

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 August 2019

Item: 2

Application No.:	18/03523/FULL
Location:	Magnolia Cabin Fishery Road Maidenhead SL6 1UP
Proposal:	Replacement Outbuilding (Retrospective).
Applicant:	Mr Lock
Agent:	Not Applicable
Parish/Ward:	Maidenhead Unparished/Oldfield Ward

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

- 1.1 The wooden shed is considered not to be harmful to the character of the area, and preserves the character and appearance of the Maidenhead Riverside Conservation Area. Its mass and scale is considered to be appropriate for the area, and there are other examples of outbuildings near the frontages of houses along the road, including a larger one next door. The outbuilding does not harm the street scene as it is behind a high hedge, and in any case its design is unobtrusive and would be acceptable even if it were not screened. There is no adverse impact on neighbouring amenities. It is a floodable wooden shed so its ground cover area is not considered to impact the risk of flooding elsewhere, and complies with Policy F1 of the Local Plan concerning flood risk. The proposal is considered to comply with relevant development plan policies.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Hill irrespective of the recommendation of the Head of Planning: 'Residents have asked me to call this application in for the following reasons: No planning permission submitted. It's unsightly and neighbours want it removed. Mass and scale is inappropriate. It's in the floodplain. It's in a Conservation Area.'

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Magnolia Cabin was constructed in the late 1970's and is positioned to the east of Fishery Road within Maidenhead Riverside Conservation Area. The building is within an area of land that once belonged to Bray Lodge to its north. Bray Lodge is a non-designated heritage asset and was built in the late C19.
- 3.2 Riverside Conservation Area is split into Character Areas and Magnolia Cabin lies within the Character Area entitled "Late C19 early C20 Riverside Development". This Character Area is typified by its red clay tile roofs and buildings which are rendered and decorated in the mock Tudor style: Magnolia Cabin positively contributes to this Character Area as it contains both of these design features. There are a number of other examples of frontage outbuildings along the same stretch of road, including a larger one next door.
- 3.3 The site backs onto the Green Belt, but the house and its garden are not in the Green Belt. The site lies in the Maidenhead Riverside Conservation Area, and is in Flood Zone 3 at high risk of flooding.

4. KEY CONSTRAINTS

4.1 The key constraints relating to the application site are:

- Flooding, and
- Maidenhead Riverside Conservation Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The proposed building, which has already been constructed, is a black wooden flat roofed structure which replaced a smaller shed in the same position. It measures 7m by 4.3m, and has a slightly sloping roof which is at its highest point 3.4m in height. It is positioned 2.5m back from the front boundary, and is separated from the road by a dwarf wall, a low metal fence and a high dense hedge which largely hides it from public view. The outbuilding contains a golf simulator.

Ref.	Description	Decision and Date
94/00758 /FULL	Renewal of permission 420652 (for use as a separate dwelling)	Approved 6.4.1994
97/31959 /FULL	Two storey side and front extensions	Approved 10.9.1998
00/34968 /FULL	Erection of a conservatory at the rear	Appeal against non-determination allowed 30.10.2000
09/00533 /FULL	Single storey rear extension	Approved 11.5.2009
18/03499 /FULL	First floor rear extension, raise existing roof to form new second floor, 4 No. side rooflights	Approved 8.2.2019

6. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Adopted Royal Borough Local Plan (2003)

6.1 The main strategic Development Plan policies applying to the site are:

	Within settlement area	High risk of flooding	Conservation Area	Setting of the Thames
Local Plan	DG1	F1	CA2	N2

These policies can be found at:

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

6.2 National Planning Policy Framework Sections (NPPF) (2019)

- Section 4 - Decision-making
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 16 – Conserving and enhancing the historic environment

6.3 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1

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.

This document can be found at:

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

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

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

Other Local Strategies or Publications

6.5 Other Strategies or publications relevant to the proposal are:

- Maidenhead Riverside Conservation Area appraisal – view at https://www3.rbwm.gov.uk/info/200207/conservation_and_regeneration/666/conservation_areas_and_listed_buildings

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 28.2.2019.

The planning officer posted a notice advertising the application at the site on 22.2.2019.

One letter was received commenting on the application, summarised as:

Comment	Where in the report this is considered
1. My first reaction was I was not happy with the size and appearance especially from our bedroom window. I have since told the owner that I	N/A

	would not lodge an objection.	
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One letter from **The Fisheries Residents Association** was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Object as it represents an inappropriate development in the Riverside Conservation Area.	8.2-8.4
2.	It is built forward of the existing building line and presents a visual impairment to the property "Bray Lodge" from their main living room	8.4-8.5
3.	It represents an additional obstruction to flood waters in this flood zone 3 area.	8.6
4.	In volume terms, the property has already exceeded the 75 cu metre expansion allowed	Comment noted but not relevant
5.	Although this is a separate building, it should not be allowed under permitted development rights for the reasons outlined above, and below.	It is not an application for a certificate of lawfulness for permitted development
6.	It conflicts with N2 (Setting of the Thames). It conflicts with flood plain policy F1 parts 1), 2) & 3). It conflicts with Development in conservation area guidelines.	8.2-8.7
7.	In the case of non-residential development within a conservation area, you would need permission for: Extensions in materials that would not have a similar appearance to that of the original building. Extensions or additional buildings above a certain size, or within 2 metres of the boundary. The materials used are totally different from the existing and surrounding properties; the building is with 2 metres of the boundary, and is excessive in size.	It is not an application for a certificate of lawfulness for permitted development

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection	8.2-8.4

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i the impact of the proposal on the character of the area, the street scene and the Conservation Area;
- ii impact on neighbouring amenities;
- iii impact on flooding
- iv impact on setting of the Thames

Character, appearance and Conservation Area

- 8.2 Maidenhead Riverside Conservation Area is of significance because it has both architectural and historic interest. The built environment has a strong relationship to the Thames which nods to historical transport links, and its architectural examples of both Jacobean and Gothic Revival Architecture. Additionally, the area is significant due to its open green spaces and plentiful bushes and trees.
- 8.3 The proposal is not considered to cause harm to the character of the Conservation Area. The size and scale of the proposed outbuilding is sensitively proportionate and subordinate to the existing dwelling and to the neighbouring non-designated heritage asset. Although a modern design, the structure is of timber construction and the finish is dark which allows it to be less conspicuous in its surroundings and matches the colour of the Tudor style detailing on the existing house. Furthermore, Magnolia Cabin itself is a modern dwelling and therefore a development such as this within its boundaries would not have an impact on the overall character and appearance of the Conservation Area. The use of the building is intended to be entirely ancillary and incidental to the dwellinghouse on the site and this can be conditioned should permission be forthcoming (condition 2).
- 8.4 In addition to the above, the premise of an outbuilding that sits farther forward than the building line is not uncommon in this area, the neighbouring Bray Lodge is an example of this. In addition to the above it is worth noting that the proposal is situated behind a significant hedge and rail boundary which successfully screens it from the road. Even if not screened, the design of the outbuilding is considered acceptable in its context. The proposal will not cause harm to the Conservation Area or nearby Non-Designated Heritage Asset. The proposal does not harm the street scene or the character of the area.

Neighbouring amenity

- 8.5 The proposal would not impact neighbouring amenity in terms of overlooking, outlook, loss of light or sunlight, or any other impacts. Although it is partially visible from the side windows of the neighbouring property, Bray Lodge, it is beyond their own garage, and is not harmful in terms of outlook.

Flooding

- 8.6 The outbuilding is a wooden shed, and it is noted that in the Supplementary Planning Guidance 'Interpretation of Policy F1 (Development within areas liable to flood)', Appendix 6, it is stated that wooden sheds do not count as ground covered area as they are floodable. In this case, not only is it wooden, but also it has openings along the sides and underneath the walls to allow flood waters to pass through. A satisfactory Flood Risk Assessment has been submitted. In view of this, it is considered that the development does not increase the risk of flooding elsewhere, and complies with Policy F1 of the Local Plan concerning development in areas at high risk of flooding.

Setting of the Thames

- 8.7 The proposal is considered to have a neutral impact on the setting of the Thames, in that it does not harm the character of the area, and furthermore, it is not visible from the Thames.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B –Plan and elevations
- Appendix C – Axonometric drawings showing openings

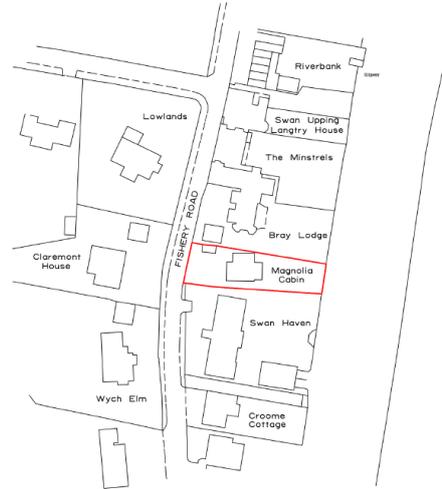
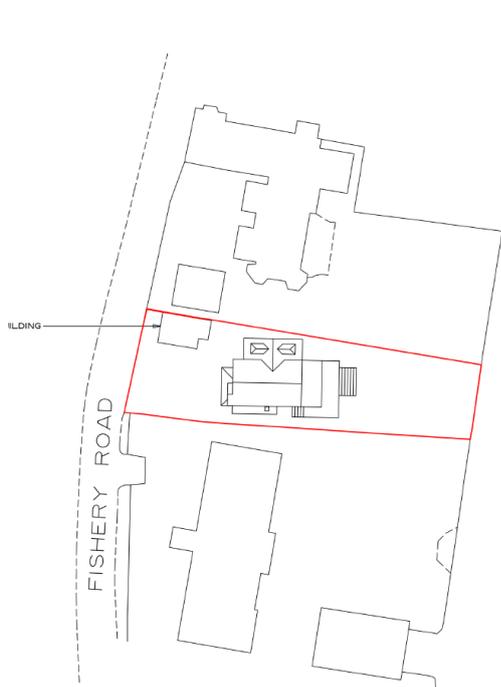
Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
- 2 The building hereby permitted shall be used solely for purposes entirely incidental to the occupation and use of the dwellinghouse, Magnolia Cabin
Reason: To protect the residential amenities of the locality.

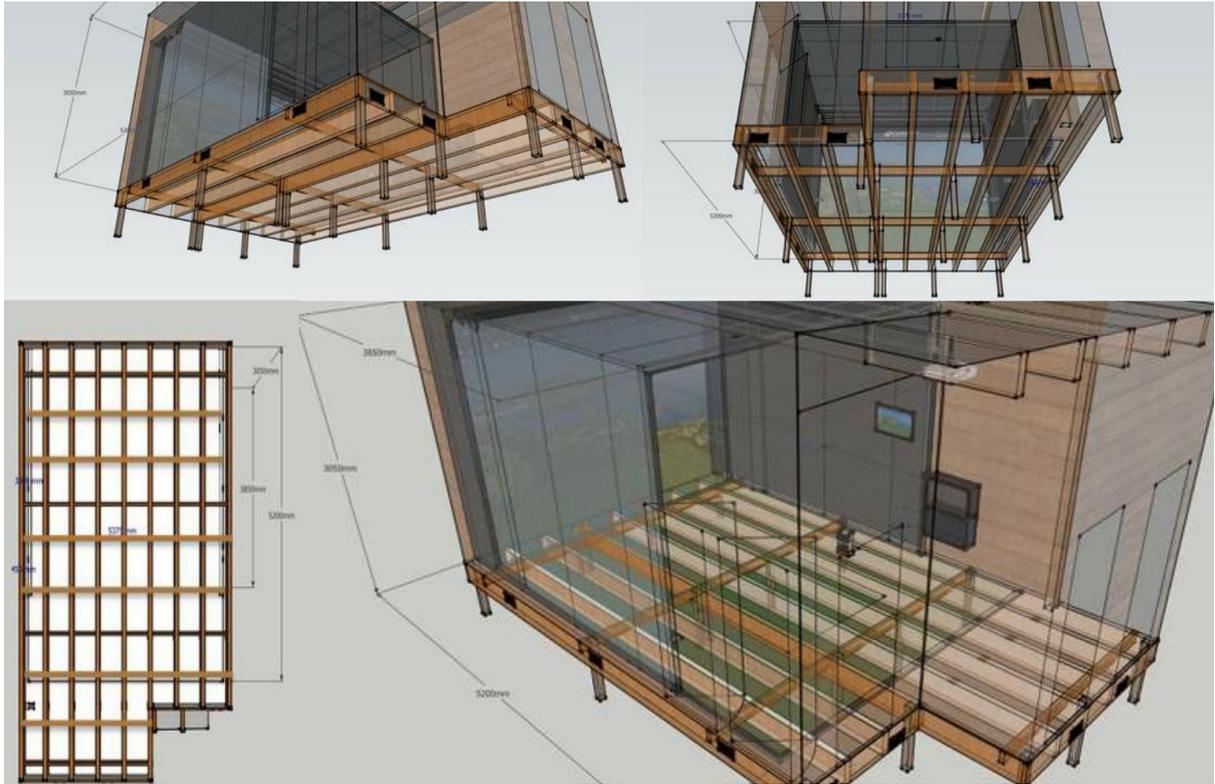


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LOCATION PLAN

SCALE 1:1250

Appendix A



Appendix C