

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

**WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL**

11 January 2017

Item: 1

<b>Application No.:</b>	16/01765/FULL
<b>Location:</b>	Norfolk Farm Windsor Great Park Ascot SL5 7RZ
<b>Proposal:</b>	Replacement agricultural building
<b>Applicant:</b>	The Crown Estate
<b>Agent:</b>	Mr Vic Wheeler - ATSS Ltd
<b>Parish/Ward:</b>	Old Windsor Parish/Old Windsor Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The proposal is for new agricultural building behind existing agricultural buildings on an area of cleared land. The new building is to be used partly as accommodation for pigs and partly for the storage of straw. Its design would be a typical large agricultural shed with walls partially of reinforced concrete and part slatted timber, and it would also partly open on three sides. It is required to facilitate both day-to-day and seasonal operations within the Estate's farm business. The application also proposes the removal of an open sided straw barn. The existing straw barn is outside of the red line application site, on adjacent land outlined in blue.
- 1.2 The site is part of the Crown Estates' agricultural holdings within Windsor Great Park and consists of an existing straw barn together with access from the adjacent lane. It is located adjacent to two other farm buildings and a slurry pit, and is also adjacent to a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Both the site and its surroundings are within the Green Belt, and within the registered Historic Park and Area of Special Landscape Importance designations that cover Windsor Great Park.
- 1.3 The applicant has provide amended plans (Norfolk MTR – November 2016 Tree Retention and Tree Protection Plan received 8 December 2016) showing the route of the new surface water drainage system, which would connect into an existing manhole and finally discharge into the nearby 'Mill Pond'. The applicant is not proposing soakaways. Waste water would be directed to a slurry lagoon, which is considered to have sufficient capacity. The Lead Local Flood Authority (LLFA), Natural England, and the Council's Ecologist are now satisfied with the proposal, raising no objections.

**It is recommended the Panel authorises the Head of Planning:**

To grant planning permission subject to the conditions listed in Section 10 of this report.

**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Borough Planning Manager 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 site is part of the Crown Estates' agricultural holdings within Windsor Great Park. The new barn would be sited on an area of cleared land to the rear large existing agricultural building. The land where the new building is to be sited was previously forested - the applicant obtained a forestry licence before felling trees and clearing the site.

- 3.2 The existing straw barn which is shown for removal is outside of the land edged red (and is within the land edged blue).
- 3.3 The new building is located adjacent to two other farm buildings and a slurry pit, and a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) which includes ancient woodland and a waterbody know as 'Mill Pond'. These two features are approximately 80m and 100m to the east of the site.
- 3.4 The site is within the Green Belt, and within the registered Historic Park and Area of Special Landscape Importance designations that cover Windsor Great Park.

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

- 4.1 The new agricultural building would be used partly as accommodation for pigs and partly for the storage of straw. Its area would be 1194 sq.m. In terms of design it would be a typical large agricultural shed with walls partially of reinforced concrete, part slated timber and partly open on three sides. The roof would be of cement fibre, with a maximum height of 8.6m at to roof ridgeline.
- 4.2 The open sided straw barn to be removed is 227 square metres in the area.
- 4.3 There is no relevant planning history for the site.

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

- 5.1 National Planning Policy Framework: Relevant Sections –paragraph 17 Core planning principles; Section 7 – requiring good design; Section 9 – Protecting the Green Belt; Section 11 – Conserving and enhancing the historic environment.

##### Royal Borough Local Plan

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

Green Belt	Design	Area of Special Landscape Importance	Historic Parks and Gardens	Trees	Highways and Parking
GB1, GB2	DG1	N1	HG1	N6	P4, 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)

##### Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:
- RBWM Landscape Character Assessment - view at:
  - RBWM Parking Strategy - view at:

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)

#### 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:
- i Whether the development constitutes appropriate development in Green Belt terms,
  - ii Impacts on the registered Historic Park,

- iii Visual impacts on the Area of Special Landscape Importance,
- iv Potential impacts on nature conservation values, and
- v Impacts on local flooding.

### **Green Belt**

- 6.2 National Planning Policy Framework paragraphs 89 and 90 of this Framework set out forms of development that are appropriate in the Green Belt, which include agricultural buildings. The proposal is considered appropriate and acceptable in terms of the impact on openness of the Green Belt and its purposes.

### **Impacts on the registered Historic Park**

- 6.3 The Windsor Great Park is registered under the Historic Buildings and Ancient Monuments Act 1953 for its special historic interest. It is concluded that due to the context of the proposal in a cluster of agricultural buildings that the impacts on the Great Park's historic and cultural values would not be significant. The Conservation Officer raises no objection.

### **The Area of Special Landscape Importance**

- 6.4 The Great Park is also subject to this local designation. It is noted that the site is within an area where trees have now been removed. The applicants obtained a Forestry felling license for the removal of trees on the site. The building would be partially screened by a remaining area of woodland to the east, which as already noted is ancient woodland and is in addition protected by the nature designation discussed below. The building would also be partially screened by the adjacent agricultural buildings in views from the road frontage of the site. It is concluded that the landscape impacts of the proposal are acceptable. The Council's Tree Officer has suggested a condition to ensure retention of trees shown on the submitted plans. See Condition 9 – Section 10.

### **Potential impacts on nature conservation values**

- 6.5 The application site is in close proximity to a European designated site, the Windsor Forest and Great Park Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Natural England initially objected on grounds that the application did not address the requirements of the Habitats Regulations 61 and 62. Additional information has now been provided to satisfy the requirements of the Regulations.
- 6.6 Following concerns about the provision of soakaways the applicant has submitted plans (Norfolk MTR – November 2016 Tree Retention and Protection Plan received 8 December 2016) to allow for disposal of surface water through a new piped system to connect to the existing system and finally discharge into the nearby 'Mill Pond'. It would be only be rainwater from the roof of the building that would drain to the Mill Pond. Effluent would be disposed of separately into the existing slurry pit. Natural England and the Council's Ecologist have raised no objection to the amended drainage proposals.
- 6.7 The Council's Ecologist has commented as follows: The site was found to have negligible potential to support bats, badgers, amphibians and protected plants. The site is surrounded by Windsor Forest and Great Park Special Area of Conservation (SAC). Natural England has been consulted on this application with regards to the impact on the features of the SAC (raising no objection).
- 6.8 The site was recorded as having moderate potential to support reptiles. In addition, there is a large pond within 50m of the proposed development in which amphibians could be present, although given the size and structure of the pond; it is unlikely to support great crested newts. No suitable great crested newt terrestrial habitat was recorded within the application site. The applicant's ecologist has provided an outline mitigation strategy which provides recommendations

for the prevention of killing and injury of reptiles during development (which would also protect amphibians, including habitat manipulation under an ecological watching brief and moving of any reptiles (or amphibians) found to suitable areas of the remaining site). A suitably worded condition is to be imposed to ensure the implementation of the reptile mitigation strategy. See Condition 6 - Section 10.

- 6.9 The buildings on site were recorded as having the potential to support breeding birds including barn owls, although no evidence was found during the survey. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. Barn owls are given further protection under the Wildlife and Countryside Act 1981, as amended from disturbance when breeding.
- 6.10 The ecology report makes reference to the protection of breeding birds during development including ensuring building demolition is undertaken outside the breeding bird season (which spans from March to August inclusive) or any nesting bird habitat is removed under ecological supervision. This advice is to be incorporated into a suitably worded Informative 1 – Section 10.
- 6.11 Paragraph 109 of the NPPF states that: *“The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*.
- 6.12 The ecology report provides recommendations for biodiversity enhancements at the site including sensitive lighting and installation of bat boxes onto new buildings. A suitably worded planning condition is to be included requiring the applicant to ensure all the recommendations for biodiversity enhancements made within the ecology report are implemented. See condition 7 - Section 10.

### **Impacts on local flooding**

- 6.13 The Local Lead Flood Authority is satisfied with the amended surface water drainage proposals, recommending a condition to ensure that the approved surface water drainage system is implemented in accordance with the approved detailed design prior to the use of the new building commencing. See condition 8 - Section 10.

### **Other Material Considerations**

- 6.14 The tree officer is satisfied with the route of the revised surface water drainage system, recommending a condition regarding tree and hedgerow retention – See condition 9 - Section 10.
- 6.15 There are no highways objections to the proposals.
- 6.16 The proposal would support the business activities of a working farm, and provided that the nature conservation, drainage and potential tree constraints noted above are properly addressed there would be no objection in principle to the proposed building being erected.

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

- 7.1 The proposal is not CIL liable.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

The application was advertised in the Maidenhead and Windsor Advertiser on 23 June, and the planning officer posted a statutory notice advertising the application at the site on 11 August 2016.

No letters have been received from neighbours.

## Statutory Consultees

Consultee	Comment	Where in the report this is considered
Natural England:	<p>The application site is in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitat and Species Regulations 2010, as amended (the 'Habitats Regulations'.) The application site is in close proximity to the Windsor Forest and Great Park Special Area of Conservation (SAC) which is a European Site. The site is also notified at a national level as the Windsor Forest and Great Park Site of Special Scientific Interest (SSSI).</p> <p>The application is required to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered.</p> <p>Natural England is now satisfied with the air quality impacts, the construction environmental management plan to minimise the impact on the environment and the proposed drainage system.</p>	6.5.
Parish Council:	No objection - but agreed with RBWM's comments regarding surface water drainage.	Since the application was originally submitted the applicant has provided amended drawings showing a revised surface water drainage system which is considered to be acceptable.
Historic England:	The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.	6.3.

## Other Consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority:	No objections to the latest revised surface water drainage system.	6.13.
Trees Officer:	No objection. Suggested condition regarding tree retention.	6.14.
Highways Officer:	No objection.	6.15.

Berkshire Garden Trust:	No objection.	6.3
Council's Ecologist:	No objection. Conditions suggested.	6.7-6.12.
Conservation Officer:	No objection.	6.3.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

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

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

## 10. CONDITIONS IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
3. The development shall be carried out strictly in accordance with the Environmental Construction Plan (by ATSS Ltd, submitted 22 September 2016). During the construction phase all the relevant controls (including dust management and pollution run off control) must be in place in order to ensure that there will be no impact on the adjacent site from construction activities. Furthermore, the ecological mitigation measures set out in the Preliminary Ecological Appraisal dated September 2016 shall be carried out and subsequently retained.  
Reason: In the interests of protecting the Great Park Special Conservation Area (SAC) which is also notified as a Site of Special Scientific Interest (SSSI).
4. No materials, machinery or work should encroach onto the SAC/SSSI either before during or after demolition, construction or on-going use.  
Reason: In the interests of protecting the SAC which is also notified as a SSSI.
5. Prior to the substantial completion of the new building, the existing straw barn (shown for removal) shall be completely removed from the site.  
Reason: In the interests of the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2.
6. The applicant's ecology mitigation strategy for the prevention of killing and injury of reptiles during development (which would also protect amphibians, including habitat manipulation under an ecological watching brief and moving of any reptiles (or amphibians) found to suitable areas of the remaining site), shall be strictly adhered to.

Reason: In the interests of biodiversity. Relevant Policies - NPPF paragraph 109.

7. All of the recommendations for biodiversity enhancements made within the ecology report including sensitive lighting and installation of bat boxes onto new buildings shall be fully implemented prior to the substantial completion of the new building and retained/maintained thereafter.

Reason: In the interests of biodiversity. Relevant Policies - NPPF paragraph 109

8. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter.

Reason: Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development.

9. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of completion of development. Any tree works approved shall be carried out in accordance with British Standard 3998 Tree Work - Recommendations. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

10. The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

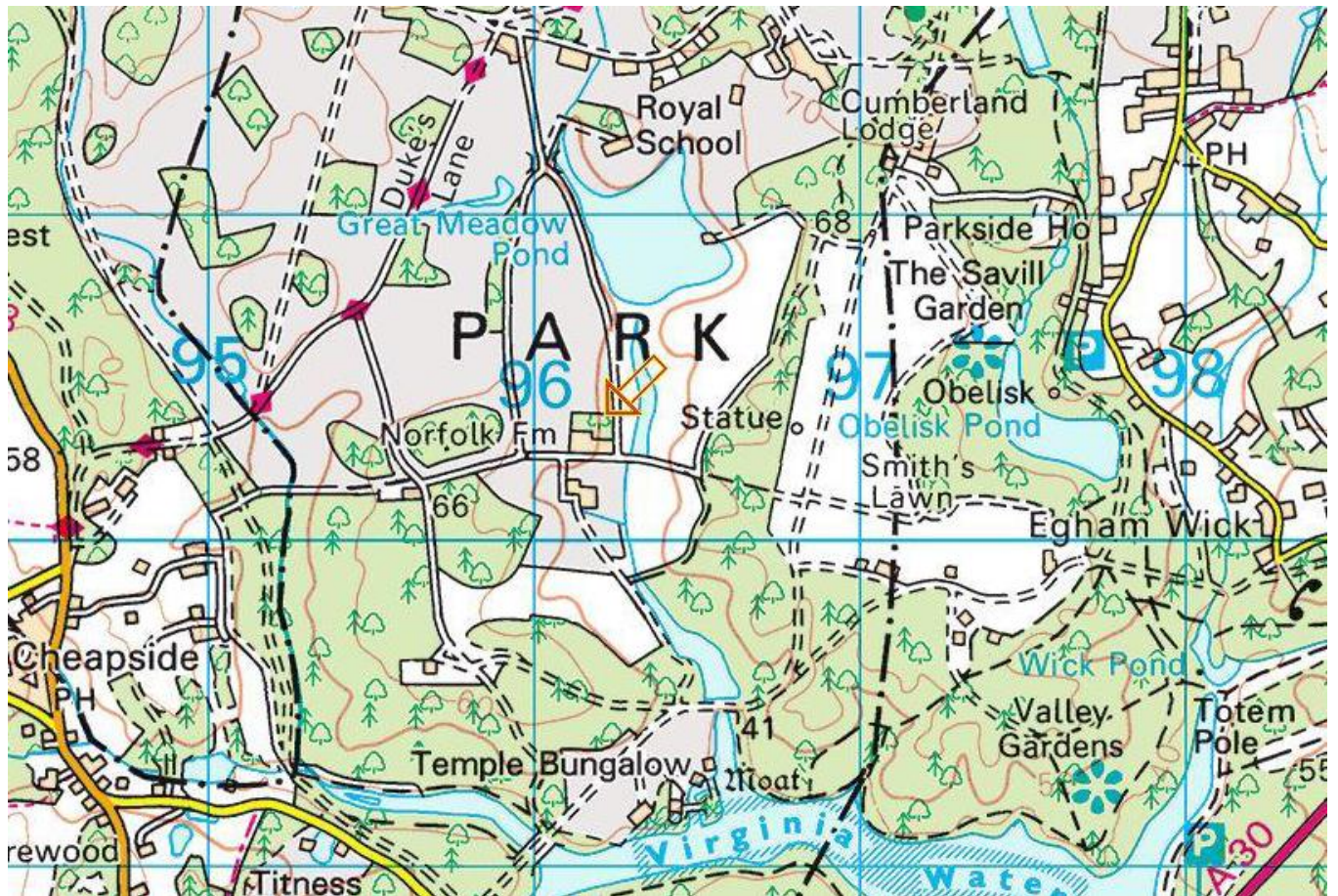
11. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

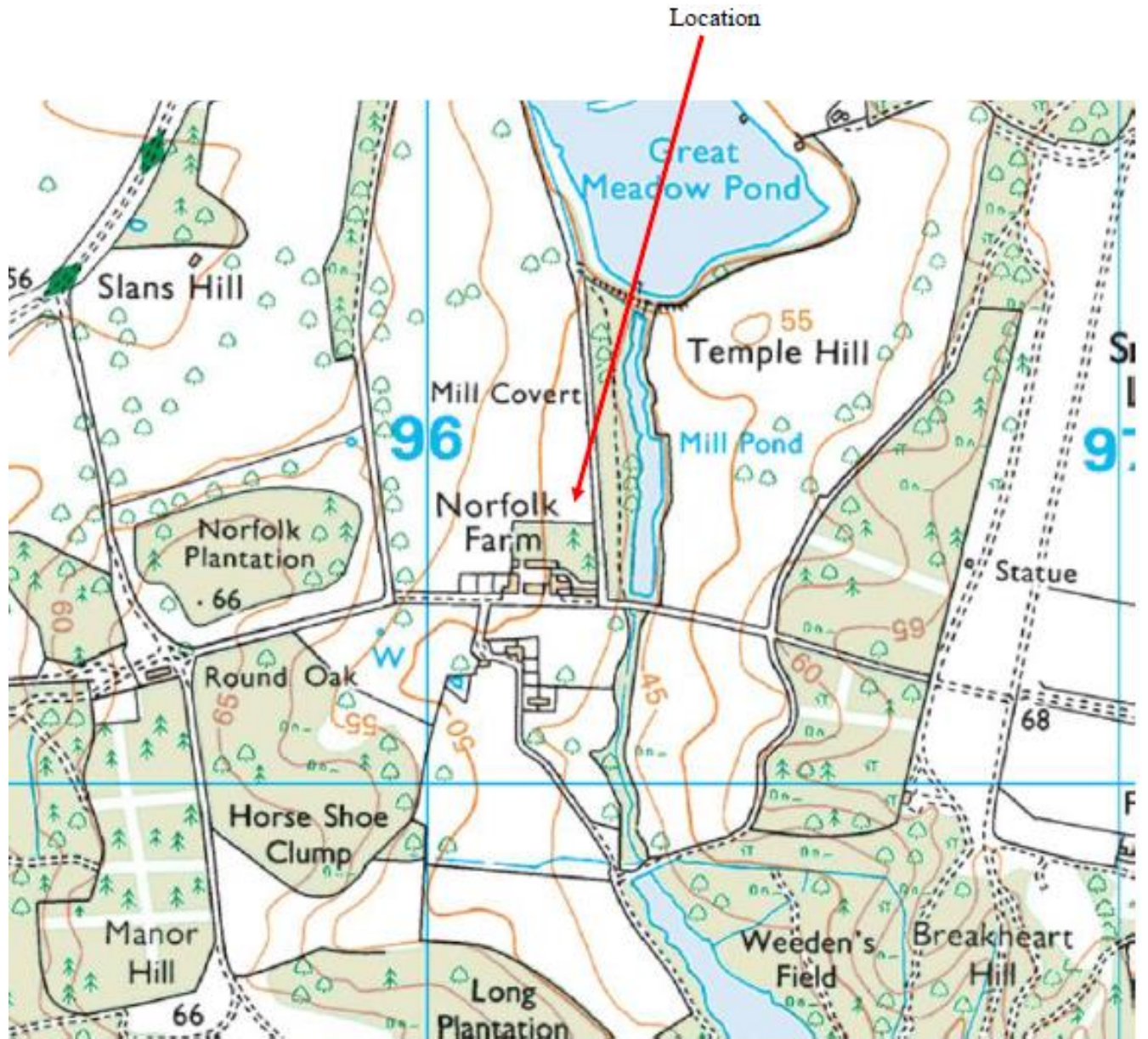
1. Building demolition shall be undertaken outside the breeding bird season (which spans from March to August inclusive) or any nesting bird habitat is to be removed under ecological supervision.

APPENDIX A - 16/01765 – Norfolk Farm, Windsor Great Park





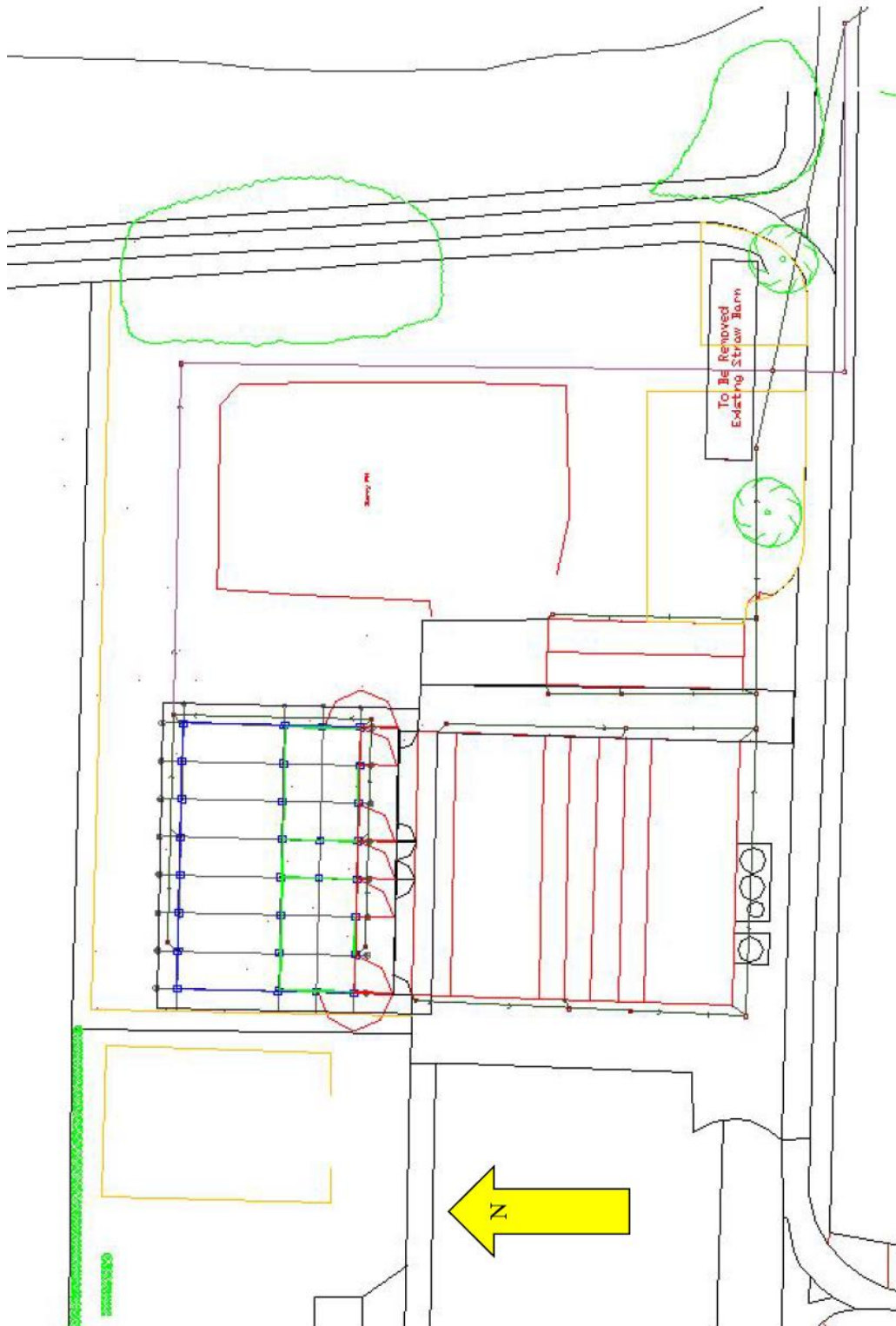
APPENDIX A 16/01765 - Norfolk Farm







APPENDIX B -16/01765 Norfolk Farm









# WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

11 January 2017

Item: 2

**Application No.:** 16/02810/FULL

**Location:** Land At Priory Lodge Priory Road Sunningdale Ascot

**Proposal:** Erection of a detached five bedroom dwelling with attached garage.

**Applicant:** Mr Scott

**Agent:** Mr Andrew Gorse

**Parish/Ward:** Sunningdale Parish/Sunningdale Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

## 1. SUMMARY

This application was reported to Panel on the 14<sup>th</sup> December 2016, where Panel resolved to defer the application for a site visit to the application site and to neighbouring properties. There is no change to the recommendation of the main report.

### Original Report

- 1.1 The proposal is considered to be in keeping with the pattern of development in this area, and whilst the proposal may not be typical of the general characteristics of 'Villas in a Woodland Setting', in this case the scale and form of development is not considered to be out of keeping with dwellings in the local area, and complies with Policy NP/DG1.2 of the Neighbourhood Plan.
- 1.2 The new dwelling would be visible from neighbouring properties, however, it is not considered that the proposed dwelling would result in unacceptable levels of overlooking, be unduly overbearing or result in a significant loss of light to neighbouring dwellings.
- 1.3 The site is within the 400 metre zone of the Thames Basin Heaths Special Protection Area. Within this zone any development that constitutes a net increase in residential dwellings (class C3) is prohibited within this zone. In this case, it is proposed that two flats on Chobham Road will be converted back into one dwelling as mitigation for this increase in residential unit. As such this will result in no net increase in dwellings within the exclusion zone, and so there should not be an increase in recreational disturbance to the Thames Basin Heaths SPA.

### It is recommended the Panel authorises the Head of Planning:

- |    |                                                                                                                                                                                                                                                                                                    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure suitable mitigation for the impact on the Thames Basin Heaths Special Protection Area, with the conditions listed in Section 10 of this report.                                                            |
| 2. | To refuse planning permission if an undertaking to secure the mitigation for the impact on the Special Protection Area is completed by the 20 <sup>th</sup> January 2017 for the reason that the development would have an unacceptable impact on the Thames Basin Heaths Special Protection Area. |

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson if recommendation of the Head of Planning is for the reason that the scheme will have an adverse impact on the character of the area and on neighbouring amenity.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises an area of land to the rear of Priory Lodge. There is an outbuilding on the site, and the site is partly overgrown. Looking at the planning history for Priory Lodge, this land formed part of the garden to Priory Lodge (situated to the south west of the application site). Trees are situated along the boundaries of the site. Access is gained to the site off a private



access road which also serves Ashbury House. The site within the 'Villas in a Woodland Setting' according to the Townscape Assessment.

3.2 The site is situated within 400 metres of the Thames Basin Heaths Special Protection Area.

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

Reference	Description	Decision
10/02174/OUT (Priory Lodge)	Outline permission with some matters reserved for the construction of a replacement detached house.	Granted on 25/08/11.
11/01758/OUT	Outline application (with appearance, landscaping, layout and scale reserved) for the construction of a replacement detached dwelling with attached garage.	Granted on 25 <sup>th</sup> August 2011.
12/01342/REM (Priory Lodge)	Reserved Matters application pursuant to outline planning permission 11/01758 for the construction of a replacement detached dwelling with attached garage.	Approved on 10/07/12.
16/00340/FULL (for the application site).	Erection of detached four bedrooms dwelling with attached garage.	Withdrawn on the 11 <sup>th</sup> May 2016.

4.1 Planning permission is sought for the erection of a detached dwelling with attached garage on land to the rear of Priory Lodge. The application site would have once formed the garden to Priory Lodge, but this has been separated off with the planting of trees.

4.2 Amended plans were received which shows a reduction of the depth of the garage, in response to concerns raised by the case officer. As there was no increase in height, and it would not increase the proximity of the proposed dwelling to neighbouring dwellings, it was not considered necessary to re-consult neighbours on the amended plans. The proposed dwelling would be 8.6 metres in height. The dwelling would have a low eaves height on the front elevation. The dwelling would be finished in red facing brickwork and Tudor boarding with render panels.

4.3 An access road would be laid down to the front of the site. The scheme retains spacing between the side boundaries and the proposed dwelling, and the rear garden area would have a depth of over 20 metres. Priory Lodge would retain a garden depth of circa 21 metres.

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

5.1 National Planning Policy Framework Sections:

Section 17 - Securing a good standard of amenity for all

Sections 61 and 64 - Design

Section 118 - Biodiversity

##### Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H11	P4, 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)

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## **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

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)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Impact on neighbouring residential amenity;
- iii Parking and Highway Safety;
- iv Impact on the Thames Basin Heaths Special Protection Area

### **Impact on the character and appearance of the area**

6.2 In looking at the pattern and form of development in the area, it is evident that dwellings along Priory Road do not follow a set building line and that dwellings are set back from this road, such as Ashbury House and Home End. It is not considered the proposed dwelling would appear out of keeping with the pattern of development in this area.

6.3 Looking at the form and level of development proposed, it is acknowledged that the building to plot ratio will be higher than surrounding plots, but not significantly for it to be out of keeping with the character of the area. The development would allow for a rear garden area with a depth in excess of 20 metres, which is similar to other garden depths in the area, and gaps ranging between 2 to 5 metres would be retained between the proposed dwelling and site boundaries, which is considered to be adequate spacing. The proposal is considered to accord with Policy NP/DG1.2 of the Neighbourhood Plan. There are trees on site, but none of these are protected. One tree is shown for removal, and the loss of this tree is considered to be acceptable. A condition for landscaping (see condition 6) is recommended, and it is considered new tree planting can be incorporated into such a scheme.

6.4 It is acknowledged that the application site formed part of the garden to Priory Lodge; the approved plans for the replacement dwelling at Priory Lodge (reference 12/01342), show this land as part of a garden area for this dwelling, however, the proposed subdivision of the plot would allow for Priory Lodge to retain a garden in excess of 20 metres in depth, which is considered to be in keeping with the area. It is considered that the scheme would meet the requirements of Policies NP/DG1 policies NP/DG1, NP/DG2 and Policy NP/EN3.

6.5 Turning to the appearance of the dwelling, there is a mix of styles of dwellings in the area, and it is considered that the appearance of the dwelling, with the use of front gables and dormer windows has an acceptable impact on the character and appearance of the area.

### **Impact on neighbouring residential amenity**

6.6 Measuring from a plan previously approved for Home End (reference 10/00347) and from OS maps, the dwelling known as Home End is 17 metres off the application site boundary (at the closest point). As the proposed dwelling is sited further forward than the dwelling at Home End, there would be a conflict with the 45 degree light angle from the habitable room windows at Home End, but given the distance (over 17 metres) between Home End and the proposed

dwelling, it is not considered that there would be an unacceptable reduction in daylight to any habitable room windows in Home End. In respect of the impact on the garden area of Home End, the proposed dwelling will be visible from the garden area of this dwelling, however, Home End has a large garden area and so it is not considered that the dwelling would be unduly overbearing to this garden area or would result in an unacceptable loss of light.

- 6.7 There are side facing windows in the proposed dwelling which would face the garden area of Home End, however a condition (see Condition 10) is recommended to ensure these have a top opening and are obscurely glazed in order to prevent unacceptable overlooking into this garden. The windows in the rear elevation of the proposed dwelling would provide limited views to the garden of Home End, but because this elevation is angled away, the views provided would not be unacceptable to warrant refusal on this ground. .
- 6.8 Turning to the impact on number 114 Chobham Road (Hope Cottage) (to the North-east), the proposed dwelling would face number 114, however, with a distance ranging from 20 to 26 metres between the rear elevation of the proposed dwelling and the boundary with number 114, it is not considered that the dwelling would result in unacceptable levels of overlooking, reduction in daylight or would be unduly overbearing to this garden or the dwelling. The application site is at a higher level than the ground at Hope Cottage, but the changes in ground levels are not considered to be so significant that the dwelling would be elevated above this neighbouring land. A condition is recommended to secure details of existing and proposed ground levels and the finished slab level (see condition 3).
- 6.9 In respect of Ashbury House (to the north-west), the proposed dwelling would be sited over 12 metres from the elevation which faces the application site. This distance is considered suffice for there not to be an unacceptable reduction in daylight to windows in this dwelling. In addition, the area to the front of Ashbury House that the proposed dwelling would impact the most is the driveway area, which is not a private amenity space. The impact on this dwelling is considered to be acceptable.

### **Parking and Highway Safety**

- 6.10 The construction of a 5 bedroom dwelling has the potential to generate between 10 – 20 vehicle movements per day. The proposal would be accessed by the existing private drive, which provides sufficient visibility splays in each direction when exiting the site onto Priory Road. The scheme is considered to have an acceptable impact on highway safety.
- 6.11 The scheme would allow for at least 3 car parking spaces to be provided on site, which meets the Council's parking standards as set out in the Council's Parking Strategy.

### **Impact on the Thames Basin Heaths Special Protection Area**

- 6.12 The site is situated within 400 metres of the Thames Basin Heaths Special Protection Area (SPA). Within this zone any development that constitutes a net increase in residential dwellings (class C3) is prohibited within this zone. In this case, it is proposed that two flats on Chobham Road will be converted back into one dwelling as mitigation for this increase in residential unit. It was established under reference 16/00336/CPD that planning permission was not required for this conversion. As such this will result in no net increase in dwellings within the exclusion zone, and so there should not be an increase in recreational disturbance to the Thames Basin Heaths SPA.
- 6.13 Natural England is satisfied with this mitigation, provided that a S106 legal agreement is entered into to secure this mitigation, and subject to planning conditions. The S106 is currently being progressed, but at the time of writing has not been completed, but looks to secure the conversion of the 2 flats to 1 dwelling for the lifetime of the development through the use of appropriate clauses. It is recommended that planning permission is only granted, when the Council is in receipt of the completed s106 which achieves satisfactory mitigation.

### **Other Material Considerations**

#### Housing Land Supply

- 6.14 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.15 Planning permission would be required for a third storey to the dwelling, and this proposal has to be considered on its merits.
- 6.16 Reference is made to an appeal decision at Woodlands Ride; however, this road is not in the vicinity of the application site. Notwithstanding this, each application should be considered on its merits.
- 6.17 Reference is made to planning permission granted at Ashbury House, and the fact that conditions were imposed to restrict further windows being inserted in the north-east elevation and for windows to be obscurely glazed (planning reference 03/84533). However, each application must be considered on its own merits; Ashbury House is sited closer to the boundary with number 114 (5-6 metres at the closest point) through to 11 metres, and the proposed dwelling in this case provides a larger separation distance with the boundary to number 114 (20 metres off the boundary).
- 6.18 Reference is made to the fact that there is clay soil in the area which would prevent planting to be put in on the boundaries to prevent overlooking, however, certain trees and shrubs will be able to be planted in the clay soils. Notwithstanding this, the relationship with neighbouring properties is deemed to be acceptable.
- 6.19 Dust and noise pollution from the construction process is not relevant to the planning assessment.
- 6.20 The neighbouring properties have been drawn using OS data, and although they may not be completely accurate, there is no requirement for this to be provided).
- 6.21 The replacement dwelling at Priory Lodge was deemed acceptable at the time of consideration. The acceptability of the sub-division of the plot needs to be assessed under this application.
- 6.22 Policy NP/H2.2 of the Neighbourhood Plan does not resist the loss of small units; it encourages new small and medium sized houses (if it is in keeping with the character of the area).
- 6.23 Reference is made to contravention of Human Rights, in terms of contravention to the right to a private family as result overlooking from the scheme. However, an assessment on the impact of amenity on the neighbouring dwellings, and it is considered to be acceptable.
- 6.24 A condition is recommended to secure details of construction vehicles to be used.
- 6.25 It would not be reasonable for the LPA to impose a condition for the developer to give notice to the access road owner of when construction vehicles will go on site, or for the road to be re-instated if damaged; these are private matters.
- 6.26 A condition for details of external lighting is recommended (see Condition 11).

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

- 7.1 The proposal is CIL liable but would attract an exemption if the applicant claims a self-build exemption. In the absence of a self-build exemption the CIL liability, based upon the chargeable residential floor area (£240/per sq.m) would be circa £99,840.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

10 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on the 19<sup>th</sup> September 2016 and 10 properties were directly notified.

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

Comment	Where in the report this is considered
1. This is backland development which is uncharacteristic of the area. This is a green space and in effect the rear garden for Priory Lodge.	6.2-6.5.
2. The applicant refers to Ashbury House, but this dwelling was granted permission more than 10 years before the Neighbourhood Plan. The planning context is different now.	6.2-6.5.
3. The roof height is such that it would allow for a 3 third storey to be added.	6.15.
4. The building's mass and bulk will be across a significant proportion of the site and in combination with the hardstanding will be dense and over dominant- conflicts with Policy NP/DG1 and NP/DG2.	6.2-6.5.
5. The new dwelling will overlook Home End and its garden, and the balconies will result in unacceptable levels of overlooking.	Only Juliette balconies are proposed. See 6.6-6.7.
6. The new dwelling will overshadow the garden, swimming pool and patio.	6.6-6.7.
7. Refers to an appeal decision at Woodlands Ride, where it states: 'Principle attributes of residential amenity for people living in this locality and their reasonable expectation for these to be protected, is that outlook should be extensive and/or sylvan and privacy should be safeguarded'.	6.17.
8. A BRE assessment should be undertaken and the application should be delayed until this is done (to assess impact on Home End). Concern over significant loss of daylight and sunlight to windows, and overshadowing to the garden and pool.	6.6.
9. Development will cause noise and dust pollution to Home End.	6.20.
10. The footprint to plot ratio is greater than surrounding plots and the garden space is more limited.	6.2-6.5.
11. Development will erode the spaciousness of the area.	6.2-6.5.
12. Limited space between the new dwelling and boundaries is limited and will allow for limited landscaping and tree planting.	6.3.
13. Detriment to highway safety on Priory Road and danger to pedestrian safety.	6.10.
14. Home End is not shown accurately on the site plan, and so the impact will be worse.	6.21.
15. The replacement dwelling at Priory Lodge was only allowed because of the size of the plot; granting this would defeat the purpose of this permission.	6.22.
16. Backland development conflicts with Policy NP/EN3- gardens.	6.4.
17. It would allow to oversized dwellings on a plot meant for 1.	6.2-6.5.
18. Dwelling bears no resemblance to those surrounding it.	6.2-6.5.
19. Converting the flats at 136 and 138 Chobham road to a dwelling would contravene policy NP/H2.2 by removing flats from the market.	6.23.
20. The new build would be extremely close to Hope Cottage- direct overlooking into their lounge, kitchen and garden.	6.8.
21. Site slopes down towards Hope Cottage which further exacerbates the overlooking and the building will overshadow the garden.	6.8.
22. Development contravenes Human Rights, in respect of the right to private family life, and this scheme would breach it because of overlooking.	6.24.

23.	Concerns that the conversion of 2 flats into one house will mitigate against the impact on the SPA of this large detached dwelling.	6.12-6.13.
24.	Narrow private road- will make it difficult for construction vehicles to get in.	6.25.
25.	Owner of the access track wants a condition imposed to ensure the developer gives notice for construction vehicles and the road being re-instated if damaged.	6.26.
26.	Concerns over the impact on any external lighting on the amenity of Hope Cottage- experience issues from lighting at priory lodge.	6.27.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	<p>The proposed site is within the Thames Basin Heaths SPA 400m exclusion zone. Any development that constitutes a net increase in residential dwellings (class C3) is prohibited within this zone. In this case, it is proposed that in addition to the building of a new dwelling in Priory Road, two flats in nearby Bridge Road will be converted back into one dwelling. This will result in no net increase in dwellings within the exclusion zone, so there should not be an increase in recreational disturbance to the Thames Basin Heaths SPA.</p> <p>Natural England advises that the proposal to combine two flats into one dwelling, while constructing the proposed single unit in Priory Road, is acceptable, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- The above would constitute a direct swap of one C3 unit for another, and this would require securing within an appropriate S106 agreement between the developer and The Royal Borough of Windsor and Maidenhead Council.</li> <li>- Both the new dwelling and the flats to be converted must be within the Thames Basin Heaths SPA 400m exclusion zone and be straightforward C3 developments.</li> <li>-The conversion of the two flats on Bridge Road into one dwelling must be completed before the new property in Priory Road is occupied.</li> <li>-The two flats on Bridge Road to be converted into one dwelling must remain as one residential unit for the lifetime of the development, without any subsequent sub-division; the same applied to the new dwelling on Priory Road.</li> </ul> <p><u>Additional comments in response to the flats being on Chobham Road, not Bridge Road</u></p> <p>We would be happy with this arrangement as long as the conditions stated in our consultation response were also secured.</p>	6.12-6.13.

## Other consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objection- the size of the building to plot ratio is not in keeping with area. Proximity of development to SPA, the applicant has no tree report. Development is not in keeping with the character of the area, and would overlook neighbours.	See main report.
SPAE	The site is in 'Leafy Residential Suburbs' and this is a form of backland development. New dwelling will overlook number 114 Chobham Road and impact on other neighbouring dwellings. Backland development which is not acceptable in this townscape. The comparisons to other dwellings in the area are not relevant as they pre-date the neighbourhood Plan. Plot ratio is greater than surrounding plots.	See main report. (Site is within Villas in a Woodland Setting, but is close to the designation of Leafy Residential Suburbs).
Highway Authority	No objections, subject to the submission of a Construction Management Plan and details of the parking layout to be submitted.	6.10-6.11.
Neighbourhood Plan Group	Reference is made to Asbury House- this was built in 2003- the planning context is very different now.  Site is situated in 'Leafy Residential Suburbs' Scheme will diminish green space on site.  Development will overlook number 114 Chobham Road because of sloping land, and position of balconies.  The dwelling is bulky, and combined with hardstanding is over development – not in keeping with the character of the area. Reference to appeal decision at Woodlands Ride Space between boundaries is very limited and would not allow for soft landscaping. Garden amenity area is too small – conflict with NP/DG3.2.	See main report. (Site is within Villas in a Woodland Setting, but is close to the designation of Leafy Residential Suburbs).

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Elevations
- Appendix C - Floor Plans

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

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. Prior to the construction of the dwelling hereby approved, samples of the materials to be used on the building shall be 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.Neighbourhood Plan Policy NP/DG3

3. No development shall take place until a detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside the application site (No 114 Chobham Road), have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.  
Reason: In the interest of the visual amenities of the area. Relevant Policy - Local Plan DG1.
4. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a photographic highway condition survey of the shared access road. 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.
- 5.. Prior to the construction of the dwelling hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and 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. Neighbourhood Plan Policy NP/DG3.
6. Prior to the first occupation of the dwelling hereby approved, details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
7. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
8. 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 prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1. Neighbourhood Plan Policies NP/DG1, NP/DG3
9. The first floor window(s) in the south-east (side) elevation(s) of the dwelling 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. No further windows shall be inserted in this elevation at first floor level. No windows shall be inserted in the north-west elevation at first floor level.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with the requirements of the National Planning Policy Framework.

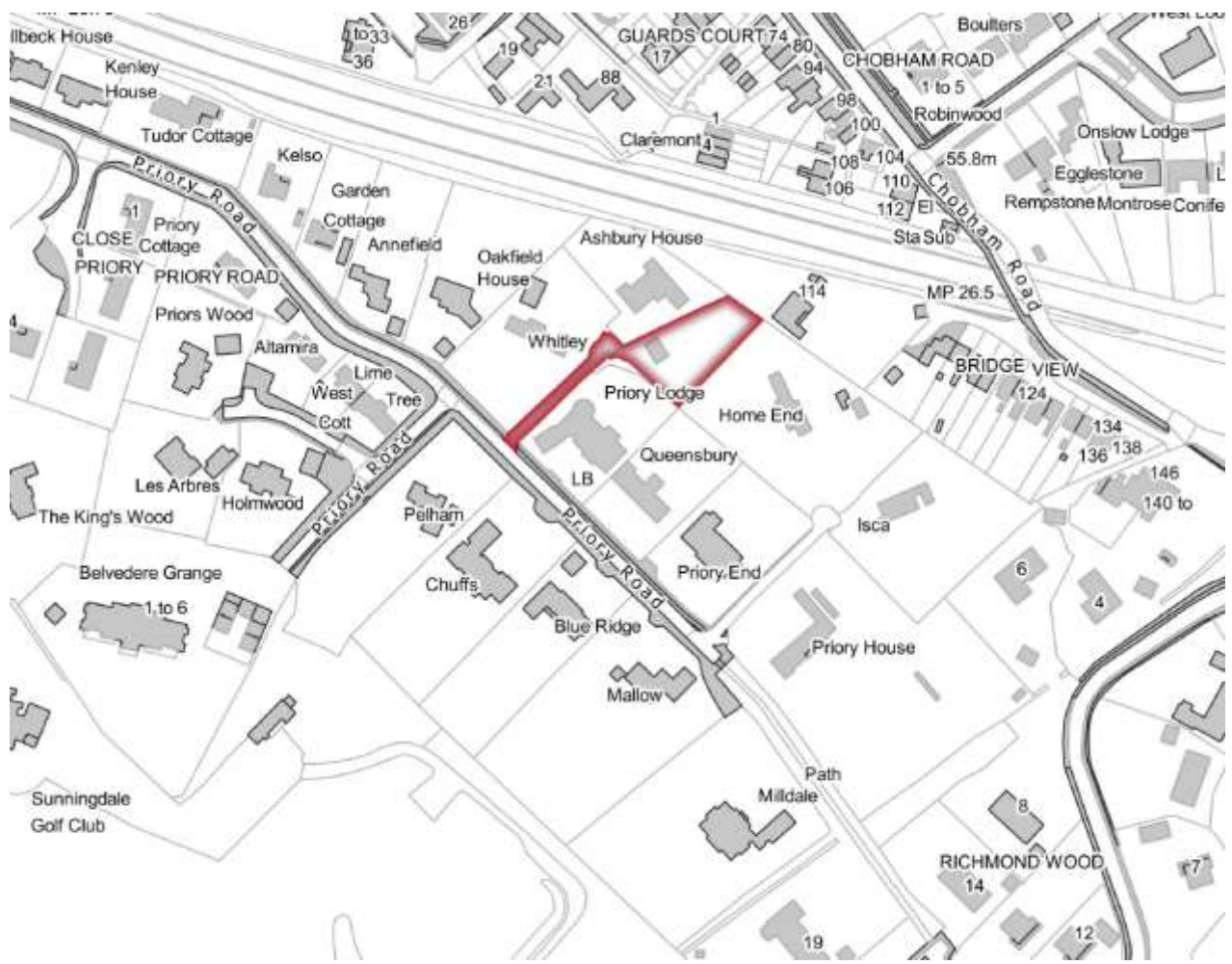
10. Prior to the installation of any external lighting for the proposed development, details (including positioning, type and lux levels) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1

11. The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

**Appendix A- Site location plan**



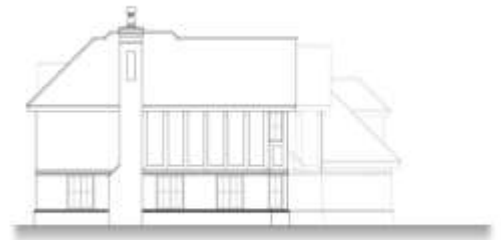
**Appendix B- Proposed Layout**



## Appendix C- Floor Plans and Elevations



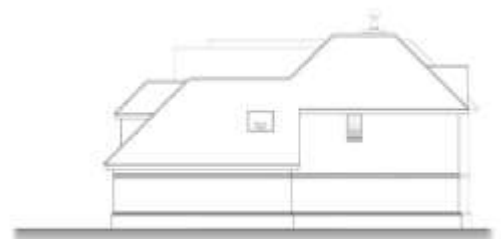
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



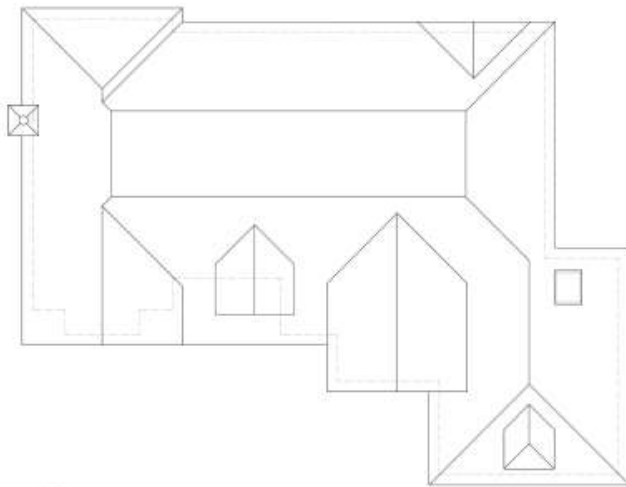
SIDE ELEVATION



**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**



**ROOF PLAN**

NB: ROOF PLAN DOES NOT SHOW EAVES OVERHANG

## WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

11 January 2017

Item: 3

<b>Application No.:</b>	16/03142/FULL
<b>Location:</b>	Rosedale 54 Albany Road Old Windsor Windsor SL4 2QA
<b>Proposal:</b>	Erection of a pair of 3 bedroom semi-detached houses with associated parking and landscaping, following demolition of all existing buildings.
<b>Applicant:</b>	Jordan Construction Limited
<b>Agent:</b>	Miss Ellen Kendrick
<b>Parish/Ward:</b>	Old Windsor Parish/Old Windsor Ward

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

### 1. SUMMARY

This application was reported to Panel on 14th December 2016, where Panel resolved to defer it in order for Councillors to carry out a site visit and for further information. The report has been updated to reflect the 'Panel Update' report of the 14th December 2016.

#### Original Report

- 1.1 The proposed development is considered to be of good design and would have an acceptable impact on the character and appearance of the street scene and surrounding area.
- 1.2 It is considered that the single storey elements to the rear of the proposed dwellings would have an acceptable overbearing impact on the gardens of adjoining neighbours.
- 1.3 The proposed dwellings would increase the ground covered area of the site by more than 30sqm and the proposal is therefore contrary to policy F1 of the Local Plan. Voids are proposed as a means of flood compensation; however, policy F1 sets out that voids/pier foundation will not be acceptable as a means of overcoming an objection to a proposal on the grounds of policy F1. It is considered therefore that the proposed development would have an unacceptable impact on local flooding and flood risk. The application has been deferred by Councillor's who have asked for more information on when and why voids have been accepted in the past. An assessment of this will be set out in an update report.
- 1.4 It has also not been demonstrated that the proposal would provide wider sustainability benefits that outweigh flood risk. The proposal therefore fails to pass the exceptions test and is contrary to paragraph 102 of the National Planning Policy Framework.
- 1.5 Sufficient on site car parking and cycle storage has been shown to be provided for each dwelling. A revised refuse storage plan would be necessary should the application be approved.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <b>The proposed development would increase the ground covered area (GCA) on the site by 92sqm above the existing dwelling, which is in excess of the 30sqm permitted under Local Plan Policy F1. It has not been demonstrated that the necessary flood compensation can be provided for this increase in GCA and as such the proposed development would impede the flow of flood water, reduce the capacity of the flood plain to store water and increase the number of people and properties at risk from flooding. The proposal therefore fails to comply with Policy F1 of the Local Plan and Paragraph 102 of the National Planning Policy Framework.</b> |
| 2. | <b>It has not been sufficiently demonstrated that the proposed development would provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore fails to pass the exceptions test and is contrary to paragraph 102 of the National Planning Policy Framework.</b>                                                                                                                                                                                                                                                                                                                                                     |

## 2. REASON FOR PANEL DETERMINATION

- This application has been deferred from the previous Windsor Rural Panel on the 14<sup>th</sup> December 2016 for a Members site visit and Councillors also requested that more information be provided on when and why voids have been accepted as a means of flood compensation for previous developments since 2014. This will be provided in an update report. The application was originally called in at the request of Councillor Beer due to local concerns over the impact on the street scene and flooding.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on Albany Road, Old Windsor and comprises a detached two storey dwelling, with detached outbuildings to the rear. Parking is provided on a driveway to the side (south) of the site. The site lies largely within Flood Zone 3 (High Risk). The surrounding area comprises of residential properties of a variety of difference styles and forms, including detached, semi-detached and terraced properties. 56 Albany Road, which abuts the property on its southern side, has a 2 storey rear extension, and number 52, directly to the north, has a single storey rear extension.

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

- 4.1 The proposed development is to demolish an existing 3 bedroom, 2 storey dwelling which is approximately 7.4 metres tall and an eaves height of 5.7 metres. This existing dwelling will be replaced a pair of new 3 bedroom semi-detached dwellings. Each dwelling will mirror the other in appearance and will have an overall ridge height of 9 metres, owing in part to the raised floor levels which are approximately a metre above ground level and 300mm above the predicted flood level. Each dwelling has an eaves height of 6.2 metres. It is proposed to open up the frontage of the site in order to provide vehicular access to both dwellings and each dwelling will be provided with 2 onsite parking spaces which are in accordance with the Borough's parking standards. A cycle shed for 2 bicycles will also be provided and refuse storage areas have been proposed (which are currently substandard).

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

- 5.1 National Planning Policy Framework Sections:

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design; and

Section 11 - Meeting the challenge of climate change, flooding and coastal change.

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flooding	Aircraft noise
DG1	P4, T5	F1	NAP2

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)

### Supplementary planning documents

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

- Interpretation of Policy F1 – Areas liable to flooding
- Planning for an ageing population
- Sustainable design and construction

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)

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

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)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The impact on the character of the area
- ii The impact on neighbour amenity
- iii The impact on flooding
- iv The impact on parking and highway safety

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

6.2 The appearance of a development is a material planning consideration. Local Plan Policy H11 identifies that in established residential areas, planning permission will not be granted for schemes that introduce a scale of density of new development, which would be incompatible with or cause damage to the character and amenity of the area. In addition, Local Plan Policy H10 identifies that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas, and where possible, to enhance the existing environment.

6.3 The application site is located within a residential area with a variety of different styles and forms of dwellings, including detached, semi – detached and terraced properties. There is currently a sizeable gap between the house at number 54 Albany Road and the adjacent property at number 56; however, this is not characteristic of the street scene with much smaller gaps evident between most properties. There is no objection in principle therefore to the loss of this gap. The design of the proposed dwellings are considered to be acceptable in the context of the surrounding area and a street scene plan has been submitted which shows that the height and scale of the proposed dwellings would be compatible within the street.

6.4 A parking area is proposed to the front of the site similar to a number of other sites in the street and landscaping has been proposed which improves the appearance of the proposed parking areas. The properties are raised up with steps leading to the front doors; however, it is not considered that this significantly impacts on the street scene, especially given that the overall height and eaves height of the proposed dwellings are similar to other properties in the street.

### **The impact on neighbour amenity**

6.5 The existing building on site is built within 2 metres of number 52 and has a height of 7.4 metres; although the proposed dwellings would have an increased height of 9 metres this separation distance will remain similar. It is not considered therefore that any side windows of this property would be significantly impacted. To the other side there is currently a separation of over 8 metres between number 54 and number 56. Number 56 has recently had a two storey rear extension approved and this has been implemented. This property has no ground floor side windows and



the first floor side windows are either to non habitable rooms or are secondary windows. There is a side facing bedroom window; however, there are also rear facing windows which provide light to this room. As this window is within an extension it is also afforded less weight than had it been an original window. The neighbour at number 56 has also raised concerns that the proposed dwellings would cause a loss of light to their side facing dormer windows. These dormer windows were approved at the same time as the 2 storey rear extension, however, have not been implemented. There is no guarantee that these dormers will be implemented and the current proposal needs to be assessed in relation to the existing situation. Notwithstanding this it appears that the 25 degree light angle test would be complied with and as such I am confident that the impact on these dormers would be acceptable.

- 6.6 Amended plans have been submitted which remove the single storey rear projection from both proposed dwellings. Following their removal the proposed dwellings will now project only 1.5m and 0.5 metres beyond numbers 56 and 52. The projection is 2 storeys tall, however, there is a separation distance of 1 metre to both side boundaries and this is considered sufficient to avoid a significant overbearing impact.

### **The impact on flooding**

- 6.7 The site is located within Flood Zone 3 (High Risk). This Zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). Paragraph 100 of the National Planning Policy Framework (NPPF) states that 'Inappropriate development' in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'. Development proposals in Flood Zone 3 should be accompanied by a Flood Risk Assessment (FRA). Local Plan Policy F1 identifies that within the flood plain development will not be permitted for new residential development, unless it can be demonstrated that the proposal would not of itself, or cumulatively in conjunction with any other development, impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people at risk from flooding.

### Sequential Test

- 6.8 A sequential assessment was submitted with the application and an additional technical note was submitted on the 25<sup>th</sup> November. The Environment Agency does not assess the sequential test and it is for the Local Planning Authority to satisfy itself that this test has been passed. The submitted sequential assessment demonstrates that of the 134 sites assessed, 9 are sequentially preferable, do not have other significant constraints to development and are of a scale appropriate for the proposed development. However of these 9 sites, 7 of them have recently been developed and the other 2 are currently being developed and are not therefore reasonably available for the proposed development. It is considered that the sequential test has been passed.

### Exceptions Test

- 6.9 If it is not possible for development to be located in an area with a lower probability of flooding it is necessary for the exception test to be passed as well. In order to pass this test it must be demonstrated that (1) the development would be safe for its lifetime, taking into account the vulnerability of its users and (2) that the development provides wider sustainability benefits to the community that outweigh flood risk.

- 1) The finished floor levels of the proposed dwellings are, in accordance with Environment Agency advice, to be set 300mm above the predicted fluvial flooding levels for the site. Details have also been submitted which demonstrate that flooding from other sources of flooding can be successfully managed and flood resilience and resistance measures such as raised electrical circuits, sockets and switches have been considered. An additional document was submitted on the 25<sup>th</sup> November which demonstrates that a low hazard escape route will be available in the event of a flood by taking the route to the north along Albany Road where the hazard rating would not exceed 0.58. It is considered therefore that this element of the exceptions test has been passed.

- 2) The agent has put forward a list of the wider sustainability benefits that would be provided as a result of the proposed development. These are set out below. The benefits put forward would either carry no weight or limited weight as material considerations and therefore the wider sustainability benefits have not been demonstrated to comply with NPPF policy.

<b>Wider Sustainability Benefit</b>	<b>Officer Response</b>
The development will result in a net increase in flood storage volume capacity compared to the existing situation, which is a material benefit for other properties along Albany Road in the unlikely event of a flood.	<p>The Council's SPG on Flooding and supporting text to Policy F1 of the Local Plan sets out that voids/pier foundations are not an acceptable means for overcoming an objection in Policy F1 terms as they can become blocked. Therefore, there will not be an increase in flood storage capacity. There will be a greater amount of built form in the flood plain which will reduce flood storage capacity and affect the free flow of water during a flood.</p> <p>The argument put forward by the applicant should be afforded no weight because of the requirements of Policy F1 of the Local Plan and the SPG on Flooding.</p>
Provide a windfall housing site to assist in the Council in meeting the Borough-wide shortfall in housing land, particularly in the absence of an up-to-date Local Plan.	The contribution of 1 house is not significant and does not therefore outweigh flood risk. It should be afforded very limited weight.
Provide new housing in a sustainable location close to local amenities and facilities.	It is expected that all new housing should represent sustainable development and this is not therefore a wider sustainability benefit specific to this application that would outweigh flood risk. The case put forward by the applicant should be given very limited weight.
Provide employment and subsidiary benefits through the construction phase.	This is not a wider sustainability specific to this application and any benefit to employment would not be very significant from the construction of 2 dwellings, so this is afforded very limited weight.
Provide contributions towards public funds through Council Tax and the New Homes Bonus.	Such payments would not make the development acceptable in planning terms, so this should be afforded very limited weight as 'local financial considerations'.
Provide environmental improvements to the character of the existing streetscene.	Good quality design is expected of all new development in accordance with section 7 of the National Planning Policy Framework. The argument put forward is afforded very limited weight.
Provide a more environmentally sustainable development than that which currently exists on the site.	The development might be brought more in line with current sustainability requirements of Building Regulations. This is afforded very limited weight.
Provide new and improved replacement housing without increasing flood risk elsewhere.	It is considered that the proposed development will increase flood risk elsewhere. See reason for refusal 1. No weight is afforded to this given the

- 6.10 The existing dwelling has a footprint of 65sqm; the proposed dwellings would have a combined footprint of 157sqm. The proposed development would therefore result in an increase in ground covered area of 92sqm, well in excess of the 30sqm allowed under policy F1. A number of outbuildings with a combined footprint of 78sqm are proposed to be replaced with a smaller shed for each garden; however these buildings are of floodable construction and have not therefore been included in the ground covered area calculations. In order to offset the increase in ground covered area it is proposed to raise the finished floor levels to 18.77 AOD which is 300mm above the predicted fluvial flood level for the site. Underfloor voids will then be included to allow for the free flow of water below the dwellings. Policy F1 of the RBWM Local Plan however, makes it clear that underfloor voids/pier foundations are not acceptable as a means of overcoming an objection to a proposal on the grounds of policy F1 as they can become blocked either by domestic effects or flood debris. Without an acceptable means of flood compensation it is therefore concluded that the proposed development would increase the number of people or properties at risk of flooding by impeding the flow of flood water and reducing the capacity of the floor plain to store water. The proposal therefore fails to comply with policy F1 of the RBWM Local Plan.

### **Impact on parking and highway safety**

- 6.11 The site currently benefits from having an existing vehicular access off Albany Road. Due to vehicles, being allowed to park along both sides of the road the visibility splays are at times substandard. The plans provided show that a new vehicular access will be constructed across the entire width of the site which is approximately 14.5m. It is believed that this will slightly improve the visibility splays; however, the hedging to the front of the site should not exceed 600mm from carriageway level.
- 6.12 The 2 proposed 3 bedroom dwellings generate a need for 4 parking spaces (2 per dwelling). The submitted drawings show that these will be provided to the front of the site and will comply with the Local Authorities current standards. It is considered that no parking permits should be allocated to the new dwelling should a residential parking permit scheme be introduced in the future. This could be secured by condition should the application be approved.
- 6.13 No details have been provided with regards to the reposition of the lamp column. A new position will need to be agreed with the Borough's street lighting engineer.
- 6.14 Insufficient space has been provided for the necessary refuse bin storage. Should the application be approved a condition will be necessary to ensure a revised refuse storage plan is submitted.
- 6.15 A cycle shed is to be provided for each dwelling which provides space for 2 bicycles in accordance with the boroughs standards.

### **Other Material Considerations**

#### Housing Land Supply

- 6.16 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPFF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.17 It is acknowledge that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £22,080.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 19.10.2016.

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

Comment	Officer response
1. Concerns were raised over the level of parking being provided.	See section 6.12.
2. Concerns were raised over the impact the development would have on the street scene.	See sections 6.3 and 6.4.
3. Concerns were raised that the development would cause a loss of light/amenity to neighbouring properties.	See sections 6.5 and 6.6.
4. Concerns were raised over the accuracy and the robustness of the Flood Risk Assessment.	See section 6.7 to 6.10.
5. Concerns were raised that the sequential test has not been passed.	See section 6.8.
6. Concerns were raised that the exceptions test has not been passed.	See section 6.9.
7. Concerns were raised over the stability of the land and subsidence.	There is no evidence before the Council to suggest that this is an issue.

### Statutory consultees

Consultee	Comment	Officer response
Environment Agency	We have no objection to the proposal as submitted. However, the following measures should be secured by a planning condition; <ul style="list-style-type: none"><li>• Finished flood levels will be set no lower than 18.77m AOD.</li><li>• Voids spaces and openings to be implemented as shown – the height of the voids spaces and opening will be no lower than 18.47 AOD.</li><li>• Undercroft void space and openings shall remain open, free and maintained from all blockages, debris and storage in perpetuity.</li></ul>	See sections 6.7 to 6.10.

### Other consultees

Consultee	Comment	Officer response
Ecologist	Offers no objection subject to conditions relating to; <ul style="list-style-type: none"><li>• Breeding birds.</li><li>• Invasive species; and</li><li>• Biodiversity enhancements.</li></ul>	Noted.
Environmental Protection	Offers no objection subject to a condition relating to acoustic insulation.	Noted.

Highway Authority	<p>Recommends approval subject to conditions regarding;</p> <ul style="list-style-type: none"> <li>• Access</li> <li>• Construction management</li> <li>• Vehicle parking</li> <li>• Refuse storage</li> <li>• Parking permits</li> </ul>	Noted.
Parish Council	<p>Members strongly object;</p> <ul style="list-style-type: none"> <li>• This is an overbearing, overdevelopment of the site which is out of keeping with the street scene</li> <li>• The raised nature of the building is unique to the road and will result in overlooking of neighbours</li> <li>• Concerns were raised over water displacement due to the extended raised areas.</li> <li>• The buildings are far too close to the neighbouring properties</li> <li>• The flood report is inaccurate – The Road flooded in the 1990's and in June 2016</li> <li>• The plans indicate space for 1 bin per property. RBWM properties have a minimum of 2 bins</li> <li>• The chimney very close to the bedroom window at number 56 could cause health and safety issues.</li> <li>• The development would remove 3 on street parking spaces. The site currently has 5 off street spaces and would therefore be replacing with 4 and no off street spaces.</li> <li>• These properties have the potential to become 4 bedroom homes and therefore the parking situation could become even worse.</li> </ul>	<p>Noted.</p> <p>Character has been assessed in section 6.2 to 6.4, Residential amenity in 6.5 to 6.6, flooding in 6.7 to 6.10 and parking and highway safety in sections 6.11 to 6.15.</p>

**9. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

**10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

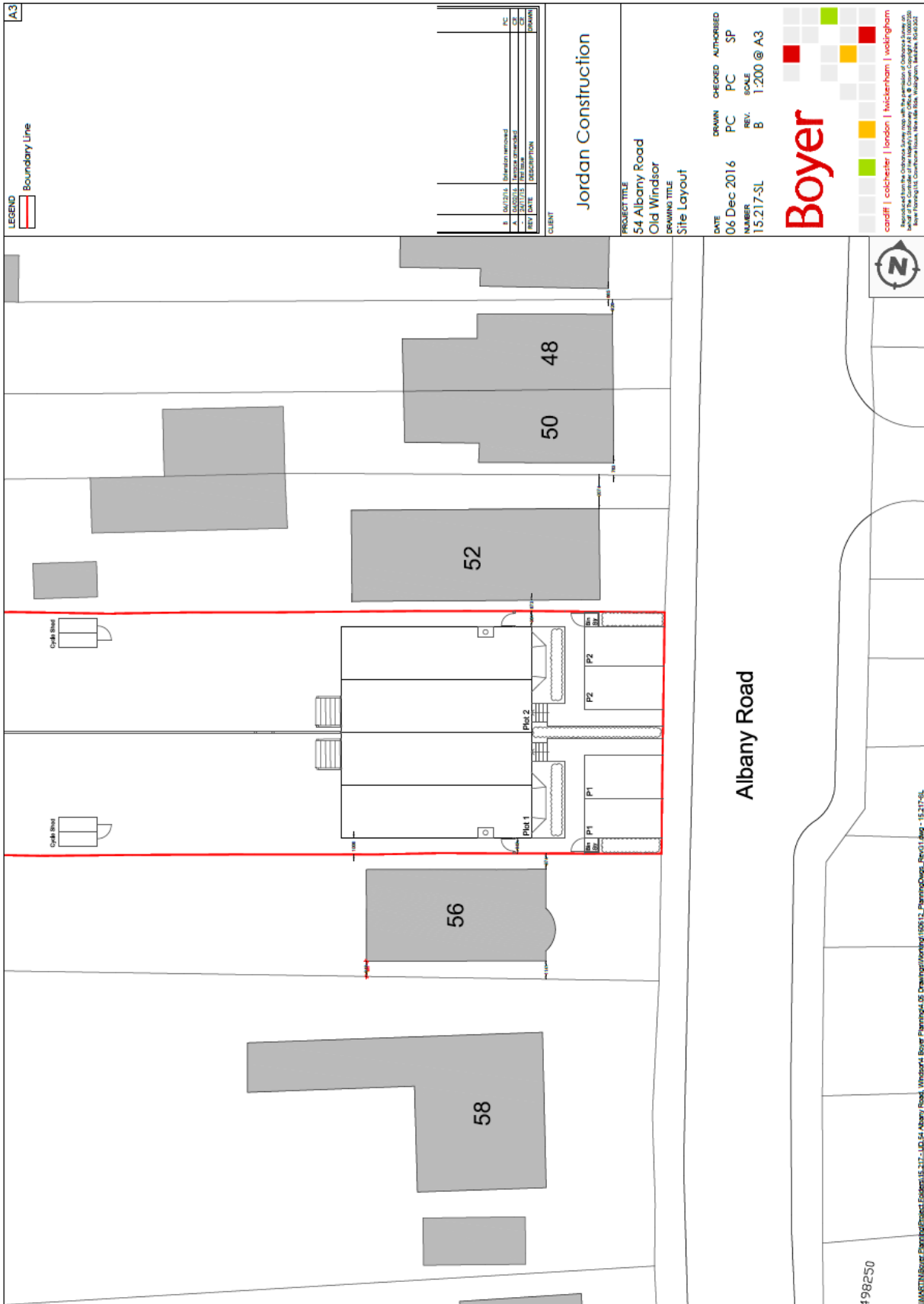
1. The proposed development would increase the ground covered area (GCA) on the site by 92sqm above the existing dwelling, which is in excess of the 30sqm permitted under Local Plan Policy F1. It has not been demonstrated that the necessary flood compensation can be provided for this increase in GCA and as such the proposed development would impede the flow of flood water, reduce the capacity of the flood plain to store water and increase the number of people and properties at risk from flooding. The proposal therefore fails to comply with Policy F1 of the Local Plan and Paragraph 102 of the National Planning Policy Framework.
  
2. It has not been sufficiently demonstrated that the proposed development would provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore fails to pass the exceptions test and is contrary to paragraph 102 of the National Planning Policy Framework.

Appendix A – Site Location Plan

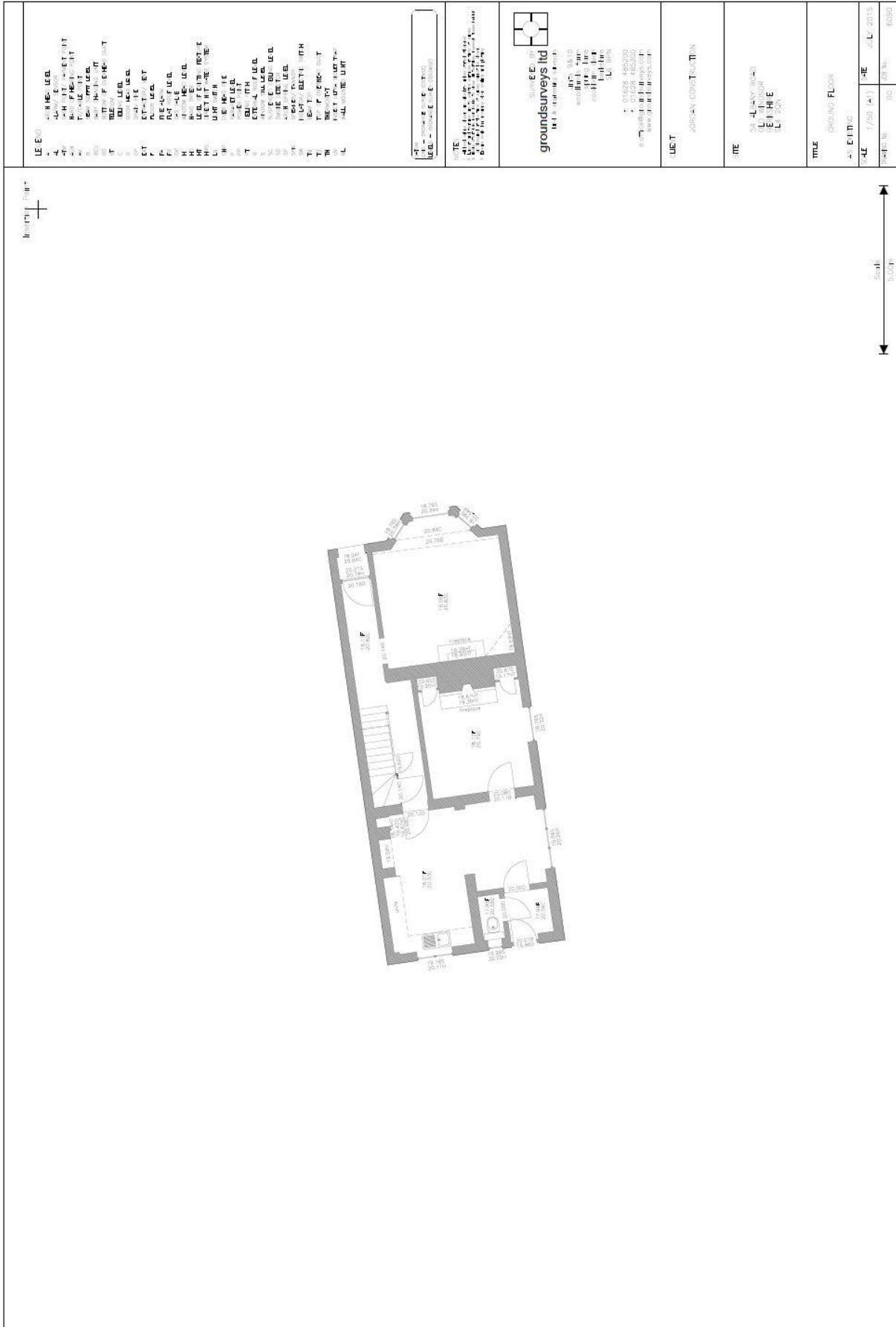


# Appendix B – Existing and Proposed Plans

## Proposed Block Plan



# Existing Ground Floor Plan



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DATE: 10/10/2013  
 DRAWN BY: J. J. J.  
 CHECKED BY: J. J. J.

NOTE: ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.

**groundsveys ltd**  
 SURVEYORS & ENGINEERS  
 100, GARD  
 WINDY HILL  
 CO. DUBLIN  
 TEL: 01 628 485200  
 WWW.GROUNDSVEYS.COM

**CLIENT**  
 JORDAN CONSTRUCTION

**SITE**  
 54-56 LINDSAY ROAD  
 DUBLIN 12  
 IRLAND

**TITLE**  
 GROUND FLOOR  
 - AS EXISTING  
 SCALE: 1/50 (A1)  
 DATE: 10/10/2013

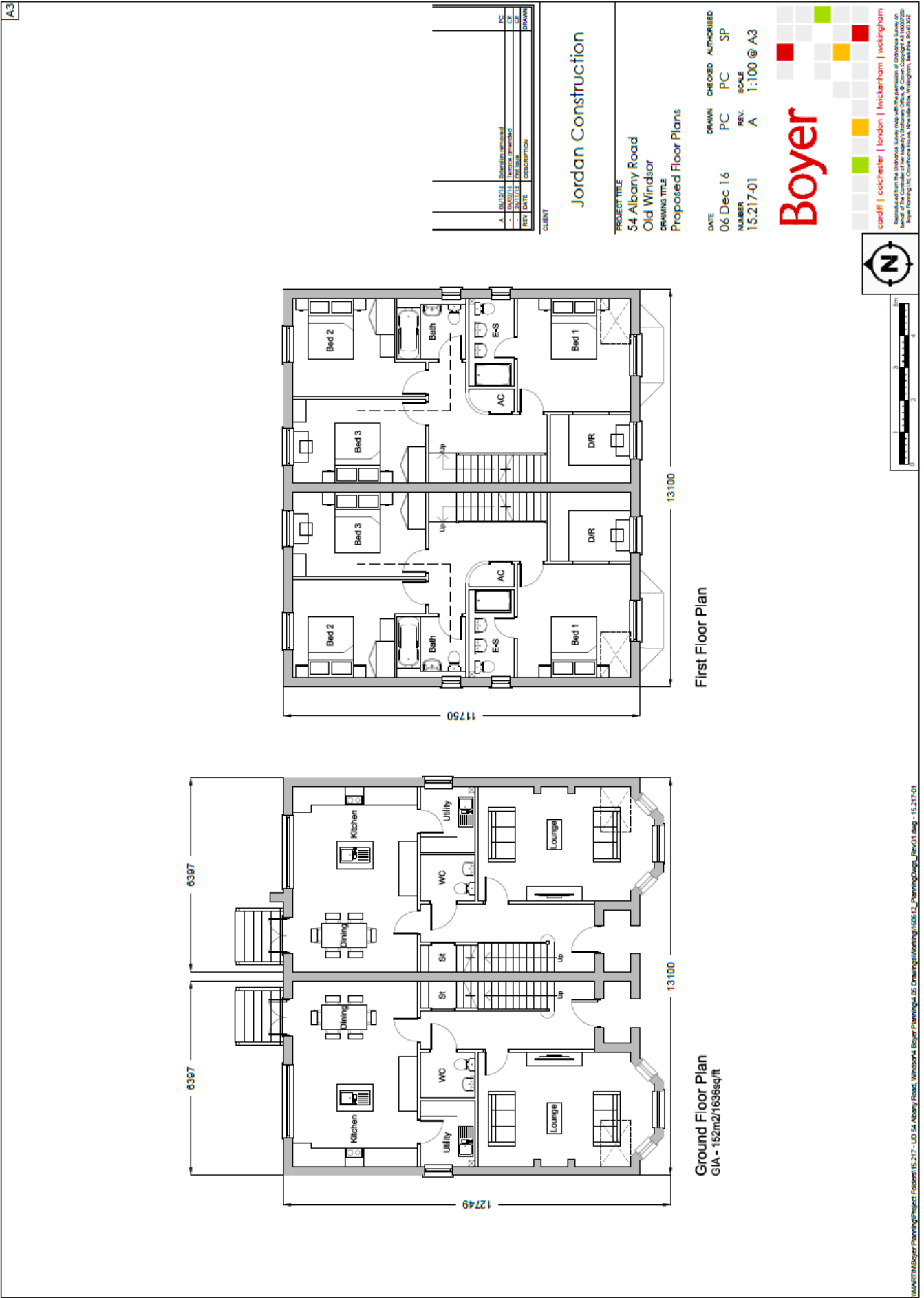




# Existing First Floor Plan



# Proposed Ground Floor and First Floor Plan



**Ground Floor Plan**  
GIA - 152m<sup>2</sup>/1636sq/ft

**First Floor Plan**

REV	DATE	DESCRIPTION	BY	CHK
A	06/12/16	Revisions removed	PC	PC
-	06/12/16	Revisions removed	PC	PC
-	06/12/16	Revisions removed	PC	PC

**Jordan Construction**

PROJECT TITLE  
54 Albany Road  
Old Windsor  
DRAWING TITLE  
Proposed Floor Plans

DATE  
06 Dec 16  
NUMBER  
15.217-01

CHECKED  
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**Boyer**

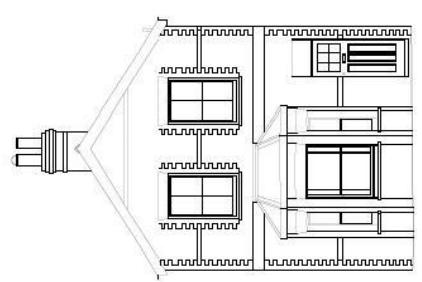
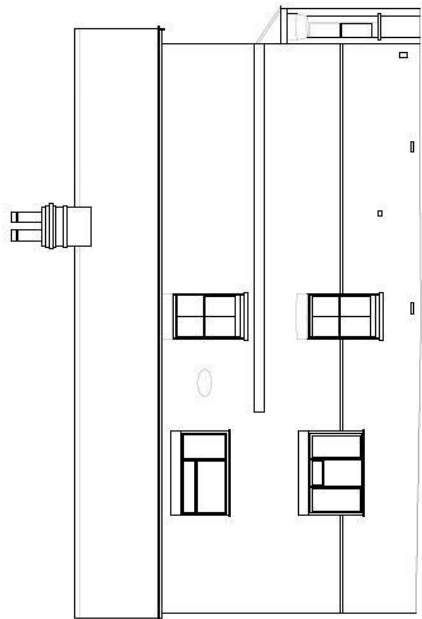
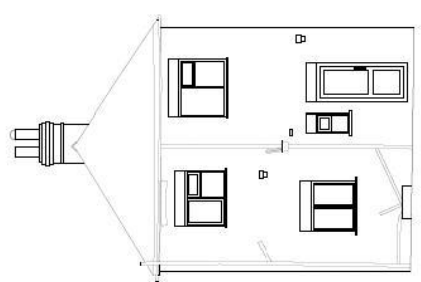
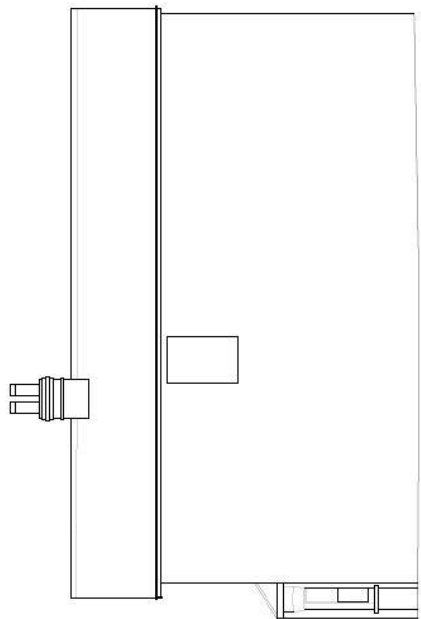


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A3

# Existing Elevations

<p style="font-size: small;">SCALE - DIMENSIONS (AS SHOWN)</p>	 <p style="text-align: center;">Datum 15.00m ELEVATION A-A</p>	 <p style="text-align: center;">Datum 15.00m ELEVATION B-B</p>	<p style="font-size: x-small;">SCALE - DIMENSIONS (AS SHOWN)</p>
<p style="font-size: x-small;">SCALE - DIMENSIONS (AS SHOWN)</p>	 <p style="text-align: center;">Datum 15.00m ELEVATION C-C</p>	 <p style="text-align: center;">Datum 15.00m ELEVATION D-D</p>	<p style="font-size: x-small;">SCALE - DIMENSIONS (AS SHOWN)</p>
			
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 <p style="font-size: x-small;">SURVEYED BY <b>groundsurveys ltd</b> H.I.A. 00000000000000000000</p>			
<p style="font-size: x-small;">SURVEYED BY: MR. OUSO DRAWN BY: MR. OUSO CHECKED BY: MR. OUSO DATE: 15/07/2019 PROJECT: JORDAN CONSTRUCTION</p>			
<p style="font-size: x-small;">CLIENT: JORDAN CONSTRUCTION</p>			
<p style="font-size: x-small;">SITE: 54 ALAMY ROAD CLUBBING LEHLEH JORDAN</p>			
<p style="font-size: x-small;">TITLE: EXISTING ELEVATIONS</p>			
<p style="font-size: x-small;">DATE: 15/07/2019</p>			
<p style="font-size: x-small;">SCALE: 1/50 (A1)</p>			
<p style="font-size: x-small;">JOB No: 0090</p>			

# Proposed Elevations



Front Elevation



Side Elevation



Side Elevation



Rear Elevation



Illustrative Perspective

NO.	DATE	DESCRIPTION	BY	CHKD.
1	12/16/16	PROPOSED ELEVATIONS	JAC	JAC
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**Jordan Construction**

PROJECT TITLE  
54 Albany Road  
Old Windsor  
DRAWING TITLE  
Proposed Elevations

DATE: 12 Dec 16    DRAWN: PC    CHECKED: PC    AUTHORIZED: SP  
NUMBER: 15.217-02    REV: E    SCALE: 1:100 @ A2



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11/12/16. Boyer Construction Limited, Colchester, Essex, UK. Tel: 0206 888 888. Email: info@boyer.co.uk




\\MPT\Network\Projects\Colchester\15.217-02\54 Albany Road - Windsor Rear Planning\05\Drawings\05\15.217-02\_Proposed Elevations.dwg - 12/16/16

# Proposed Street Scene



Street Scene - Albany Road

REV	DATE	DESCRIPTION	BY	CHKD
1	2017/05/23	ISSUED FOR PERMIT	SP	BDC
2	2017/05/23	ISSUED FOR PERMIT	SP	BDC
3	2017/05/23	ISSUED FOR PERMIT	SP	BDC

CLIENT  
**Jordan Construction**

PROJECT TITLE  
**54 Albany Road  
Old Windsor  
Proposed Street-Scene**

DATE  
**23 May 2016**

DRAWN  
**BDC**

CHECKED  
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AUTHORISED  
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NUMBER  
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 a part of the boyer group of residential development & design companies in south east  
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## WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

11 January 2017

Item: 4

<b>Application No.:</b>	16/03219/FULL
<b>Location:</b>	17 Llanvair Drive Ascot SL5 9HS
<b>Proposal:</b>	Erection of dwelling and garage following demolition of existing dwelling and garage (retrospective)
<b>Applicant:</b>	Ms Payne
<b>Agent:</b>	Mr Steve Hessey
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 The proposed application is for the erection of a 5 bedroom dwelling and detached garage, following the demolition of the previous dwelling and garage on site which have already been removed. The proposed dwelling is similar to the dwelling approved under 16/01438 and the main change between the previous proposal and the current proposal is the inclusion of a single storey utility room on the side (south east) elevation. This planning permission remains extant and represents a legitimate fall-back position for the applicant and is therefore a material consideration in the determination of this planning application.
- 1.2 It is considered that the proposed dwelling is of an acceptable design and scale and would not negatively impact on the character and appearance of the area. The garage although to the front of the proposed dwelling, would be well screened by existing boundary hedging and as such would not be visible from the street scene.
- 1.3 The proposed dwelling due to its height and the separation to the adjoining neighbours would have an acceptable impact on the amenity of neighbouring properties. First floor windows are proposed in the side (North West) elevation of the dwelling; however, these are to en-suite bathrooms and as such can be obscurely glazed to prevent overlooking. There is also a first floor rear balcony proposed, however, this will have 1.7m tall privacy screens on either side.
- 1.4 Sufficient parking is provided on the driveway and within the proposed garage to the front of the site.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

### 2. REASON FOR PANEL DETERMINATION

The application has been called in by Councillor Hilton on behalf of the Sunninghill & Ascot Parish Council. The Parish Council consider that the previous planning history of this development is a material consideration in the determination of this application, in particular 09/00433 for a replacement house which was refused and dismissed on appeal and 12/02060 for a reduced scale replacement house which was approved and for which conditions 2 and 5 were subsequently discharged under application 15/01374. The 09/00433 proposed development was dismissed at appeal on grounds of its bulk and scale which the Inspector considered incompatible with, and harmful to, the character of the area and the street scene. The now proposed utility room, on top of the previous extension permitted in application

16/01438, would result, in the opinion of the Parish Council, in a dwelling similar in bulk and scale to that dismissed at the appeal of application 09/00433. This is contrary to LP Policies H11 and DG1 and NP Policies DG1 and DG2 and earlier dismissal at appeal of a similar development.

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

- 3.1 The application site is located in an area classified as ‘Leafy Residential Suburbs’. There is a mixture of different dwelling sizes in the area, however, in general properties are detached and set within spacious plots. There is evidence of garages being set forward of dwellings elsewhere in the street, however, these are generally well screened by trees and planting.

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

08/01633/FULL	Construction of a replacement house.	Refused 27.08.2008.
09/00433/FULL	Construction of a replacement 5 bedroom detached dwelling with detached double garage.	Refused 06.05.2009.
12/02060/FULL	Construction of a replacement house and garage.	Permitted 28.08.2012.
16/00450/FULL	Erection of a detached house and garage following demolition of existing dwelling and garage.	Permitted 30.03.2016.
16/01438/FULL	Erection of a detached house and garage following demolition of existing dwelling and garage as approved under 16/00450 without complying with condition 8 (approved plans) to substitute some approved plans.	Permitted 20.06.2016.

- 4.1 The proposed development is for a replacement dwelling and garage following the demolition of the previous dwelling and garage on site. The proposed dwelling is 9.2 metres tall and has a total width of 20.6metres. The dwelling is set approximately 8m from the front boundary and to the front of the dwelling is a proposed garage which is 5 metres tall. This application only differs from 16/01438 as it introduces a 3.5m single storey side utility room.

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

- 5.1 National Planning Policy Framework Sections;  
Section 6 – Delivering a wide choice of high quality homes  
Section 7 – Requiring good design

#### Royal Borough Local Plan

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

	Within settlement area	Highways and Parking	Trees
Local Plan	DG1, H10, H11	P4, T5	N6

Neighbourhood Plan	DG1, DG2 and DG3	T1	EN2
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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)

### **Supplementary planning documents**

5.3 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)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area
- ii The impact on residential amenity
- iii Parking and highway safety
- iv The impact on important trees.

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

6.2 The appearance of a development is a material planning consideration. Local Plan Policy H11 identifies that in established residential areas, planning permission will not be granted for schemes that introduce a scale of density of new development, which would be incompatible with or cause damage to the character and amenity of the area. In addition, Local Plan Policy H10 identifies that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas, and where possible, to enhance the existing environment. This is supported by policies NP/DG1, DG2 and DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. NP/DG1.3 also requires that development proposals in the townscape assessment area 'Leafy Residential Suburbs' should retain and enhance the sylvan, leafy nature of the area.

6.3 The application site is in an area which comprises of detached dwellings of varying sizes. Properties are set within spacious plots; however, there is variety in the separation between dwellings. The proposed dwelling is set slightly further forward in the plot than the demolished dwelling, however, is still set back approximately 8 metres from the front of the site and does not extend beyond the build line of adjoining properties. The positioning of the proposed dwelling is the same as what was approved under 16/01438. The property is also the same height as the dwelling in the previously approved scheme (9.2m) and this is considered acceptable given the variety of properties in the area. At first floor level there is a separation of 3.1m to



the North West side boundary and 3.2m to the South East side Boundary, this is sufficient to prevent the dwelling from appearing cramped on site. There is a mature hedge to the front of the site which provides shielding of the dwelling from the street and this is proposed to be retained.

- 6.4 The proposed dwelling includes a single storey side utility room that was not part of the previous scheme; however, this is just 3.5metres tall and does not significantly alter the appearance of the proposed dwelling. The utility room would also not be visible from the street due to the location of the proposed garage and boundary hedging.

#### **The impact on residential amenity**

- 6.5 The proposed dwelling will extend beyond the rear elevations of the adjoining properties; however, the majority of this is single storey only. The building is also staggered away from neighbouring properties and there is a separation at first floor level of approximately 3 metres to both side boundaries. It is not considered therefore that the proposed dwelling would have an overbearing impact to neighbouring properties. There would also be no infringement of the light angles to the rear windows of the adjoining properties. There are 2 ground floor side windows at number 15 Llanvair Drive, however, the proposed dwelling does not come any closer to this property than the demolished dwelling did and there is a separation of over 5 metres wall to wall. It is not considered therefore that there would be any significant loss of light to these side windows. The proposed dwelling has 2 first floor side facing windows; however, both are to en-suite bathrooms and can therefore be obscurely glazed. Privacy screens are proposed to prevent the first floor rear balcony from causing unacceptable overlooking to neighbouring properties and it is suggested that these screens are secured by conditioned.

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

- 6.6 The site benefits from having a vehicular access which was gated prior to works commencing on site. The existing access is not proposed to change. The existing access can also achieve the required visibility splays of 2.4 x 43 metres in both directions.
- 6.7 The proposed 5 bedroom dwelling generates a requirement for 3 car parking spaces. Drawing number 5300/101b shows the site will have a double garage and a large hardstanding area which will easily be able to accommodate 3 car parking spaces with space left for turning/manoeuvring.

#### **The impact on important trees**

- 6.8 Part of the rear garden is covered by an area Tree Preservation Order. The proposed dwelling, however, would be set over 5 metres from the TPO area and would not impact upon any important protected trees.

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

- 7.1 The proposal is CIL liable; however the applicant has submitted a Self Build Exemption Claim Form.

### **8. CONSULTATIONS CARRIED OUT**

## Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 02.11.2016.

No letters were received from neighbouring occupiers.

## Other consultees

Consultee	Comment	Officer Response
Society for the Protection of Ascot and the Environs	The society considers that the previous planning history is relevant to the determination of this application. In particular 09/00433 for a replacement house which was refused and dismissed on appeal and 12/02060 for reduced scale replacement house which was approved. 09/00433 was dismissed at appeal on ground of its bulk and scale which the inspector considered incompatible with, and harmful to, the character of the area and the street scene. The society considers those reasons for dismissing 09/00433 now applies to the current application. In particular in the inspectors decision letter the inspector expresses concern at the narrowing of the gap between numbers 17 and 19.	The current scheme is smaller than 09/00433 as it has a greater level of single storey only elements, which reduce the overall bulk. The separation distances to the side boundaries are also greater than the refused scheme with gaps of 3.1m and 0.9m (4m when measured from the first floor side wall) as appose to 1.7m and 1.1m proposed in 2009. There have been a number of more recent applications, most recently 16/01438 which was approved and an assessment of the impact on character has been made in paragraphs 6.2 to 6.4 of this report.
Neighbourhood Plan Delivery Group	09/00433 for a replacement house was refused with the decision upheld at appeal. The main reason was the siting and width of the house which would appear cramped in relation to the boundaries of the plot and the adjoining properties. Since then the Neighbourhood Plan has been adopted, adding further and stricter guidelines to ensure that new development respects and enhances the character of the area. The current application is for an enlarged dwelling similar to 09/00433 which would appear cramped in relation to the plot and adjoining properties. In particular, the siting of the utility room would result in the spaciousness that is a major characteristic of the neighbourhood being total eroded.	
Parish Council	Objection. The committee endorsed	Noted.

	the position taken by SPAE. The committee requested that the application was called in front of the Windsor Rural Development Control Panel should the Borough be minded to approve it.	
Highways DC	Recommends approval subject to conditions relating to the provision of the parking area and the use of the proposed garage.	Noted. It has not been considered necessary to include a condition relating to the use of the garage as the required parking spaces can be provided on the proposed driveway.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

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. Prior to any further works on site details of the materials to be used on the external surfaces of the dwelling shall be 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 DG1, and Policy NP/DG3 of the Neighbourhood Plan.
3. The first floor window(s) in the North West elevation of the proposed dwelling 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 to level 3 or above and the window shall not be altered.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with a core principle of the NPPF.
4. No further window(s) shall be inserted at first floor level in the North West and South East elevation(s) of the dwelling without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. In accordance with a core principle of the NPPF.
5. The balcony on the first floor of the dwelling hereby approved shall have a privacy screen of at least 1.7m in height on the boundaries facing numbers 15 and 19 Llanvair Drive. The details of the screens shall have first been submitted to and approved in writing by the LPA prior to the first occupation of the dwelling and thereafter retained for as long as the development remains in existence.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. In accordance with a core principle of the NPPF.

6. Prior to the substantial completion of the dwelling hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and 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.
7. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
8. The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A – Site Location Plan



REPRODUCED FROM THE ORDNANCE SURVEY 1:1250 MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE, CROWN COPYRIGHT RESERVED.  
LICENCE NO. AR 151 831

16/03210



17 LLANVAÏR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS  
LOCATION PLAN  
SEPTEMBER 2016

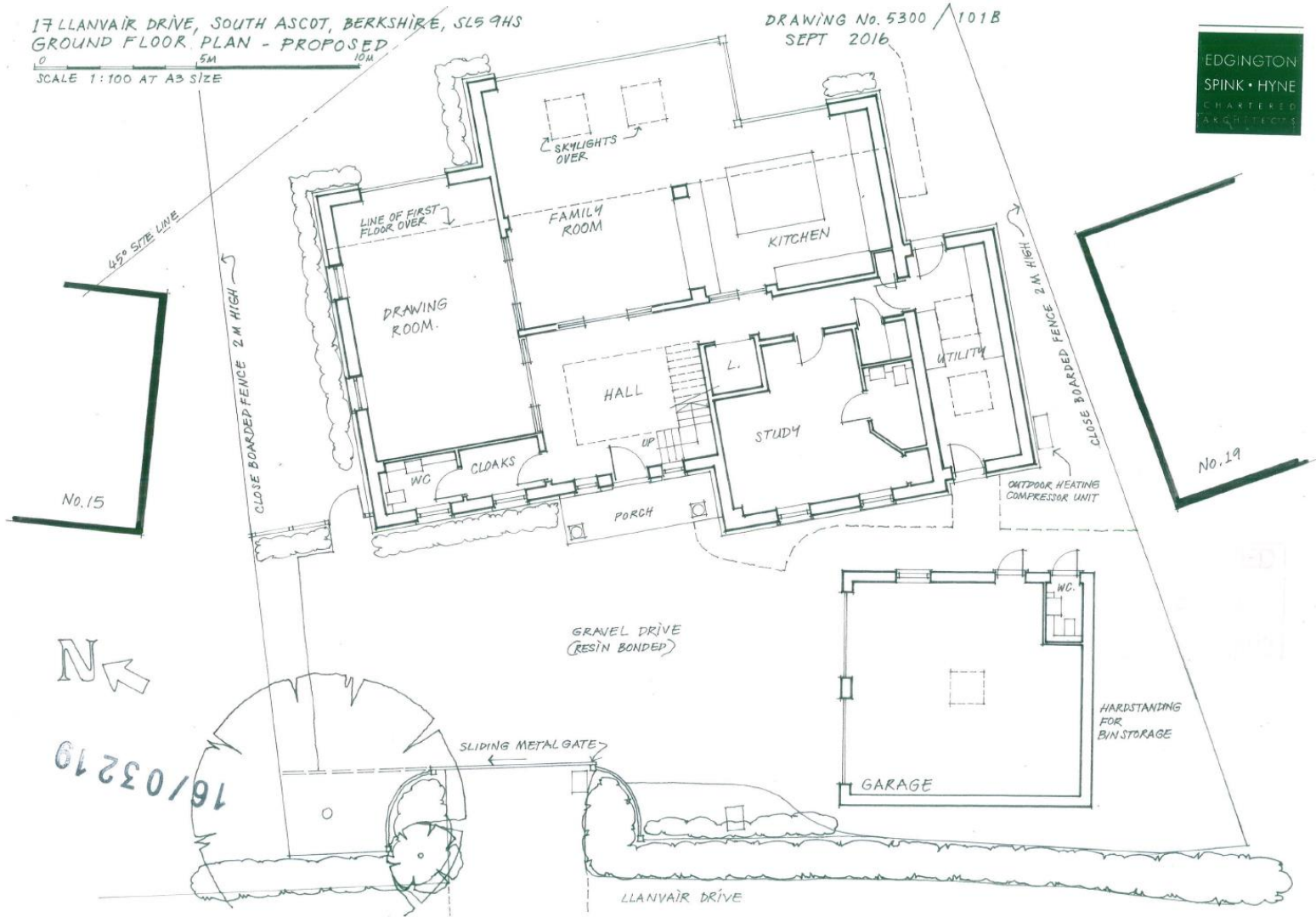


DRAWING NO. 5300/100A

EDGINGTON SPINK HYNE  
MERIDIAN HOUSE, 2 RUSSELL STREET  
WINDSOR, BERKSHIRE, SL4 1HG  
TEL: 01753 857092  
FAX: 01753 820896  
WEB: www.edgingtonspinkhyne.co.uk  
EMAIL: mail@edgingtonspinkhyne.co.uk



Appendix B – Plans and Elevations



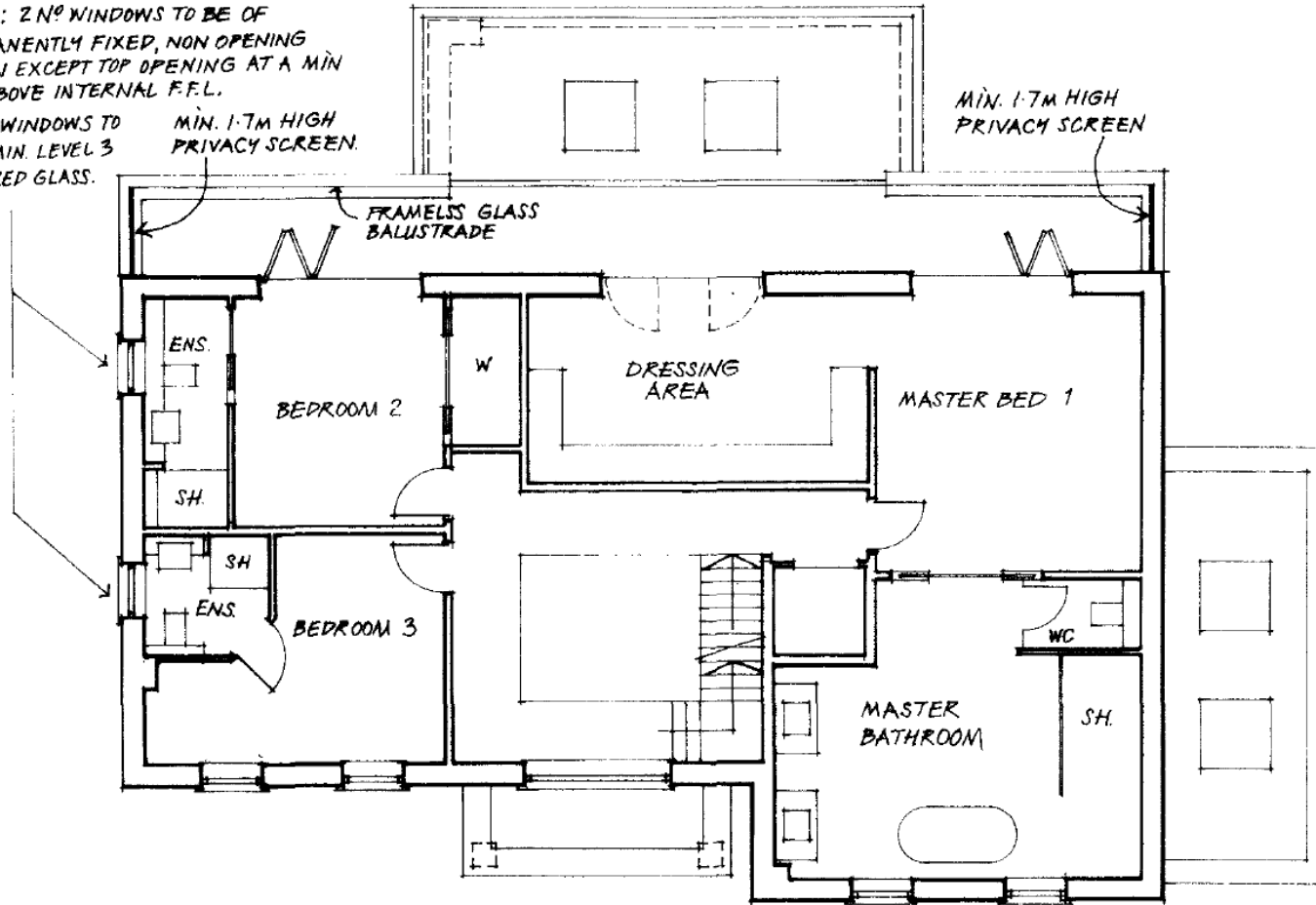
17 LLANVAIR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG.No. 5300/102 B

NOTE: 2 NO WINDOWS TO BE OF PERMANENTLY FIXED, NON OPENING DESIGN EXCEPT TOP OPENING AT A MIN 1.7M ABOVE INTERNAL F.F.L.

THESE WINDOWS TO HAVE MIN. LEVEL 3 OBSCURED GLASS.

MIN. 1.7M HIGH PRIVACY SCREEN.

MIN. 1.7M HIGH PRIVACY SCREEN



FIRST FLOOR PLAN - PROPOSED

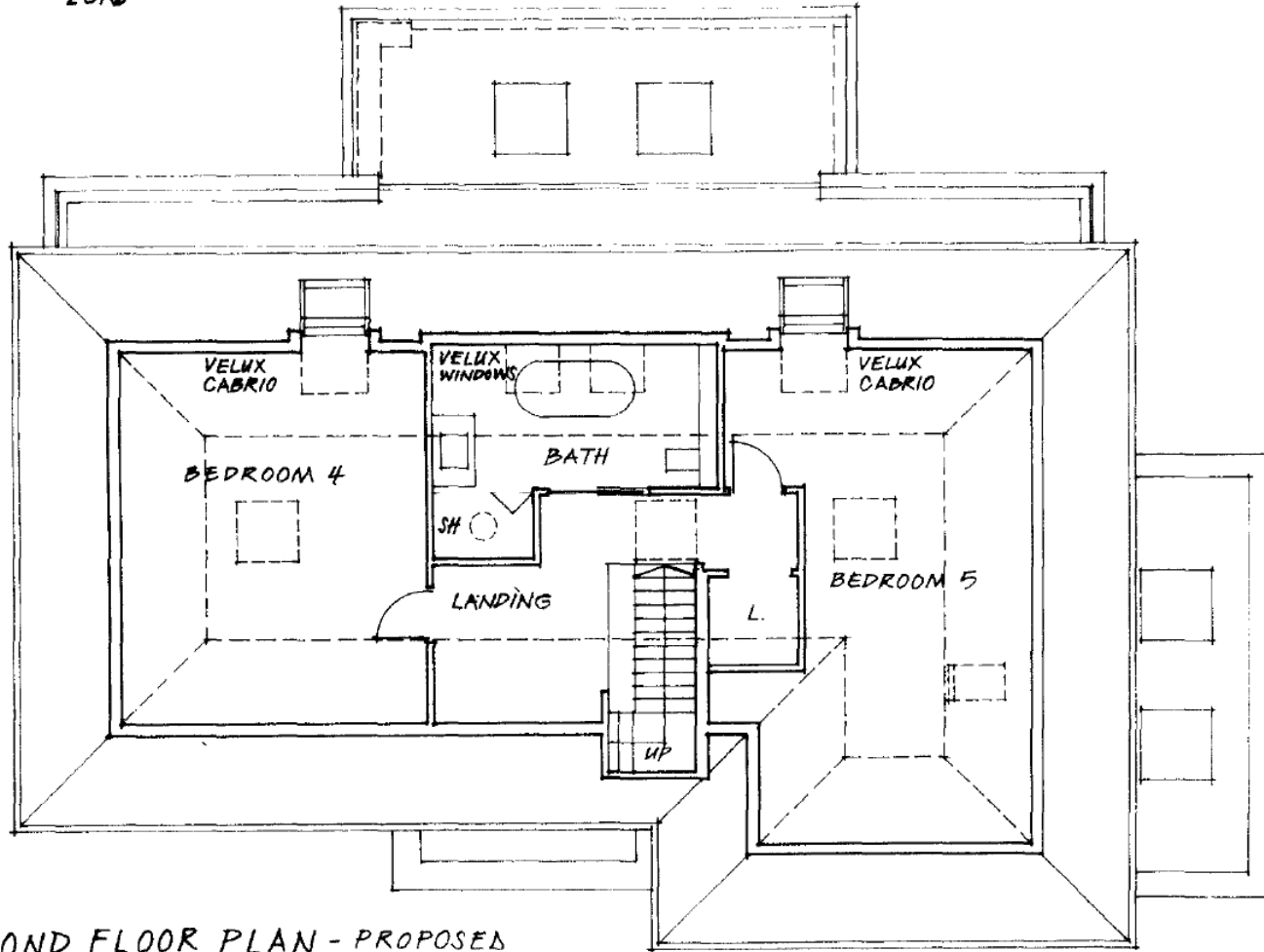
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0 5M 10M

16/03219

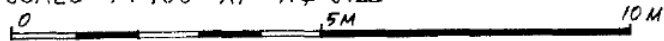
EDGINGTON  
SPINK • HYNE

17 LLANYAIR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG.No. 5300/103 B  
SEPT 2016



SECOND FLOOR PLAN - PROPOSED

SCALE 1:100 AT A4 SIZE



16/03219

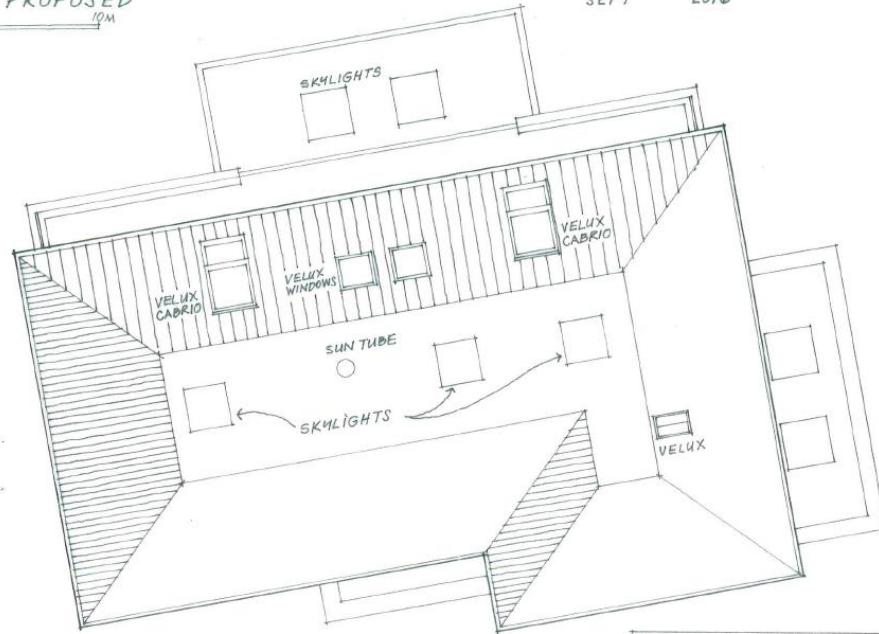
EDGINGTON  
SPINK • HYNE



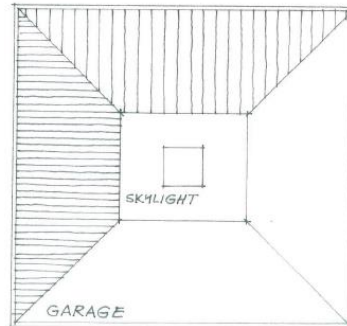
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ROOF PLAN - PROPOSED

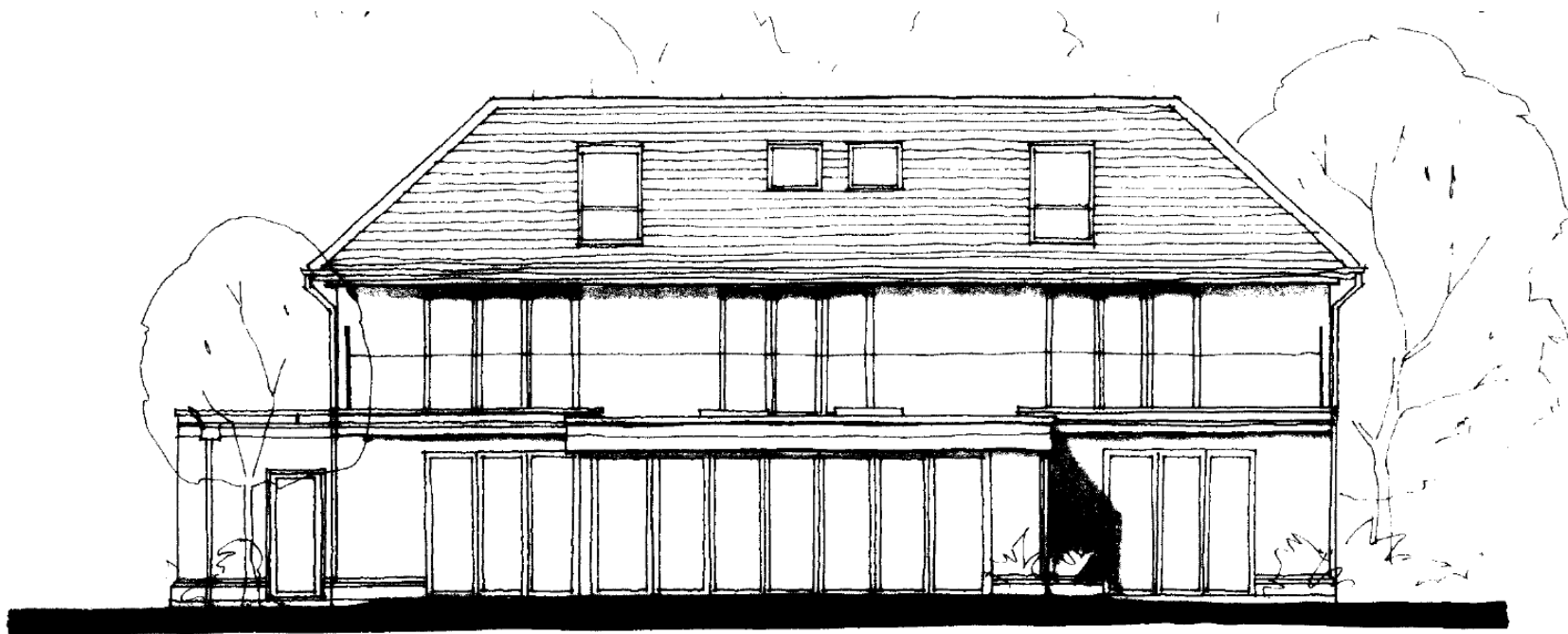
DRAWING No. 5300 / 104 B  
SEPT 2016

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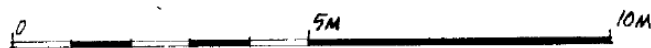


16/03219



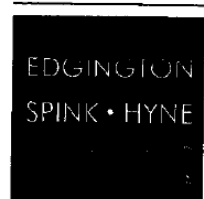


REAR ELEVATION - NORTH EAST - PROPOSED  
SCALE 1:100 AT A4 SIZE



16/03210

17 LLANVAIR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG. No. 5300/109C  
SEPT 2016

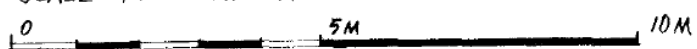


16/03210

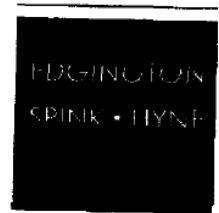


FRONT ELEVATION - SOUTH WEST - PROPOSED

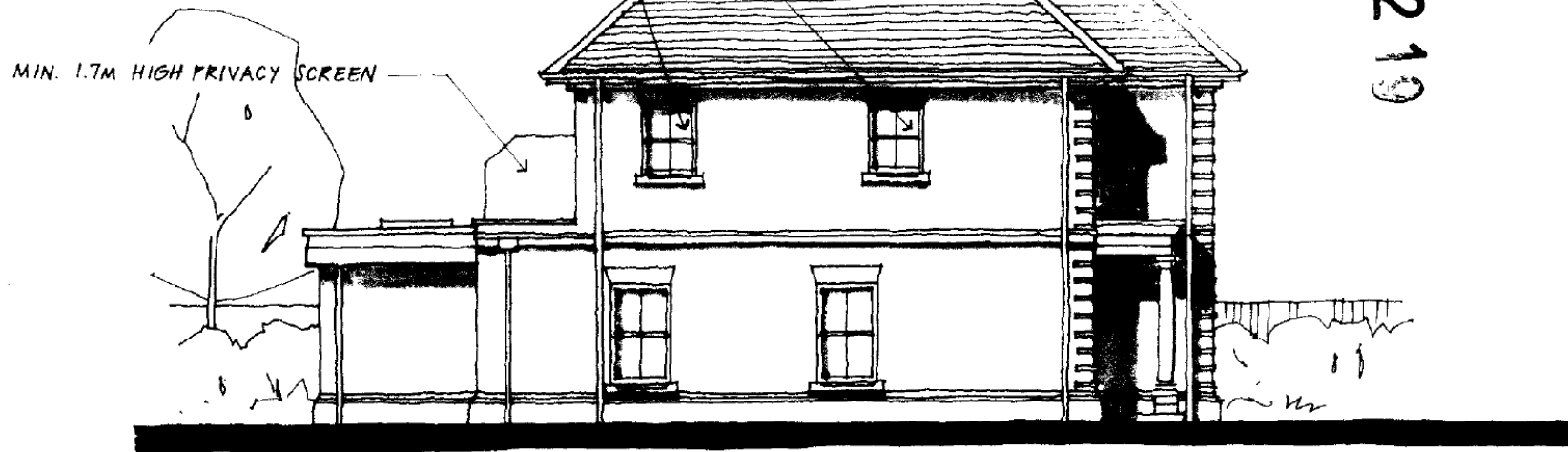
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17 LLANVAIR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG No. 5300/106A



NOTE: 2 NO WINDOWS TO BE OF PERMANENTLY FIXED, NON OPENING DESIGN EXCEPT TOP OPENING AT A MINIMUM OF 1.7M ABOVE INTERNAL FFL. THESE WINDOWS TO BE FITTED WITH MIN. LEVEL 3 OBSCURED GLASS.

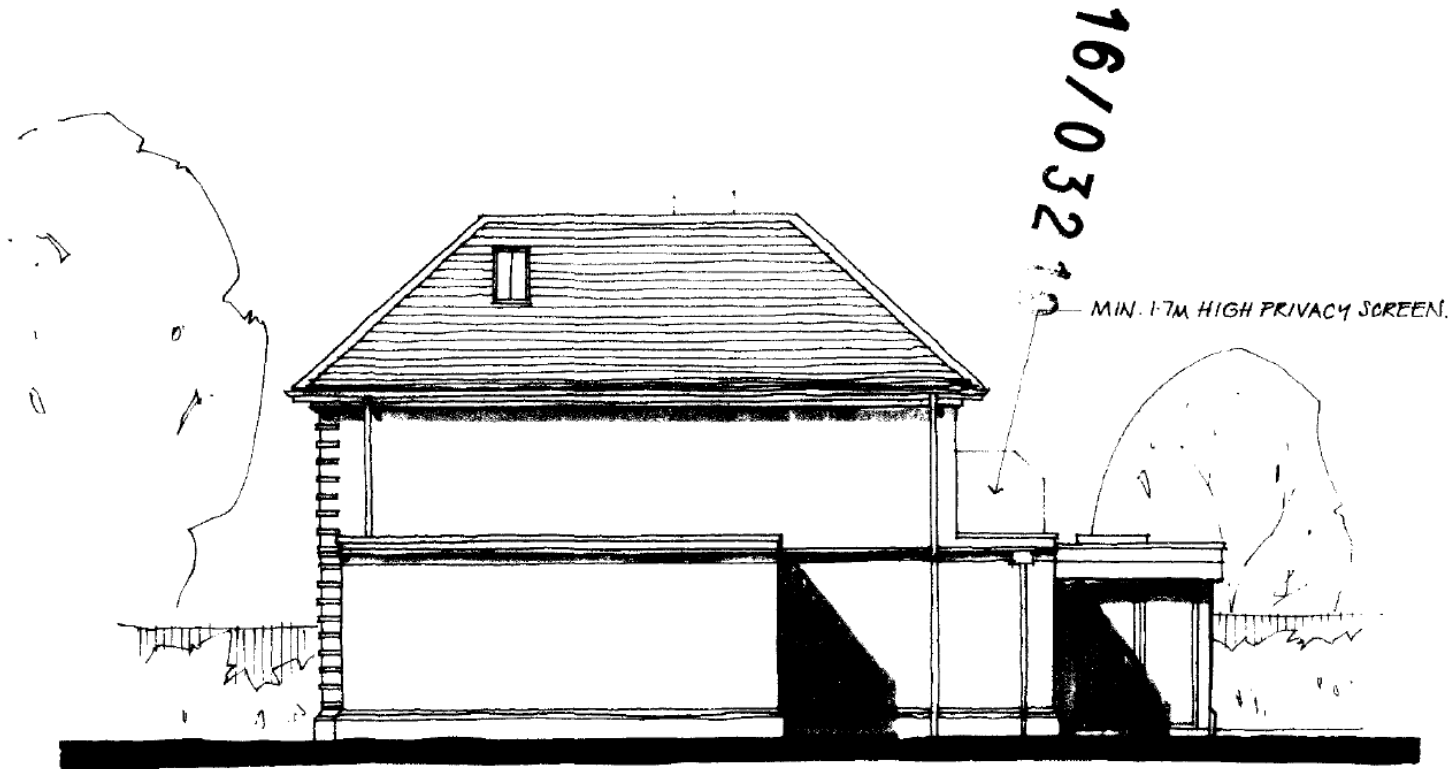


16/03219

SIDE ELEVATION - NORTH WEST - PROPOSED

SCALE 1:100 AT A4 SIZE

0 5M 10M

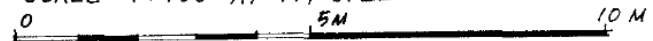


16/03210

MIN. 1.7M HIGH PRIVACY SCREEN.

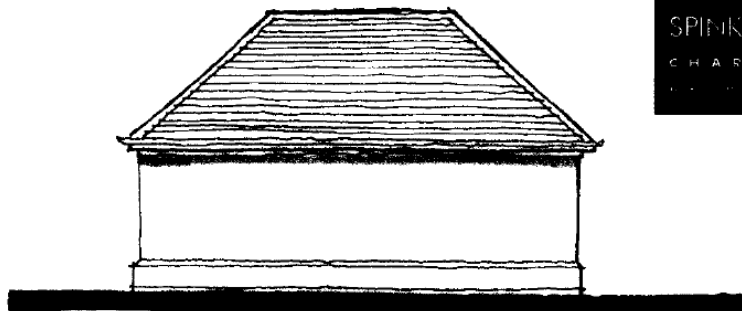
SIDE ELEVATION - SOUTH EAST - PROPOSED

SCALE 1:100 AT A4 SIZE

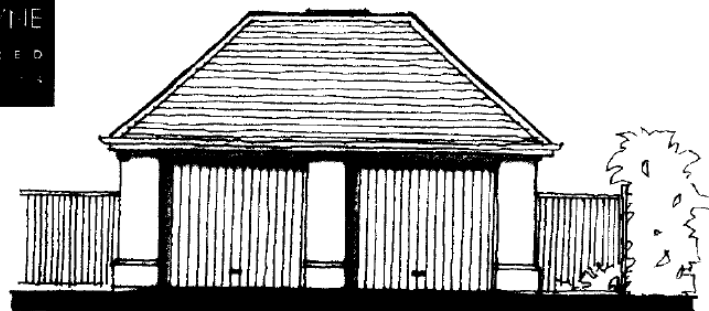


17 LLANVAIR DRIVE SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG. No. 5300/107B  
SEPT 2016

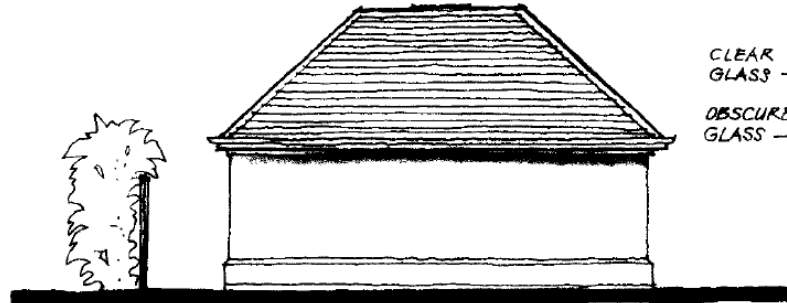
EDGEMOOR  
SPINK • HYNE  
CHARTERED  
ARCHITECTS



WEST ELEVATION

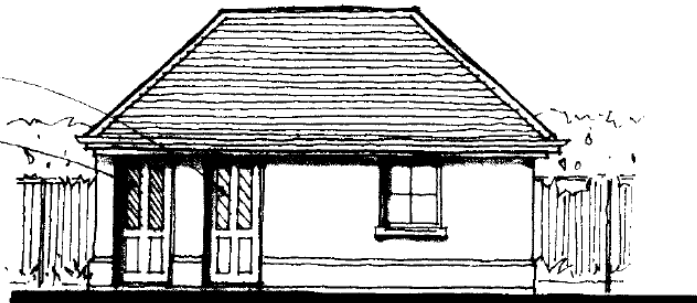


NORTH ELEVATION

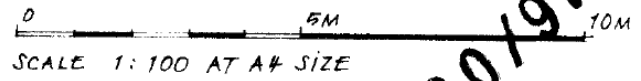


SOUTH ELEVATION

CLEAR  
GLASS  
OBSCURED  
GLASS



EAST ELEVATION



GARAGE ELEVATIONS - PROPOSED - SCALE 1:100 AT A4 SIZE  
17 LLANVAIR DRIVE, SOUTH ASCOT, BERKSHIRE, SL5 9HS • DWG. No. 5300/110  
FEBRUARY 2016

16/03219