1. SUMMARY

1.1 The application seeks planning permission to redevelop an existing residential site from one dwelling to two, and to develop part of the rear gardens of the existing house and neighbours’ to provide a chalet bungalow. The application follows refusal of a similar scheme on the grounds that the development would have appeared cramped in the street scene, with little scope at the front of each site for meaningful landscaping, which would have harmed the character and appearance of the area. It was also refused on the grounds of overlooking from the first floor rear of Plot 1 and non-compliance with the Council’s parking standards.

1.2 The loss of privacy from the proposed dwelling has now been satisfactorily addressed so there is no longer an objection to the proposal on this ground. However, only minor changes have been made in respect to addressing the concerns in relation to the development’s cramped appearance and lack of space for on site parking and landscaping to the front of the plots and as such an objection to the proposal on these grounds remains.

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

1. The proposed houses on Plots 2 and 3 facing Birdwood Road, by reason of their size and scale together with their siting and close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area.

2 The proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped on the site to the detriment of the character and visual amenity of the area. Furthermore, the proposal would involve the majority of the space to the front of the dwelling being used for parking, leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area.

3 The proposed development fails to make adequate on-site provision for car parking in accordance with the Council’s adopted Parking Strategy 2004 and would be likely to lead to additional on street parking in the area to the detriment of the free flow of traffic and conditions of highway safety. The proposal is therefore contrary to saved policies P4 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).
2. REASON FOR PANEL DETERMINATION

- At the request of Councillor D Wilson, for the reason that there is local interest in this application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 52 Birdwood Road comprises a detached house and double garage that are situated on a corner plot at the junction of Birdwood Road and Farm Road. The site sits in a hollow below Birdwood Road and Farm Road, with the garden banking up to the north and to the north east (at the rear), adjacent to No.35 Farm Road. The site comprises all of the land associated with No.52 Birdwood Road and part of the rear garden of No. 50 Birdwood Road. There is a mature hedge enclosing the site along its north boundary, adjacent to Farm Road.

3.2 The site is located in a residential area of Maidenhead, where there are a variety of types of dwellings. Birdwood Road is characterised by detached houses of varying styles with generous sized rear gardens. The building line of properties along Birdwood Road is generally staggered and most properties sit back from the road behind low brick walls enclosing space for parking and landscaping. The grass verges and tree lined nature of the road contribute to its attractive appearance.

3.3 The south side of Farm Road, within the vicinity of the site, is a mixture of semi-detached and detached houses, with No.35 being a bungalow. On the opposite side of Farm Road are semi-detached bungalows. Some properties have been developed as a result of sites formed from rear gardens – numbers 33a and 35 Farm Road appear to have been formed from the rear gardens of numbers 48, 50 and 52 Birdwood Road. The character of the area is essentially one of an established residential area which feels spacious and is enhanced by areas of planting, such as the grass verges, front gardens and hedges, and triangles of land at the road junctions.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Description</th>
<th>Decision and Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/00314/FULL</td>
<td>Erection of two detached dwellings and one detached chalet bungalow following demolition of the existing dwelling at 52 Birdwood Road</td>
<td>Refused 26.05.15</td>
</tr>
</tbody>
</table>

4.1 The proposal is to demolish the existing detached dwelling and garage and construct two, four bedroom detached houses fronting Birdwood Road, together with a three bedroom, chalet bungalow to the rear of 52, facing Farm Road.

4.2 Plot 1 is the proposed chalet bungalow which would sit approximately 6m back from Farm Road. The dwelling would be approximately 10.5m wide, 9 metres deep and 6.8m high. It would be positioned 1m off each of the side boundaries. Parking for 2 cars is shown immediately to the front of the proposed dwelling.

4.3 Plots 2 and 3 are the proposed houses facing Birdwood Road. Each of them is approximately 9m wide, 13m deep and 8.5m high. Each house would have accommodation over three floors under a fully hipped roof with a rear dormer window. The houses would have a traditional appearance and are each shown to have three parking spaces. Access to Plot 2 would require a new crossover to be created.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Paragraphs 17, 53, 58, 64 and Annex 2 in respect to the definition of previously developed land.

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:
5.2 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

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


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 on the living conditions of neighbours;

iii Parking provision and highway safety.

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

6.2 The application site is within an established residential area and, while there are a variety of types and sizes of dwellings in the area in general, Birdwood Road and Farm Road have quite distinctive characters. Birdwood Road is characterised by detached houses that sit back from the highway. Houses on the north-east side running from north-west to south-east are generally also set behind each other. Although the properties tend to fill the width of their plots, the set back from the road and staggered building lines allows for a more open appearance and provides space for soft landscaping (as well as parking) that contributes to the established appearance of the road. Birdwood Road is also lined with grass verges and trees which add to its attractive appearance.

6.3 The proposal involves building on the gardens of numbers 50 and 52 Birdwood Road. Annex 2 of the NPPF advises that private residential gardens are not included in the definition of previously developed land and therefore no weight is given to the fact that two of the dwellings would be built on garden areas. Indeed paragraph 53 of the NPPF advises local planning authorities to consider the case for specifically resisting inappropriate development of residential gardens where, for example, development would case harm to the local area.

6.4 Both houses on Plots 2 and 3 would be sited forward of No.50 Birdwood Road and would sit taller than the neighbouring property. The space at the front of the houses facing Birdwood Road would be almost entirely for off-street parking. The site would be opened up along the frontage with the creation of a new crossover to Plot 2 and the development would be sited much closer to Farm Road than the existing house, with the size of the gap halved from 9m to 4.5m at its closest point adjacent to the footpath. The rear and sides, as well as the frontages, of the properties would be clearly visible Farm Road, including through the new access of Plot 1.
6.5 It is considered that the proposed houses facing Birdwood Road, by reason of their size and scale together with their siting in line and in close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking, leaving little space for any meaningful planting to soften the appearance of the development. For these reasons, the proposal would harm the character and appearance of the area and be contrary to adopted Local Plan policies DG1, H10 and H11 and the NPPF.

6.6 In terms of Farm Road, the area within the vicinity of Plot 1 (to the north-east) features a row of predominantly houses with the exception of the bungalow at 35 currently at the end of the row next to Plot 1. Properties are set back from the road behind walls or fences, and various shrub planting. The proposed chalet bungalow would sit forward of the neighbouring bungalow and houses, being approximately 6m back from the edge of the highway. It would also have a noticeably higher ridge height than the neighbouring bungalow and fill the majority of the width of the plot. Because of its siting and parking requirements, there is very limited space for landscaping at the front and in order to achieve the required pedestrian visibility splays the majority of the hedgerow in front of Plot 1 will be lost. Overall, it is considered that the proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped to the detriment of the character and visual amenity of the area. The proposed dwelling on Plot 1 is therefore considered to be contrary to policies DG1, H10 and H11 and the NPPF.

The impact on the living conditions of neighbours

6.7 The proposed dwelling on Plot 1 facing Farm Road would be adjacent to No.35 Farm Road. Although the proposed dwelling would be positioned forward of the neighbouring bungalow this will not result in loss of light or appear overbearing. The proposed dwelling would also not project beyond the rear of No. 35 so no harm will arise here from loss of light or by appearing overbearing. No windows are proposed on the side facing No.35 and therefore there will not be any loss of privacy to this property. Previously proposed dormer windows inserted on the first floor rear elevation have been removed and replaced with roof lights, so that there would be no direct loss of privacy of the rear of properties along Birdwood Road, including 48 and 50.

6.8 The first floor rear elevation of the house proposed on Plot 3 would not project beyond the rear of No.50 Birdwood Road and therefore there will be no loss of daylight to or overbearing impact on this neighbouring property. A condition restricting first floor side windows on Plot 3 would prevent any potential loss of privacy.

6.9 The living conditions of the future occupiers of the new dwellings would be sufficient. Overall, the proposal would comply with core planning principle 4 of the NPPF.

Parking provision and highway safety

6.10 The Highway Authority has advised that there is adequate space to achieve visibility splays and cycle parking and the proximity of the junction of Farm Road and Birdwood Road is satisfactory. Had the recommendation been to approve the application the details of these aspects would be secured by planning conditions.

6.11 Each house will have four bedrooms, so there is a requirement for three car parking spaces. Notwithstanding comments received from the Highway Authority, it is not considered that three parking spaces for both plots could be achieved satisfactorily. The position of the means of enclosure and the extent of the crossovers will mean that from a practical point of view manoeuvring three cars into and out of each of the driveways will be impossible. As future residents would struggle to park their cars on the driveways, the very strong likelihood would mean that they would park their cars on the road affecting highway safety and convenience. Insufficient on-site parking for this development would be unacceptable contrary to Local Plan policies DG1 and P4.

Other Material Considerations

6.12 The Tree Officer has been consulted on the application and any comments received will be reported to Panel in an update report.
7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 The CIL Regulations came into affect from 6th April 2015 and impose a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project. It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:
   1) necessary to make the development acceptable in planning terms;
   2) directly related to the development; and
   3) fairly and reasonably related in scale and kind to the development.

7.2 Furthermore, national planning policy advice contained within the NPPG makes it very clear that site specific contributions should only be sought where this can be justified with reference to underpinning evidence on infrastructure planning. In this case, given the limited impact a development of this scale and that there are no projects that would meet the above tests, financial contributions are not required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 22nd October 2015.

2 letters supporting the application have been received, summarised as:

<table>
<thead>
<tr>
<th>Comment</th>
<th>Where in the report this is considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposal would be beneficial to the area.</td>
<td>6.4 and 6.5</td>
</tr>
<tr>
<td>2. The development will enhance the area.</td>
<td>6.4 and 6.5</td>
</tr>
<tr>
<td>3. We do not anticipate that there will be any problems with parking.</td>
<td>6.11</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Comment</th>
<th>Where in the report this is considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The upstairs windows of the property along Farm Road would invade the privacy of No.48 Birdwood Road.</td>
<td>6.7</td>
</tr>
<tr>
<td>2. The removal of a healthy mature tree on Birdwood Road for the benefit of the developer should not be agreed especially when the Council’s Tree Department refuses to take action to remove or contain the tree outside 48 Birdwood Road which is too big for the road and the roots from which are causing damage to the pavement and presenting a safety hazard to pedestrians.</td>
<td>6.12</td>
</tr>
<tr>
<td>3. At school time the additional 6 cars that this development would create will make a local traffic problem even worse.</td>
<td>6.11</td>
</tr>
<tr>
<td>4. The properties that are being proposed for this site are not in keeping with those already in the area.</td>
<td>6.4 and 6.5</td>
</tr>
<tr>
<td>5. The two houses proposed on Birdwood Road would be a massive overdevelopment of the site.</td>
<td>6.4</td>
</tr>
</tbody>
</table>
6. The new crossovers will put pedestrians in conflict with more vehicles.

7. Vehicles will need to reverse out into Birdwood Road and this will be a major highway hazard for drivers turning into Birdwood Road from Farm Road.

8. The site is close to Newlands School with cars frequently parked along Farm Road and Birdwood Road. The proposed development would add to the problem of congestion in the area and lead to more incidences of residents being blocked in.

Statutory consultees

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Comment</th>
<th>Where in the report this is considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Authority</td>
<td>Comments as per paragraph 6.9</td>
<td>6.9</td>
</tr>
</tbody>
</table>

Other consultees and organisations

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Comment</th>
<th>Where in the report this is considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection.</td>
<td>No objections raised. Recommends informatives in relation to dust control, smoke control and hours of working to be attached to permission granted.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout plan
- Appendix C – Proposed elevations – Plot 1
- Appendix D – Proposed elevations – Plot 2
- Appendix E – Proposed elevations – Plot 3
- Appendix F – Existing street elevations
- Appendix G – Proposed street elevations

This recommendation is made following careful consideration of all the issues raised through the application process. 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.

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposed houses on Plots 2 and 3 facing Birdwood Road, by reason of their size and scale together with their siting and close proximity to each other, forward of and higher than the neighbouring property and in a prominent location will appear cramped. In addition, the proposal would involve the majority of the space to the front of the houses being used for parking leaving little space for any meaningful landscaping. For these reasons, the proposal would harm the character and appearance of the area and be contrary to saved policies DG1, H10 and H11 of...
the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and core planning principle bullet points 4 and 5, and paragraphs 53, 56, 58, 60, 61 and 64 of the National Planning Policy Framework.

2 The proposed dwelling on Plot 1 would, by reason of its siting and scale, appear cramped on the site to the detriment of the character and visual amenity of the area. Furthermore, the proposal would involve the majority of the space to the front of the dwelling being used for parking, leaving little space for any meaningful structural landscaping. The proposal is therefore contrary to saved policies DG1 and H10 and H11 of the Local Plan and core planning principle bullet points 4 and 5, and paragraphs 53, 56, 58, 60, 61 and 64 of the National Planning Policy Framework.

3 The proposed development fails to make adequate on-site provision for car parking in accordance with the Council's adopted Parking Strategy 2004 and would be likely to lead to additional on street parking in the area to the detriment of the free flow of traffic and conditions of highway safety. The proposal is therefore contrary to saved policies P4 and DG1 of the Local Plan.