

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

DEVELOPMENT CONTROL PANEL

3 November 2021

Item: 1

Application No.:	21/01954/FULL
Location:	Kings Copse House St Leonards Hill Windsor SL4 4AL
Proposal:	Part single, part two storey rear extension, first floor side extension, x2 new balconies, x1 rear external staircase, raising of the ridge and eaves to provide additional habitable space with 1 x dormer to front elevation, x4 new roof windows, x1 new window to front elevation, x2 new windows to left elevation and alteration to fenestration.
Applicant:	Mrs Joseph
Agent:	Mr J Singh
Parish/Ward:	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 previous planning permission determined that the proposed part single, part two storey rear extension, first floor side extension, x2 rear balconies, x1 rear external staircase, raising of the ridge and eaves to provide additional habitable space and alterations to fenestration resulted in an acceptable form of development. This element of the scheme remains unaltered and given there are no changes in the context of site surroundings it is still considered acceptable.
- 1.2 The application seeks planning permission to include the addition of a front dormer, insertion of x1 new window to the front and rear, x2 new windows to the side elevation, x4 rooflights and alterations to fenestration. The dormer was removed on the previous application due to concerns of being out of context with the street scene and the rooflights were removed by the applicant although the element was considered acceptable at the time and remains the case. Upon further assessment, it is established numerous properties along the street are evident with dormers (mainly hipped or gabled ended design) on the front elevation which form a common feature along the street and contribute towards the character of the area. As such it is considered the proposed gable ended dormer by virtue of its design, scale and mass would strive to appear in keeping with the area and would contribute positively. The insertion of new windows and alterations to the fenestration would harmonise with the existing setting of the fenestration in terms of design, size and positioning whilst the x2 new windows to the side elevation and x1 to the rear is to be of obscure design to prevent any overlooking or loss of privacy to neighbouring properties.

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 the development would be

prominent to the detriment of the character of the street scene.

3. DESCRIPTION OF THE SITE AND 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 consistent 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 towards the rear. 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 description for this planning application is part single, part two storey rear extension, first floor side extension, x2 new balconies, x1 rear external staircase, raising of the ridge and eaves to provide additional habitable space with x1 front dormer, x4 new rooflights x1 new window to the front elevation, x2 new windows to the side elevation and alterations to fenestration. The majority of development has been granted planning permission recently under 20/03478/FULL, however this application seeks planning approval to include the addition of x1 front dormer and alterations to the existing fenestration comprising of x1 new window to the front elevation, x2 new windows to the left side elevation, x1 new window to the rear elevation and x4 rooflights. This report therefore assesses whether the approved development together with the new elements is acceptable or not.

4.2

Application Reference	Description	Date and Decision
20/03478/FULL	Part single part two storey rear extension with x2 balconies, x1 rear external staircase, raising of the ridge to provide additional habitable space and alterations to fenestration.	Approved 30.06.2021

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) (2021)

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 Main Modifications (2021)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Biodiversity	NR1
Trees	NR2

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 consultation on Main Modifications has recently closed.

- 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 (2011-2026)**

The Windsor Neighbourhood Plan was subject to referendum in May 2021 and has now been formally adopted by the Council. It carries full weight in decision making.

Issue	Neighbourhood Plan Policy
Design in keeping with the character and appearance of area	DES.01
Highways/Parking	PAR.01
Residential Amenity	RES.01

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>

6.6 **Other Local Strategies or Publications**

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/planning/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, 26 letters had been received objecting to the application, summarised as:

Comment	Where in the report this is considered
<p>1. <u>Impact on Character</u> Due to its height, scale, mass and positioning the proposed development will appear cramped and incongruous, appearing out of keeping with the character of the site and appearance of the street scene. The resultant overdeveloped dwelling will be overbearing and dominant.</p>	Please see paragraphs 8.2 – 8.6
<p>2. <u>Neighbouring Amenity</u> The development would impose unacceptable loss of light, outlook and privacy and would give rise to overlooking harming the quality of amenity the neighbouring properties currently receive. Planning condition as per decision notice 20/03478/FULL restricts x2 windows on the side elevation to be obscure with restricted opening. This element is not part of the current proposal.</p>	Please see paragraph 8.7 – 8.9
<p>3. <u>Trees</u> This application, as with the previous approved application fails to adhere to arboriculture advice with regards to reducing the scale of the development in order so that the health and wellbeing of the mature oak is not compromised.</p>	Please see paragraph 8.10 - 8.11
<p>4. <u>Other</u> The applicants have failed to comply with condition 3 of decision notice 20/03478/FULL as no hoardings installed and demolition works have commenced. 21/50156/ENF The building contractors have been operating power tools and have created noise nuisance for between 28th May – 1st June. Reference: 21/02164/NOICON Ongoing noise nuisance through continuation of works. The plans do not provide detailed measurements.</p>	This matter is being dealt by the Planning Enforcement team. This is not a material planning consideration and the plans contain sufficient detail to assess the application.

Others

Consultee/Group	Comment	Where in the report this is considered
The Windsor Neighbourhood Plan Group	<p>The Location Plan states the application site (Kings Copse) is situated on St Leonards Road as opposed to St Leonards Hill.</p> <p>This development will appear cramped and prominent in the street scene and would be out of keeping with the character of the host dwelling and the wider area.</p>	The corrected location plan was provided on 14 th August and subsequently has been uploaded onto the public access.

	The plans do not include dimensioned plans or drawings to indicate the relationship of the application site with the immediate neighbours.	Please see paragraphs 8.2 – 8.6 The drawings are not dimensioned but are however drawn at the correct scale.
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8. EXPLANATION OF RECCOMENDATION

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

- i. Impact on the character of the area and street scene;
- ii. Impact on neighbouring amenities;
- iii. Impact on trees;
- iv. 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 proposal is for a part single, part two storey rear extension, first floor side extension, x2 new rear balconies, x1 rear external staircase, raising of the ridge and eaves to provide additional habitable space and alterations to fenestration. This part of the scheme is identical to that approved under 20/03478/FULL and does not alter the scale/bulk or extend the building line any further. Taking this into account and the fact that the site surroundings remain unchanged and the local and national policies also remain unaltered, the scheme as approved remains acceptable.

8.4 The scheme also reintroduces a dormer to the front elevation and x4 rooflights. The dormer would measure 1.6m wide, 1.63m high with a width of 3.03m and would have a gable ended roof. The dormer is similar to one previously removed under 20/03478/FULL which was removed due to concerns regarding the surrounding context. However, upon further assessment of the site surroundings, numerous properties along the street are evident with front dormers varying in size and whilst majority are of hipped and/or gabled designed, some are also of a flat roof form. The list of properties with dormers visible from the street scene would be extensive therefore to name a few are Sunningdale House, Berkhamstead House, Timber Tops, Carrisbrooke and Pheldon House which comprise of hipped/gabled design. Taking the above into account, it is considered that dormers to the front elevation are a common feature to properties and form part of the character of area. On this basis the proposed dormer would be in keeping with the street scene. Furthermore, the dormer is suitably designed by virtue of size, matching materials and positioning (set below the main ridge and positioned centrally above the two windows it sits directly above) which

would appear in keeping with the appearance of the host dwelling and in line with the RBWM design guidance which emphasises dormers are to be of a hipped or gable ended design rather than flat roof, matching materials with the host dwelling and correspond with the fenestration arrangement. With regards to the x4 rooflights which were removed on the previous application by the applicant, this element was considered acceptable at the time and remains acceptable as it would not have an adverse impact upon the appearance of the host dwelling nor the wider street scene.

- 8.5 Additionally the scheme proposes new windows and alterations to some existing fenestration and those approved under the previous decision. To the front elevation a porthole window has been reintroduced which shall match the existing style and two windows on the lower ground floor are to be altered in size to match the existing fenestration. The porthole window was removed by the applicant although it was considered acceptable at the time and remains the case given it is similar to the existing porthole and would retain the existing feature. To the rear, the first-floor folding door is reduced in size to give way for a new obscure window to serve an en-suite. A further two windows are proposed to the first floor and loft floor on the left side elevation which both are of obscure design. Overall, it is considered the new windows together with the alterations will correspond with the existing fenestration arrangement in terms of size and materials thereby appearing acceptable.
- 8.6 To conclude, the addition of a dormer and alterations to the fenestration in the context of the approved scheme would not harm the appearance of the dwelling nor the wider area. On this basis, it is considered the resultant development would respect the appearance of the host dwelling and the character of the street scene would not be harmed.

Impact on Neighbours

- 8.7 The previous planning permission concluded the proposed part single, part two storey rear extension, first floor side extension, x2 rear balconies, x1 rear external staircase, raising of the ridge and eaves to provide additional habitable space and alterations to fenestration resulted in an acceptable level of impact towards the amenities of the neighbouring properties. This judgement remains the same due to the fact this element of the development mirrors that approved and since the grant of planning permission, the site surroundings have not changed nor the local and national planning policies. Nonetheless, the conditions imposed on the previous planning application would be applied in this case in the interests to secure the quality of amenity the neighbouring properties receive.
- 8.8 The dormer to the front elevation offers views to the public vantage points and as such it is considered this would not cause any harm to the neighbouring properties. With regards to the x3 new windows (x1 on the first-floor rear and x2 of the left side elevation, first floor and loft floor), these are all of obscure design and for this reason it is considered no additional harm would occur in the context of overlooking or loss of privacy.
- 8.9 To conclude the new dormer, new windows and alterations to fenestration in addition to the approved development would not give rise to any adverse impact to a degree which would warrant a refusal. The extensions as approved are to remain as is and the additional elements would not give rise to any harmful scale or bulk. It is therefore considered the proposed development would cause no significant harm to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

Trees

- 8.10 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 maybe refused.
- 8.11 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 previous planning permission concluded that the development together 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. The proposed development does not alter the scale, size position or bulk of the approved scheme but rather introduces a modest size dormer to the front and the addition of new windows/alterations to some existing. 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

- 8.12 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:

a) 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...

- 8.13 **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

- 8.14 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

8.15 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

- Appendix A – Site location plan
- Appendix B – Proposed block plan
- Appendix C – Proposed lower ground floor and ground floor
- Appendix D – Proposed first floor/loft floor plan and left side elevation
- Appendix E – Proposed front, right side and rear elevations
- Appendix F – Photos of dwellings with front dormers in the area

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 ground floor window serving the Kitchen/Dining room and the first floor window serving bedroom 2 in the east elevation of the dwellinghouse as extended shall be fitted with obscure glass and permanently fixed shut apart from an opening top light and the windows shall not be altered thereafter.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

5 The opaque privacy screens shown on the approved plans shall be erected prior to occupation of the development, and shall thereafter be retained as approved.

Reason: In order to maintain the privacy of the neighbouring occupiers. Relevant Policy Local Plan H14.

6 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.