

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

5 July 2017

Item: 8

Application No.:	17/01442/FULL
Location:	130 - 132 Clare Road Maidenhead
Proposal:	Construction of out buildings.
Applicant:	Mr Rehman
Agent:	Mr Korban Ali
Parish/Ward:	Maidenhead Unparished/Boyn Hill Ward

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. The proposal is therefore contrary to Policy DG1 of the Local Plan and Paragraph 64 of the National Planning Policy Framework.
- 1.2 The proposed buildings would be within the root protection areas of two tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. They are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policies DG1 and N6 of the Local Plan.

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

- | | |
|-----------|---|
| 1. | The proposal would harm the character of the area due to the excessive size of the proposed outbuildings. |
| 2. | The proposal would lead to the loss of two mature Poplar trees in the neighbouring garden, which would harm the character of the area. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Claire Stretton, irrespective of the recommendation, due to the concerns of local residents.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is the rear gardens of a pair of semi-detached houses located in Clare Road to the West of Maidenhead town centre. The rear gardens measure some 28m in length and each one is 8.6m in width towards the rear. The site slopes up towards the rear. The site is surrounded by other rear gardens.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of two outbuildings described on the plans as gyms. They would have pitched roofs with ridge heights of 4m, and would measure 8.315m by 8.090m each. They would each contain a WC and an open gym area. They would each have two windows and a double door facing the front of the site, a side window to the WC, and 4 rooflights.

Ref.	Description	Decision and Date
07/00071	Construction of a single storey rear extension (to both properties) and front porch infill (no. 132 only)	Perm. 16.02.2007

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Trees
Local Plan	DG1	N6

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i impact on the character of the area and neighbouring amenity; and
- ii impact on trees.

Character and amenity

6.2 The surrounding area consists of rear garden areas which are characterised by their openness. There is a small outbuilding at the rear of the garden of no. 134 adjacent to the site. The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. They would measure 4m in height, and each would be approximately 8.3m by 8m. Their footprints, at 67 sqm each, would be larger than the footprints of the houses on the site, which each have a footprint of some 47 sqm. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. Due to the slope of the land up to the site, the buildings will be on higher ground than the houses, and will be overbearing. They would also cause loss of light to the surrounding gardens. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. The proposal is also contrary to Paragraph 64 of the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in which it functions.

Trees

6.3 The proposed buildings would be within the root protection areas of two attractive tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. Although the trees are not protected by Tree Preservation Orders, they are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that

character. It is also contrary to Policy N6 of the Local Plan, which seeks to protect trees with amenity value.

Other material considerations

- 6.4 The buildings proposed are of such a size that they could easily be converted to residential accommodation rather than being used as gyms. Although this is not the subject of the current application, such an eventuality could be a consideration for the current application. It is noted that there is insufficient parking space on the sites to serve any extra bedrooms. However, it is the current application which is under consideration.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.5.2017

4 letters and emails were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Our property is very close to the two very tall Poplar trees and if they become destabilised due to the construction then we will also be affected.	6.3
2. We are concerned that if this proposal of '2 gyms' is accepted then this will start a chain reaction in many back gardens in Clare Road/ Redriff Close.	6.2
3. The application form left blank the response to the question 'Are there any trees or hedges on land adjacent to the proposed development site?' There are 2 very tall Poplar trees at least 30m high in my garden a few feet from the site, and they pre-date housing development.	6.3
4. The size of the 'gyms' is larger than the actual houses in both length and width.	6.2
5. Very limited garden remaining.	6.2
6. No room has been left for maintaining or access gutters or roof or boundary. This is vital. The houses are badly maintained.	Maintenance is not a planning consideration.
7. Neighbours will suffer loss of light to gardens and vegetable patches.	6.2
8. They will be on higher ground and will be overbearing.	6.2
9. No.134 has an outbuilding of an acceptable size and similar size to others in the road, and they could be that size. The plans show it larger than it is.	6.2
10. We are already restricted from sitting in our garden due to the tenants.	Noted
11. Many such gyms are converted for rental purposes. A ploy.	6.4
12. The Council should check for such conversions, as they are a way of avoiding higher Council Tax, and should condition any permissions to prevent conversion.	Noted
13. There is no boundary between the properties. One family owns both properties and they are rented – question why two such large gyms are needed for one family. The size is larger than some gyms in	Noted

	Maidenhead.	
14	Additions must be within reason and scale.	6.2
15	No.130 could be used to access both buildings by future tenants.	6.4
16	Other applications could follow – they are actually large 3 bed bungalows.	6.4
17	Parking is always an issue in Clare Road. These properties do not have off street parking for their many tenants.	6.4
18	<p><u>Maidenhead Civic Society</u> Description does not clarify that this is for two different properties – should be two separate applications.</p> <p>Buildings will be directly beside rear and side boundaries – problems with maintenance.</p> <p>Visually intrusive and will detract from the enjoyment of neighbouring gardens.</p> <p>Ancillary accommodation should not be permitted.</p>	<p>A combined application is acceptable – double fees were submitted.</p> <p>Not a planning matter.</p> <p>6.2</p> <p>6.4</p>

Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	<p>Would lead to the loss of the Poplar trees.</p> <p>They are not worthy of a Tree Preservation Order due to their location, species and condition.</p>	6.3

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site and location plans
- Appendix C – Ground floor plan
- Appendix D - Elevations

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

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

In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed outbuildings would dominate the rear garden areas of 130 and 132 Clare Road and those of the surrounding houses, due to their excessive height, width and depth. They would measure 4m in height, and each would be approximately 8.3m by 8m. Their footprints, at 67 sqm each, would be larger than the footprints of the houses on the site, which each have a footprint of some 47 sqm. Consequently the outbuildings would not appear subordinate to the houses on the site, and would give an overly built-up impression to the rear gardens. The proposal is therefore contrary to Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. The proposal is also contrary to Paragraph 64 of the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in which it functions.

- 2 The proposed buildings would be within the root protection areas of two tall Poplar trees in the neighbouring garden, and the development would be most likely to lead to the decline and loss of those trees. Although the trees are not protected by Tree Preservation Orders, they are considered to be important features which contribute to the character of the rear garden areas of the surrounding houses. The proposal is therefore contrary to Policy DG1 of the Local Plan which states that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. It is also contrary to Policy N6 of the Local Plan, which seeks to protect trees with amenity value.