

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

11 May 2016

Item: 4

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| Application No.: | 16/00785/FULL |
| Location: | 47 Allenby Road Maidenhead SL6 5BE |
| Proposal: | Change of use of existing detached ancillary playroom to a self-contained separate one bedroom dwelling with retention of detached garage, existing garden and off street parking |
| Applicant: | Mr Davidson |
| Agent: | Miss Lottie Burgess - Pike Smith And Kemp |
| Parish/Ward: | Pinkneys Green Ward |
| If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk | |

1. SUMMARY

- 1.1 The application seeks planning permission to change the of use of existing detached ancillary playroom to a self-contained separate one bedroom dwelling with the retention of the existing detached garage, garden and off street parking. The only change to the existing floor plan will be the addition of kitchen cupboards and cabinets. No external alterations are proposed.
- 1.2 The site has a history of refused planning permissions for a new dwelling. However, the main difference between the refused applications and the current application is that the previous proposals required planning permission for the building whilst the existing building, the subject of this application, does not require planning permission having been built under permitted development rights as accommodation ancillary to 47 Allenby Road. The issues for consideration therefore relate to the proposed use of the building, rather than the building itself.
- 1.3 As the dwelling would only have one bedroom, it is not considered that the activities involved in using the building as a dwelling would be materially different from the current use, such that it would harm the character and appearance of the area or the living conditions of any neighbours. The new dwelling would have private amenity space to the side and rear and for a one bedroom property this is considered to be of a sufficient size. The remaining garden to the rear of 47 Allenby Road is also considered to be of a sufficient size.
- 1.4 A one bedroom dwelling requires one off-street parking space to comply with the Council's adopted parking standards. As one space is provided on the drive, without affecting the parking requirement for 47 Allenby Road, the Highway Authority has raised no objections to the proposal.

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| It is recommended the Panel grants planning permission subject to the conditions listed in Section 10 of this report. |
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Werner, for the reason that "This is unacceptable change of use in a residential area."

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The locality of the area is characterised by a traditional pattern of development, comprising predominantly two storey detached and semi-detached houses set back from the road by part hard surfaces, part landscaped forecourts, gaps between buildings and long, rectangular rear gardens. There is no strict uniformity of house design; however they share a common palette typical of the inter-war period from which they originate. The street scene has a verdant appearance as a result of the amount of retained landscaping to front gardens, street trees and the presence of grass verges.

- 3.2 The application site is wedge-shaped, accommodating one-half of a pair of two storey semi-detached dwellings fronting the junction of Allenby Road and Twynham Road.
- 3.3 The north-east boundary facing Allenby Road is delineated by a very established row of conifer trees which are around 6m high, sited behind a brick wall. Towards the most westerly-side aspect, the boundary is interrupted by a 5-bar timber gate set within brick-piers (currently serving a secondary vehicular access to the site) before the remaining short length of wall 'returns' to form the south-east rear boundary, shared with No. 45 Allenby Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

| Ref. | Description | Decision and Date |
|---------------|---|--|
| 07/00279/OUT | Outline application for the erection of a three bedroom detached house and a separate detached garage for 47 Allenby Road. | Refused; March 2007 |
| 07/01883/FULL | Two storey side and single storey rear extensions. | Withdrawn; August 2007 |
| 08/00945/FULL | Construction of a three bedroom detached house and garage. | Withdrawn; May 2008 |
| 09/00372/FULL | Construction of a 3-bedroom detached house and garage. | Refused; April 2009 Appeal dismissed; Aug 09 |
| 13/02613/FULL | Single storey attached annexe and garage. | Withdrawn; Nov 2013 |
| 13/02926/CPD | Certificate of lawfulness to determine whether a proposed single storey rear extension, loft conversion and annexe are lawful. | Withdrawn; Nov 2013 |
| 13/03124/CPD | Certificate of lawfulness to determine whether proposed single storey rear extension, loft conversion and detached children's play room are lawful. | Granted; Nov 2013 |
| 14/01037/CPD | Certificate of lawfulness to determine whether a proposed detached replacement garage is lawful. | Granted; April 2014 |
| 14/03001/FULL | Construction of two outbuildings linked by a pitched roof. | Refused; Dec 2014 |

- 4.1 The application seeks planning permission to change the of use of existing detached ancillary playroom to a self-contained separate one bedroom dwelling with the retention of the existing detached garage, garden and off street parking.
- 4.2 The only change to the existing floor plan will be the addition of kitchen cupboards and cabinets. No external alterations are proposed.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, paragraphs 2, 11, 14, 47, 49, 56, 60, 196, 197.

Royal Borough Local Plan

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

| | Within settlement area | Highways /Parking issues |
|------------|-------------------------------|---------------------------------|
| Local Plan | DG1, H10 | P4 |

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

- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area;
- ii The impact on the living conditions of neighbours and future occupiers of the property;
- iii Parking provision.

The impact of the proposal on the character and appearance of the area

6.2 The application seeks planning permission to change the use of an existing building to create a new one bedroom bungalow. The proposal is therefore concerned with the use of the building rather than the building itself. The issue for consideration is whether the use of the building as a separate dwelling would materially harm the character and appearance of the area over and above its existing use as an ancillary outbuilding to No. 47 Allenby Road.

6.3 The application site is located within an existing residential area and the building is currently used as a playroom, office and bathroom. No external changes are proposed to the existing building to facilitate the conversion and the new dwelling would utilise an existing access point and drive. As the dwelling would only have one bedroom, it is not considered that the activities involved in using the building as a dwelling would be materially different from the current use, such that it would harm the character and appearance of the area.

6.4 Where applicable, the proposal complies with Policies DG1 and H10 of the Local Plan.

The impact on the living conditions of neighbours and future occupiers of the proposal

6.5 As no external changes are proposed to the existing building to facilitate the change of use, the proposal would not harm the living conditions of any neighbours in terms of loss of light, loss of privacy or by appearing overbearing.

6.6 Any harm to the amenities of the neighbour's would potentially arise from the comings and goings of the occupiers of the new dwelling. However, given that the dwelling would have only one-bedroom, it is not considered that the activities of future occupiers would materially harm the living conditions of any neighbours.

6.7 The current Local Plan does not specify a minimum requirement for private amenity space associated with new residential development. However, the new dwelling would have private amenity space to the side and rear and for a one bedroom property this is considered to be of a

sufficient size. The remaining garden to the rear of 47 Allenby Road is also considered to be of a sufficient size.

- 6.8 Where applicable, the proposal complies with Policies DG1 and H10 of the Local Plan.

Parking provision

- 6.9 A one bedroom dwelling requires one off-street parking space to comply with the Council's adopted parking standards. As one space is provided on the drive, without affecting the parking requirement for 47 Allenby Road, the Highway Authority raises no objection to the proposal.
- 6.10 The proposal complies with Policy P4 of the Local Plan.

Other Material Considerations

Housing Land Supply

- 6.11 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply and it is acknowledged that this scheme would make a contribution to the Borough's housing stock.

Planning history for the site

- 6.12 The majority of the objections received in this case make reference to the previous decisions to refuse planning permission for a dwelling on this site. However, the main difference between the refused applications and the current application is that the previous proposals required planning permission for the building whilst the existing building, the subject of this application, does not require planning permission having been built under permitted development rights as accommodation ancillary to 47 Allenby Road.
- 6.13 While the existing building was only permitted on the basis that it is ancillary accommodation to the main dwellinghouse, this does not preclude the owner from applying for planning permission such as under the current application. There are no limits to the number and/or types of applications an applicant can submit and each application is required to be treated on its merits.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The impact of the proposal on local infrastructure and services would be limited due to its location and scale. As such, it is not appropriate to seek any further S106 contributions under this application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 31st March 2016

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

| Comment | | Where in the report this is considered |
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| 1. | The building is already being advertised as a separate dwelling. | This does not contravene Planning Law. |
| 2. | The garage is unusable. | True, but the property only requires one off-street parking space which is provided on the drive. |
| 3. | This will eventually become a two-storey dwelling. | This application is required to be treated on its own merits for a one bedroom bungalow. |
| 4. | The property is totally at odds with the general architecture of the area. | The application relates to the use of the building rather than the building itself which exists already. |
| 5. | It distorts the line of existing development in the road. | As above. |
| 6. | Will add to the traffic in the area and risk road safety particularly to children. | No objections have been received from the Highway Authority. |
| 7. | Over-development / land grabbing. | As for point 4 above. |
| 8. | A separate dwelling in this location has previously been refused. | Covered in paragraphs 6.12 and 6.13 |
| 9. | The applicant has clearly sought to circumvent the planning system. This is planning by the back door. | This is not material to the consideration of the application. |
| 10. | Will set an undesirable precedent for infilling and separating residential plots detrimental to the character and appearance of the area. | Each application is required to be treated on its own merits. |
| 11. | Lack of amenity space. | Covered in paragraph 6.7 |
| 12. | The building cramps the main dwelling at No.45. | As for point 4 above. |
| 13. | The previous reasons for refusal are still relevant. | Covered in paragraphs 6.12 and 6.13. |
| 14. | This is no longer incidental to the main dwelling. | True, but only the change of use requires planning permission. |

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
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| Highway Authority | No objections, such to a condition that the parking space is provided and retained in accordance with the approved plans. | 6.9 |

Other consultees and organisations

| Consultee | Comment | Where in the report this is considered |
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| Environmental | No objections. | Noted. |

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| Protection | | |
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9. APPENDICES TO THIS REPORT

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

This recommendation is made following careful consideration of all the issues raised through the application process. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

10. 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. Irrespective of the provisions of Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: To protect the character and appearance of the area and because the size and location of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H10, DG1.
3. No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.