

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 4.

Application No.:	23/01738/FULL
Location:	12 Lees Close Maidenhead SL6 4NU
Proposal:	Outbuilding (retrospective)
Applicant:	Mr Thandi
Agent:	Mr Kashif Bashir
Parish/Ward:	Maidenhead Unparished/Boyn Hill

If you have a question about this report, please contact: Ritu Singh on or at ritu.singh@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks retrospective planning permission for the construction of a detached outbuilding within the rear garden. The application relates only to the structure and not the use, with the applicant confirming during the course of the application that the proposals are for the outbuilding to be used incidental to the main residential dwelling and not as a separate residential or commercial use.
- 1.2 The principle of a detached outbuilding within the rear garden for use incidental to the residential dwelling is acceptable in principle, subject to recommended condition/informative to ensure that the structure is used solely for incidental purposes and neither as an independent residential or a commercial use. Furthermore, it has been demonstrated that the structure and use incidental to the main dwelling, has an acceptable impact on the appearance of the surrounding area, and does not result in unacceptable harm to amenities of neighbouring occupiers or parking and highway safety.

It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the planning application has been called in by Cllr Bermange due to concerns that the development has an unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy and disturbance.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a detached dwelling located in south-west Maidenhead. The site is classified in the RBWM Townscape Assessment as 'Late 20th Century Suburbs (10)' which comprise medium density housing in a suburban style, set in regular plots with short front and back gardens.
- 3.2 Immediately to the rear of the application site is the A404 (M).

4. KEY CONSTRAINTS

4.1 N/A

5. THE PROPOSAL

5.1 The application seeks retrospective planning permission for the construction of a detached outbuilding within the rear garden of the application site. The outbuilding is flat roofed, with a height of 2.6m. The submitted plans show that the outbuilding has three interlinked rooms and would be used as a gym and office space.

5.2 The application relates only to the structure and not the use, with the applicant confirming during the course of the application that the proposals are for the outbuilding to be used incidental to the main residential dwelling and not as a separate residential or commercial use.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
96/30427/FULL	Demolition of double garage and construction of single storey front rear and side extensions and two storey side extension.	Approved 07.11.1996
97/31467/VAR	Demolition of double garage and construction of single storey front, rear and side extensions and two storey side extensions. (Variation to planning approval 96/30427).	Approved 04.07.1997
12/01890/FULL	Conversion of the garage to habitable accommodation.	Approved 13.08.2012
22/01885/CPD	Certificate of lawfulness to determine whether the proposed detached outbuilding is lawful.	Approved 15.09.2022

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Character and Design of New Development	QP3
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

Three occupiers were notified directly of the application.

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

Comment		Where in the report this is considered
1.	Outbuilding built without planning permission and in breach of Lawful Development Certificate and Building Regulations.	Noted. However, this does not preclude the determination of the application in accordance with development plan policies. Building regulations are separate from the planning process.
2.	Concerns regarding dimension of outbuilding.	Scaled plan and elevation drawings have been submitted with the application and are acceptable for the purposes of the assessment of the application.
3.	Built on national highways land.	The proposed outbuilding is within the red edge of the existing dwelling on the site.
4.	The building is out of keeping with the area and its surrounding.	See section 10.
5.	Trees were removed which now causes light, air and noise pollution from A404.	Noted. However, the application relates only to the outbuilding. The trees which have been removed were on National Highways land; however, these were not protected and not in a conservation area and any action would therefore need to come from National Highways.
6.	Purpose of outbuilding is 2 bed/2 bath bungalow.	See section 10.
7.	Parking concerns.	See section 10.
8.	Drainage and rainwater concerns.	Noted. However, this would not preclude the determination of the current application in accordance with relevant development plan policies.

9.	Property devaluation.	Noted. However, this is not a material planning consideration in the determination of the planning application in accordance with relevant development plan policies.
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Consultees

Consultee	Comment	Where in the report this is considered
National Highways	<p>Recommend that planning permission not be granted until 13th December. Concerns raised that it is not clear the distance between the outbuilding and National Highways fence and no drainage information has been provided.</p> <p>National Highways also note that unauthorised activities appear to have taken place on National Highways land and assets.</p>	<p>Noted. No decision will be made until after the 13th December. The applicant has been made aware of the comments and an informative is recommended.</p> <p>The application relates onto the outbuilding which is sited on land owned by the applicant as shown by the red edge on the plans and the signing of Certificate A on the application form.</p> <p>Access required for maintenance and drainage matters are covered by other legislation and would not preclude the determination of the application. The applicant has been made aware of these comments and an informative is also recommended.</p> <p>The trees which have been removed were on National Highways land; however, these were not protected and not in a conservation area and any action would therefore need to come from National Highways.</p>

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development;
- ii Design and Character;
- iii Impact on amenity of neighbouring buildings; and,
- iv Parking and Highways Impacts.

Principle of Development

10.2 The application seeks retrospective planning permission for the construction of outbuilding located in the rear garden. The application relates only to the structure and

not the use, with the applicant confirming that the structure is for use incidental to the main dwelling on the site and not for either a separate residential or a commercial use.

- 10.3 In this context, the principle of an incidental outbuilding within the rear garden is acceptable. However, given the scale and rooms proposed within the structure, in order to ensure that the development would remain incidental to the host dwelling, it is reasonable to recommend a condition to ensure the building remains incidental to the main house. An informative is also recommended to advise the applicant that use for either an independent residential dwelling or a commercial use would require a separate grant of planning permission.

Design and Character

- 10.4 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and BLP Policy QP3, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.
- 10.5 The construction of residential outbuildings for a use incidental to the main dwellinghouse have become an increasing feature of rear garden areas such as this, with the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development (GPDO)) (England) Order 2015 (As Amended), allowing for the construction of outbuildings, subject to certain conditions, without the need for planning permission.
- 10.6 A lawful development certificate was granted at the site in 2022 for a detached outbuilding to the rear of the garden (see section 4). Whilst the current proposal differs from the 2022 proposal, in this context, the principle of a detached outbuilding in this location is acceptable and could be implemented at the site.
- 10.7 The overall height of the building as submitted as part of this application is 2.6m. The building, given its form, scale and location, and in this context, does not have a harmful impact on the character and appearance of the existing dwelling and given its location within an enclosed rear garden and has a limited impact on the character and appearance of the area when viewed from the road or neighbouring gardens. The proposal respects the appearance and design of the host dwelling and the appearance and character of the street scene is not harmed.
- 10.8 In assessing the proposed development, it is noted that the property benefits from permitted development rights, with a similar outbuilding deemed to be lawful in 2022 (see section 4). Whilst the outbuilding as built, is within 2m of the boundary of the site and with a height of 2.6m is above the height limit of 2.5m as set out in the GPDO (as set out above) and therefore requires planning permission, it is a material planning consideration in the determination of the current application that if the overall height of the building were to be reduced to 2.5m, in this case, planning permission would not be required. The difference between this position and the as built is a height of only 0.1m and this additional height does not result in a harmful impact on the overall appearance of the area.

Amenities

- 10.9 BLP Policy QP3 sets out that development should have no unacceptable effect on the amenities enjoyed by the occupants of adjacent properties. The outbuilding is single storey in height and is sited a considerable distance from the closest boundary with the adjacent residential property, with the A404(M) to the rear. The outbuilding

structure does not result in unacceptable harm to the amenities of neighbouring properties in terms of light, privacy or increased sense of enclosure.

- 10.10 As set out above, the application relates only to the structure and not the use, with the applicant confirming that the structure would be for use incidental to the main dwelling on the site and not for either a separate residential or a commercial use. The use of the outbuilding as a home office and gym is not considered to cause any unacceptable noise or disturbance to occupants of neighbouring properties in the context of the existing residential use of the site. However, given the scale and rooms proposed within the structure, in order to ensure that the development would remain incidental to the host dwelling, it is reasonable to recommend a condition to ensure the building remains incidental to the main house. An informative is also recommended to advise the applicant that use for either an independent residential dwelling or a commercial use would require a separate grant of planning permission.

Parking and Highways

- 10.11 The outbuilding is incidental to the existing residential use on the site, with no increased parking demand as such. The proposals do not impact on available parking on the site and sufficient space remains to accommodate the car parking for the existing dwelling.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development would not be liable to pay CIL.

12. CONCLUSION

- 12.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that Planning Permission should be granted subject to the conditions listed below.

13. APPENDICES TO THIS REPORT

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

14. 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 - Local Plan QP3.

- 2 The development hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling.

Reason: Occupation as a separate unit of residential accommodation or commercial use would result in an unsatisfactory living environment for occupiers of both the existing house and the new development and the amenities of surrounding occupiers.

Informatives

- 1 The applicant should be aware that planning permission is granted for the

development as set out in the description of development. The structure should remain ancillary to the main dwelling as secured by condition. Further planning permission would be required should the applicant wish to use the structure as an independent residential unit or for a commercial use.

- 2 The applicants attention is drawn to comments raised by National Highways with regard to maintenance access and drainage. The applicant is advised to contact National Highways (planningSE@nationalhighways.co.uk) for further information.

