

DEVELOPMENT CONTROL PANEL

5 October 2022

Item: 2

Application No.:	22/01945/FULL
Location:	106 Wolf Lane Windsor SL4 4YZ
Proposal:	x1 rear outbuilding - retrospective.
Applicant:	Mr Prakash
Agent:	Mr Paul Davey
Parish/Ward:	Windsor Unparished/Clewer And Dedworth West
If you have a question about this report, please contact: Edward Vaudin on or at edward.vaudin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This planning application seeks retrospective permission for an outbuilding within the rear garden area of 106 Wolf Lane, Windsor.
- 1.2 Although, it is considered that the outbuilding results in some harm to the character of the area, significant weight is given to the fact that if the height of the outbuilding was lowered by 35cm, the outbuilding would be permitted development and would not require planning permission. The difference in the impact on the character of the area between what would be permitted development, and the scheme presented in this planning application is not considered to be significant.
- 1.3 Planning applications have to be determined in accordance with the development plan, unless there are material considerations that indicate otherwise. The fall-back position of permitted development is a material consideration, as such the application is recommended for approval.

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

2. REASON FOR COMMITTEE DETERMINATION

- The application was called in by Cllr Davey for reasons relating to character, impact on the street scene and drainage.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises of an end-of-terrace dwelling in a residential area of west Windsor. It is located at the end of a cul-de-sac of Wolf Lane and is adjacent to a footpath, which is adopted highway. The adjacent footpath slopes down from the south on Wolf Lane to the north connecting to Poolmans Road, whilst the land within the rear garden of 106 Wolf Lane is predominantly level.

4. KEY CONSTRAINTS

- 4.1 The application site is located within a blanket Tree Preservation Order area. There are no trees within the rear garden of 106 Wolf Lane or anywhere else on site. There are trees subject to a TPO to the north-west of the site, on the opposite side of the footpath.

5. THE PROPOSAL

- 5.1 Permission is sought for an outbuilding to the rear of 106 Wolf Lane, which has already been constructed.
- 5.2 The outbuilding consists of a 2.85m tall timber structure with a flat roof with a slight overhang on the front elevation. The outbuilding measures 6.755m by 2.31m in width and depth respectively, spanning the width of the rear garden area.
- 5.3 The siting of the outbuilding is to the rear of 106 Wolf Lane, it is adjacent to the rear boundary of the site with an approximate gap of 25cm as shown on the proposed floor plans. An approximate separation distance of 3.5m would be present between the outbuilding and the dwelling at the application site.
- 5.4 The materials of the outbuilding consist of a timber structure; it has plastic cladding to the side and rear elevations; and a felt roof. The front elevation includes three grey glazed frames and a door of the same material from west to east of the front elevation.

6. RELEVANT PLANNING HISTORY

- 6.1 There is no relevant planning history.

7 DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Character and Design of New Development	QP3
Trees, Woodlands and Hedgerows	NR3

Adopted Windsor Neighbourhood Plan

Issue	Policy
Design	DES.01
Amenity	RES.01

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents

- Borough Wide Design Guide

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1 3 occupiers were notified directly of the application. However, no comments were received from occupiers of neighbouring properties.

Group	Comment	Where in the report this is considered
Winsor Neighbourhood Delivery Group	Reduces private outdoor amenity space such that it is below the minimums set out in Principle 8.4 of the Borough Wide Design Guide SPD 2020. Policy RES01 of the WNP also stresses importance of adequate outdoor amenity space. In event of approval, a condition should be attached restricting use to purposes ancillary to the host dwelling.	These policies are considered to be more relevant to new residential development as opposed to householder development. It is not considered necessary to impose a condition to restrict the use of the outbuilding to be ancillary, as if it was used as an independent dwelling it would require planning permission.

10. EXPLANATION OF RECOMMENDATION

- 10.1 The key issues for consideration are:

- i Impact on the character of the area
- ii Impact on neighbouring amenity
- iii Trees
- iv Drainage

Impact on the character of the host dwelling and surrounding area

- 10.2 The appearance of a development is a material planning consideration, and the design of a proposal should not adversely impact on the character and appearance of the wider area. The National Planning Policy Framework (NPPF), 2021 is a material planning consideration in the determination of planning decisions. Section 12 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials, and access of new buildings in relation to neighbouring buildings and the local area more generally. Policy QP3 of the Adopted Borough Local Plan (BLP) and the Borough Wide Design Guide Supplementary Policy Document (SPD) are in line with the NPPF.
- 10.3 As summarised in Section 5 of this report, the outbuilding is 6.755m by 2.310m in width and depth and has a height of 2.850m with a flat roof.
- 10.4 106 Wolf Lane is a two-storey dwelling and the outbuilding subject of this application appears subservient in its relationship with the dwelling. The dwelling is characterised by flat roof front and rear extensions, such that a flat roof outbuilding of this scale would not detract from the character of the dwelling. Whilst the treated timber appearance is not characteristic of the dwelling, this is not considered to be detrimental to the character of the dwelling, or the character of the area and is appropriate for an outbuilding of this nature.

- 10.5 The footpath that runs adjacent to the application site links Wolf Lane to Poolmans Road, Wyatt Road and beyond, as well as a neighbouring play area. This footpath slopes down gradually towards the north, whereas the ground level of 106 Wolf Lane remains fairly consistent across the site. The difference in ground levels between the application site, and the adjacent footpath, in combination with the siting and scale of the outbuilding makes it appear prominent when viewed from this footpath; this causes some harm to the character of the area. Given the topography of the footpath, this harm is at its greatest when viewed from the north.
- 10.6 As the outbuilding is sited in the rear of 106 Wolf Lane, it is not immediately visible from the street of Wolf Lane itself.
- 10.7 As set out above, although it is considered that some harm would arise to the character of the area, consideration should be given to the permitted development fallback position. An outbuilding of an identical footprint could be erected under permitted development rights, albeit with a lower height of 2.5m instead of the existing 2.85m. The difference on the impact of the character of the area between a scheme that would be permitted development, and the scheme presented in this application is not considered to be significant. The permitted development fall-back position is a material consideration that weighs in favour of the application.

Impact on neighbour amenity

- 10.8 The outbuilding is sited adjacent to the boundary with 104 Wolf Lane. It is sited approximately 6.7m away from the rear elevation of the dwelling at 104 Wolf Lane. Whilst the outbuilding is visible from this neighbouring property, it is not considered to be unduly overbearing, or result in an unacceptable loss of light to the dwelling nor its rear garden area.
- 10.9 The outbuilding includes several glass panels that face the host dwelling of 106 Wolf Lane. Whilst these are in proximity to 104 Wolf Lane, they are predominantly screened by the boundary fence as well as the rear extension of 106 Wolf Lane, such that overall they would not result in any significant loss of privacy to the neighbouring dwelling.

Trees

- 10.10 The site is within a blanket Tree Preservation Order area, however, there are no trees within the rear garden area of number 106. Trees subject to a TPO, are situated to the north-west of the application site and separated by a footpath, as such the scheme is not considered to cause harm to protected trees.

Drainage

- 10.11 This application is for a householder development. The scheme is not of a scale, or within an area that has issues with drainage which would necessitate a sustainable drainage scheme to be submitted. Drainage is not a matter that is relevant to the planning consideration of this scheme.

11. CONCLUSION

- 11.1 The outbuilding results in some harm to the character of the area. This adds weight against the application.
- 11.2 The permitted development rights afforded to the site are such that an outbuilding of identical footprint could be erected without planning permission, albeit with a reduced

height of 2.5m. This adds significant weight in favour of the application and is a material consideration in the assessment of this application.

- 11.3 On balance, the fallback position through the use of permitted development rights is considered to outweigh the harm attributed to this proposal. As such, it is recommended that the Committee grant planning permission subject to the conditions listed in Section 13 of this report.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough Local Plan QP3.
- 2 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.

Appendix A- Site location and planning layout





Appendix B- plan and elevation drawings

