

## DEVELOPMENT CONTROL PANEL

4 August 2021

Item: 2

<b>Application No.:</b>	21/01587/FULL
<b>Location:</b>	43 Kentons Lane Windsor SL4 4JH
<b>Proposal:</b>	Single storey outbuilding (retrospective).
<b>Applicant:</b>	Andrea Reis
<b>Agent:</b>	Mr Jose Antunes
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East

<b>If you have a question about this report, please contact:</b> Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk
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### 1. SUMMARY

- 1.1 The outbuilding is not considered to have a detrimental impact on the character and appearance of the site and wider area.
- 1.2 The outbuilding is also not deemed to cause significant harm to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.</b>
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### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Helen Price due to the following reasons;

‘At the request of neighbours. It has been built too near the fence which constitutes a fire and therefore safety hazard. It is considerably higher than neighbours’ fences, is intimidating and thus compromises privacy’

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

- 3.1 The site is a reasonably sized plot currently occupied by a 2 storey semi-detached dwelling and an outbuilding to its rear, which the current application relates to. The site is located along Kentons Lane within Clewer Green, a residential area, to the south-west of Windsor town centre. The properties within the immediate vicinity are characterised by other 2 storey dwellings occupied within similar sized plots.
- 3.2 There are no planning constraints affecting the site.

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

- 4.1 This is a retrospective application seeking permission for a single storey outbuilding. The outbuilding has a mono-pitched roof design. Its maximum height when measured from the ground level (including the raised platform) amounts to 2.85 metres, and the outbuilding’s height along the rear bottom slope of its roof is 2.41 metres.
- 4.2 There is no planning history of relevance to this scheme.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance
Design in keeping with character of area	DG1	Yes

These policies can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

### Adopted Windsor Neighbourhood Plan

Windsor Neighbourhood Plan	Policy DES.01	Yes
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## 5.2 Borough Local Plan: Submission Version and Proposed Changes

Issue	Proposed Changes Policy
Design in keeping with character and appearance of area	QP1, QP3
Acceptable impact on neighbouring amenity	QP3

5.3 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).”*

5.4 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.

5.5 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 7 of this report.

These documents can be found at:

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

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

- Borough Wide Design Guide (2020)

More information on this document can be found at:

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

## 6. CONSULTATIONS CARRIED OUT

### Comments from interested parties

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

Comment	Officer Response
<ul style="list-style-type: none"> <li>-Made of combustible material (wood), fire risk</li> <li>-Main drainage already installed.</li> <li>-Mains electrical cable seems to be attached to 41 Kentons Lane fence.</li> <li>-Shower and toilet already installed.</li> <li>-Inaccurate plans</li> <li>- Potential to be used as a self-contained dwelling</li> <li>- Loss of privacy, noise and light pollution</li> <li>-Building large and visually unattractive in terms of its design, proximity to boundary and loss in footprint</li> <li>-Drainage and flooding</li> </ul>	<ul style="list-style-type: none"> <li>-It is very common for outbuildings to be made of wood. Several neighbouring outbuildings are made of the same materials. Additionally, the suitability of proposed materials in relation to fire hazards is a building control matter.</li> <li>-Points 2 - 4 are not material planning considerations</li> <li>-Amended plans have been submitted, which accurately reflect the existing situation on site.</li> <li>-The outbuilding will remain ancillary to the main dwelling</li> <li>-Points 7 &amp; 8 addressed in Section 7 of the report.</li> <li>-The development is not located within an area liable of flooding</li> </ul>

## 7. EXPLANATION OF RECOMMENDATION

- 7.1 The key issues for consideration are:
- i Character and Appearance
  - ii Impact on neighbouring amenities
  - iii Other material considerations

### **Character and Appearance**

- 7.2 The appearance of a development is a material planning consideration and the 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. Policy DES.01 of the Windsor NP is consistent with Local and National Policy and provides guidance on good design.
- 7.3 The outbuilding is located to the rear of the site. The building is built on a raised platform due to the uneven ground levels on site. The outbuilding has a mono-pitched roof design, its maximum height when measured from the ground level including the raised platform amounts to 2.85 metres and the outbuilding's height along the rear bottom slope of its roof is 2.41 metres. Therefore, despite the outbuilding covering almost the entire width of the site, its height is considered to be modest, therefore, minimising its visual prominence. The proposed timber materials for the development are not deemed to deter away from the character and appearance of the wider area as several outbuildings within the neighbouring plots have similar materials. The outbuilding, including the raised platform and steps add a footprint of about 34sqm to the site. The outbuilding is also set away from the rear end wall of the main dwelling by at least 10 metres, therefore, enough open amenity space will be retained on site.
- 7.4 Overall, the proposed outbuilding is not considered to have a negative impact on the character and appearance of the site and wider area. Therefore, it is deemed acceptable from a design standpoint.

### **Impact on neighbouring amenities**

- 7.5 Paragraph 127 (f) of the NPPF (2019) sets out that planning decisions should ensure that developments should provide a high standard of amenity for existing and future users. The outbuilding is set to the rear of the site, directly adjacent to the rear boundary treatment. It is also within close proximity to both adjacent side boundary lines. Due to its location the outbuilding is sufficiently set away from the properties at both the immediate neighbouring plots at Nos 41 and 45 Kentons Lane. The outbuilding does not extend beyond the front wall of the adjacent rear shed at No.45 and it is also sufficiently set away from the shed at No.41. Overall, based on the above and considering the outbuilding's height as addressed in Section 7.2, the outbuilding is not deemed to cause any loss of light/outlook issues and overbearing/overshadowing impacts to the immediate neighbouring properties that bound the development site.
- 7.6 There were several objections in relation to a loss of privacy resulting from the raised platform associated with the outbuilding. The subject platform does not exceed 0.3 metres in height. Therefore, due to its very modest height the views into the rear gardens of the neighbouring properties at Nos 41 and 43 from the raised platform are not considered to be significantly different to the views into the properties from the

existing ground level, especially considering that the ground slopes upwards towards to rear end of the development site. Further to the above, as the platform will not exceed 0.3 metres in height this could be constructed without planning permission under permitted development. This is a material consideration to the consideration of this application.

- 7.7 The outbuilding is not considered to cause an acceptable level of noise or disturbance considering that its use will remain ancillary to the host dwelling.
- 7.8 Overall, it is considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

#### **Other material considerations**

- 7.9 The outbuilding does not propose additional bedrooms to the site, therefore, the site's parking considerations will not be affected.

#### **Conclusion**

- 7.10 For the reasons set out in this report, the outbuilding is considered to comply with relevant planning policies and guidance. It is therefore recommended that planning permission is granted.

### **8. APPENDICES TO THIS REPORT**

- Appendix A – Site location plan
- Appendix B – Proposed elevations
- Appendix C – Proposed floor plan

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.

### **9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 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.