

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 March 2017

Item: 7

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| Application No.: | 17/00357/FULL |
| Location: | Hérons Court Terrys Lane Cookham Maidenhead SL6 9RR |
| Proposal: | Construction of a new three storey dwelling following the demolition of existing dwelling and outbuildings. |
| Applicant: | Ms Scott |
| Agent: | Mr Paul Norman |
| Parish/Ward: | Cookham Parish/Bisham And Cookham Ward |
| If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk | |

1. SUMMARY

- 1.1 The proposed new dwelling within the Green Belt, while a replacement, would be materially larger than the existing house and therefore represents inappropriate development, which by definition would be harmful to the Green Belt.
- 1.2 Due to its height, form, mass and bulk it would also result in the actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt namely 'to assist in safeguarding the countryside from encroachment', and be unduly harmful to the open and rural character of Area of Special Landscape Importance and the locality in general. Furthermore the form and design of the proposed house would be incongruous with character of the area, to the detriment of visual amenity.
- 1.3 A case of Very Special Circumstances has not been made by the applicant that clearly outweighs the harm by reason of inappropriateness and any other harm to justify the development.

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. | The proposal represents inappropriate development in the Green Belt which is by definition harmful to its openness and would conflict with one of the purposes of the Green Belt, and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. |
| 2. | Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site to the detriment of the representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt, and together with the design, which fails reflect and reinforce local character, would unduly harm the visual amenity of the locality. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway if Head of Planning is to refuse the application to consider the appropriateness of scale and design as a replacement building in the Green Belt.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of a large detached dwelling and a number of ancillary outbuildings, including a garage building with a residential flat above, greenhouse and stables. The site lies outside the recognised settlement boundary of Cookham in the Green Belt, and within an Area of Special Landscape Importance.
- 3.2 To the west lies a railway line, to the east lies the neighbouring property known as The Meadows (formally known as Fiveways), to the north the neighbour known as The Paddocks and to the south, on the opposite side of Terrys Lane, are residential properties along Poundfield Lane.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1

| Ref. | Description | Decision and Date |
|---------------|---|-----------------------|
| 5923/64 | Horse Box. | Approved – 27.6.1964 |
| 6725/65 | Extensions. | Refused – 24.11.1965 |
| 7849/68 | 3 Stables. | Approved – 27.5.1968 |
| 96/30720 | Residential dwelling in garden to replace flat at Herons Court. | Refused – 5.12.1997 |
| 14/00609 | Part two part single storey rear extension with new front porch and associated alterations. | Approved - 07.04.2014 |
| 14/03999 | Erection of a detached dwelling following demolition of existing garage and annex and creation of new vehicular access. | Refused – 11.03.2015 |
| 16/01236/FULL | Erection of new detached dwelling following demolition of existing dwelling and buildings | Refused – 13.07.2016 |

- 4.2 The proposal is for a new detached dwelling following the demolition of an existing dwelling and ancillary buildings within the site excluding the existing garage with residential annex above. This application follows the previous refusal for a new replacement dwelling (ref: 16/01236/FULL). The main changes in this application includes alterations to the form and scale of the main house, and removal of the more ornate detailing. The in/out access arrangement previously proposed has also been replaced with a single access from the private lane to the east.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 6, 7, 9 and 11.

Royal Borough Local Plan

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

| | Within settlement area | Highway and Car parking |
|------------|--|-------------------------|
| Local Plan | GB1, GB2, GB3, N1, DG1, H8, H9, H10, H11 | T5, P4 |

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

- Cookham Village Design Statement
- Landscape Character Assessment

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt
- ii Design and Appearance.
- iii Impact on Neighbours.
- iv Highway Safety and Parking.
- v Other Material Considerations.
- vi Planning Balance and the Case of Very Special Circumstances.

Green Belt

Appropriate Development

6.2 The site lies within the Green Belt with the fundamental aim to keep land permanently open as set out in paragraph 79 of the NPPF and paragraph 89 states that the construction of new buildings is inappropriate development in Green Belt with some exceptions. One of the exceptions includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. In this case, while the proposed house a replacement building in the same use, the new building is considered to be materially larger and therefore constitutes inappropriate development within the Green Belt. The footprint of the original house measures approximately 215 square metres with a volume of approximately 1093 cubic metres, while the proposed house would measure approximately 332 square metres with a volume of approximately 3168 cubic metres. This represents an increase of approximately 129% in footprint and approximately 90% in volume. Paragraph 87 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and, when considering any planning application, paragraph 88 of the NPPF states that substantial weight is given to any harm to the Green Belt.

6.3 It is acknowledged that the proposal includes the demolition of a number of buildings and *Tandridge District Council v Secretary of State for Communities and Local Government* established that when interpreting 'building' for the purposes of paragraph 89 of the NPPF, 'building' can refer to either a singular or multiple structures on a site. However, paragraph 2.1.25 in the supporting text of Local Plan policy GB3, which is largely consistent with the NPPF, specifically states that the calculation of replacement floor areas will exclude the area of existing outbuildings which are not part of the living accommodation of the original dwelling unless there are Very Special Circumstances (VSC). As the planning process is a plan led system, the weight that should be given to Local Plan policy GB3 is significant and considered to outweigh case law.

Purpose and Openness Character of Green Belt

6.4 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Greenbelt are their openness and their permanence. In line with this, Local Plan policy GB2 states that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt or purposes of including land in the Green Belt. As inappropriate development in the

Green Belt the proposal would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'.

- 6.5 In terms of actual openness the proposed house is considered to be materially larger than the existing house on the site in terms of footprint and volume. Height, form, mass and bulk are also taken into consideration when assessing the impact on openness. In this instance it is considered that the prominent two-storey gables on the front (south-east) elevation, measuring some 9.5m in height and 7m in width and incorporating two-storey-bay windows measuring approximately 1.2m in depth and 4.7m in width, adds significant mass and bulk to the building. The ridge of the roof to the single-storey wing measures approximately 7.1m in height and project above the eaves of the two storey element, adding significant and disproportionate bulk and mass. Overall the increase in scale, outlined in paragraph 6.2, together with the height, form and resultant bulk would have a greater actual and visual presence on the site and would materially erode the open character of the Green Belt. The loss of the existing outbuildings is not considered to sufficiently mitigate the loss of openness as a result of the new house. Notwithstanding Local Plan policy GB3 which specifically states that the calculation of replacement floor areas will exclude the area of existing outbuildings, even taking the outbuildings to be lost into account the proposed dwelling would still be materially larger. The overall volume increase would still be approximately 853 cubic metres, which could represent an 77.7% increase. Furthermore, the outbuildings are single storey and low level and therefore have a significantly lesser impact.
- 6.6 In accordance with paragraph 88 of the NPPF the harm caused by reason of the encroachment into the countryside and loss of openness should be given substantial weight.

Design and Appearance

- a. Core Principle 4 of the NPPF is to always seek to secure high quality design. Paragraph 60 of the NPPF goes on to state that while decisions should not attempt to impose architectural styles it is proper to seek to promote or reinforce local distinctiveness, while paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions. Local Plan policy DG1 states that harm should not be cause to the character of the surrounding area through development which results in the loss of important features that contribute to the character, policy H10 requires new residential development to enhance the existing environment, and policy H11 resists new development that would introduce a scale that would be incompatible with or cause damage to the character of the area. The Cookham Village Design Statement (VDS) Supplementary Planning Document (SPD) which describes the character and setting of Cookham's 3 settlements and provides detailed guidance is also relevant.
- b. There is no objection to the loss of the existing house and outbuildings which are not of any particular historic or architectural merit and it is acknowledged that the house and outbuildings are in poor condition. There is also no objection in terms of density as the proposal is for a replacement dwelling. While the proposed house is large and substantial it is not considered to be disproportionate or cramped within the plot being offset from the boundaries and with over 1,500 square metres of amenity space. However due to the height, scale, form, mass and bulk the proposed house would result in loss of openness which is significantly over and above the existing situation. Cookham High Street Conservation Area states that the western end of the conservation area comprises of open spaces to the north and west The Pound and predominately agriculture in nature. This openness provides an important contrast to the built areas of the village and helps enforce the semi-rural nature of the settlement edge. Located at the fringe of the conservation area and the settlement edge, it is considered that the overly dominant house would erode this openness to the detriment of the character of the area as described. As such, the proposal would fail to meet the aims and objectives of the NPPF, Local Plan policies DG1, H10 and H11, as well as policies G.6.1 and G6.4 of the Cookham VDS. For new buildings the Cookham VDS states that the permissible size of buildings must relate to their context. The most important criterion is they should not appear to be over-dominant or to possess too great a mass vis-à-vis their surroundings, whether that may be neighbouring buildings or the open countryside.
- c. Harm to the character of the locality and streetscene would be further exacerbated by its architectural design increasing the prominence of the building. The Cookham VDS states that for

new development involving several dwellings it is important that new development should relate in a vernacular manner to the appearance of the neighbouring parts of Cookham. While the proposal involves a single replacement dwelling rather than several dwellings, given the aim to visually integrate new development harmoniously, this guidance is considered applicable. The site also lies within an Area of Special Landscape Importance and the Council's Landscape Character Assessment identifies that settlement within this landscape is variable, but a key characteristic is the vernacular style of traditional building forms. The proposal is considered to be unduly sympathetic to the character of the locality by reason of its symmetrical form, unrelieved linear lines and uniform features which is contrary to the variations in heights, individual elevations and irregular features on neighbouring properties which suggest spontaneity or historic accident. Furthermore, the proposal incorporates decorative features including colonnades, balconies, and contrasting stone dressing, which are contrary to the prevailing aesthetic as described. Together with the erosion of openness of the area, the proposal is considered to result in a development that would draw the eye and appear as a stark, discordant and dominant feature that would relate poorly to its surroundings.

Impact on Neighbours

- 6.10 The relationship of the proposed house with adjacent neighbours at Paddocks to the north, Fiveways to the east, and Dawn Chorus and Fox Hollow to the south are considered acceptable given the separation distances. The nearest part of the proposed house to Paddocks would be the garage wing, which is sited approximately 14.5m from the shared boundary and over 30m from the house at Paddocks. In relation to Fiveways, the two properties are separated by a shared private drive and there would be a distance of over 50m between the buildings. Dawn Chorus and Fox Hollow are located on the opposite site on Terrys Lane with over 30m between buildings. As such it is considered that there would be no unreasonable loss of light, visual intrusion or loss of privacy to occupiers of these neighbouring properties.

Highway Safety and Parking

Access and Visibility

- 6.11 The proposal involves the construction of a new access to the east of the site off a private road, which the principle elevation of the main house will front onto. The access would provide good visibility when exiting the site onto the private track. The proposal also seeks to retain the existing access to the south of the site onto Terrys Lane to serve the garage/annex building. As this would introduce a degree of independency from the main dwelling, if approved it is recommended that an informative is attached to advise that planning permission is required if the garage/annex building is used as a separate independent dwelling as this would constitute a material change of use.

Vehicle Parking and Cycle and Refuse Storage

- 6.12 In accordance with Local Plan policy P4 and the Council's adopted parking standards a 6 bedroom dwelling would require 3 parking spaces. It is considered that there is sufficient room to accommodate 6 spaces on site on proposed hardstanding and within the proposed garage. The plan shows that there is enough room to accommodate cycle and refuse storage.

Vehicle Movements

- 6.13 The construction of a 6 bedroom dwelling has the potential to generate between 12 – 24 vehicle movements per day, which is not considered to significantly over and above the existing situation. The proposal is therefore not considered to be unduly impactful on local highway infrastructure.

Other Material Considerations

Trees

- 6.14 A good tree cover is present on the site itself as well as adjacent sites, with many semi-mature and mature trees of both native and exotic origin characterising the local area. The applicant has submitted an Arboriculture Report which includes a tree survey, arboriculture impact assessment

and tree protection measures, which demonstrate an acceptable impact on trees as a result of the development in accordance with Local Plan policy N6.

Ecology

- 6.15 At the time of writing comments from the Council's ecologist are still outstanding. These will be reported in the Panel Update Report.

Planning Balance and the Case of Very Special Circumstances

- 6.16 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). Therefore the main issue is whether the harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development. Substantial weight is given against the development by reason of its inappropriateness, conflict with the purpose of the Green Belt, and harm to openness.
- 6.17 The applicant has also put forward the case of enhancement to openness and to the countryside character of the Green Belt as the new dwelling would be less conspicuous than the existing development as the dwelling would be re-sited centrally on the plot away from Terrys Lane and therefore reducing any visual impact from the public highway / footpath. It would also remove a collection of outbuildings that are located around the site, with one consolidated building at the centre of the site. However, for the reasons in paragraphs 6.6 and 6.9 - 6.10 it is considered that the design of the new dwelling would be visually prominent and would erode openness in comparison to the existing house and outbuildings. It is therefore not considered that a case for VSC has been made by the applicant.
- 6.18 The NPPF also requires a balancing exercise of benefits against harm. The acceptability of the scheme in terms of impact on neighbours, highways, trees cannot be considered to outweigh the substantial harm to the Green Belt in respect of its inappropriateness, openness and purpose, or the moderate harm to the character of the countryside and locality. This is because the scheme is required to comply with the Development Plan; compliance with the plan cannot constitute a benefit of the proposal.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 14.02.17.

2 letters were received supporting the application, summarised as:

| Comment | | Where in the report this is considered |
|---------|---|--|
| 1. | The houses on Terrys Lane vary in style and scale, and the design of this house is in keeping with the neighbourhood. | Para. 6.8 – 6.10 |
| 2. | Existing house is in poor condition and design of new house will be an improvement. | Para. 6.8 – 6.10 |

Other Consultees

| Consultee | Comment | Where in the report this is considered |
|-------------------------|---|--|
| Local Highway Authority | No objection subject to conditions relating to the provision of parking in accordance with approved | Para. 6.12 – 6.14 |

| | | |
|-----------------------|--|------------|
| | details. | |
| Arboriculture Officer | No objections subject to conditions relating to tree protection, tree retention/replacement and landscaping scheme | Para. 6.15 |

8. APPENDICES TO THIS REPORT

- ⊙ Appendix A - Site Location Plan and Site Layout
- ⊙ Appendix B - Proposed Plans and Elevations
- ⊙ Appendix C – Refused Proposal under 16/01236/FULL

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

In this case the issues have not been successfully resolved.

9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and the applicant has failed to demonstrate that Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and saved Policies GB1 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
- 2 Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site to the detriment of the representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt, and together with the unsatisfactory design, which fails to relate to and reinforce local character, would unduly harm the visual amenity of the locality. This is contrary to Paragraph 60, 79 and 80 of the National Planning Policy Framework (2012) and saved Policy GB1, GB3, GB2 (a), DG1, H10, H11 and N1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003), and the Cookham Village Design Statement 2013.