

## DEVELOPMENT CONTROL PANEL

19 May 2021

Item: 3

<b>Application No.:</b>	20/03478/FULL
<b>Location:</b>	Kings Copse House St Leonards Hill Windsor SL4 4AL
<b>Proposal:</b>	Part single part two storey rear extension with x2 rear balconies, x1 external staircase, raising of the eaves and ridge with x1 front dormer, x1 side rooflight, x3 side rooflights and alterations to fenestration.
<b>Applicant:</b>	Mrs Joseph
<b>Agent:</b>	Mr. J Singh
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East

**If you have a question about this report, please contact:** Zishan Pervez on 01628 682977 or at zishan.pervez@rbwm.gov.uk

### 1. SUMMARY

- 1.1 The application seeks planning permission for a part single, part two storey rear extension with x2 balconies and an external staircase, raising of the ridge to provide additional habitable space above the existing garage and alterations to fenestration including a new first floor side facing window replacing existing dormer. Following the original scheme, revised drawings were submitted deleting the previously proposed front dormer and x5 rooflights, the part single part two storey extension is now set in by 2.5m and reduction of ridge height to address design concerns and tree constraints. The application is determined on the basis of the revised scheme.
- 1.2 The proposed development would harmonise with the appearance of the host dwelling and the character of the area would not be harmed nor would the proposed works cause harm to the neighbouring amenity. The Arboricultural supporting information has demonstrated necessary precautions have been imposed to ensure the health and wellbeing of the trees on/off site. The resultant dwelling will provide sufficient parking spaces to accommodate the site's needs.
- 1.3 For the reasons mentioned above the proposal is considered to be in compliance with Local Plan Policies DG1, H14, N6, P4, the Borough Wide Design Guide, DES.01 of the Windsor Neighbourhood Plan as well as all relevant planning guidance contained within the NPPF (2019).

**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 Price due to concerns regarding overdevelopment and the impact on biodiversity

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north east side of St Leonards Hill, adjacent to Hollytree House and Clearview, within the residential area of Windsor. The site is subject to an Area Tree Preservation Order. The property, according to the Council's Townscape Assessment, is classified as 'Leafy Residential Suburbs' and as such, trees are a key feature of the character. The street scene of St Leonards Hill is

characterised by detached dwellings on large spacious plots and whilst many are set back from the boundary, there is no established building line. The street scene is characterised by a variety of different styles; however, red brick and white/cream render appear to be prominent materials.

- 3.2 The application site comprises of a detached yellow brick dwelling with an attached garage. The dwelling itself is on steep land which slopes downwards considerably. The building comprises of a lower ground floor, upper ground floor (provides entrance to the property) and a first floor.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The application seeks planning permission for a part single, part two storey rear extension with x2 balconies and an external staircase, raising of the ridge to provide additional habitable space above the existing garage and alterations to fenestration including a new first floor side facing window replacing existing dormer. Following the original scheme, revised drawings were submitted deleting the previously proposed front dormer and x5 rooflights, the part single part two storey extension is now set in by 2.5m and reduction of ridge height to accord alleviate design concerns and tree constraints. The application is determined on the basis of the revised scheme.

- 4.2 No relevant Planning history.

**5. DEVELOPMENT PLAN**

**Adopted Royal Borough Local Plan (2003)**

- 5.1 The main Development Plan policies applying to the site are:

Issue	Local Plan Policy
Design in keeping with character of area	DG1
Acceptable impact on appearance of area	H14
Acceptable impact when viewed from nearby occupiers	H14
Maintains acceptable level of privacy for nearby residents	H14
Maintains acceptable level of daylight and sunlight for nearby occupiers	H14
No harm to protected trees	N6
Sufficient parking spaces available	P4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

**6. MATERIAL PLANNING CONSIDERATIONS**

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

Section 2. Achieving sustainable development

Section 3. Plan-making  
 Section 4. Decision-making  
 Section 12. Achieving Well-designed Places  
 Section 15. Conserving and Enhancing the Natural Environment

**Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3

**Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3

6.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
 b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

6.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

6.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 8 of this report.

These documents can be found at:

<http://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

6.4 **The Windsor Neighbourhood Plan – significant weight**

The Borough Council's Cabinet considered the recommendations at its meeting on the 17 December 2020 and voted unanimously to accept the examiners proposed modifications and approve the Windsor Neighbourhood Plan to proceed to referendum.

## 6.5 **Borough Wide Design Guide 2020**

The Design Guide supports Local Plan policies by setting out in detail what the Council considers to be design excellence in the Royal Borough.

These documents can be found at:

<http://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### **Other Local Strategies or Publications**

6.6 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

<http://www.rbwm.gov.uk/home/plannig/planning-policy/planning-guidance>

## 7. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

Eleven occupiers of properties in the vicinity of the site were notified directly of the application.

At the time of writing, 2 letters had been received supporting the application, summarised as:

Comment	Where in the report this is considered
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1.	<p><b><u>Impact on Character</u></b></p> <p>Considering the grandiose nature of some of the neighbouring builds and previously allowed extensions/renovations the submitted plans are comparatively tempered. You will note the planning allowance would permit both the rear and side to be extended much further than that has been requested.</p> <p>Whilst many references have been made to overdevelopment of the site which is currently small and outdated and requires extensive refurbishment, this statement has not been backed up. The works would be an improvement to the property.</p> <p>The design features on properties along St Leonards Hill vary with no consistency. There is no proposed development beyond the principle elevation and the plot is deceptively deep and the final ridge of the proposed roof would be within that of all the adjacent properties.</p>	Please see paragraphs 8.2 – 8.7
2.	<p><b><u>Neighbouring Amenity</u></b></p> <p>The proposed development will not exacerbate the existing levels of overlooking towards the neighbouring properties.</p> <p>Upon completion of works there will be increased privacy for all neighbouring properties.</p>	Please see paragraphs 8.8 – 8.10
3.	<p><b><u>Trees</u></b></p> <p>The current building is not listed nor has any other particular constraints other than the tree TPO's which have been fully considered. The plans have been amended to comply with the latest guidance on tree protection.</p>	Please see paragraphs 8.11 – 8.13

At the time of writing, 26 letters had been received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	<b><u>Impact on Character</u></b> Proposal amounts to overdevelopment and is not in keeping with the character of the area and will harm the street scene	Please see paragraphs 8.2 – 8.7
2.	<b><u>Neighbouring Amenity</u></b> Noise disturbance  Overlooking, overshadowing, loss of light and privacy to neighbouring properties	Please see paragraphs 8.8 – 8.10
3.	<b><u>Trees</u></b> Concerns raised regarding the potential damage caused to the trees on and off site, detrimental to the health and longevity of these trees  The positioning and classification of trees have been depicted incorrectly with contradictory details outlined in the Arboricultural supporting information.	Please see paragraphs 8.11 – 8.13
4	<b><u>Ecology</u></b> Harm to bats on the site	Please see paragraphs 8.14 – 8.15
5	<b><u>Highways/Parking</u></b> Inadequate parking spaces and a hazard to highway safety	Please see paragraph 8.16
6	<b><u>Other</u></b> No site notice displayed  It will set a precedent for other proposals	There is no statutory requirement for a site notice to be posted for this application. Neighbouring properties have been notified by post which meets the statutory requirements for this application.  Each application is determined on its own merits

### Consultees

Consultee	Comment	Where in the report this is considered
RBWM Arboricultural Officer	Objection. The trees on and off-site are covered by a Designated Tree Preservation Order 2 of 1960. A tree survey has been submitted. However, the crown of T6, the 'A' category off-site Oak to the west, has not been drawn out to	Please see paragraphs 8.11 – 8.13

	<p>quite the correct distances on the tree protection plan. The upper crown extends up to 0.5m over the existing building line and would extend over the proposed extension by up to 1m. The applicant's arboriculturist has stated the crown of the tree is to be cut back to improve clearances. This demonstrates a poor relationship between the Oak tree and the proposed development.</p> <p>Owners/occupiers will want to live in harmony with their surroundings. However, where trees cause excessive shading or are over-dominant, this is likely to give rise to pressure for detrimental pruning work. Where debris fall from a tree lands on hard surfacing, such as balconies, this may be a cause of inconvenience and again pressure to prune back further is likely to occur. Where trees are of moderate to high quality, the design should take into account the relationship of the built form to trees to ensure, as far as is reasonable, that conflict does not occur. Therefore, in respect of the proposals, the extension will need to be reduced back from the western boundary by at least 2.5m. This would also ensure that the root protection area of the Oak is not infringed by the external staircase.</p> <p>There will be a direct loss of a low category multi-stemmed Cherry. This tree is comparatively small and is not visible from a public place, so its loss is not objected to. If the above amendment to the proposal can be achieved, I would have no objections to the proposal subject to conditions. However, in its current form, it does not comply with policy N6 and DG1 of the Local Plan, nor NR2 of the Borough Local Plan (nearing adoption) and as such refusal is recommended.</p> <p><b>Comments on first revision;</b> Amended plans have been submitted which show the rear extension has been moved 2.5m further away from the off-site Oak tree. The juxtaposition is satisfactory. The applicant will need to submit a revised tree protection plan and method statement. Compliance with these can then be conditioned.</p> <p><b>Comments on second revision;</b> The details are generally satisfactory. In the method statement it would have been better for the word 'Must' to be replaced with 'shall' or 'will' as the wording would weaken the ability to enforce.</p>	<p>The proposal has been altered to accommodate the required adjustments/measures as advised by the Arboricultural Officer who is satisfied the concerns raised have been alleviated.</p>
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## Others

Consultee	Comment	Where in the report this is considered
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Windsor Neighbourhood Plan Forum	<p>Objection. We suggest that the bulk and scale of this proposal fails to meet the relevant policies.</p> <p>The existing Kings Copse House is on a small plot, relatively closer to the road than its neighbours. This development with 3 storeys to the front and 4 storeys to the rear would dominate the area and damage the character.</p> <p>Sight lines from the windows and balcony of this development would surely invade the privacy of the neighbouring St Leonards Hill properties and possibly of Hemwood Road properties to the North.</p> <p>The current Google Earth image of the site, probably taken during the summer months, shows a full tree canopy on all four sides, but particularly to the West and South. Therefore we do have a concern that trees might be compromised. St Leonards Hill is the subject of blanket Tree Preservation Order.</p> <p><b>Comment on amended plans;</b> We note that the new application does take account of the off-site oak tree and that the Tree Officer has stated this to be satisfactory. Nevertheless, the bulk and scale of this proposal has not been reduced at all.</p>	Please see paragraphs 8.2 – 8.10
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## 8. EXPLANATION OF RECOMMENDATION

8.1 The assessment of the application is set out in the following way:

- Impact on the character of the area and street scene;
- Impact on neighbouring amenities;
- Impact on trees
- Impact on Bats
- Impact on parking provision and highway safety.

### Impact on Character

8.2 Kings Copse House is a detached dwelling located in the residential area of Windsor. National Planning Policy Framework Section 12 (Achieving well-designed places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Principle 10.1 of the Borough Wide Design Guide states that extensions will be expected to be subordinate and respond positively to the form, scale and architectural style and materials of the original building. Developments that are over-dominant or out of keeping will be resisted.

8.3 The proposed part single part two storey rear extension will accommodate a lounge, dining/kitchen and an entertainment room following internal re-arrangement. The extension will be 4m deep at the furthest, flush against right-hand flank wall and will be set in by 2.5m from the left-hand flank wall. The extension will be proportionate and will form a subordinate addition which is set in from both side boundaries and will retain its spaciousness, leaving behind ample amenity space. The contemporary design together with materials proposed to match the existing building would respect the appearance of the host dwelling.

- 8.4 The scheme includes replacement of windows and doors including a new first floor side facing window replacing the existing dormer. The fenestration alterations will appear in keeping with the existing setting as it shall comprise of UPVC material, matching the existing fenestration. The x2 new staircases which would serve a balcony and upper floor utility area also appear satisfactory. Moreover, the design and scale of the balconies will appear to respect the appearance of the host dwelling.
- 8.5 In addition to the above, the proposal also seeks to raise the height of ridge of the main roof to provide additional habitable space above the garage. The existing ridge measures circa 5.75m high from the front elevation and 8.24m from the rear. The proposed new ridge height will be 7.5m tall from the front and 9.89m from the rear. This equates to an increase in ridge height circa 1.75m at the front and 1.65m towards the rear. Though this is a substantial change, the existing closest adjacent property Clearview currently projects taller and for this reason it is considered the resultant dwelling will not be visually incongruous. Equally important, the roof-design of the existing gable end roof will be retained and owing to the uneven ground though the property is visible as a three storey building from the rear elevation, the view from the street scene varies, appearing as a two storey building with a similar ridge line to the aforementioned adjacent dwelling. This being the case, the design, scale and bulk of the resultant roof is considered to have to an acceptable impact on the host dwelling and will not result in any undue harm towards the character of the street scene.
- 8.6 While the hipped roof form above the first-floor extension is different in design to the main roof, it shall nonetheless appear sympathetic. The new ridge height to this part of the dwelling will be below the main ridge with symmetrical eaves, which would result in the addition appearing cohesive.
- 8.7 Overall, the design, scale and positioning of the proposed scheme would be subservient to the appearance of the host dwelling, without altering the front building line and the character of the street scene will not be harmed as it consists of a range of dwellings varying in design, scale, form with no consistency in front building lines.

### **Impact on Neighbours**

- 8.8 Appendix 12 of the Local Plan offers guidance on 'House Extensions' and details that two storey extensions should not breach a line drawn at 45 degrees from the centre of the nearest neighbouring window of the adjoining property. The proposal does not breach this line with the neighbouring properties at Clearview House and Hollytree House. It is considered that the extension would not have a significantly adverse impact on the light which the neighbouring properties currently receive.
- 8.9 Due to the nature of the large plots and the juxtaposition of the extension with the neighbouring properties as well as the side boundaries being screened with tall trees and vegetation; it is considered sufficient distance will be maintained between the development and both the adjacent dwellings (Clearview and Hollytree House) would not be affected by any significant loss of privacy, overshadowing, outlook or otherwise. The extension maintains a distance of c.18m with Hollytree House. The new first floor side facing window replaces the existing dormer and the balconies will be installed with opaque glass (taller on the sides) hence privacy would not be materially impacted by the proposal.
- 8.10 The application site backs onto properties at Hemwood Road. Given the spaciousness of plots, with the site benefitting from a c.20m rear garden surrounded by tall trees, it

is considered sufficient distance is maintained between these properties to avoid significant loss of overlooking and privacy.

### **Impact on Trees**

- 8.11 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should be always justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused.
- 8.12 The application site falls under an Area Tree Protection Order as controlled by no2 of 1960 covering all species of trees at the site. The site benefits from several healthy mature trees which hold significant value towards the character of the area and hold great amenity value, which is defined in the Townscape Assessment to be part of the 'Leafy Residential Suburbs'. The Arboricultural Officer noted discrepancy on the positioning of an Oak tree (T6) in relation to the proposed development and also highlighted the upper crown would extend up to 0.5 over the building line and extend over the extension by up to 1m. It was recommended the extension be reduced in depth by 2.5m to avoid any conflict with the tree and to ensure the RPA of the tree is not infringed by the external staircase. The Arboriculture Officer also identified the loss of a Cherry which due to its relatively small scale and not being visible from the public realm was deemed acceptable.
- 8.13 In line with the above comments, the extension has been reduced by 2.5m in depth to alleviate the concerns raised and ensure the health and wellbeing of the tree is not affected. The amended scheme along with the protective measures outlined in the Arboricultural Planning Integral Report and Tree Protection Plan including but not limited to protective fencing and temporary ground protection would ensure adequate measures are in place to protect the trees. On this basis, the proposal is considered to have an acceptable level of impact on the trees and will not harm the 'Leafy Residential Suburb'.

### **Ecology**

- 8.14 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment and minimise impacts on biodiversity. Paragraph 175 of the NPPF (2019) states that:

*When determining planning applications, local planning authorities should apply the following principles:*

- 1 if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*

- 8.15 The applicant has provided photographic evidence of the roof space to illustrate the sound condition of roof timbers and felt which is weather tight with no separations, avoiding bats from roosting or the possibility of such. In addition to the above, the

applicant appointed a chartered building surveyor whom on two occasions had carried out a full building survey and has confirmed observations of no bats within the building.

### **Highways/Parking**

- 8.16 The proposed development would not lead to the loss of any of the parking spaces nor will it increase the number of bedrooms at the development site. As such, sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

### **Conclusion**

- 8.17 As set out in the above paragraphs, the proposal is considered to comply with the relevant planning policies and guidance. The application is recommended for approval subject to the conditions listed below.

## **9. APPENDICES TO THIS REPORT**

- i. Appendix A – Site location plan
- ii. Appendix B - Proposed block plan
- iii. Appendix C – Proposed upper and ground floor plan
- iv. Appendix D- Proposed first floor plan and side elevation
- v. Appendix E – Proposed elevations
- vi. Appendix F – Proposed sections

Documents associated with the application can be viewed at

<https://www.rbwm.gov.uk/home/planning/find-planning-application>

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 NPPF. In this case the issues have been successfully/unsuccessfully resolved.

## **10. 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 The materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the details set out in "Arboricultural and Planning Integration Report:Kings Copse, St Leonard's Hill, Windsor, SL4 4AL 7th April 2021 Ref: GHA/DS/199560:21" before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all

construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

4 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.