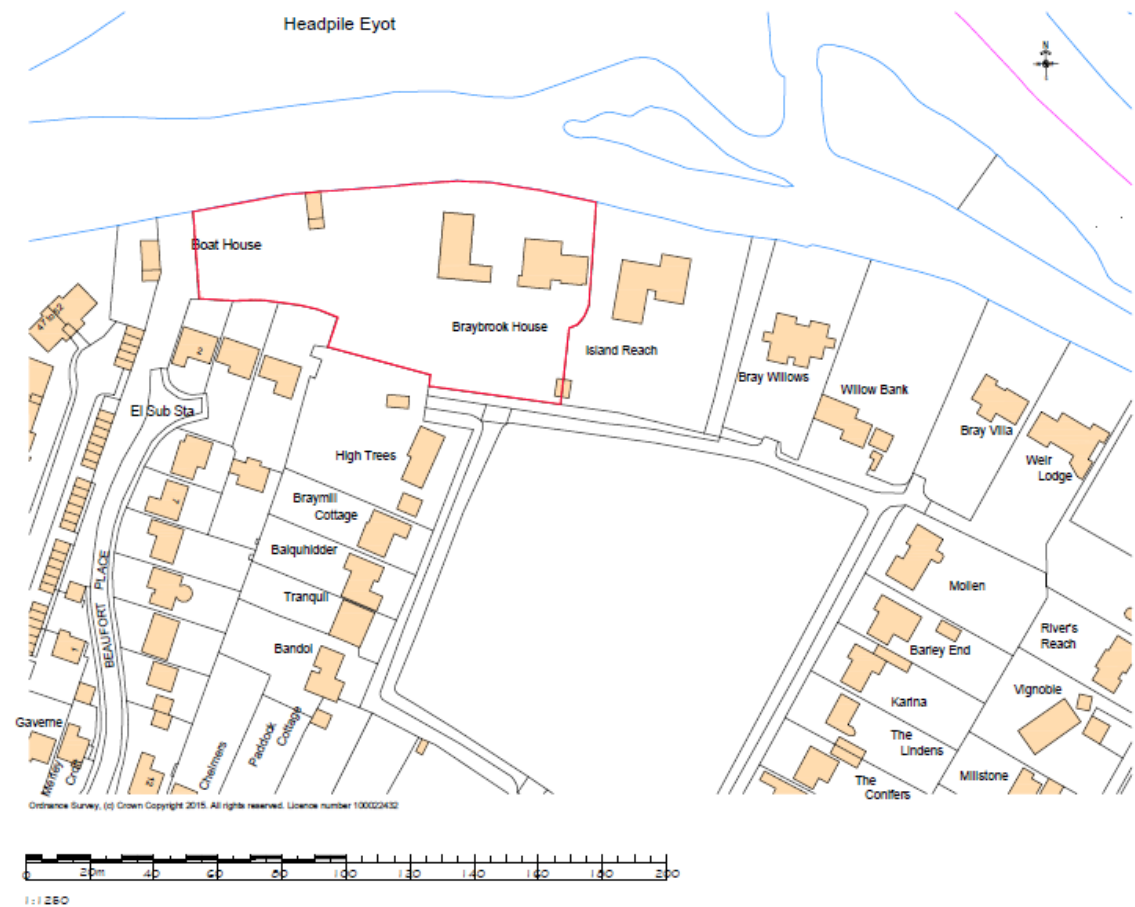
- 11.1 Condition 8 of planning permission 18/01831/FULL, which this application seeks to remove, was included to prevent further encroachment in the Green Belt and further harm to openness in accordance with paragraph 133 and 134 of the NPPF. The proposal complies with the six tests for planning conditions as outlined under paragraph 55 of the NPPF and also complies with paragraph 53 of the NPPF which states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. It is not therefore considered that there is any material consideration that would justify the removal of this condition which would cause further harm to the Green Belt.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Location plan
- Appendix B – Elevations of approved dwelling under 18/01831/FULL
- Appendix C - Site plan of approved dwelling showing existing outbuildings on site

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 Condition 8 of planning permission 18/01831/FULL which this application seeks to remove, was included to prevent further encroachment in the Green Belt and further harm to openness in accordance with paragraph 133 and 134 of the NPPF. The proposal complies with the six tests for planning conditions as outlined under paragraph 55 of the NPPF and also paragraph 53 which states that "conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so". It is not therefore considered that there is any material consideration that would justify the removal of this condition which would cause further harm to the Green Belt.



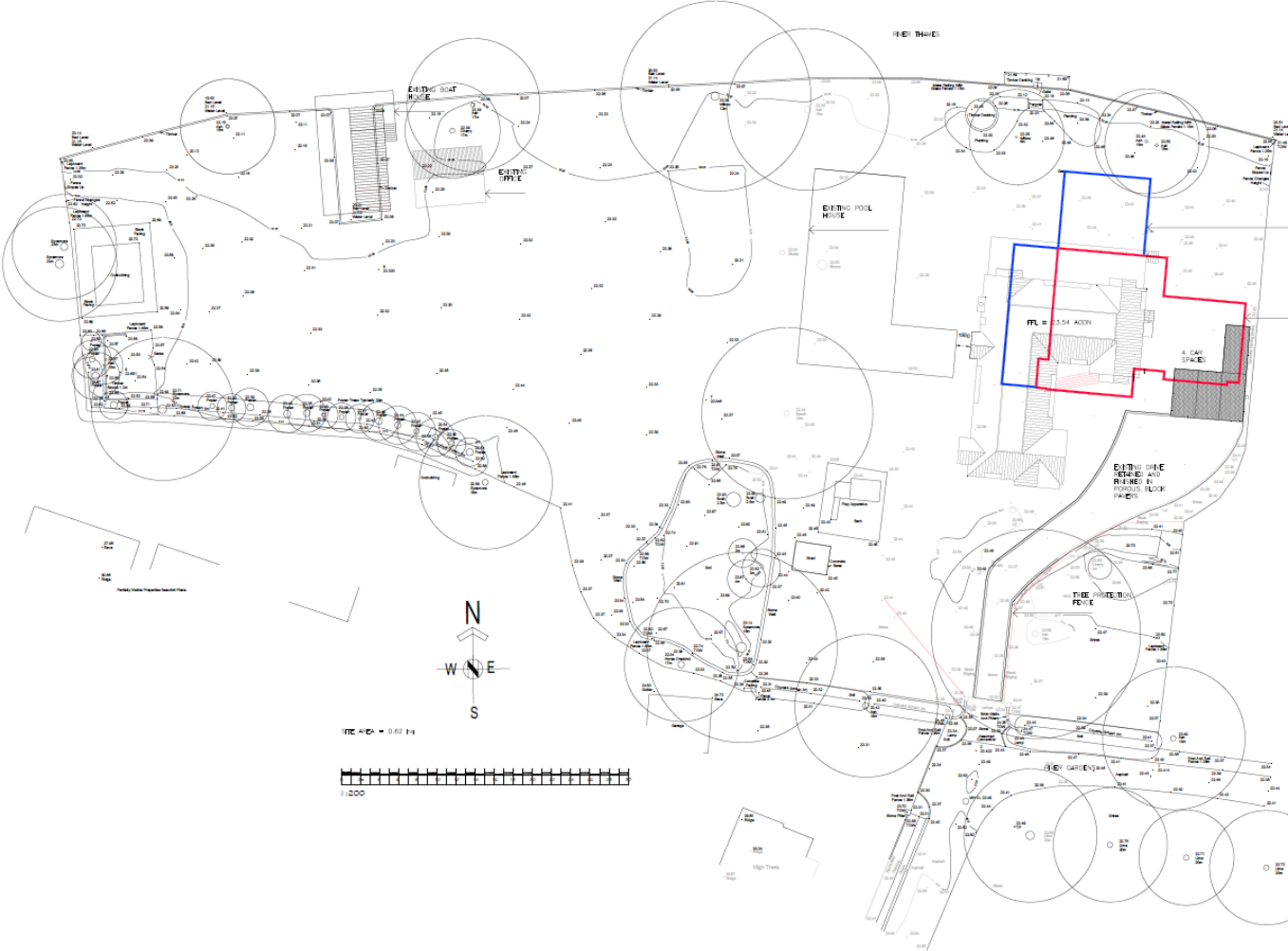
Appendix B – Approved dwelling under 18/01831/FULL

39

This drawing is for display



Appendix C – Site plan of approved dwelling showing existing outbuildings





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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

19 December 2018

Item: 4

<b>Application No.:</b>	18/03114/FULL
<b>Location:</b>	Butlers Gate Winter Hill Road Cookham Maidenhead SL6 6PJ
<b>Proposal:</b>	Two storey rear extension, following demolition of the existing part single part two storey rear element and alterations to fenestration.
<b>Applicant:</b>	Mr And Mrs Murrill
<b>Agent:</b>	Mr Adam Swain-Fossey
<b>Parish/Ward:</b>	Maidenhead Unparished/Pinkneys Green Ward
<b>If you have a question about this report, please contact:</b> Sheila Bowen on 01628 796061 or at <a href="mailto:sheila.bowen@rbwm.gov.uk">sheila.bowen@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The site lies in the Green Belt. The proposal for a two storey extension to this house, which has been much extended in the past, would result in a cumulative increase in floorspace of 229%. This is considered to be disproportionate to the original property and therefore inappropriate development in the Green Belt. The proposal is contrary to Policies GB1, GB2 and GB4 of the adopted Local Plan, paragraphs 143 to 145 of the NPPF and Policy SP5 of the Borough Local Plan Submission Version. No Very Special Circumstances are apparent that would outweigh this finding.

<b>It is recommended the Panel REFUSES planning permission for the following summarised reason (the full reasons are identified in Section 9 of this report):</b>
---

- |  |
|--|
| <b>1. Inappropriate development in the Green Belt resulting in harm to its openness.</b> |
|--|

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Gilmore if the recommendation is one of refusal, for the following reason: 'This is a modest extension in terms of size, and will leave the property more suited to a family. The proposed work is sympathetic to the original property and the wider area. The existing property is an aggregate of the original property plus several extensions. These extensions have not made the best use of space and this proposal would consolidate them into a more sensible design. The current extension is aesthetically unattractive so by demolishing and replacing this, the new design will actually enhance the look of the property.'

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

- 3.1 The site is an isolated detached house situated in open countryside between Maidenhead and Cookham Dean, at the junction of Winter Hill Road and Choke Lane. It is located in the Green Belt. The house has been significantly extended in the past.

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

- 4.1 The proposal is for the demolition of a single storey rear extension of 57 sqm and its replacement with a two storey extension of 94 sqm. The existing house is brick and tile built, and the extension would be timber with a low shine metal roof.

- |     |        |                           |                     |
|-----|--------|---------------------------|---------------------|
| 4.2 | 698/62 | Extension – 2 storey      | Approved 20.12.1962 |
|     | 409/70 | Alterations and additions | Approved 8.7.1970   |

677/70	Alterations and additions	Approved 25.9.1970
92/01010	Single storey rear extension	Approved 18.8.1992
95/01227	Pitched roofs to existing rear first floor flat roof and raising existing attic roof to form first floor.	Approved 26.4.1995
00/35318	Detached double garage with storage space over	Refused 30.5.2000
06/00373	Replacement double garage	Approved 13.4.2006
08/01578	Replacement two storey veranda with balcony	Approved 18.8.2008
18/00607	Two storey extension following demolition of the existing single storey rear element and part of the first floor. Insertion of new front window.	Refused 5.6.2018

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

### Royal Borough Local Plan (1999)

5.1 The main strategic Development Plan policies applying to the site are:

	Within settlement area	Green Belt
Local Plan	DG1, H14	GB1, GB2, GB4

These policies can be found at:

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

### Other Local Strategies or Publications

5.2 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.1

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version Policies SP1, SP2, SP3 and SP5 in this case. The above application is considered not to comply with all the relevant policies listed within the Development Plan and those Borough Local Plan Submission

Version policies to which significant weight is to be accorded as a material planning consideration.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Appearance and character
- ii Green Belt
- iii Parking

### **Appearance and character**

6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving well-designed places) and Local Plan Policy DG1, advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposed two storey extension would be of contrasting materials to the house, being timber clad as opposed to the brick and tile used in the construction of the existing house. The roof would be constructed of low shine metal. It is considered that in this case, the contrasting extension would complement the house and would not be harmful to its appearance. The proposal is considered to respect the appearance and design of the host dwelling and the appearance and character of the street scene would not be harmed.

### **Green Belt**

- 6.3 Policy GB4 of the Local Plan states that proposals for extensions to existing dwellings in the Green Belt will only be approved where they do not result in a disproportionate addition over and above the size of the original dwelling. The supporting text to the policy explains that a disproportionate addition can occur through one large extension or through the cumulative impact of a series of small ones. In terms of assessing whether a proposal will result in a disproportionate addition, its floorspace is a guiding factor, together with its bulk and scale and its consequent impact on the openness of the Green Belt. Paragraph 145 of the NPPF states that an extension to a building in the Green Belt is not inappropriate, provided it does not result in disproportionate additions over and above the size of the original building.
- 6.4 The original dwelling had a floor area of 79 sqm and the existing extensions have a total floorspace of 144 sqm. The dwelling has therefore already increased in floorspace by 182% over and above the original dwelling. The proposed extensions would have a floorspace of 94 sqm, and 57 sqm of floorspace would be demolished. As a result, the cumulative increase in floorspace would be some 181 sqm, amounting to a 229% increase over and above the floorspace of the original dwelling.
- 6.5 The previous extensions comprise a large two storey side extension and a single storey rear extension. The floorspace increase described above, together with the overall increase in bulk and scale of the house, would be disproportionate (cumulatively with the previous extensions) to the size of the original dwelling.
- 6.6 Overall, the proposal, when considered in the context of the previous additions to this house, would result in disproportionate additions over and above the size of the original dwelling and is therefore contrary to Policies GB4 and GB1 of the Local Plan, to paragraphs 143 to 145 of the NPPF and policy SP5 of the Borough Local Plan Submission Version. In addition it would result in a loss of openness in the Green Belt, contrary to Policy GB2 of the Local Plan and paragraphs 143 to 145 of the NPPF. The fact that the original dwelling was quite small, the fact that the extension would replace an existing smaller single storey extension, and the innovative nature of the design, are not considered to comprise very special circumstances to outweigh the

inappropriateness of this proposal. The proposal is inappropriate development in the Green Belt which causes harm to its openness, and no Very Special Circumstances are apparent that would outweigh the harm that would be caused.

- 6.7 A desire to demolish the existing single storey extension due to its (lack of) quality or its state of repair does not amount to a very special circumstance that would outweigh the harm to the Green Belt. As outlined below, the removal of this existing extension and its replacement could be achieved without a net increase in floorspace and consequent harm to the Green Belt.
- 6.8 The applicants were invited to submit amended plans with the floorspace of the extension matching the floorspace of the extension to be demolished (57 sqm), but re-arranging it over two floors to allow an increase in bedroom space. They were advised that this would be acceptable, as there would be Very Special Circumstances to justify a large cumulative extension in the Green Belt, namely that it is a like-for-like replacement of the floorspace of an existing extension. The applicants have declined to submit any amendments.

### **Parking**

- 6.9 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.

### **Conclusion**

- 6.10 As detailed above, the proposal is contrary to the Development Plan, to the relevant policies in the emerging Borough Local Plan Submission Version and to the relevant sections of the NPPF, which should be attributed significant weight. The proposal would result in harm to the Green Belt by reason of inappropriateness and would impact on the openness of the Green Belt and no Very Special Circumstances exist that would outweigh this harm, which is given substantial weight.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

No occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2.11.2018.

Three comments were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	We have no objection. The existing extensions are of low quality and need replacing. It would improve the appearance of the area and would be an improvement in terms of quality of design and materials.	6.2, 6.7 – 6.8
2	As above. It would help a young family with children at the local village school and playgroup in Cookham Dean remain in the area without disrupting their education.	6.2
3	Strong support. The current rear extension is of poor design and gives an unpleasant visual appearance, not in keeping with the quality of design or materials of the surrounding dwellings. Improvement. No direct negative impact on any neighbours.	6.2, 6.7 – 6.8

## **8. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Existing and proposed site plans
- Appendix C – Existing and proposed ground floor plans
- Appendix D – Existing and proposed first floor plans
- Appendix E – Existing and proposed elevations
- Appendix F – Existing and proposed elevations

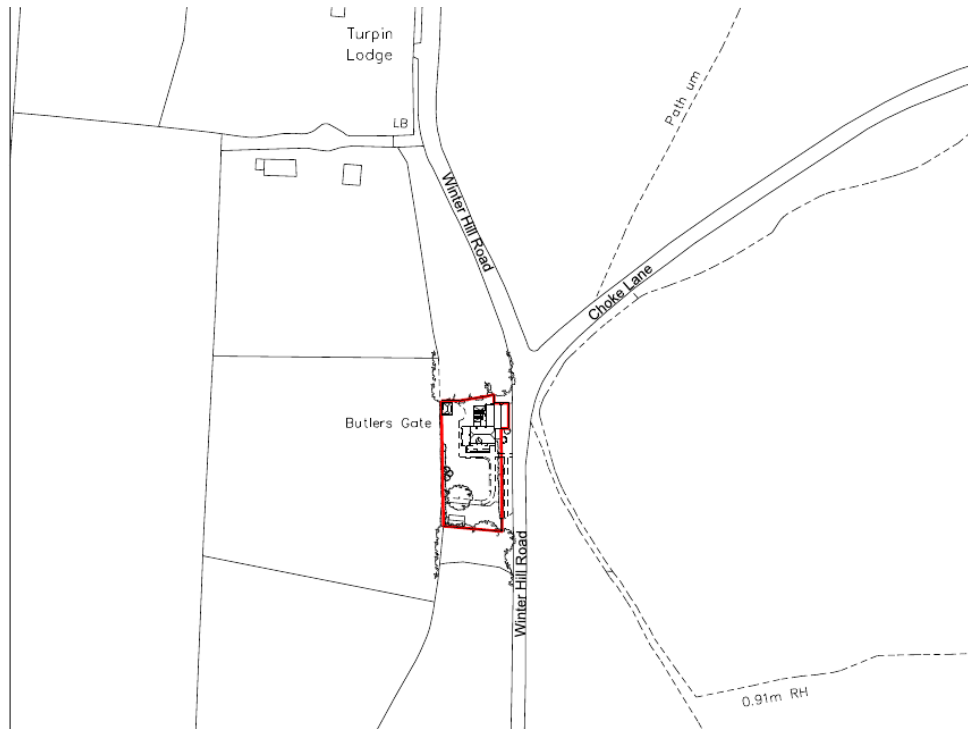
Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with the NPPF.

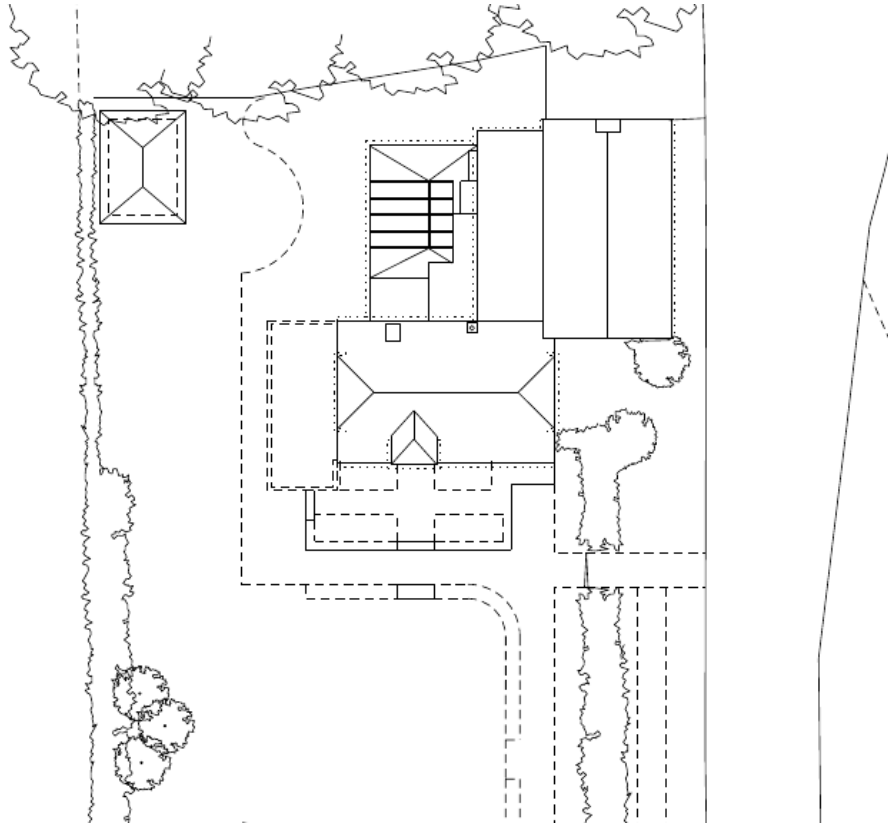
In this case the issues have been unsuccessfully resolved.

## **9. REASON RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

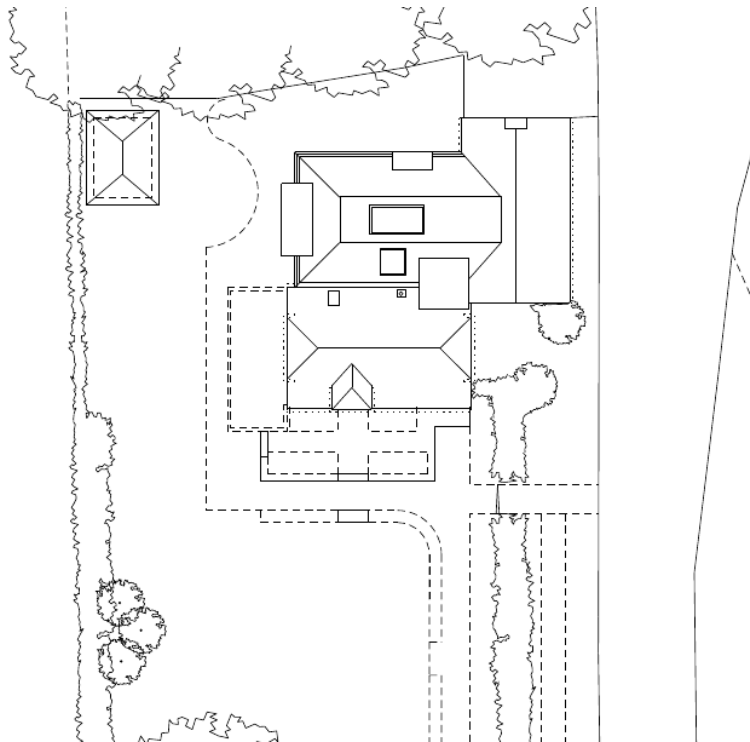
- 1 The proposals are inappropriate development that would cause harm to the openness of the Green Belt. The proposed works, when considered cumulatively with previous extensions carried out to the dwelling and by reason of its siting, size, mass and substantial cumulative volume would result in a disproportionate addition over and above the size of the original dwellinghouse. As such, the proposal would be contrary to paragraph 145 of the National Planning Policy Framework July 2018 (NPPF) and would represent inappropriate development in the Green Belt which would result in substantial harm to the Green Belt. Paragraph 143 of the NPPF advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. In this case, the applicants have failed to demonstrate that there are any other considerations that would clearly outweigh the harm to the Green Belt, and, as such, there are no very special circumstances. Accordingly, the proposal is contrary to saved Policies GB1, GB2(A) and GB4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), paragraphs 143 - 145 of the National Planning Policy Framework, July 2018 and Policy SP5 of the Borough Local Plan Submission Version.



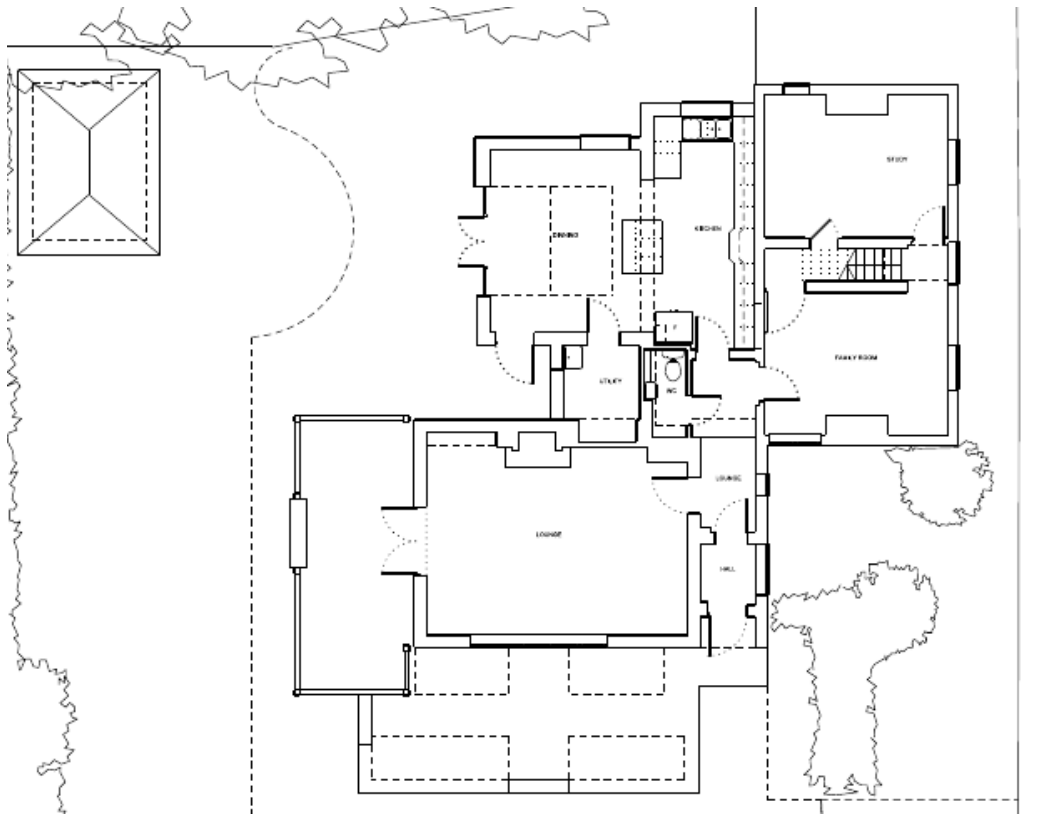
## Appendix A



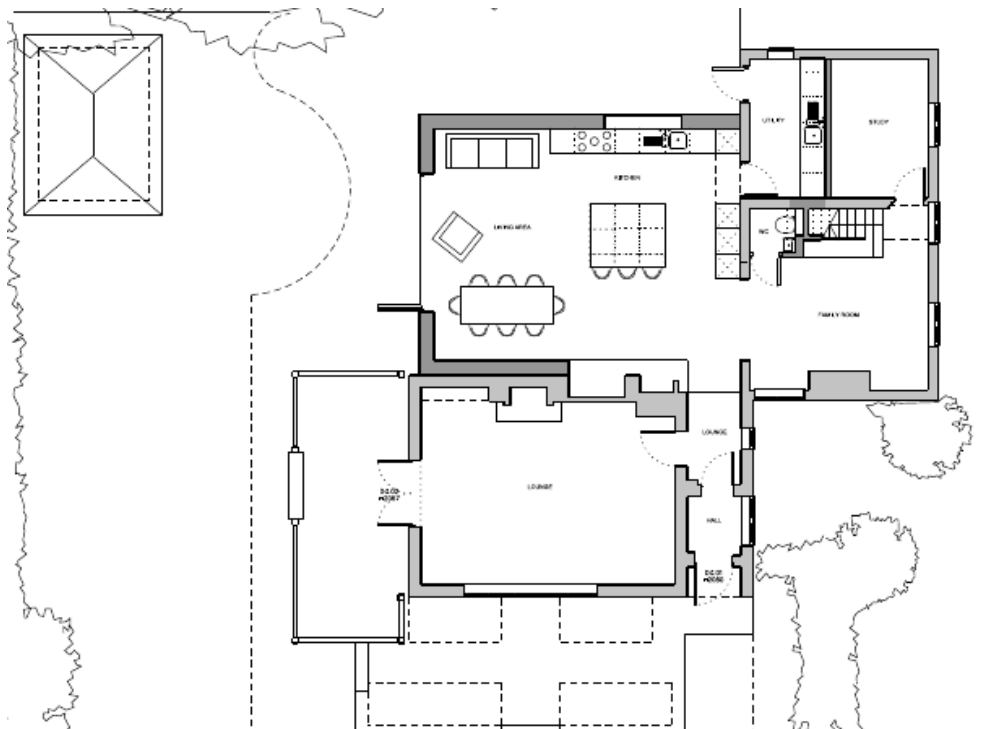
Existing



Proposed

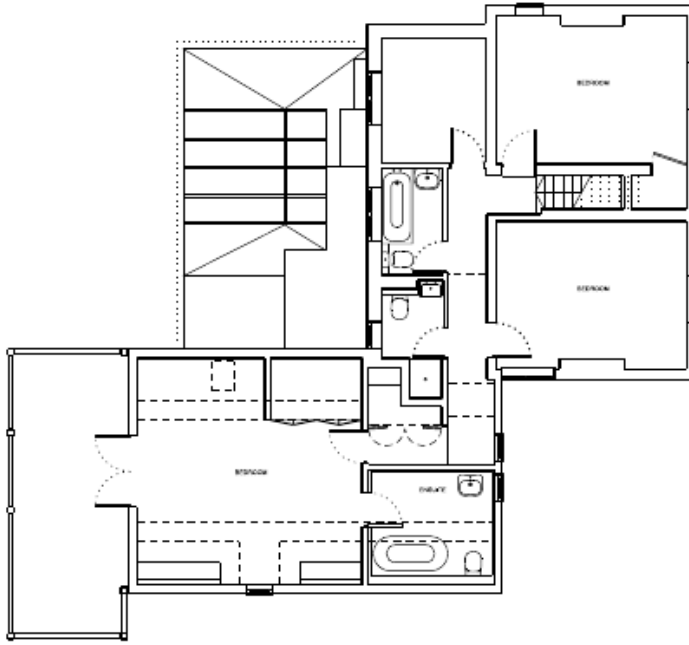


Existing Ground Floor

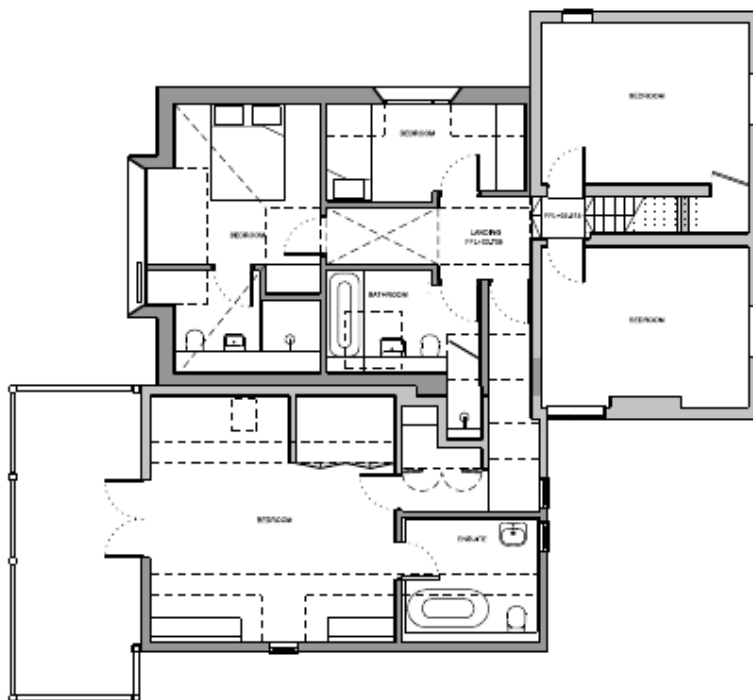


Proposed Ground Floor





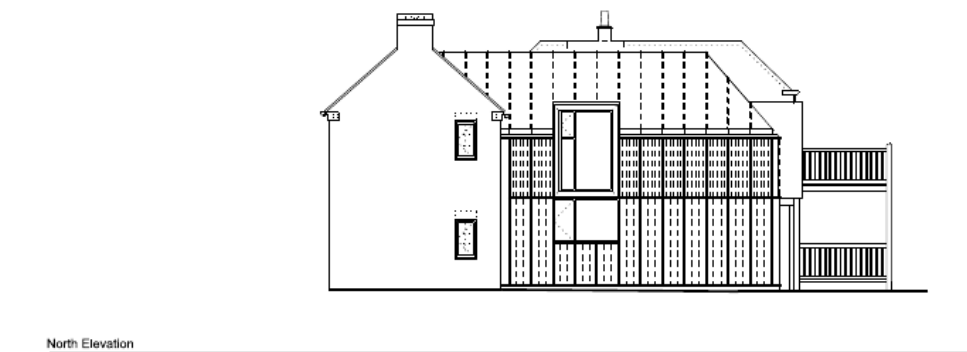
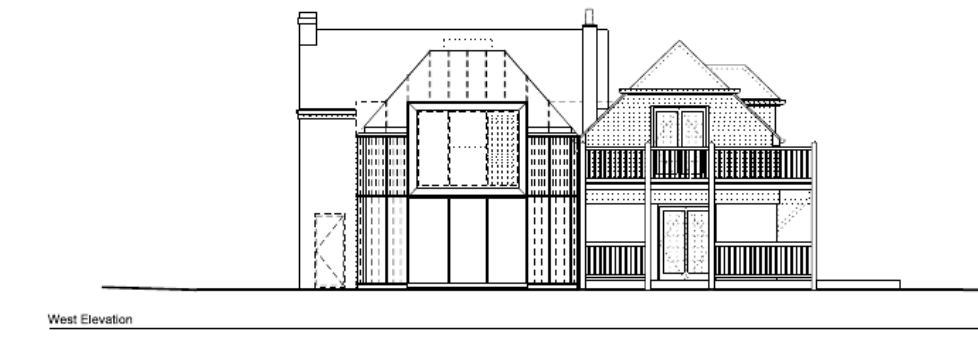
Existing First Floor



Proposed first floor



## Existing elevations



## Proposed Elevations

## Appendix E



North Elevation



South Elevation

## Existing Elevations



East Elevation



South Elevation

## Proposed Elevations

## Appendix F

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## Appeal Decision Report

12 November 2018 - 10 December 2018

### MAIDENHEAD

**Appeal Ref.:** 18/60104/REF      **Planning Ref.:** 18/00824/FULL      **Plns Ref.:** APP/T0355/W/18/3204044

**Appellant:** Mr Ian Parkinson c/o **Agent:** Mr Kaleem Janjua M C S Design Architectural Services 53 Westmead Windsor SL4 3NN

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Extension and raising of roof to form additional habitable dwelling, two storey front extension and basement with amendments to vehicular access (Amendment to 16/00333/FULL)

**Location:** 23 Havelock Road Maidenhead SL6 5BJ

**Appeal Decision:** Dismissed      **Decision Date:** 12 November 2018

**Main Issue:** The main issue was the impact of the proposal on the character and appearance of the area. While the siting and scale in terms of height, width and depth would mirror the extant planning permission, the internal layout and basement would lead to the creation of 2 dwellings. Due to differing house numbers, name plates, external lighting and other domestic belongings, the development would appear as two distinct properties. This would be a discordant feature in the street scene, at odds with the single detached properties which characterise the area. The Inspector concluded that the proposal was contrary to Policies H10, H11 and DG1 of the Local Plan. An application for an award of costs against the Council was also dismissed, as the Inspector did not find that the Council had behaved unreasonably resulting in unnecessary or wasted expense to the appellant

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