

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

7 January 2019

Item: 1

Application	18/03027/FULL
No.:	
Location:	Windsor Physiotherapy Essex Lodge 69 Osborne Road Windsor SL4 3EQ
Proposal:	Construction of new building comprising 11 x two bedroom and 3 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure.
Applicant:	Mr Howells
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Park 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 demolish an existing Edwardian building close to Windsor town centre and replace it with a part 3, part 4 storey building comprising 14 apartments with associated car parking. The current scheme follows previous applications to build 14 flats on the site which have been refused and dismissed on appeal. It is not considered that the current scheme has sufficiently addressed the previous concerns and the application is recommended for refusal for the reasons set out below.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

1. **The proposed development would appear cramped and unduly prominent in the street scene to the detriment of the spacious character and appearance of the site itself and the locality in general and the setting of the adjacent Conservation Area.**
2. **The proposed development would appear overbearing and unduly prominent when viewed from Heron Lodge to the detriment of their living conditions.**
3. **The proposal would result in future pressure to remove or reduce the adjacent Lime tree and insufficient space has been provided to secure any meaningful planting/landscaping.**
4. **The proposal has failed to deliver any affordable housing in accordance with paragraph 64 of the NPPF.**

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application; such decisions can only be made by the Panel.
- At the request of Councillor Airey given concern regarding harmful impact on local area, particularly with regard to the proximity to the conservation area and concerns of over development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a triangular shaped, prominent corner plot, located at the junction of Osborne Road and Bolton Avenue, close to Windsor town centre. The site currently comprises a detached Edwardian, two storey building which is in use as a physiotherapist, Pilates studio and medical offices. There is also one residential unit on the site. The site is enclosed by a close boarded fence and is completely covered in hard surfacing with no trees within the site. There are trees on the adjacent highway land.
- 3.2 The site is sits higher than Heron Lodge, a three storey flatted development to the south east of the site and lies opposite detached dwellings in Bolton Avenue. Larger scale flatted developments, Dene House and Knights Place lie to the west of the site on the gyratory/roundabout. The two northern corners of the roundabout including Kings House, a similar Edwardian building, are smaller in scale and the application site is considered to have some gateway qualities being located on a main junction into the town centre.

4. KEY CONSTRAINTS

- 4.1 The site lies close to the Inner Windsor Conservation Area which runs along the opposite side of Osborne Road to the north of the site. The site lies within the 'leafy residential suburbs' character area as designated in the Townscape Assessment.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish the existing building and erect a part 3, part 4 storey building comprising a total of 14 apartments (11 x 2 bed and 3 x 1 bed) with associated parking for 20 vehicles, including undercroft parking. Cycle and bin storage are proposed to be provided and the existing vehicular access onto Osborne Road is to be closed and the existing vehicular access onto Bolton Avenue is to be altered.
- 5.2 The building has been designed to try and replicate the Edwardian building it replaces and incorporates timber detailing and rendering above brickwork at ground and first floor level. The building incorporates a number of balconies, dormer windows and roof terraces. The height of the building measures 11.6m adjacent to Heron Lodge rising to 13.2m closer to the road junction at Bolton Avenue and Osborne Road.
- 5.3 The table below sets out the relevant planning history for the site:

Reference	Description	Decision
02/82395/COU	Change of use from residential to medical consultancy (Class D1) with ancillary residential use.	Permitted 25.10.02
11/01187/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Withdrawn
11/02309/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Refused and dismissed on appeal 7.08.12
13/01689/FULL	Redevelopment of existing site to provide 14 apartments with associated basement parking and access.	Refused and dismissed on appeal 21.3.14

The previous application (reference number 13/01698/FULL) was refused for the following reason:

'The proposed building by reason of its size, bulk and height situated in close proximity to the road fails to take account of and harms the character and appearance of the area, including the

setting of the adjacent conservation area. The proposal therefore fails to comply with Policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and the National Planning Policy Framework (NPPF).’

In dismissing the appeal the Inspector concluded (paragraph 19):

‘The proposed development would not provide a satisfactory design, in terms of both its layout and massing, and resultant impacts on landscaping. While I have no objections to the proposed scale, its design as a whole would not successfully address its context, including the setting of the nearby Conservation Area, and as such, would not represent sustainable development within the definition of the Framework. It would also fail to conform with the Council’s Local Plan.’

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Impact on Conservation Area	CA2
Affordable Housing	H3
Trees	N6
Community Facilities	CF1

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Affordable Housing and Housing Density	HO3, HO5
Historic Environment	HE1
Tress, Woodlands and Hedgerows	NR2
Infrastructure and Developer Contribution	IF1
Community Facilities	IF7

- 7.1 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 summarising the issues raised in the representations and setting 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. The Submission Version of the Borough

Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

- 7.2 This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Local Strategies or Publications

- 7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

41 occupiers were notified directly of the application.

The planning officer posted 2 site notices advertising the application on the two road frontages (31/10/18 and 9/11/18) and the application was advertised in the Local Press on 25th October 2018.

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

Comment	Where in the report this is considered
1. Excessive for the size of plot and out of keeping with general character of the area	Paragraphs 9.2-9.12
2. Design fails to fully consider the conservation area opposite.	9.2-9.12
3. Proposal would result in more traffic and parking problems	9.21-9.25
4. Building comes close to site boundaries adding to oppressive feel.	9.13-9.20
5. Lack of car parking provided.	9.21-9.25
6. Excessive building height.	9.2-9.12
7. The development should be assessed in relation to Heron Lodge and not Dene House.	9.2-9.12
8. Flats change the character of an area and increase the burden on local services	9.2-9.12
9. Essex Lodge is a non-listed heritage building providing a visual gateway into Windsor and adjoins the inner conservation zone.	9.2-9.12
10. Gross over-development of the site.	9.2-9.12
11. Scale of development will dominate the site and the surrounding buildings.	9.2-9.12
12. Impact on the street scene – bulk/mass/scale	9.2-9.12
13. Impact on a local heritage building	9.2-9.12
14. Damage to the amenity of neighbours from ingress and egress of cars and overlooking.	9.13-9.20

15	Insufficient space for meaningful planting.	9.26-9.29
16	Together with Kings House the building forms a pair of buildings which act as local landmarks.	9.2-9.12
17	The building built in 1897 is of historical significance having been built for Queen Victoria's dressmaker.	9.2-9.12
18	The Bolton's and Osborne Road are characterised as a green and leafy residential suburb in the RBWM Townscape Assessment.	9.2- 9.12
19	The owners have removed all the trees.	9.26-9.29
20	Osborne Road and Bolton Avenue are categorised as 'Green Routes' in the emerging Neighbourhood Plan.	9.2-9.12
21	Contrary to emerging policy SP3 and policy DG1, H11 and policies in the emerging Windsor Neighbourhood Plan.	9.2-9.12
22	Impact on residents of number 2A Bolton Ave - lights from departing cars will shine into ground floor rooms	9.13-9.20
23	Overlooking of residents in Bolton Ave	9.13-9.20
24	Driveway entrance is to be moved close to the road junction and close to the large Lime tree which will restrict visibility.	9.21-9.25
25	Concern for pedestrian safety.	9.21-9.25
26	No visitor parking proposed	9.21-9.25
27	No turning space proposed which will lead to people reversing out into Bolton Avenue.	9.21-9.25
28	Existing building should be preserved	9.2-9.12
29	The superficial detailing in the mock-Tudor style characteristic of these houses offers no real amelioration.	9.2-9.12
30	Impact on view and sunlight to Heron Lodge	9.13-9.20
31	Increase in noise, congestion and pollution	9.13-9.20
32	Height of building is out of character for the area and would have considerable impact on light for local residents.	9.13-9.20
33	Loss of commercial/professional facilities	9.33
34	Size, bulk and mass of building is overwhelming for the site.	9.2-9.12
35	Loss of privacy to The Coach House – windows and garden will be overlooked.	9.13-9.20
36	Invasion of privacy to number 67 Heron Lodge	9.13-9.20
37	Detrimental impact on Heron Lodge	9.13-9.20
38	No building should be permitted in front of the building lines in Osborne Road and Bolton Ave.	9.2-9.12
39	Ample space for tree planting to soften impact of a building needs to be provided.	9.26-9.29
40	A number of trees have been removed from the site.	9.26-9.29
41	The development would appear as an overbearing and discordant feature to the detriment of the street scene.	9.2-9.12
42	Overlooking, loss of privacy and reduction in light to the adjacent flats in Heron Lodge.	9.13-9.20
43	Overbearing and loss of amenity for residents of Heron Lodge.	9.13-9.20

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	A Drainage Strategy is required to demonstrate that the development complies with the requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems. Additional drainage information has been submitted and further comments are awaited.	Paragraph 9.34
Conservation	The proposal will cause less than substantial harm to the	Paragraphs 9.2-

Officer	setting of the heritage asset (Conservation Area). The proposed building is too large with a weak design and lacks amenity space. The proposal would result in the demolition of an attractive Edwardian building, replacing it with a building which lacks a focused and well-rounded design. It is in conflict with Local plan policies DG1 and CA2 and policy HE1 of the emerging local plan. The applicant has failed to justify the harm to Inner Windsor Conservation Areas setting as required by the NPPF para 194.	9.12
Environmental Protection	Should planning permission be granted conditions are suggested which include details of measures to acoustically insulate the habitable rooms against aircraft noise and construction conditions to protect the surrounding occupiers during construction.	Noted.
Tree officer	<p>There are no trees/vegetation of any note within the site. It would be beneficial to restore some tree cover to improve the appearance of the street on this prominent road junction as well as improving the quality of the site for future occupiers. There are two important highway trees, a Lime and a Sycamore with radial root protection areas of 5.4m and 4m respectively. The proposed building and main units 1, 3 and 8 would come to within 1.5m of the crown of the Lime tree. One main window in each apartment would face towards the crown of the Lime. The proposal is likely to generate pressure to detrimentally prune or remove the tree to improve light into the building. There is also likely to be concerns over the proximity of the tree and its over-dominance particularly when the tree sways. Insufficient space for any sustainable structural planting has been provided. The planting of 2 large growing trees should be provided for, but this will require a change of layout.</p> <p>The scheme is contrary to policies N6, DG1, H10 and H11.</p>	Paragraphs 9.26-9.29
Highways	No highway objections subject to the imposition of conditions.	Paragraphs 9.21-9.25

Others

Group	Comment	Where in the report this is considered
The Windsor & Eton Society	<p>The Society remains of the opinion that the bulk and mass of the proposals would be detrimental to the character of this prominent site in a suburban area and believe that the application should be refused.</p> <p>In particular ask for the following points to be taken into consideration:</p> <p>Bulk and mass – The new design, although an improvement, would still be overbearing in the street scene and would not allow sufficient space for the meaningful garden landscaping and green boundaries which should accompany development in an area defined as a 'leafy residential suburb' in the Borough's Townscape Assessment. A development of 14 units is simply too large for a site of this size in this position. The decision letter dismissing the previous appear in 2013 makes it clear that changes to design are not enough to overcome the issues of mass and bulk of the proposed building and the lack of setbacks to</p>	Paragraphs 9.21-9.25

	<p>accommodate appropriate landscaping, such as have been provided in relation to other new buildings nearby. The inspector's conclusion that the development would constitute 'a direct and harmful incursion into the spaciousness of the character of the area' still applies.</p> <p>Conservation of heritage-</p> <p>Since the 2013 appeal the Society in conjunction with a Borough Conservation Officer and the Windsor Neighbourhood Plan Forum has drawn up a list of Windsor Non-designated Heritage Assets (NDHAs) in order to inform potential developers in the area. Essex Lodge is included in the list. The NDHA list does not yet have the status of a supplementary planning document as the Borough have not been in a position to allocate resources to developing it further. It is however embedded in the draft Windsor Neighbourhood Plan which is about to be published for pre-submission consultation. The Borough are also committed to the development of such a list and support its inclusion in the NP. Developers will be expected to explain the effect of any development on a NDHA such as Essex Lodge or on its setting and to justify any adverse impact.</p> <p>Essex Lodge is particularly important because of its gateway setting in conjunction with the similar building opposite which is within the Conservation Area. In these circumstances we would expect any proposal to demolish the heritage asset to be accompanied by a reasoned justification specifying why it is thought appropriate to demolish the asset, and how it is proposed to mitigate the impact on the town's heritage.</p> <p>Whilst local listing does not provide additional planning controls, the fact that a particular building or site appears as part of a local list means its conservation as a heritage asset is consistent with NPPF objectives, and this must be taken as a material consideration in determining the outcome of relevant planning applications. Historic England advice states:</p> <p><i>'In deciding any relevant planning permission that affects a locally listed heritage asset or its setting, the NPPF requires amongst other things that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets and of putting them to viable uses consistent with their conservation. They are also obliged to consider the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality...'</i></p> <p>In short, consider that the design is a distinct improvement over the previous one but the planning application should be refused until the points made above have been addressed.</p>	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character and appearance of the site itself, the locality in general and the Adjacent Conservation Area.
- ii Impact on the living conditions of the neighbouring properties/future occupants;
- iii Impact on highway safety and parking;
- iv Impact on trees/landscaping;
- v Affordable Housing;
- vi Other Material Considerations.

i Impact on the character and appearance of the site itself, the locality in general and the adjacent Conservation Area.

- 9.2 Section 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF) emphasises the importance of the design of the built environment. Paragraph 127 states that planning policies and decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.3 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area.
- 9.4 Policy DG1 states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. Development proposals, where appropriate, will be expected to include landscaping schemes. Harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character.
- 9.5 Policy CA2 requires that any development will enhance or preserve the character or appearance of a Conservation Area. New buildings should be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general.
- 9.6 Emerging policy SP3 entitled 'Character and design of new development' requires new development to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves a number of design principles include respecting and enhancing the local natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, scale, bulk, massing, proportions, trees, water features, enclosure and materials. Emerging policy HO5 requires all new housing to be developed at a density that is consistent with achieving good design, including making efficient use of the land available and having regard to the character and location of the area. Proposals for higher density residential schemes in sustainable locations in the around town centres will be permitted. The density of development will be informed by the layout of the proposal compared to the prevailing character of the surrounding area and the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties.

- 9.7 The Townscape Character Assessment describes this area as 'leafy residential suburbs' which are low density residential suburbs comprising large detached houses in spacious, irregular, well treed plots, typically dating from the early 20th Century to the present day. The character is defined by large properties set well back from the road and some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture.
- 9.8 This application follows two previous applications to redevelop the site for 14 apartments which were refused and dismissed on appeal. In determining with previous application under reference number 13/01689/FULL the Inspector noted that '*the current building makes a limited albeit positive contribution to the character and appearance of the site and area through its historic appearance, and the retained trees and soft landscaping.*' The Inspector noted (paragraph 6) '*that the roundabout location displays a variety in building types around its edge. The two northern corners of the roundabout, which are in the conservation area, contain buildings of a generally restrained scale. The remaining two corners accommodate flatted buildings of significant scale and mass.*' Despite reference to the large scale flatted developments he raised significant concern to the layout and massing of the development and noted the lack of space for landscaping, which he felt would create a development form that would be detrimental to the appearance of the site and the locality. He acknowledged that the site '*does have some gateway qualities, being located on a main junction on an approach into the town centre.....However, the layout and consequent large mass of the proposals would not be in character with the other corners of this gateway junction, where large developments are set back to enable and maintain a sense of spaciousness. The proposed development would bring a hard urban form close to the site boundary, and would lack a suitable setback. This would prevent the establishment of a reasonable level of vegetation and result in a constrained layout not in character with the spacious 'leafy residential' character on the area behind the site, or the different, but also spacious character of the other corners of the roundabout.*'(Paragraph 8). The Inspector also raised concerns about the built form projecting in front of the existing building line established by Heron Lodge and other buildings to the east. He wrote (paragraph 9) '*the building would therefore be a discordant element, and disrupt the regular setbacks along those part of the street. It was considered that the obtrusive nature of the flank wall with its bulky presence, awkward roof massing showing the flat area at the apex of the roof and blank façade would contribute to the detrimental and harmful effect on the character and appearance of the site in views along the road, much of which is within the Conservation Area.*'
- 9.9 It is considered that many of the issues raised by the Inspector are relevant to the current scheme and whilst it is acknowledged that the current proposal has sought to address the issues raised by the previous Inspector, it is not considered that the current scheme satisfactorily overcomes them.
- 9.10 The existing Edwardian building, built in 1875, retains many authentic Edwardian features and makes a positive contribution to the character of the area. It is situated in a prominent location adjacent to the Inner Windsor Conservation Area and acts as an important entry point into the Conservation Area and Osborne Road. Since the last appeal in 2013 it is understood that the building has now been included in a list of Non-designated Heritage Assets however this list does not yet have any status and at this stage no weight can be given to these documents. As noted by the previous Inspectors there is currently no control over the removal of the current building since it does not lie within the Conservation Area. However given that the site is in an important, sensitive location adjoining the Inner Windsor Conservation Area it would have been expected that a Heritage Assessment to describe the significance of any heritage assets affected would have been submitted in accordance with paragraph 189 of the NPPF. This has not been provided.
- 9.11 The proposal comprises the demolition of the existing 2 storey building which has an overall height of approximately 10m and its replacement with a substantially larger 3 / 4 storey building which would have an overall height of 13.2m reducing to 11.65m adjacent to Heron Lodge. It is noted that the ground floor is to be set slightly below the existing ground level. The current scheme provides a different layout and appearance to the previous appeal schemes and includes undercroft parking. The scheme has attempted to address some of the issues raised by the previous Inspector however concern is still raised regarding the overall size, scale, bulk and massing of the building on this prominent corner plot. The building still comes close to the road

frontages and insufficient space has been provided to provide any meaningful tree planting/landscaping which is characteristic of the ‘Leafy Residential Suburbs’ designation. A proportion of the building would still project in front of the building line of Heron Lodge in Osborne Road and come close to the Bolton Avenue frontage. In addition whilst the proposal picks up on the Edwardian architecture, it is still not considered to be good design. The important elements of Edwardian architecture are briefly touched upon in the overall design but appear incomplete or half attempted. For example the window design is not considered to be true to the architecture of the building it is supposed to be mimicking. The roof design includes large expanses of crown roof which adds to the overall bulk of the building and is wholly out of keeping with the Edwardian architecture and does not preserve or enhance the adjoining Conservation Area. The proposal has no clear principal elevation which results in a relatively weak overall design. The visual impact of the under croft parking also undermines the design intent.

- 9.12 It is considered that the proposed development, by virtue of its siting, layout, height, size, bulk and design would appear cramped and unduly prominent and obtrusive in the street scene and would be harmful to the spacious character and appearance of the site itself and the locality in general including the setting of the adjacent Conservation Area. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 and emerging policies SP3, HO5 and HE1 and guidance set out in the NPPF.

ii Impact on the living conditions of the neighbouring properties/future occupants

- 9.13 It is necessary to carefully consider the impact of the proposal on the living conditions of any neighbouring properties particularly in terms of light, outlook and privacy. Paragraph 127 (f) of the NPPF (2018) states developments should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*”.
- 9.14 Emerging Policy SP3 states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.15 The adjacent Heron Lodge comprises a 3 storey block of flats which is set down below the height of the application site by approximately 1m. The building is shallow in depth and has front and rear windows and windows in the flank elevation facing the application site at ground, first and second floor levels. The proposed building would be sited close to the flank boundary of the site with Heron Lodge and would have a height of 11.6m and project 9.5m beyond the rear elevation of Heron Lodge. Given the difference in land levels and the size, scale and depth of the proposed building in proximity to Heron Lodge it is considered that the building would appear overbearing and unduly dominant when viewed from Heron Lodge and would result in an unacceptable loss of outlook. There are a number of windows proposed in the flank elevation, which would serve habitable rooms, and there is concern that these windows would result in an unacceptable level of overlooking and loss of privacy to Heron Lodge. The proposed under croft car parking would also be situated in an elevated position close to Heron Lodge producing an unneighbourly form of development. It has also not been adequately demonstrated that the proposed development would not result in an unacceptable loss of light to the occupants of Heron Lodge.
- 9.16 The Coach House, number 1 Bolton Avenue and number 3 Bolton Avenue lie to the south of the site and a minimum distance of 23m would be maintained between the proposed building and these properties. The Coach House has a courtyard garden which is enclosed by a high wall and hedge. Whilst it is acknowledged that the aspect from these neighbouring properties would be altered it is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy given the distance which would be maintained and the resulting relationship.

- 9.17 The properties on the opposite side of Bolton Avenue, numbers 2a and 2b are visually separated from the application site by the road and a distance of at least 25 metres is maintained between the proposed building and these properties. It is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy. Concern has been raised in the representations to car lights shining into the front windows of these properties from vehicles exiting the site however it is not considered that this would cause substantial harm to the amenities of these properties sufficient to justify an objection. Likewise it is not considered that any objection in terms of noise and pollution could be sustained.
- 9.18 It is considered that sufficient distance would be maintained between the proposed development and the flats at Dene House and Kings House and the proposal would not result in any significant loss of amenity to these properties.
- 9.19 There are roof top terraces proposed to serve units 13 and 14. However these terraces would be sunken below the surrounding pitch roofs and would not introduce any issues in terms of overlooking and loss of privacy.
- 9.20 In conclusion, whilst it is considered that the amenities of the future occupants of the apartments would be acceptable it is considered that the proposed development, by virtue of its siting, size, scale and design would appear overbearing and unduly prominent when viewed from Heron Lodge and would produce an unneighbourly form of development to the detriment of their living conditions in terms of light, outlook and privacy, contrary to emerging policy EP3 and paragraph 127 of the NPPF.

iii Impact on highway safety and parking

- 9.21 The site currently benefits from two vehicular accesses, one off Osborne Road and the other off Bolton Avenue. It is proposed to stop up the access on Osborne Road and reconfigure the existing access on Bolton Avenue to serve the proposed development. The stopping up of the existing access onto a primary distributor road is considered to be a highway gain.
- 9.22 On street parking on the A308 Osborne Road is prohibited and enforced by double yellow lines. Bolton Avenue is within a controlled parking zone, containing a mix of double yellow lines, residential permit holder parking and time limited parking restrictions.
- 9.23 The development provides a total of 20 car parking spaces. Strictly speaking the proposal would require 25 car parking spaces to accord with the adopted parking standard. However the proposed parking ratio of 1.5 parking spaces for each 2 bed unit and 1 space per 1 bed unit is considered acceptable in this town centre location and given the parking restrictions in the surrounding area.
- 9.24 Parking bays 16 & 17 are arranged in tandem and it is inferred that these 2 spaces would be assigned to one of the larger apartments. The application show indicative cycle parking for the development. The scheme would attract a demand for 14 secure and cycle storage facilities and this could be covered by a planning condition in the event of planning permission is granted. A refuse compound is also shown to be located near the site entrance and further details could be secured by condition in the event of planning permission being granted.
- 9.25 The proposal is likely to result in a reduction in vehicular movements onto the highway network and the introduction of 14 residential units raises no highway or parking concerns subject to the imposition of suitable conditions.

iv Impact on trees/landscaping

- 9.26 It would appear that some trees towards the northern corner of the site have been removed in recent years and there are now no trees or vegetation of any note within the site and the majority of the site is hard surfaced. It is considered that it would be beneficial to restore some tree cover to help improve the appearance of the site on this prominent road junction as well as improving the quality of the site for future occupiers.

9.27 There are two important highway trees, a Lime to the north of the access on Bolton Avenue and a Sycamore next to the junction of Bolton Avenue and Osborne Road. Both these trees are mature but have not reached their ultimate size. The trees have radial root protection areas of 5.4m and 4m respectively. The proposed scheme shows the building to be within 1.5m of the crown of the Lime tree and windows in units 1, 3 and 8 will face out towards this Lime tree. Given that the ground floor room is single aspect and the windows on the first and second floors are the main windows serving the lounge there is likely to be considerable pressure to prune or remove this tree to improve the light into the building. There is also likely to be concerns relating to over-dominance, particularly when the tree sways in windy weather.

9.28 The layout is dominated by the building and car park and very little space has been provided for any sustainable structural planting. The current layout does not allow for the planting of any large trees.

9.29 The proposed development, by virtue of its size, siting, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and appearance of the locality and contrary to local plan policies N6 and DG1 and emerging policies SP3 and NR2.

v Affordable Housing

9.30 Local Plan policy H3 requires sites of 0.5ha or over or schemes proposing 15 or more additional dwellings to provide affordable housing and requires 30% of units on qualifying sites to be affordable. The emerging policy HO3 requires a minimum requirement of 30% affordable housing units to be sought on sites proposing over 10 net additional dwellings or which have a combined gross internal floor area over 1000 sq.m. The delivery of affordable housing will be expected to be provided on-site or on an alternative site, only if provision would result in a more effective use of available resources or would meet an identified housing need, such as providing a better social mix and wider housing choice.

9.31 In addition to the above, Paragraph 64 of the NPPF states:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (Footnote 29 As part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."*

9.32 As a major development, the proposal should therefore include an affordable housing contribution to comply with the NPPF and to ensure that sufficient affordable housing is provided for the Borough. Policy H3 of the Local Plan requires 30% of units on qualifying sites to be affordable. The NPPF requires at least 10% of those affordable units to be for affordable forms of ownership. The proposal has not provided any affordable housing on site nor any justification as to why it cannot be provided either on site or via a financial contribution. The proposal therefore fails to deliver any affordable housing and should be refused.

vi Other Material Considerations

- 9.33 Local Plan Policy CF1 and emerging policy IF7 seek to protect existing community facilities. The existing use was not deemed to be a community facility in the consideration of the previous planning applications and therefore no objection is raised to the loss of the use.
- 9.34 The Lead Local Flood Authority has requested a drainage strategy to demonstrate that the development complies with the requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems. Additional drainage information has been supplied and further comments are awaited from the LLFA.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The existing gross internal floor area has been calculated at 446.04sq.m. The proposed gross internal floor area has been calculated at 1,784 sq.m. The net additional floor area has therefore been calculated at 1,337.96 sq.m.

11. CONCLUSION

- 11.1 It is not considered that the current scheme has sufficiently overcome the previous objections raised by the Inspector. The resulting building is still too large for the plot and would detract from the spacious 'leafy residential' character of the locality and have a harmful impact on the character and appearance of the area including the setting of the adjacent Conservation Area contrary to adopted policies DG1, H10, H11 and CA2 and emerging policies SP3, HO5 and HE1. The proposal would also have an adverse impact on the living conditions of the neighbouring flats at Heron Lodge and could result in future pressure to remove or reduce the adjacent Lime tree to the detriment of the visual amenity of the locality. There would also be a lack of opportunity to provide for any significant soft landscaping. The proposal has also failed to provide any affordable housing. For these reasons it is considered that the proposal is unacceptable and should be refused.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings
- Appendix C – Cross sections
- Appendix D – Comparison elevations

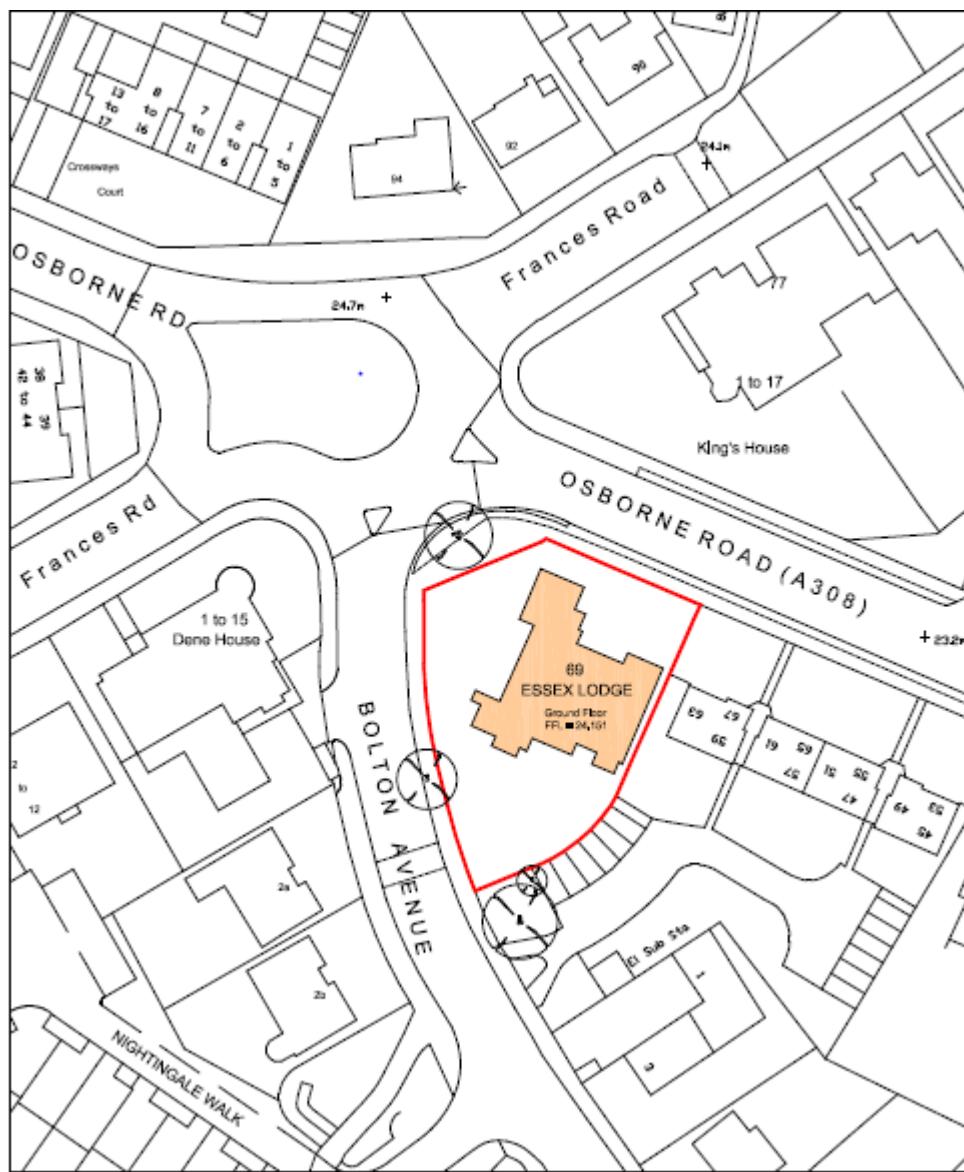
13. REASONS RECOMMENDED FOR REFUSAL

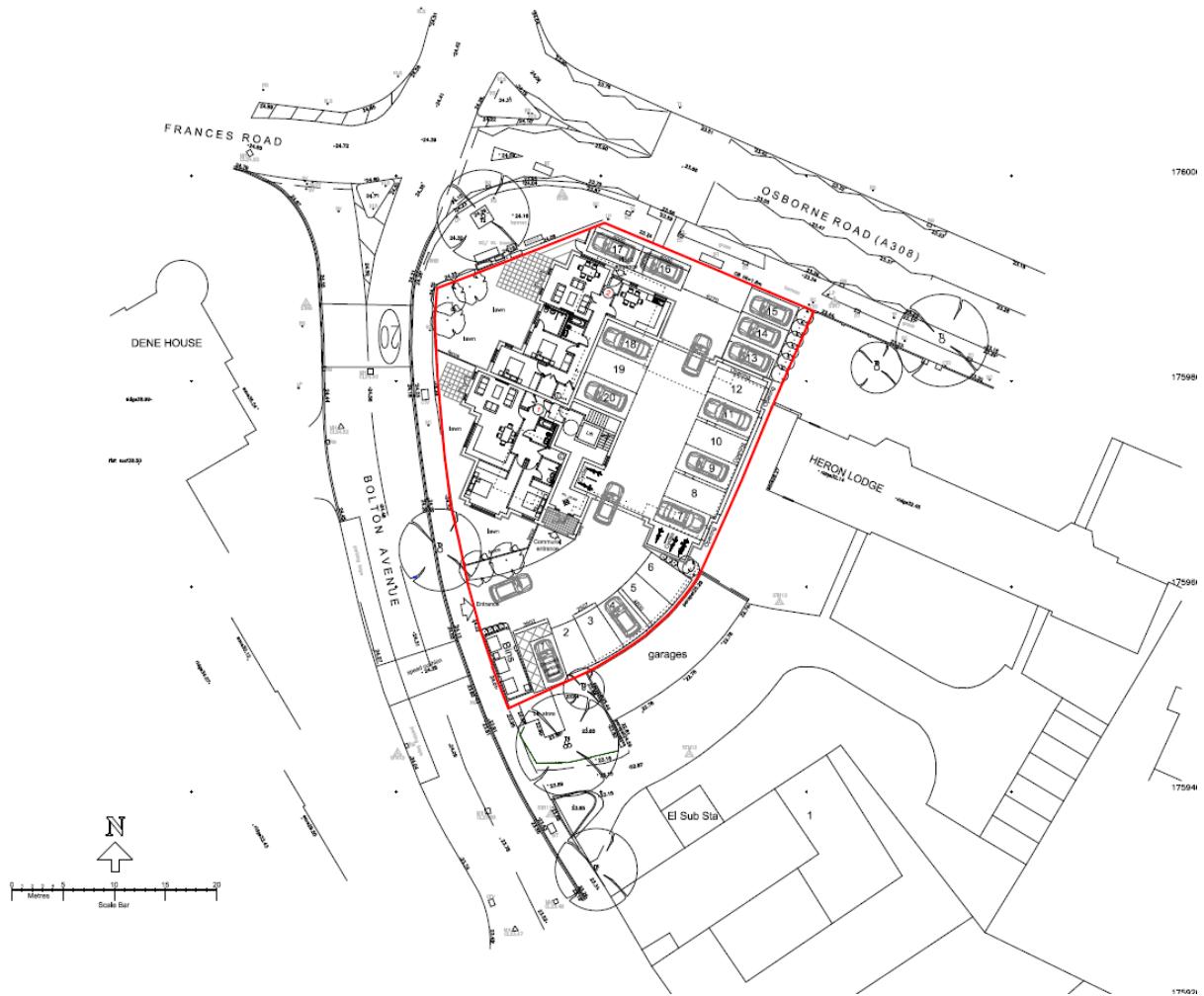
- 1 The proposal development, because of its siting, layout, height, size, bulk and design would appear cramped and unduly prominent and obtrusive in the street scene and would be harmful to the spacious character and appearance of the site itself and the locality in general including the setting of the adjacent Conservation Area. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3, HO5 and HE1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in paragraph 127 of the NPPF.
- 2 The proposed development, by virtue of its siting, size, scale and design would appear overbearing and unduly prominent when viewed from Heron Lodge and would result in an unneighbourly form of development to the detriment of their living conditions in terms of light, outlook and privacy, contrary to emerging policy SP3 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in paragraph 127 of the NPPF.
- 3 The proposed development, because of its siting, size, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and visual amenity of the locality and contrary to local plan policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted

June 2003 and emerging policies SP3 and NR2 of the Borough Local Plan 2013-2033 Submission Version.

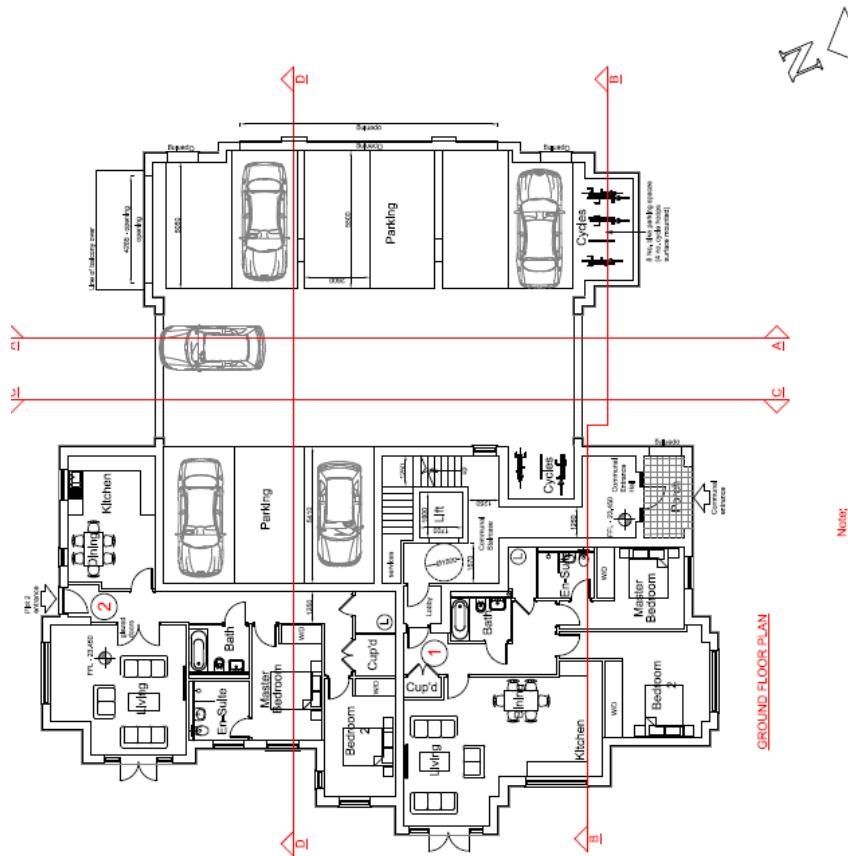
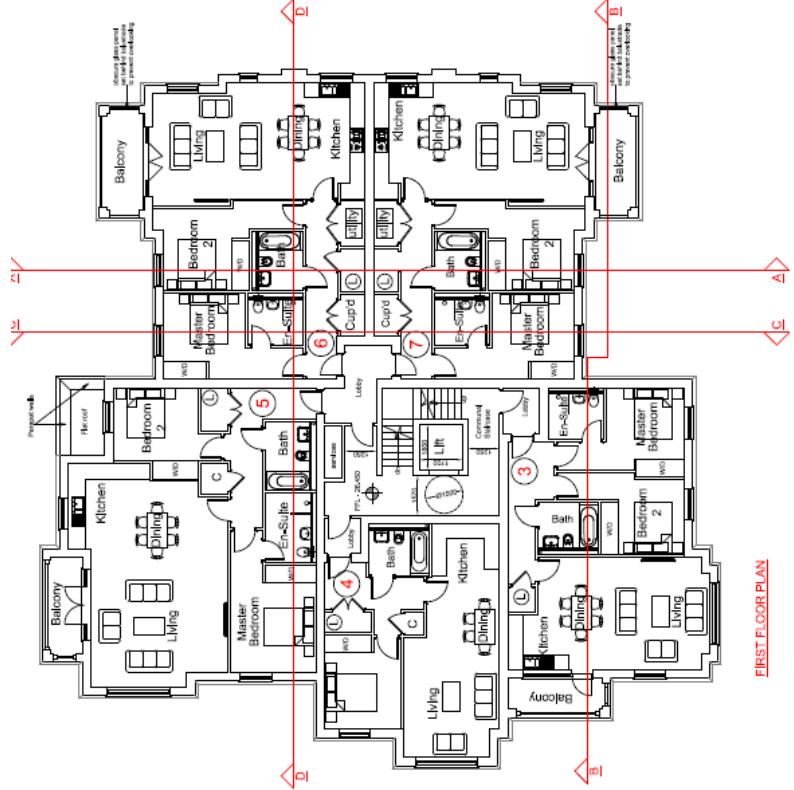
- 4 In the absence of a mechanism to secure Affordable Housing the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and emerging Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).

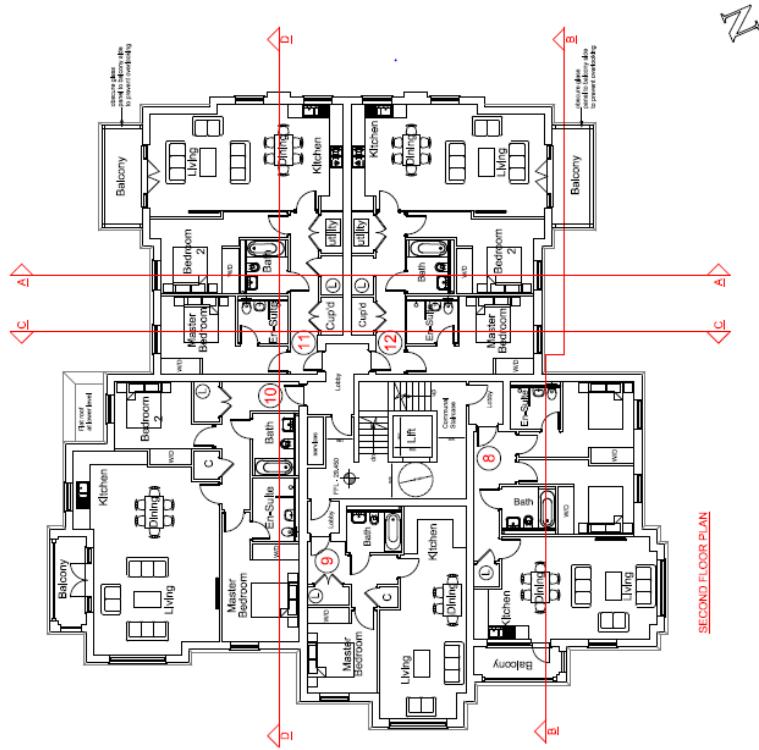
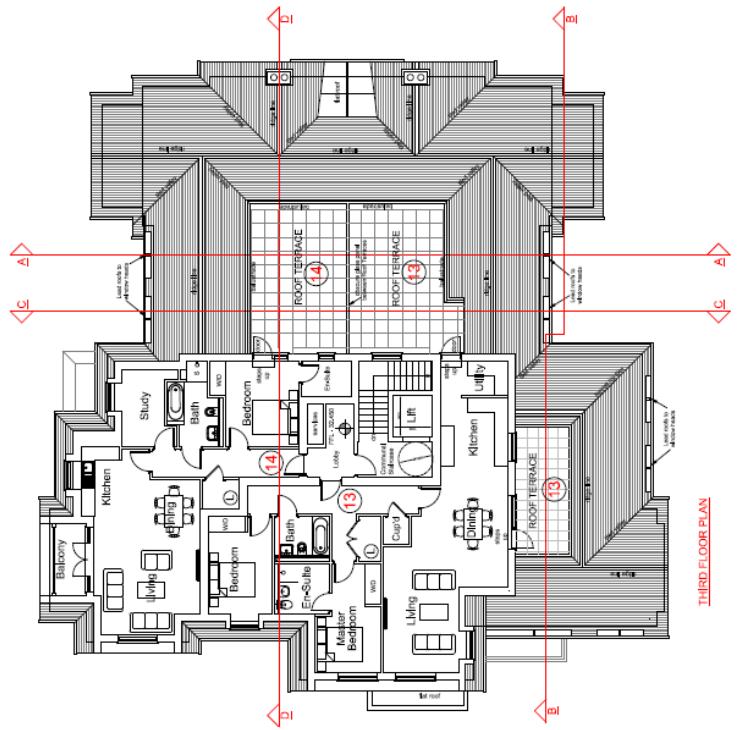
APPENDIX A – SITE LOCATION &
BLOCK PLAN

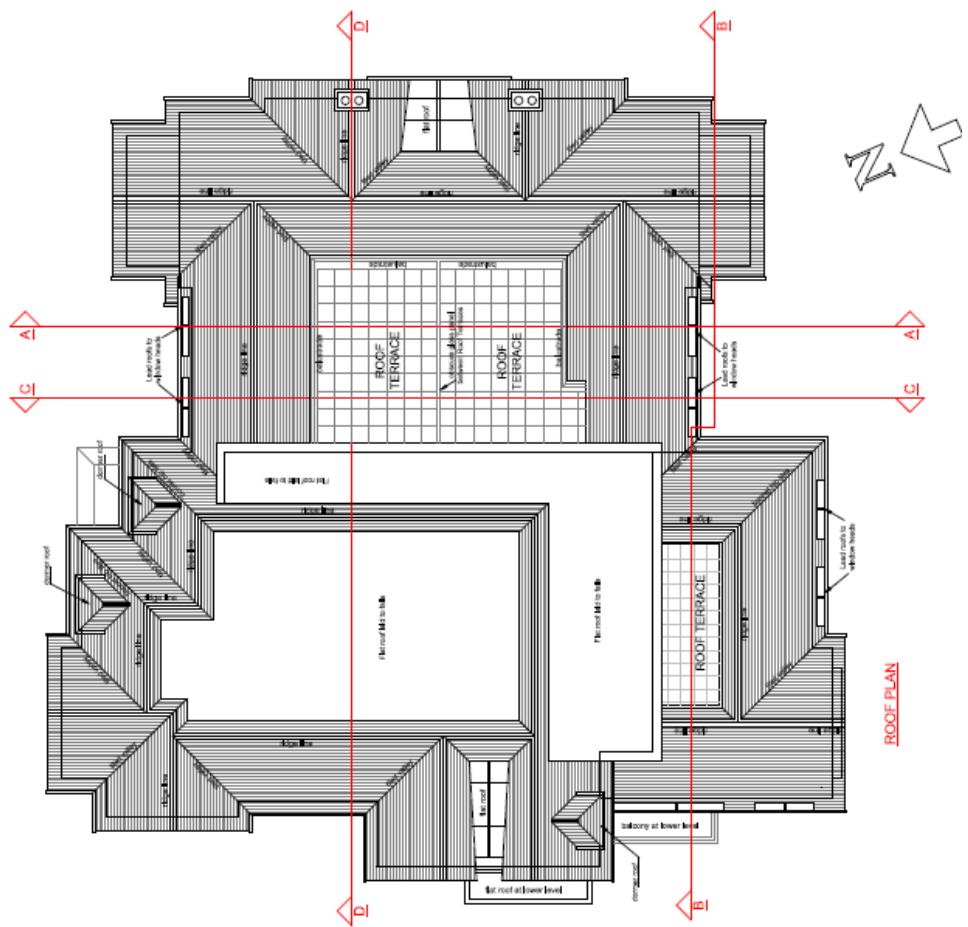


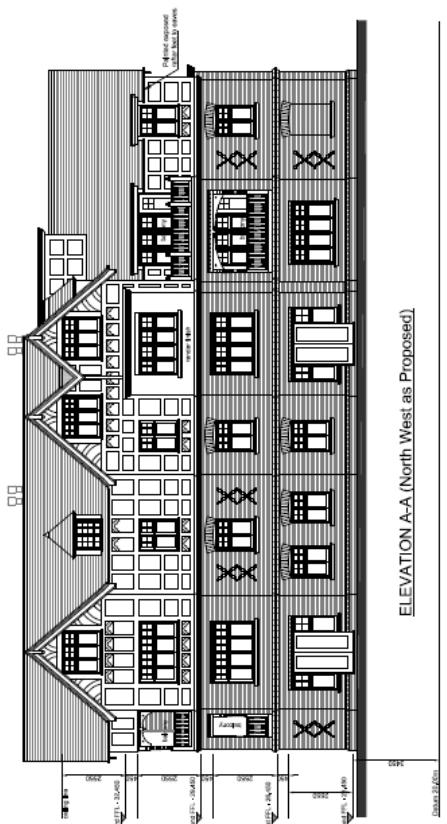


APPENDIX B – FLOOR PLANS & ELEVATIONS

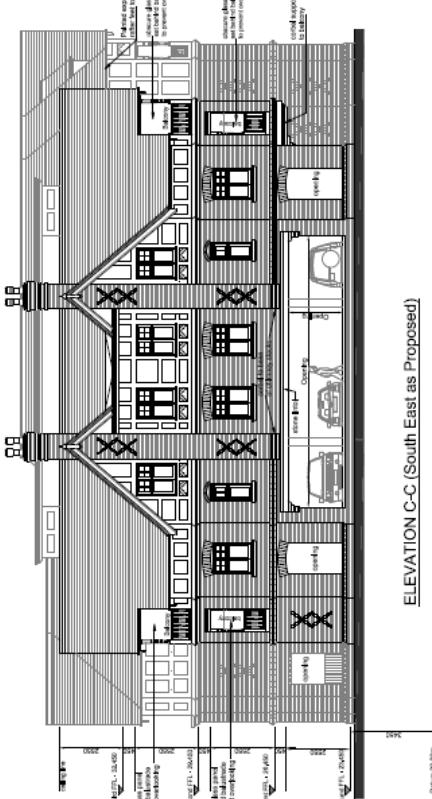




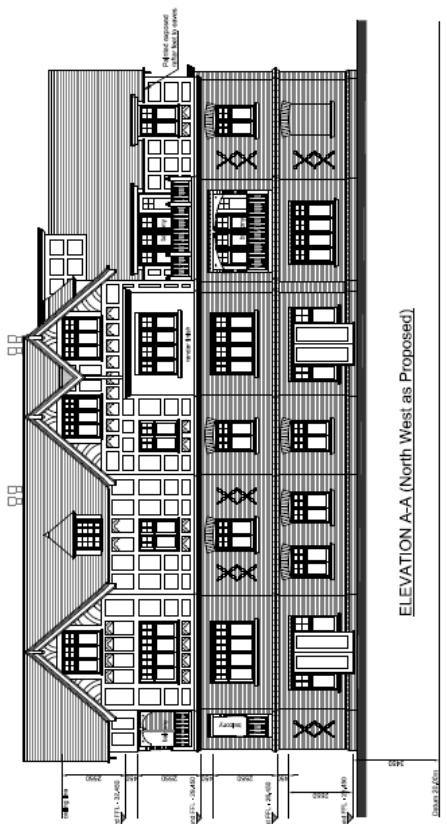




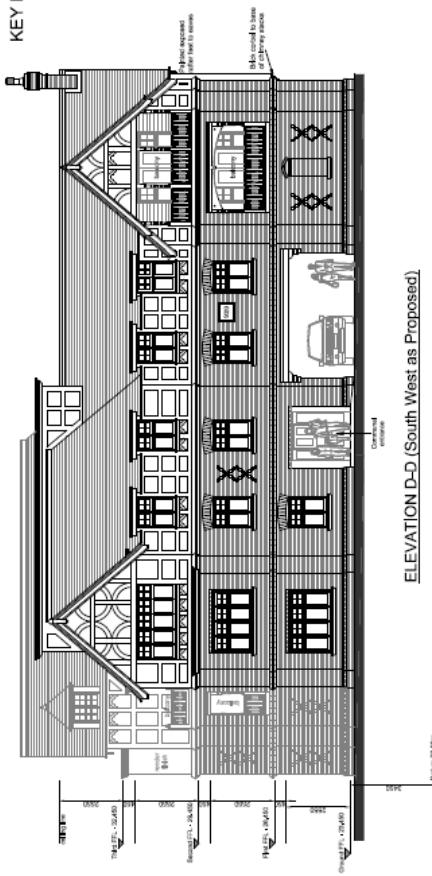
ELEVATION A-A (North West as Proposed)



ELEVATION C-C (South East as Proposed)

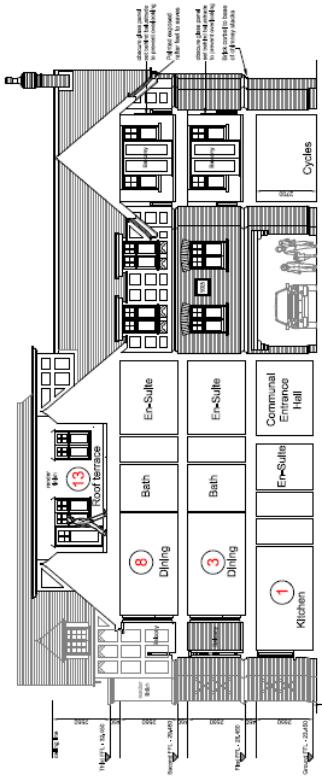


ELEVATION B-B (North East as Proposed)

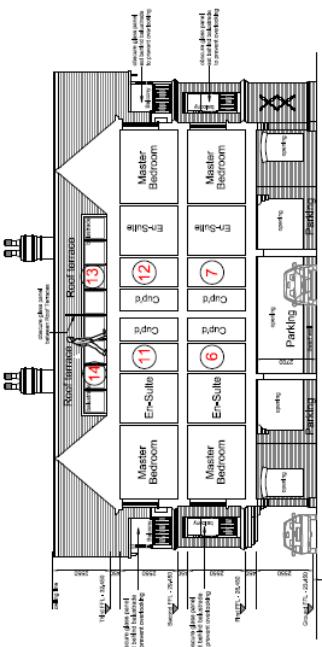
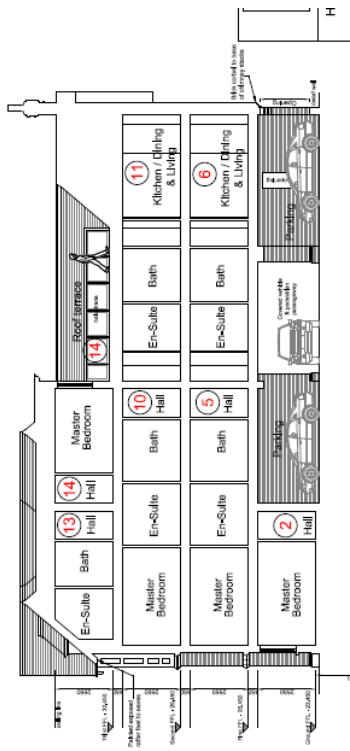


ELEVATION D-D (South West as Proposed)

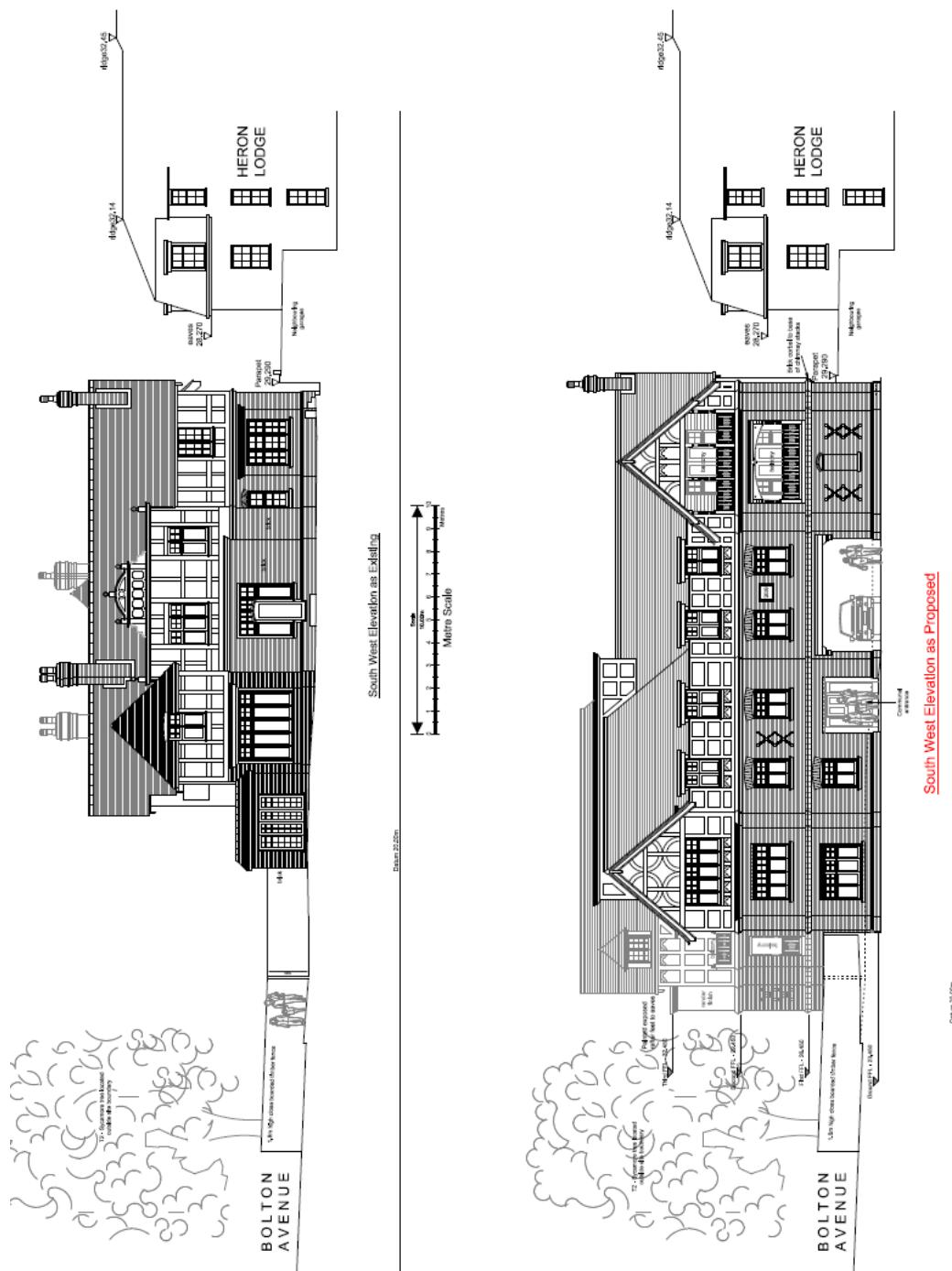
APPENDIX C – PROPOSED SECTIONS



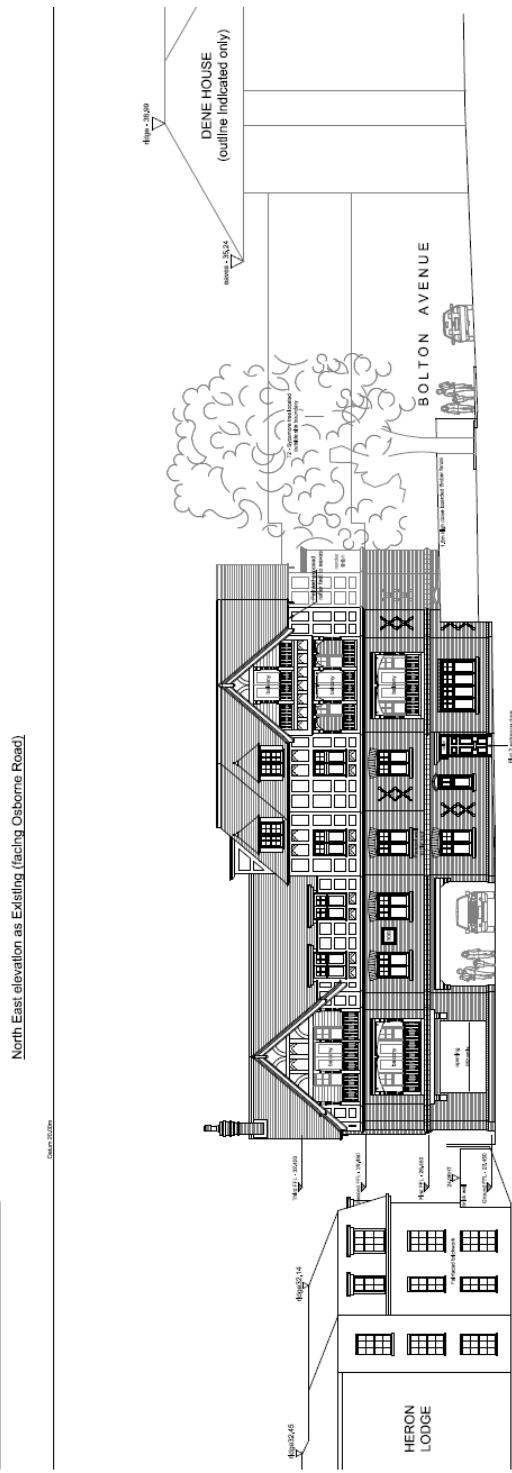
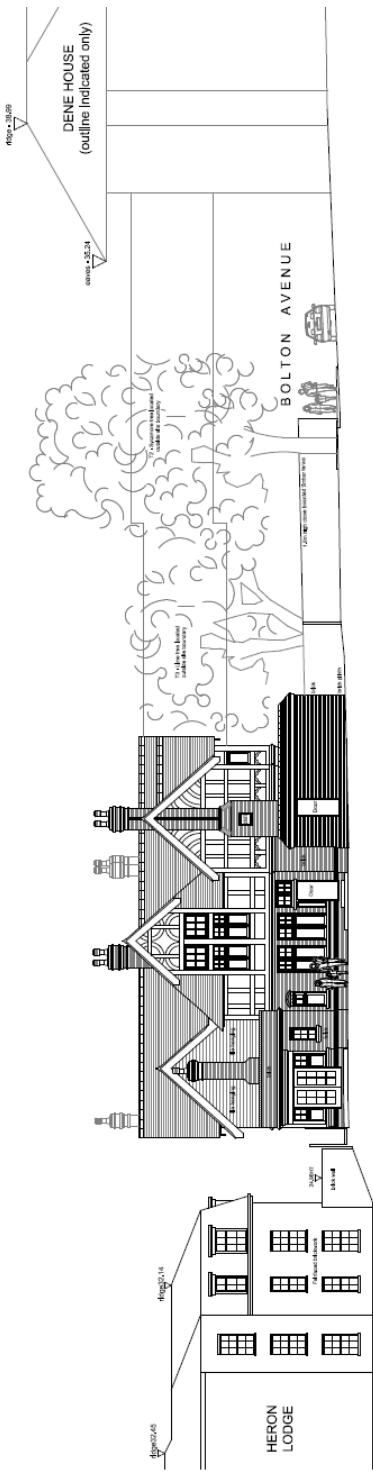
SECTION B-B as PROPOSED



**APPENDIX D – COMPARISON
ELEVATIONS**



**APPENDIX D – COMPARISON
ELEVATIONS**



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

7 January 2019

Item: 2

Application No.:	18/03138/FULL
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor
Proposal:	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.
Applicant:	Mr Gray
Agent:	Mr Barry Watts
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 for the partial demolition of an existing garage block and its conversion into a 3 bed residential unit. The footprint of the building would be identical to the previously approved scheme under application number 16/01203/FULL for a 2 bed residential unit, which is still extant. The overall design and layout is very similar to the approved scheme and would be single storey, with a flat roof and provide parking for 2 vehicles.
- 1.2 The current application follows 2 recent refusals under application numbers 17/03636/FULL & 18/01937/FULL which involved the introduction of 2 and 3 residential units on this site and introduced two storey development. It is considered that the previous reasons for refusal have been satisfactorily addressed by this latest application.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden, if the recommendation is to approve, due to neighbour objections, the previous refusal and issues relating to overdevelopment, closeness to adjoining properties and loss of trees.

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 detached dwellings, numbers 6 and 7 Addington Close.

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

4. KEY CONSTRAINTS

- 4.1 A mature protected oak tree lies within the adjacent garden of number 7 Addington Close.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the partial demolition and conversion of 6 garages and a store into a 3 bed, single storey residential unit. The building would have the same footprint as the previously approved scheme under application number 16/01203/FULL. The building would have an overall height of 3.2m and the main aspect of the dwelling would look out onto a private garden area at the front of the building which would be enclosed by a 1.8m high close boarded fence. A cycle

store and bin area are to be provided within the garden. A landscaped entrance/parking area for 2 vehicles is to be accessed via the existing driveway. It is also proposed to retain 3 of the existing garages for use by existing tenants.

- 5.2 To the rear of the site lies a mature Oak tree within the rear garden of number 7 Addington Close and it is proposed to retain the existing ground level to the rear of the existing garage block and finish with gravel. The level within the existing footprint of the garage building is to be taken down to the adjacent ground level and paved.
- 5.3 The relevant planning history is set out below:

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 and dismissed on appeal.
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 30/11/2015
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 31/08/2016
17/03636/FULL	Construction of 3 x 1 bedroom flats following demolition of garages and store.	Refused 04/04/2018
18/01937/FULL	Constriction of 1 x 2 bed and 1 x 1 bed residential units following the demolition of garages and stores.	Refused 24/09/2018

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6

These policies can be found at

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 9- Promoting Sustainable Transport
 Section 12- Achieving well-designed places

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

7.1 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 summarising the issues raised in the representations and setting 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. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

7.3 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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

22 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 9/11/18.

18 letters were received objecting to the application from 14 neighbouring properties, summarised as:

Comment	Where in the report this is considered
1. Another attempt to shoehorn a residential development into an unsuitable site.	See paragraphs 9.2-9.7
2. Size, cramped layout and poor design is detrimental of amenity of existing residents and future occupants.	See paragraph 9.2 - 9.10
3. Development would be inappropriate and incompatible to this location.	See paragraphs 9.2-9.7

4.	Bedrooms 2 & 3 would be under the canopy of the Oak tree and would make them very dark when in full leaf resulting in pressure to prune or remove the tree. Precedent for this argument in dismissing previous appeal and application number 18/01937/FULL.	See paragraph 9.6
5.	The amenity area to the rear of the building is completely covered by the canopy of the Oak tree.	See paragraph 9.6
6.	The two reasons for refusal under application number 18/01937/FULL have not been addressed by this proposal.	See paragraph 9.7
7.	Scale and density of development will damage the character and amenity of the area, contrary to DG1, H10 and H11 and N6.	See paragraphs 9.2-9.7
8.	Fails to provide a high standard of design and landscaping and would not enhance existing environment.	See paragraphs 9.2-9.7
9.	Would offer a poor standard of accommodation.	See paragraph 9.5
10.	Insufficient parking. No visitor parking provided. Will result in more parking on Clewer Hill Road and in Addington Close.	See paragraph 9.15 & 9.16
11.	Out of character with existing residential buildings	See paragraphs 9.2- 9.7
12.	Sets a dangerous precedent for allowing conversion of other garages into houses.	See paragraph 9.20
13.	Cramped overdevelopment of a very small site.	See paragraphs 9.2-9.7
14.	Significant loss of privacy and amenity to number 7 Addington Close.	See paragraph 9.9
15.	Due to differences in land levels the building would be elevated by one metre above house and garden at number 7 Addington Close.	See paragraph 9.9
16.	A 3m high fence along the north and east boundaries of site would have to be erected to prevent any overlooking and loss of privacy.	See paragraph 9.9
17.	Previous appeal decision under application number 02/81891 and tree comments provided under 18/01937/FULL sets the precedent for rejecting the current proposal.	See paragraph 9.6
18.	Adequate turning for large vehicles has not been provided.	See paragraphs 9.15 and 9.16
19.	The turning arrangement within the forecourt area is not viable if owners of the existing garages are parked outside their respective garages.	See paragraph 9.17
20.	Developer is required to provide a financial contributions in compliance with condition R3.	See paragraph 10.2

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection.	Paragraphs 9.13-9.17
Tree Officer	Providing the tree protection measures are carried out in accordance with the plans and documents provided, the application is recommended for approval subject to a landscape condition.	Paragraph 9.11 & 9.12
Environmental Health	Should planning permission be granted conditions relating to acoustic insulation of habitable rooms against aircraft noise and a restriction on hours of construction/deliveries.	Paragraph 9.19
Ecology Officer	No objection to the application on ecological grounds subject to a condition and informative	Paragraph 9.18

9. EXPLANATION OF RECOMMENDATION

9.1 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.

i Impact of the character and appearance of the area

- 9.2 Local Plan Policy DG1 and emerging policy SP3 set out the design guidance for new development. Local Plan Policy H10 refers specifically to new residential development schemes, 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. Emerging policy H05 requires all new housing to be developed at a density that is consistent with achieving good design and the density of development will be informed by amongst other things the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties. The NPPF (revised July 2018) Section 12 'Achieving well-designed places' states that '*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*' Paragraph 127 states that planning policies and decisions should ensure that developments amongst other things function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.3 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.
- 9.4 The principle of residential development on this site has already been accepted. A 2 bed, single storey dwelling has been permitted on this site under application number 16/01203/FULL and is still extant. The permitted scheme is a low level development with a height similar to the existing garages and the accommodation is orientated inwards to look out onto a private garden. The layout provides space for 2 parking spaces and some landscaping. The current scheme is very similar to the permitted scheme but now proposes a 3 bed unit rather than a 2 bed unit. The footprint is identical to the previous scheme and the overall design, layout and height is very similar to the approved scheme with the exception of some changes to the fenestration.
- 9.5 It is considered that the creation of a single storey dwelling in this garage court setting would not appear out of keeping in this context and would not be readily visible from outside the site. Unlike the previously refused schemes, the development would introduce a scale and density of development which would be compatible with and not cause damage to the character and amenity of the area. It would display a reasonably high standard of design and provide a useable, private amenity space and space for planting/landscaping to produce a satisfactory layout. It is considered that the layout would function well and provide a good sense of space around the building as well as an attractive, high quality place to live. The majority of the rooms

would look out onto the private garden, which would be enclosed by a close boarded fence, and a landscaped area at the front of the building.

- 9.6 Many of the representations have referred to the previous application reference number 18/01937/FULL and the previous Inspectors appeal decision under 02/81891/FULL and in particular have referred to the shading which would occur to the rear amenity space and living accommodation from the canopy of the adjacent Oak tree especially when in full leaf and the resulting future pressure to reduce or remove the tree. However, unlike the previous schemes, this current proposal provides the main private garden at the front of the property and does not need to rely on the rear space for its amenity. In addition, with the exception of a bedroom window (bed 3) and bathroom window, the majority of the windows now look out onto the front amenity space. It is not considered that the current layout would result in the same pressure to remove or reduce the adjacent tree and the previous objection has now been sufficiently addressed.
- 9.7 In conclusion it is considered that the proposed scheme, which is very similar to the extant permission, would produce an acceptable scheme with a more satisfactory layout and density than the previously refused schemes and would accord with adopted policies DG1, H10 and H11 and emerging policies SP3 and HO5.

ii Impact on the neighbouring amenity and the amenity of future occupiers

- 9.8 It is necessary to carefully consider the impact on the living conditions of the neighbouring properties in terms of light, outlook and privacy. The existing flat roof garages are sited close to the boundaries of the rear and side garden of number 7 Addington Close and the land level of the garage court is set up approximately 0.75m above the ground level of number 7. The neighbour has raised concern about potential overlooking and loss of privacy to the rear garden and windows. There is a door, a small bathroom window and a bedroom window in the proposed north elevation which would face towards the rear garden of number 7 and a minimum distance of 5m would be maintained.
- 9.9 Whilst it is acknowledged that the outlook from number 7 would change it is not considered that the proposal would cause significant harm to the living conditions of the neighbouring property in terms of light and outlook. Despite the difference in the land levels it is not considered that the proposed ground floor windows would introduce an unacceptable level of overlooking and loss of privacy to number 7 providing adequate boundary fencing/treatment is provided and this could be secure by condition in the event of planning permission being granted.
- 9.10 No windows are proposed in the west elevation facing towards Haileybury Court and it is not considered that the proposal would have a harmful effect on the living conditions of any of the surrounding residential properties. As set out above it is considered that the proposal would also provide a sufficient level of amenity for any future occupiers of the dwelling.

iii Impact on the adjacent Oak Tree

- 9.11 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. The proposal involves demolishing part of the garages/store which currently lies within the Root Protection Area of the Oak tree and this should be a benefit in arboricultural terms. The proposal sits on an identical footprint to the permitted scheme and during the course of the application further tree information has been supplied, including foundation details, to accord with the previous details supplied under the previous applications. Pile foundations are proposed to be used for the building within the RPA of the Oak tree. Providing the tree protection measures are carried out in accordance with the submitted plans/ documents and a suitable landscape condition is imposed it is considered that the scheme should adequately secure the protection of this Oak tree.
- 9.12 As set out above it is not considered that the current layout would result in unacceptable pressure to remove or reduce the size of the adjacent tree and this previous objection has therefore been satisfactorily addressed. It is considered that the scheme adequately secures the protection of

the Oak tree which contributes to the character and appearance of the area and therefore accords with adopted policies N6 and DG1 and emerging policy NR2.

iv Highways and parking

- 9.13 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 2 car parking spaces are shown to be provided in connection with the proposed residential unit and three garages are to be retained for use by private individuals.
- 9.14 The current width of the access does not comply with RBWM's current highway design guide. The single track road is approximately 3.8m side, so it is not wide enough for two vehicles to pass, but is wide enough for a service vehicle or for vehicles to pass a pedestrian. However it is acknowledged that the application is likely to result in a reduction of vehicle usage in comparison to when the garages were all in use and there are understood to 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 and would not result in any adverse traffic or road safety impacts on the local highway network.
- 9.15 The proposed site plan shows the provision of 2 parking spaces which measure 2.5m by 5m and this complies with RBWM's current parking strategy. Details of secure, covered cycle storage have been provided and there would be space within the site for a small delivery vehicle to turn.
- 9.16 The development is not considered to have a detrimental effect on the local highway network. A refuse collection area, positioned 30m from Clewer Hill Road, has been provided and this was previously agreed under application number 17/03636/FULL. The proposal does not raise any significant highway concerns and it accords with the adopted parking standard. As such the proposal complies with adopted policies T5 and P4.
- 9.17 It is intended to impose the same conditions which were imposed under the previous application number 16/01203/FULL which includes a condition prevent vehicles parking in front of the 3 remaining garages to provide sufficient manoeuvring/turning space for vehicles to leave in a forward gear.

v Other Material Considerations

- 9.18 Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HO5, IF1, IF2 and NR2 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.
- 9.19 A bat survey was previously undertaken in association with application number 16/01203/FULL. The bat survey report was undertake to an appropriate standard and concludes that the garages are unlikely to be used by roosting bats. The landscape scheme will be expected to include biodiversity enhancement and an informative will be added accordingly.
- 9.20 A condition is to be imposed relating to acoustic insulation of habitable rooms against aircraft noise as previously imposed. An informative will be added to deal with construction/deliveries hours.
- 9.21 Each application must be considered on its merits and it is not considered that granting planning permission would set an undesirable precedent in this case.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form which confirms the internal floor space of 112 sq.m. In order for the internal floor area of the existing garages (157 sq.m) to be deducted from the proposed GIA residential floor space the applicant would

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. A lease agreement for the site has been submitted however this does not prove that the garages in question have been in lawful use for parking for 6 months within the last 3 years. It is not therefore considered that the floor space of the existing garages can be deducted and the CIL payment will need to be based solely on the new residential floor space figures.

11. CONCLUSION

11.1 The current scheme is very similar to the extant scheme permitted under application number 16/01203/FULL. The footprint would be identical and the overall layout and design would be very similar. The main difference is the increase in the number of bedrooms from 2 to 3. Given that the parking requirement for 2 or 3 bed dwellings is the same and 2 parking spaces have been provided to accord with the parking standards it is not considered that any objection can be raised to the current scheme and all the previous reasons for refusal have been satisfactorily overcome. It is considered that the application is acceptable in terms of its impact on the character and appearance of the site itself and the locality in general, the impact on the living conditions of the neighbouring properties and would secure the protection of the adjacent Oak tree. The proposal is considered to accords with adopted policies DG1, H10, H11, P4, T5 and N6 and emerging policies SP2, SP3, HO5 and NR2.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings
- Appendix C - details of bike store
- Appendix D – foundations details

13. CONDITIONS RECOMMENDED FOR INCLUSION 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 No development shall take place until samples of the materials to be used on the external surfaces of the development have been 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

3 No development shall take place until detailed plans showing the existing and proposed ground levels of the site together with the slab of the proposed development, relative to a fixed datum point on adjoining land outside the application site, 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 The development shall be carried out in accordance with the tree protection measures set out in the approved plans which include the Tree Protection Plan Rev E; foundation details (drawing number NH0101/PSK002A); cross section (drawing number NH0101/PSK003A) ; proposed plan (drawing number 2503/SK-101 Rev C) and the Arboricultural Survey Rev C.

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

5 No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details following the completion of the development and retained thereafter in accordance with the approved details.Hard landscaping - These details shall include a detailed hard landscape specification and

supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of: means of enclosures (e.g. fences, walls and gate piers) and hard surfaces (e.g. driveways, car parking, footpaths, patios, decking) Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.

B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with, tree/shrub/ hedge/plant establishment. If within a period of five years from the date of planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its 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 & N6

- 6 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: In order to control development which is likely to cause harm to an off-site protected tree. Local Plan Policy N6.

- 7 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. 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.

- 8 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces approved shall be retained for parking 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. Relevant Policies - Local Plan P4, DG1.

- 9 No part of the development shall be occupied until a vehicle turning head/space for use by service/delivery vehicles has been provided and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be kept available for turning at all times and shall not be used for parking purposes.

Reason: In the interests of highway safety and to facilitate vehicles entering and leaving Clewer Hill Road in a forward gear. Relevant Policy T5.

- 10 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, and to the internal boundary wall with the remaining garage and the proposed bedroom, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

- 11 Notwithstanding the detail shown on the plans hereby approved, no development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been 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.

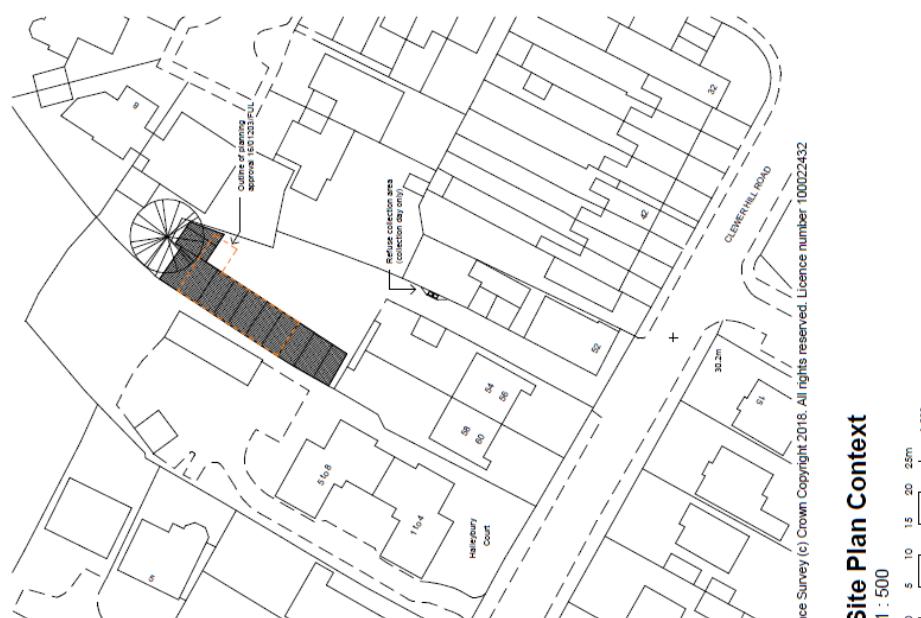
- 12 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

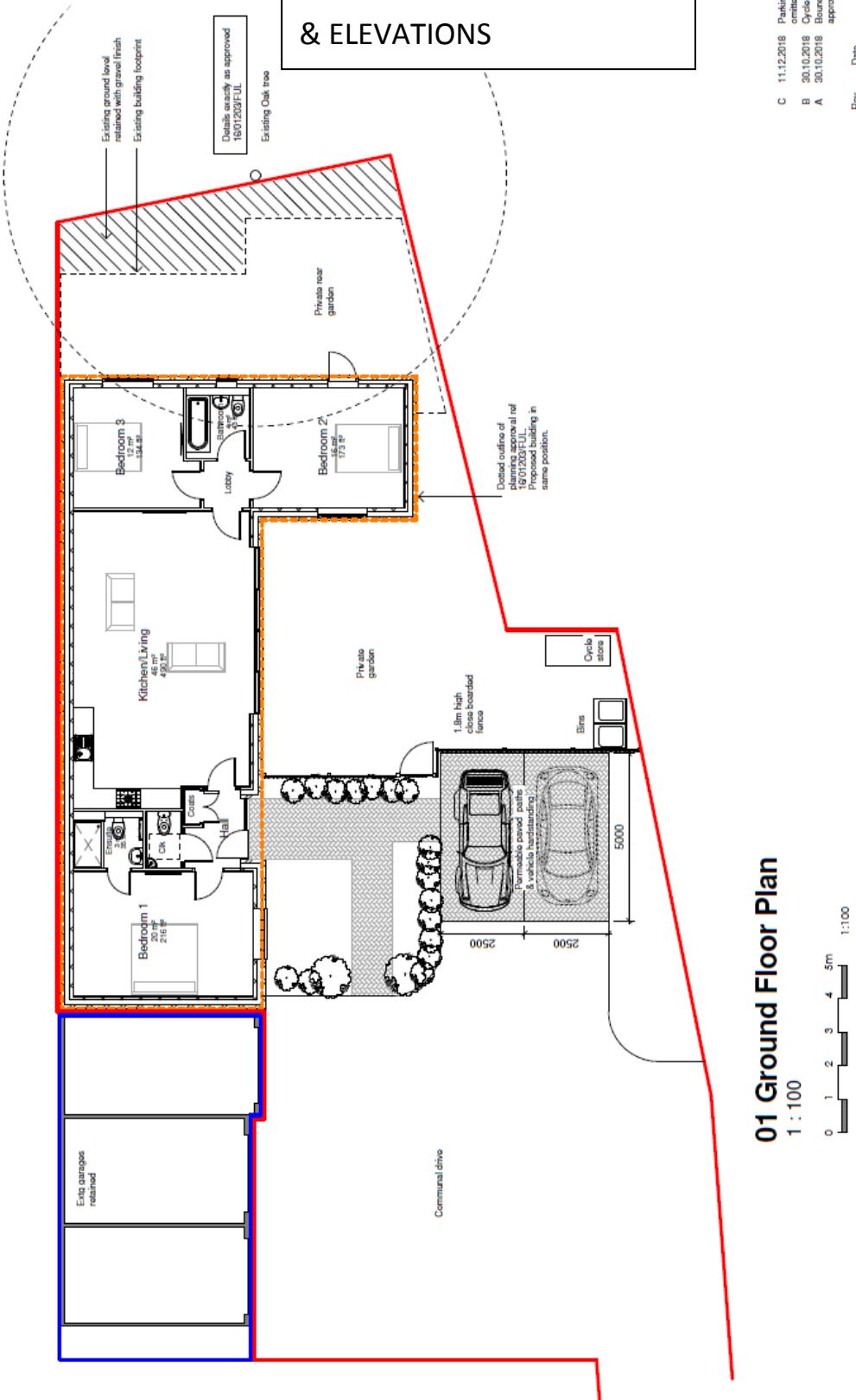
Informatics

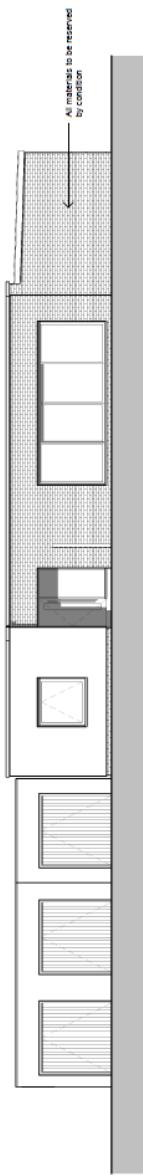
- 1 The landscape scheme to be submitted in compliance with condition number 5 shall include details of biodiversity enhancements, including native and wildlife-friendly landscaping to accord with paragraph 175 of the NPPF.
- 2 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings on the site may be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practical, areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.
- 3 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 4 It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and Safety Executive at Priestley House, Priestley Road, Basingstoke, Hants, RG24 9NW tel 01256 404000 for further information and advice.
- 5 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. Applicant should be aware the permitted hours of construction working in the Authority are as follows:
 - Friday 08.00 - 18.00
 - 08.00 - 13.00
 - Working on Sundays or Bank Holidays.

**APPENDIX A – SITE LOCATION
PLAN & LAYOUT**



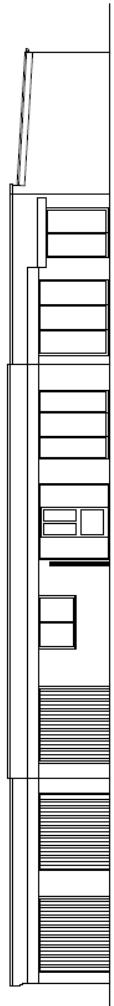
APPENDIX B – FLOOR PLAN & ELEVATIONS





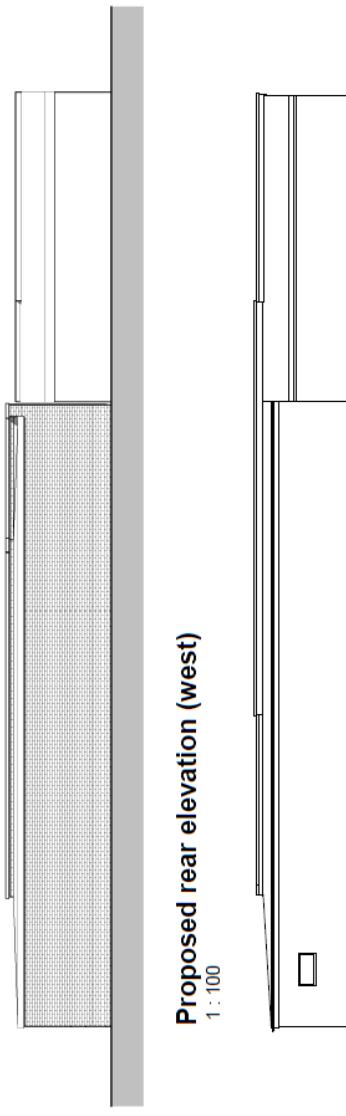
Proposed front elevation (east)

1:100
0 1 2 3 4 5m
1:100



Approved front elevation (east)

1:100

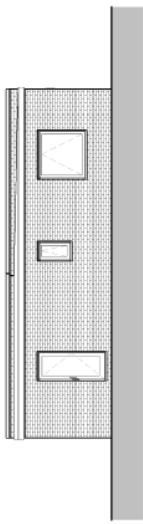


Proposed rear elevation (west)

1:100

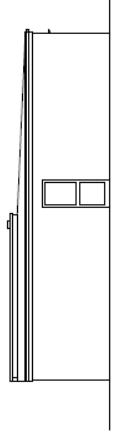
Approved rear elevation (west)

1:100



Proposed side elevation (north)

1:100



Approved side elevation (north)

1:100



Approved side elevation (south)

1:100

APPENDIX C – BIKE STORE



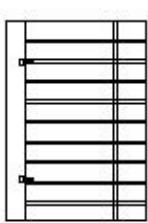
Trimetals Steel Cycle Store

www.trimetals.co.uk

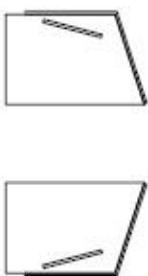
Trimetals cycle store in olive & moorland green pvc coated steel with 2 No. padlocks & hinge down ramp.



Front elevation



Side elevations



Rear elevation

APPENDIX D – FOUNDATIONS DETAILS & CROSS SECTION

