

17 January 2024

Item: 3

<b>Application No.:</b>	23/02336/FULL
<b>Location:</b>	11 Mallow Park Maidenhead SL6 6SQ
<b>Proposal:</b>	Part single part two storey side/rear extension and new refuse store following demolition of existing wall.
<b>Applicant:</b>	Mr Anthony
<b>Agent:</b>	Mr Harrison
<b>Parish/Ward:</b>	Maidenhead Unparished/Furze Platt

**If you have a question about this report, please contact:** Harmeet Minhas on or at [harmeet.minhas@rbwm.gov.uk](mailto:harmeet.minhas@rbwm.gov.uk)

## 1. SUMMARY

- 1.1 The application seeks planning permission for the erection of a two-storey side extension to the existing dwelling.
- 1.2 The application follows the recent consideration of planning application 23/01758/FULL for which planning permission was refused under delegated powers as it was considered that the proposal did not address design concerns raised by the Inspector within the earlier refusal of planning permission under application ref 22/02528/FULL.
- 1.3 The application proposal the subject of this application is considered to address the comments of the Inspector through the lowering of the main roof profile to ensure the extension appears subordinate in scale and appearance to the main house.
- 1.4 Under previously assessed applications at the site, no policy-based concerns were raised with relation to neighbouring amenity or parking. The proposal is of a similar siting and scale to those previously considered and there would be no policy-based grounds to resist the development for these reasons with relation to amenity or parking.

**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 application has been called in by Cllr del Campo.

## 3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located within a developed part of Mallow Park. Dwellings within the immediate vicinity are characterised by their uniformity in layout, architectural type and general plot sizes. The application dwelling at No.11 Mallow Park and its respective terrace is no different to the prevailing character.
- 3.2 Within a recent appeal decision at the site the Inspector described the application dwelling as mirroring no.16 Mallow Park at the opposite end of the terrace and the plot

being wedge shaped, being widest at its front and tapering to the rear adjacent to a parking court.

#### 4. KEY CONSTRAINTS

- 4.1 The application site is located within the residential and developed area of Maidenhead. There are no planning policy constraints as set out within the Local Plan Proposals Map.

#### 5. THE PROPOSAL

- 5.1 The application proposal seeks planning permission for the erection of a two-storey side extension including fenestration alterations.
- 5.2 The application follows the refusal of planning application reference 23/01758/FULL and reference 22/02528/FULL which was for a similar form of development which was subsequently dismissed at appeal under ref APP/T0355/D/22/3313680. The appeal was dismissed on design grounds notably concerns being raised with regards to the extension not appearing subordinate to the host dwelling.
- 5.3 The notable difference between the previously refused 2023 scheme and the current proposal is the lowering of the main ridge height and set-back from the principal elevation of the dwelling, and a reduction in the overall width of proposed extension.

#### 6. RELEVANT PLANNING HISTORY

Ref.	Description	Decision
23/01758/FULL	Two storey side extension and new refuse store.	Refused
22/02528/FUL	Two storey front/side extension and alterations to fenestration	Refused and Appeal Dismissed
22/01796/CPD	Certificate of Lawfulness to determine whether the proposed side and rear extension is lawful	Granted
21/02975/FULL	Subdivision of the existing site to create x1 additional dwelling with associated front, rear and side amenity space, private entrance, refuse and bicycle store and proposed un-allocated on-street parking	Refused
21/01434/FULL	1 No. new dwelling with associated amenity space, new pedestrian entrance, refuse and bicycle store and unallocated on-street parking	Refused and Appeal dismissed

#### 7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

##### Adopted Borough Local Plan

Issue	Policy
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Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Sustainable Transport	IF2

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 10 – Supporting high quality communications

Section 12- Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

### 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

Interim Sustainability Position Statement

Corporate Strategy

Environment and Climate Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

9 occupiers were notified directly of the application.

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

Comment	Where in the report this is considered
1. Extension appears visually dominant and double size of existing house	Section 8
2. Lack of parking provision	Section 8

3.	Impact on neighbouring amenity (loss of light and privacy)	Section 8
4.	Refuse bin storage would be unsightly	The bin store enclosure would have a height of 1.1 metres and is not considered to appear prominent or harm the character of the area.

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Design and Character
- ii Parking and Highways Impacts
- iii Impact on amenity of neighbouring buildings

### Design and Character

10.2 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 QP3, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.

10.3 The application site benefits from extensive recent planning history relating to the provision of an additional dwelling and more recently, residential extensions. Planning permission was recently refused for the erection of a two-storey side extension under application 23/01758/FULL as officers considered the design and appearance of the dwelling would not appear subordinate or subservient to the main dwelling. This decision followed another refusal of planning permission for a similar form of development under application reference 22/02528/FULL, which was subsequently dismissed at appeal.

10.4 In the interests of transparent and balanced decision making, where appeal decisions are a material consideration it is the view of officers that significant weight be afforded to the Inspectors comments. Within para 5 of the appeal decision ref APP/T0355/D/22/3313680 (ref 22/02528/FULL) the Inspector states the following:

***‘However, the extensions would almost double the width of the principal elevation of the host dwelling. Whilst this would be stepped down to its northern end, where accommodating a WC at ground floor level and part of the proposed bedroom no 4 at first floor level, the bulk of the extension would maintain the existing ridge height and by virtue of its forward siting as a whole, the proposal would fail to appear subservient in form to the host dwelling. This conflicts with both principles 10.1 and 10.3 of the Council’s Borough-wide Design Guide, a material consideration in the determination of this appeal.’***

10.5 The proposal has sought to address these concerns raised by the Inspector under the appeal scheme and officers under the subsequent refusal of application 23/01758/FULL by setting back the extension from the principal elevation and lowering the ridge line from that of the main dwelling. Additionally, the second tapered layer of extension nearest the northern boundary has been removed. The

width of the extension under the dismissed scheme measured 6.02m at its widest point; the proposed extension, subject of this application, measures 4.3m in width. This reduction in width ensures the extension when viewed with the cumulative changes addresses the Inspectors concerns.

- 10.6 In light of these amendments the proposal is considered to have overcome earlier concerns and it is considered that the extension would appear subordinate in scale to the main house which is in accordance with Principle 10.3 of the Borough Wide Design Guide. As such, the proposal is now considered to satisfy the requirements of Policy QP3 of the adopted Borough Local Plan and Principle 10.3 of the Borough Wide Design Guide.

#### Parking and Highway Impacts

- 10.7 The enlargement of the dwelling would increase the demand for parking within the public highway. Under previous applications at the site to create an additional residential dwelling, highway and parking surveys were undertaken which set out the capacity for additional parking on-street within neighbouring roads. The findings of these reports were accepted by officers. In light of this it is considered that there remains sufficient on-street parking for the additional net gain of one parking space, required to facilitate the enlarged dwelling.
- 10.8 In addition, no parking or highway related policy-based concerns were raised under the assessment and subsequent refusal of planning application ref 23/01758/FULL. As such, it would not be reasonable of the LPA to sustain a refusal on these grounds.

#### Impact on amenity of neighbouring buildings

- 10.9 Under the assessment of the previously refused 2023 scheme, officers were of the following opinion when considering the impact of the proposal on neighbouring amenity;

***'There appear to have been no material changes to the site arrangement from the time of the assessment of earlier applications. As no concerns were raised by the Inspector under previous appeal decisions it would now be unreasonable of officers to reach a different conclusion given the design and layout of the extensions'***

- 10.10 The proposed extension, the subject of this application, has been reduced in size and scale when compared to the previously refused application upon which these comments were made. The extensions would be located approx. 12m from the nearest habitable property to the north which would be further than under the previously considered, the extension would not breach any light angles of the neighbouring dwellings and as such, no policy based concerns are raised with relation to neighbouring amenity.

## **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

## **12. PLANNING BALANCE**

- 12.1 This proposed development is in accordance with the policies within the Development Plan. There are no other considerations which indicate that the scheme should not be permitted.

### **13. APPENDICES TO THIS REPORT**

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

### **14. 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 QP3

3 No window(s) shall be inserted at first floor level in the flank elevation(s) of the extension.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan QP3.

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.