

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 February 2018

Item: 2

Application No.:	17/03636/FULL
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor
Proposal:	Construction of 3 x 1 bedroom flats following demolition of garages 4 to 9 and stores
Applicant:	Mr Gray
Agent:	Mr Sean Kelly
Parish/Ward:	Windsor Unparished/Clewer East Ward

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal seeks planning permission to construct 3 x 1 bed units. It is acknowledged that this scheme would make a contribution to the Borough's housing stock through the provision of 3 units, however the application is recommended for refusal on the grounds that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

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.	Cramped development of the site resulting in an unsatisfactory layout.
2.	Design and appearance of the 2 storey building would be out of keeping with the general character and visual amenity of the surrounding residential area.
3.	Insufficient tree information supplied with the application
4.	Failure to demonstrate that adequate parking and turning can be achieved with the site to serve the development.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden, irrespective of the recommendation, on the grounds that local residents oppose the density and access of this development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the northern side of Clewer Hill Road and forms part of a garage court. The garages are accessed via a narrow driveway from Clewer Hill Road. A pair of semi-detached dwellings have recently been completed to the east of the entrance to the site on Clewer Hill Road. The site lies to the rear of maisonettes, numbered 54-60 Clewer Hill Road and adjacent to the parking/ garaging area situated to the rear of the neighbouring flats at Haileybury Court. To the north and east of the site lie 6 & 7 Addington Close. A mature protected oak tree lies within the adjacent garden of number 7 Addington Close.

The site lies within a predominantly residential area with a mix of housing styles and ages.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves the demolition of 6 garages and a store, and the erection of 3 x 1 bedroom residential units comprising a pair of two storey, mews style houses and a single storey one bed unit. The two storey element would have a flat roof and measure 5.3m in height. A small area of communal amenity space is to be provided at the front of the building. A grassed area is to be provided to the rear of the single storey unit. A timber cycle enclosure and timber bin enclosure are also proposed. Three car parking spaces are shown to be provided in front of the units. It is also proposed to retain 3 of the existing garages for use by existing tenants.
- 4.2 The external materials of the building would be brick.

Ref.	Description	Decision and Date
02/81891/FULL	Demolition of six garages and erection of two semi-detached dwelling houses with associated parking.	Dismissed on appeal
03/83436/FULL	Demolition of 6 lock up garages and 2 stores and the erection of a 4 bedroom detached house.	Refused
15/03216/FULL	Change of use and conversion of 5 garages and 2 storage buildings to a single storey dwelling with parking and amenity space.	Refused
16/01203/FULL	Partial demolition of garages and change of use and conversion of 6 garages and 2 storage buildings to a single storey dwelling, with parking, access and amenity space.	Permitted

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework:

- Core principle 4 – Good standard of amenity for all existing and future occupiers,
- 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
DG1, H10, H11	P4, T5	N6

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3, H05
Makes suitable provision for infrastructure	IF1, IF2
Trees	NR2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the character and appearance of the area.
- ii The impact of the proposal on the neighbouring amenity and the amenity of future occupiers.
- iii The impact on the adjacent TPO tree.
- iv Highways and parking.

Impact of the character and appearance of the area

- 6.2 Local Plan Policy DG1 sets out the design guidance for new development. One of these is that harm should not be caused to the character of the surrounding area through development which is cramped. Paragraph 5.7.3 states that this policy should be considered together with Policy H10, which refers specifically to new residential development scheme, requiring them to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density which would be incompatible with or cause damage to the character and amenity of the area. Bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- 6.3 The site lies within a predominately residential suburban area with a mix of housing types and styles including terraces, flats, maisonettes, semi-detached and detached dwellings. The site is set behind numbers 54-60 Clewer Hill road and currently forms part of a garage court. Whilst the site is not readily visible from the public realm it is visible from the adjoining neighbouring properties.
- 6.4 The principle of residential development on this site has already been established and this current application follows a recent approval to erect a 1 x 2 bed single storey dwelling on this site under planning permission 16/01203/FULL. The current proposal is sited within the confines of the footprint of this extant permission. However it is now proposed to create 3 x 1 bed dwellings. Two of the units are proposed to be 2 storey with a third unit comprising a single storey return element.
- 6.5 The site is constrained by its size and shape and the building would come close to the site boundaries. Whilst the footprint of the development is the same as the previously approved scheme and the density of development would be comparable with surrounding residential densities this is not the only measure of acceptability of a development. In this case the provision of 3 units on the site necessitates the need to provide additional spaces for bins, bikes, entrances, footpaths and parking. It is necessary to consider whether or not the layout functions well and provides a good sense of space around the building as well as an attractive, high quality place to live. The small amenity space to the front of the building would not be high quality as it would be surrounded by parking, open to the other parts of the site where other

users are and surrounded by footpaths. The rear space would be over shadowed by the adjacent tree, not easily accessible and would create issues for residents whose bedroom would be directly overlooking it. In terms of parking, the third space only has 5m for manoeuvring which is below the 6m minimum clearance which would be required. All these factors are considered to be indicative of an unsatisfactory, cramped layout and it is considered that the current layout could not support 3 units on the site.

- 6.6 The proposed development has been designed in a mews style, courtyard development and the 2 storey buildings would have flat roofs with an overall height of 5.3m. This type of mews design is not a typology common to the area and the fact that the first floors have three blank sides' makes for poor design as well as being an indication of poor layout. It is considered that the proposal would appear at odds and out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general.
- 6.7 The permitted scheme under application number 16/01203/FULL for a single storey 2 bed unit has a much more spacious layout and provision for a useable, private amenity space. The 2 parking spaces would also be well laid out so as to have plenty of room for manoeuvring/turning and provides a much more satisfactory layout. On this basis, whilst the extant permission has established the principle of development and the footprint remains the same and carries weight in relation to those elements of the scheme, there are significant differences between the two schemes in relation to the scale and layout of the proposal.
- 6.8 It is concluded that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

Impact on the neighbouring amenity and the amenity of future occupiers

- 6.9 As noted above the submitted plans indicate only a small communal garden and the scheme is considered to lack sufficient quality and quantity of outdoor amenity space for future occupiers, contrary to bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF which states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- 6.10 In terms of the impact of the proposed building on the amenities of neighbours it is not considered that the proposed building would have any adverse impact on light and outlook from any neighbouring properties given the distances which would be maintained. The two storey dwellings have been designed to have first floor windows in the front elevation only and would serve bedrooms and dressing rooms. These windows would be sited approximately 11m from the flank boundary with number 6 Addington Close which is considered to be a reasonable separation distance in this urban context. However a separation distance of just 7m to 7.5m would be maintained between the proposed first floor windows and the flank boundary with number 7 Addington Close and concern has been raised by the neighbours regarding the potential for overlooking and loss of privacy from the proposed development. In determining the appeal under application number 02/81891/FUL for a similar separation distance of 7m from primary bedroom windows to the neighbouring boundary the Inspector found the relationship to be acceptable concluding 'that the proposed development would not lead to unacceptable overlooking of adjacent properties or gardens.' On this basis it is not considered that an objection on the grounds of overlooking and loss of privacy could be substantiated however in the interest of neighbourliness the dressing room window could be conditioned to be obscure glazed to help minimise the potential for overlooking.
- 6.11 The ground floor windows would not introduce an unacceptable level of overlooking or loss of privacy to the neighbouring properties providing suitable boundary fencing/treatment is provided and this could be secured by condition in the event of planning permission being granted.

Impact on the adjacent Oak Tree

- 6.12 There is a protected Oak tree adjacent to the northern boundary within the garden of number 7 Addington Close which is an important landscape feature. As before the proposal sits within the British Standard Root Protection Area. This portion of the development is within the existing

built footprint and it was previously concluded under application number 16/01203/FULL that the proposed development would reduce the development within the RPA. An Arboricultural Method Statement and Tree Protection Plan was submitted and approved under the previous application. This current application now includes a timber cycle enclosure which is proposed to be constructed off a pre-existing slab. No updated tree information has been supplied with this current application and an updated Arboricultural Method Statement and Tree Protection Plan are required for consideration under this current application. Insufficient tree information has therefore been supplied with this current application and it has not been demonstrated that the proposal would not cause harm to the protected tree.

Highways and parking

- 6.13 The site is accessed via a drive off Clewer Hill Road, a classified road. The proposal involves the removal of a number of garages and the loss of these garages has already been accepted in principle under previous proposals for this site. A total of 3 parking spaces are shown to be provided in connection with the 3 x 1 bed units and three garages are to be retained for use by private individuals.
- 6.14 The Highway Authority has noted that the current width of the access does not comply with RBWM's current highway design guide. However it is acknowledged that the application is likely to result in a reduction of vehicle usage and there have been no recorded collisions within the vicinity of the access within the last 5 years. The use of the existing access is therefore deemed acceptable.
- 6.15 The application includes the provision of 3 parking spaces which complies with RBWM's current parking strategy. However the parking arrangement proposed is inadequate. A minimum clearance between the parking bays and restricted boundary should be 6m rather than the 5m shown to be provided. The proposed parking layout is therefore inadequate and needs to be reviewed.
- 6.16 The application includes one secure, covered cycle parking provision for each dwelling which complies with RBWM's current guidance.
- 6.17 Refuse storage is proposed perpendicular to the proposed parking bays. The proposed location of the refuse bins exceeds the maximum carrying distance from the highway. Therefore refuse access and turning for refuse vehicles must be accommodated within the site extent. Vehicle swept paths have been provided for a vehicle accessing the site, manoeuvring and exiting in forward gear. However details of the type and size of vehicle have not been provided. Refuse vehicle swept paths must be carried out, with vehicle details shown.
- 6.18 The proposed layout fails to show that adequate parking and turning can be accommodated within the site.
- 6.19 A number of the public responses have referred to the fact that the parking spaces perpendicular to the garages will be inaccessible due to existing residents parking outside their adjoining garages. The agent has confirmed that the applicant owns the entire garage forecourt and the owners/users of the adjoining garages are under existing legal obligation not to obstruct/park on the garage forecourt. Whilst not strictly a planning matter a letter has been supplied by the client's solicitors in response to a letter received from local residents. It confirms that they only have rights of way over the forecourt in front of the garages and that they are obliged by a restrictive covenant in their title deeds, and an express covenant in their leases, not to obstruct the forecourt.

Other Material Considerations

Housing Land Supply

- 6.30 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 NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.31 It is acknowledge that this scheme would make a small contribution to further boosting 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 In line with the Council's Charging Schedule the proposed development would be CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form advising on the existing gross internal residential floor space of 157 sq.m and a proposed internal floor space of 208 sq.m. In order for the internal floor area of the garages to be deducted from the proposed GIA residential floor space the applicant will need to provide evidence that the garages to be demolished have been in lawful use for parking for 6 months in the last 3 years. In the absence of this evidence the applicant will need to amend the CIL forms and the CIL payment will be based solely on the new floor space figures.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

A site notice was posted on a lamp post in Clewer Hill Road close to the application site on 15th January 2018. A total of 15 neighbours have been notified and 8 letters have been received objecting to the application from 6 separate addresses. The objections are summarised as:

Comment	Officer Response
Residents of Haileybury Court and no.6 Addington Close are missing from the notification list	Additional notification has been carried out.
Existing roofs and gutters of garages made out of asbestos.	This would be covered by separate regulations.
Design & size of development is alien and overbearing to surrounding properties. Incompatible and out of keeping with area.	See assessment (para 6.6)
Loss of privacy and amenity to numbers 6 & 7 Addington Close	See assessment (para 6.10 & 6.11)
Cramped and density would have detrimental impact on amenities of existing properties	See assessment (para 6.5)
Little or no amenity space for future occupants	See assessment (para 6.5)
Too close to Oak tree. Future pressure to reduce tree which could threaten viability.	See assessment(para 6.12)
No visitor parking provided. Displacement of more cars onto Clewer Hill Road which is already heavily parked could cause highway problems	See assessment (Para 6.15)
Third parking space would be tight squeeze and other 2 spaces could be difficult to use with access to garages being required.	See assessment (6.19)

Tenants of garages have always parked in front of their garages. This would make parking plan unviable.	See assessment (6.19)
Emergency vehicles must be able to turn within access area.	See assessment (6.18)
If claim for prescriptive easement to park outside garages is successful turning arrangements would be unworkable,	See assessment (6.19)

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	Use of the existing access is deemed acceptable. Proposed parking layout should be reviewed. Refuse vehicle swept paths must be carried out with vehicle details shown. Principles of application does not raise any significant highway concerns however amendments to current arrangements must be made to ensure parking and turning can be accommodated.	6.14 -6.18
Tree Officer	Formal comments awaited but tree officer has verbally confirmed that updated Method Statement and Tree Protection Plan is required.	6.12
Environmental Protection Officer	No comments received to date	

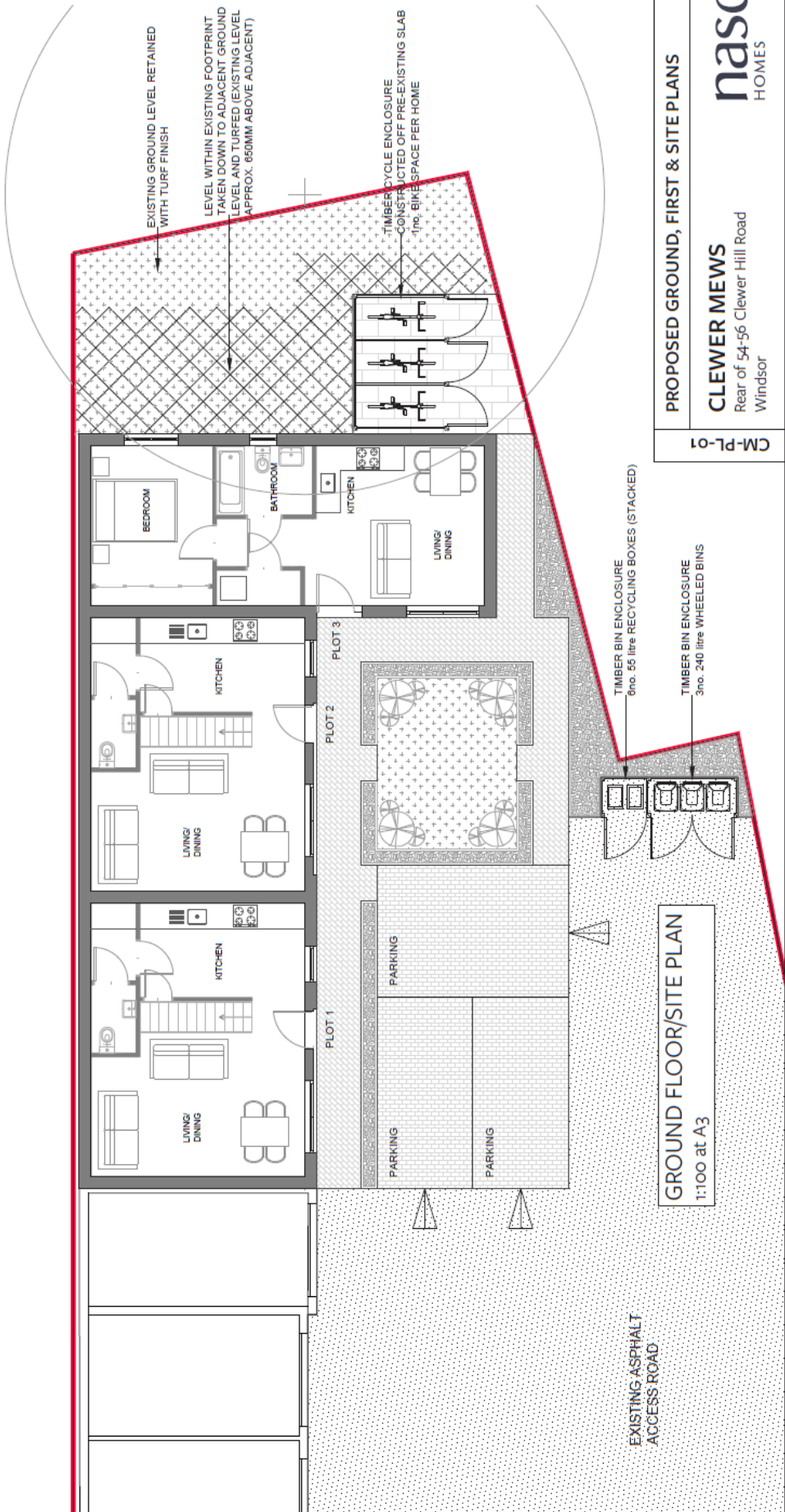
9. APPENDICES TO THIS REPORT

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

10. REASONS RECOMMENDED FOR REFUSAL.

1. The proposed development, by virtue of its siting, layout, form and design would result in a cramped layout of the site and would appear out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
2. Insufficient tree information has been supplied with the application to enable proper consideration of the impact of the proposed development on the adjacent protected oak tree. As such the proposal is contrary to policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).
3. The application has failed to properly demonstrate that an adequate parking layout and turning arrangement can be provided to serve the proposed development. As such the proposal is contrary to policies T5 and P4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).

FIRST FLOOR PLAN
1:100 at A3



GROUND FLOOR/SITE PLAN
1:100 at A3

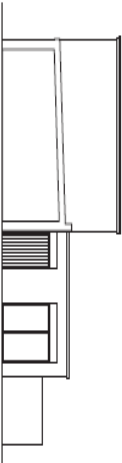
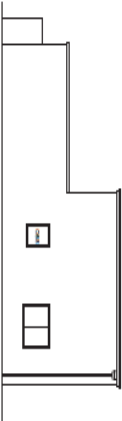
PROPOSED GROUND, FIRST & SITE PLANS

nascot
HOMES

CLEWER MEWS
Rear of 54-56 Clewer Hill Road
Windsor

CM-PL-01

FRONT ELEVATION
1:100 at A3

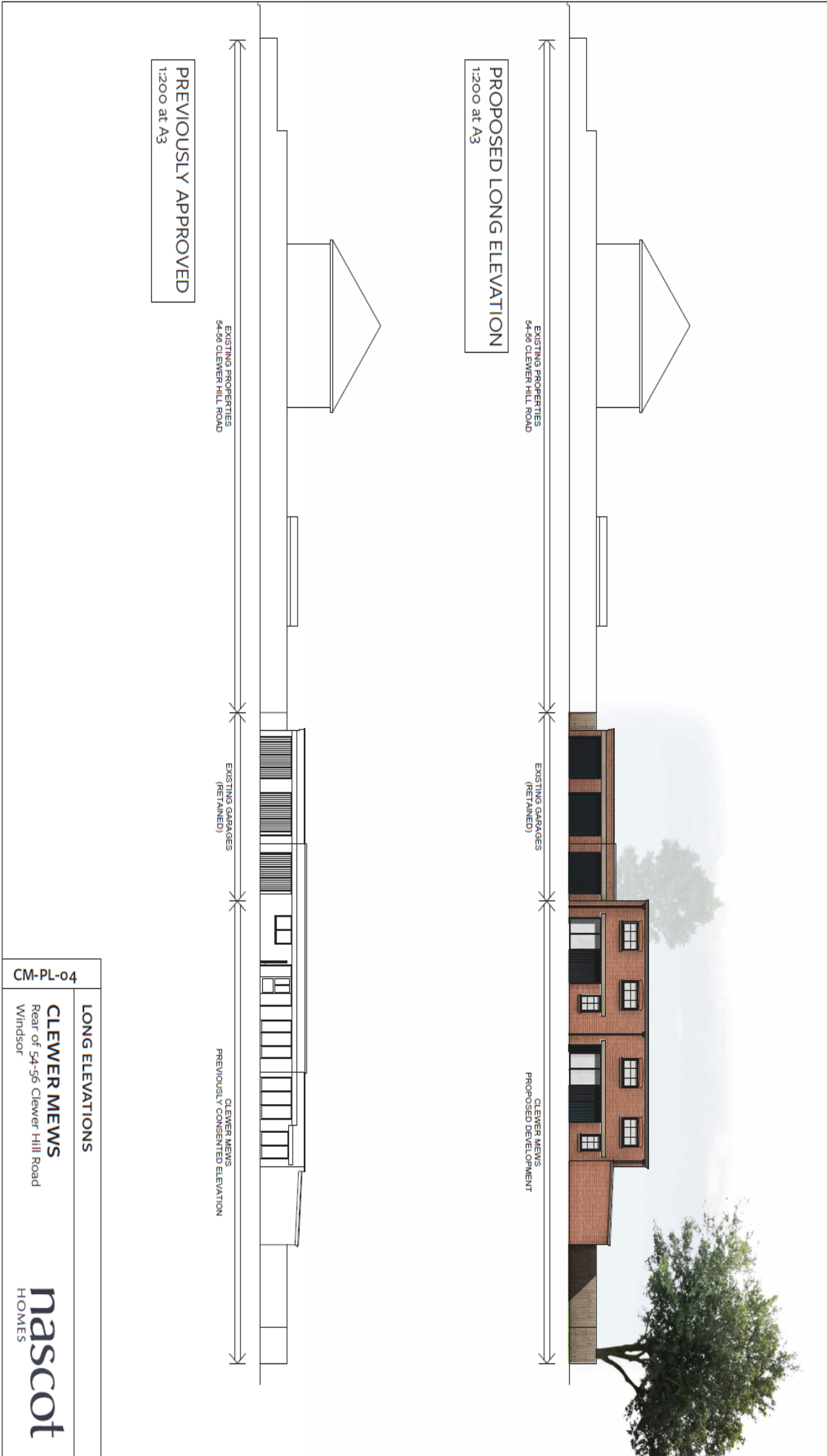


SIDE ELEVATIONS
1:200 at A3



REAR ELEVATION
1:200 at A3

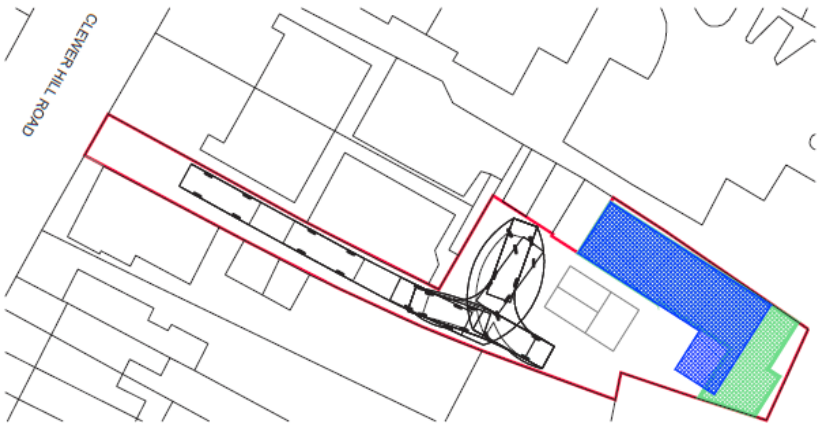
CM-PL-02	
PROPOSED ELEVATIONS	CLEWER MEWS
Rear of 54-56 Clewer Hill Road Windsor	



SITE LOCATION PLAN
1:1250 at A3



BLOCK PLAN
1:500 at A3



PARKING TRACKING
1:500 at A3

