

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

DEVELOPMENT CONTROL PANEL

3 August 2016

Item: 2

Application No.:	16/01353/FULL
Location:	Land At Greythatch Terrys Lane Cookham Maidenhead
Proposal:	Detached dwelling, parking and amenity space following demolition of existing dwelling
Applicant:	Mr And Mrs Collis
Agent:	Mr Jake Collinge
Parish/Ward:	Cookham Parish
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal would be a new dwelling in the Green Belt which would be inappropriate development and represents an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt. The applicant contends that the proposal is a replacement dwelling, however, the siting of the dwelling is such that it is not within its curtilage so cannot constitute a replacement of an existing building. Furthermore, due to its siting and the spread of development, the proposal would result in the actual loss of openness across the site.
- 1.2 The applicant has failed to demonstrate there would be no undue loss of, or harm to, trees that would compromise their longevity and would harm the visual amenity of the locality, including the Area of Special Landscape Importance.
- 1.3 No ecology information has been submitted with the application and so the applicant has not demonstrated that the development could be carried out without detriment to protected wildlife.
- 1.4 A case of Very Special Circumstances has not been submitted as the applicant considered the proposal to be a replacement dwelling and therefore appropriate development within the Green Belt. The demolition of the existing house is not considered to outweigh the harm of the proposal to the Green Belt and any other harm to amount to Very Special Circumstance to justify the proposal.
- 1.5 The proposal is considered to be acceptable in terms of impact on neighbouring amenity, highway safety and parking and archaeology.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and due to its siting and introduction of new development and parking on previously open land, and the increase in spread of development, the proposal would result in actual loss of openness. The proposal represents an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt. No Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal.
2.	The incremental spread of piecemeal residential development and loss of openness would be at odds with the rural character of the locality, identified as a feature of the Area of Landscape Importance and Cookham Village Design Statement. The applicant has also failed to demonstrate there would be no undue loss or harm to trees that would compromise their longevity, which would harm the visual amenity of the locality, including the Area of Special Landscape Importance.

3.	In the absence of a survey of bats and other protected wildlife, the application has not demonstrated that it could be carried out without detriment to protected wildlife, contrary to the National Planning Policy Framework.
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2. REASON FOR PANEL DETERMINATION

- The application was called in by Councillor Saunders due to objections by Cookham Parish Council and their request that the application is put before Maidenhead Planning Panel, and Councillor Kellaway to view the proposal on its merits.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Greythatch Cottage is a modest, single storey building, which has historically been used as ancillary annex accommodation for Greythatch. The property has since become established as a separate independent dwelling. The application site, which comprises of approximately 0.2 hectares of green, open space with hedgerow and trees lies to the southeast of Greythatch Cottage and Greythatch. It currently forms the south-eastern section of the established residential curtilage of Greythatch. To the southeast is Winterfield. Access is off Terry's Lane. The site lies within Green Belt and an Area of Special Landscape Importance.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/02586/CLU	Certificate of lawfulness to determine whether the existing use of the Annex as a separate residential dwelling is lawful.	Approved – 14.10.2013.
14/02023/CPD	Certificate of lawfulness to determine whether a proposed single storey side extension is lawful.	Approved – 04.07.2014.
14/03332/FULL	Single storey front and single storey side extension.	Approved – 03.12.2014.

- 4.1 The proposal is for the demolition of Greythatch Cottage and the erection of a replacement dwelling, relocated to open land to the south-east of the site. The proposed dwelling is single storey and approximately 5.7m high at main ridge and 2.m at the eaves. The footprint is irregular in shape with the main rectangular section of the house measuring approximately 17m wide and 6m deep. There is a 'T-shape' element projecting from the front elevation with the top bar measuring approximately 12.4m wide and 3m deep, and the leg measuring approximately 5m deep and 4.5m wide.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7, 9 and 11

Royal Borough Local Plan

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

Within settlement area	Green Belt	Highways and Parking	Trees
DG1, H10, H11, N1	GB1, GB2, GB3	P4, T5, T7	N6

Supplementary planning documents

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

- Cookham Village Design Statement
- Landscape Character Assessment

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. Whether proposed development is inappropriate development within Green Belt and the effect of the proposed development on the purposes of the Green Belt, its openness, its visual amenity and the appearance of the surrounding countryside
- ii. Other material considerations
- iii. Planning Balance and the Case of Very special Circumstances

Green Belt

Appropriate Development

- 6.2 The site lies within the Green Belt with the fundamental aim to keep land permanently open as set out in paragraph 79 of the NPPF. Paragraph 89 of the NPPF indicates that with some exceptions the construction of new buildings is inappropriate development in Green Belt. The exceptions include the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. Local Plan policy GB1 adopts a broadly similar approach to national policy and sets out the general types of appropriate development in the Green Belt. Policy GB1 only allows for residential development in accordance with policies GB3 to GB5. GB3 is the most relevant and it sets out the limited circumstance when new residential dwellings will be acceptable. This includes proposals that relate to the rebuilding or one-for-one replacement of an existing habitable dwelling.
- 6.3 In this case the proposal is not considered to be a replacement building as it lies outside the established curtilage of the cottage. 13/02586/CLU established the lawfulness of the Greythatch Cottage as a separate residential dwelling and the approved red-line plan which establishes the curtilage does not include the area where the proposed house is sited. As such, the proposal is considered to lie sited outside the plot, and therefore not a replacement. Consequently, the proposal does not comply with the exceptions outlined in paragraph 89 of the NPPF and considered to be inappropriate development. By reason of inappropriateness and in accordance with paragraph 88 of the NPPF the harm to the Green Belt is substantial.

Purpose, Openness and Character of Green Belt

- 6.4 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Greenbelt are their openness and their permanence. Paragraph 80 goes on to list 5 purposes of the Green Belt. In accordance Local Plan policy GB2 states that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt or purposes of including land in the Green Belt. As inappropriate development in the Green Belt the proposal is by definition harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. It is considered that the encroachment into the countryside would be substantially harmful to the Green Belt.
- 6.5 In addition to the harm by definition, there will also be physical harm. The proposed house would be the same in height, scale and form to Greythatch Cottage, including the approved extension

(ref: 14/03332/FULL), and so is not considered materially larger or harmful in this respect. However, it is noted that while the applicant proposes to reinstate the land on which the existing cottage sits to greenery it is considered that the proposed relocation of the dwelling to the southeast of the site in between Greythatch to the north and Winterfield to the south would materially harm the open and rural character of the Green Belt. The existing buildings and hardstanding of the site (Greythatch) are predominately concentrated to the north. This clustering and consolidation into one area is considered to limit the urbanising effect and the impact on the open and rural character of the Green Belt. In comparison there is a notable absence of built development in the proposed area of relocation. As such, it is considered that the introduction of a new building, associated hardstanding, residential paraphernalia and parking, and the increased spread of development throughout the site would unacceptably erode the open and rural character of the Green Belt. The introduction of build development in this location would therefore cause a significant degree of harm to the open character and visual amenities of the Green Belt conflict with GB2.

Other Material Considerations

Design and Appearance, Area of Landscape Importance, and Trees

6.6 In terms of visual impact on the locality in general the proposed house is similar in appearance to the existing cottage and not considered to be disproportionate or cramped within the plot being offset from the boundary and with over 1,500 square metres of amenity space. However for the reasons outlined in paragraph 6.5 the proposal would result in the loss of openness and would be at odds with the surviving rural character of the locality. The rural character of the area has been identified as a feature of the Area of Landscape Importance in the council's Landscape Character Assessment SPG (Area 11C - Cookham Rise), and the incremental spread of piecemeal residential development has been identified as a negative implication to this special character. Paragraph 4.13.4 of the Landscape Character Assessment states the open, remote and unsettled character of this rural landscape could not accommodate change without significant changes in its character, even changes that are viewed as relatively minor. The Cookham Village Design Statement also identified the unique green setting and rural character, and the well separated or sporadically grouped houses punctuated by meadows or woodlands, and the number of trees as important elements of the character of this locality (Section 9 - Cookham Dean). Guidance 6.4 states that new development should respect the rural or semi-rural character of Cookham and void 'creeping' urbanisation, while Guidance G9.2 states that new development should not be visually harmful to the countryside. As such, the proposal is considered to be contrary to this, and therefore contrary to Core Principle 4 and paragraph 64 of the NPPF, which seeks to secure high quality design that should take the opportunity to improve the character and quality of an area, and Local Plan Policy DG1, H10, H11 and N1 which seeks to resist development that would be incompatible with or cause damage to the character of the area.

6.7 There are also a number of trees and shrubs within and forming the boundary of the site, none of which are protected by a Tree Preservation Area, but the Landscape Character Assessment identifies woodland copses as a landscape feature of Area of Special Landscape Importance 11C - Cookham Rise. Therefore while individual trees may not have a high amenity value it is considered that as a group the trees contribute positively to the important verdant character of area and therefore of high amenity value as a group and Guidance G9.2 of the Cookham Village Design Statement states that new development should retain or plant hedges and trees. Local Plan policy N1 states that that development which would detract from the special qualities of that landscape will not be permitted and in particular the council will resist proposals that would result in the loss of tree cover and hedgerow. This is supported by policy N6 that requires new development, where trees are a feature of the site, to retain suitable existing trees wherever practicable. No tree survey or impact assessment has been submitted by the applicant and based on the lack of this information the Local Planning Authority is not satisfied that there would be no undue loss or harm to these trees that would compromise their longevity, contrary to Local Plan Policy N1 or N6.

Neighbouring Amenity

6.8 The proposed house would be sited approximately 20m from the shared boundary with Greythatch and approximately 90m from the house, and approximately 10m from the shared boundary with Winterfield and approximately 26m from the house. Given the separation distances

the proposal is not considered to result in undue loss of light, visual intrusion or loss of privacy to these neighbouring properties.

6.9

Access

6.9 Greythatch Cottage and Greythatch currently utilise the main access which is sited to the north of the site. The site also benefits from another access to the south and it is proposed that the proposed cottage will utilise this access. This access can achieve visibility splays of 2.4m x 90m to the left (to the bend) by 2.4m x 70m to the right (due to the curve in the road). Although these splays are below the 215m required it is noted that visibility for this access is an improvement on the visibility achieved at the access to the north. Reducing the amount of vehicular activity from the main existing access can be seen as an improvement due to the poor visibility splays at the access.

6.10 From drawing no. 13/16–01A the proposed site plan shows a set of gates set back by approximately 4m from the carriageway edge. This is below the current standard of 7m to allow a vehicle to safely stop off the highway before gates are opened and closed. However, it is noted that there is room on site to accommodate a 7m set back from the edge of the carriageway and if recommended for approval can be secured by condition.

Parking and Cycle and Refuse Storage

6.11 Adopted Council parking standards require 1 car parking space to be provided for the new dwelling. Drawing no. 13/16–01A shows a large hardstanding area will be able to accommodate the require parking and turning area to enable a vehicle to enter and exit the site in a forward gear. As such the proposal is considered to comply with Local Plan policy P5. Given the size of the plot there is enough room to accommodate cycle and refuse storage. Details can be secured by condition if minded to approval.

Local Highway Infrastructure

6.12 As a replacement dwelling, the proposal is unlikely to cause additional vehicle movements which is significantly over and above the existing situation. It is estimated that a 1 bedroom dwelling has the potential to generate 2 to 4 vehicle movements per day within this location. The proposal is therefore not considered to be unduly impactful on local highway infrastructure.

Archaeology

6.13 As evidenced by Berkshire Archaeology's Historic Environment Record (HER) the application site falls within an area of archaeological significance and buried archaeological remains may be damaged by ground disturbance for the proposed new dwelling, which lies on previously undeveloped land. Paragraph 141 of the NPPF goes on to state that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. On this basis and in accordance with national and local if recommended for approval the implementation of a programme of archaeological works, in accordance with a written scheme of investigation should be secured by condition.

Ecology

6.14 An ecology survey was not submitted with the application and therefore it has not been demonstrated that it could be carried out without detriment to protected wildlife, contrary to Core Policy 7 of the NPPF and with Natural England's Standing Advice.

Planning Balance and the Case of Very special Circumstances

6.15 As stated in National Planning Policy and in the Borough Local Plan, planning permission can only be granted for inappropriate development if there is a case of Very Special Circumstances (VSC) that clearly overcomes the harm to the Green Belt and any other harm. As the applicant considered the proposal to be a replacement dwelling and therefore appropriate development within the Green Belt, no VSC has been put forward to justify the development. However, notwithstanding this it is considered that the significant benefit to openness from the loss of the existing house and reinstatement of the land on which it sat to open land would not clearly

outweigh the substantial harm by definition of inappropriate development and conflict with one of the purposes of the Green Belt and the encroachment into the countryside, the significant harm caused by the physical presence of the new house and associated hardstanding, residential paraphernalia and on previously green, open land. As such, it is considered that Very Special Circumstances has not been demonstrated to justify the development.

- 6.16 The NPPF requires a balancing exercise of benefits against harm. In support of the development, there is significant benefit to openness of the Green Belt from the loss of the existing house and reinstatement of the land to green, open land. The acceptability of the scheme in terms of neighbouring amenity, highways, archaeology is not considered to be a benefit of the proposal as the scheme is required to comply with the Development Plan and so compliance with the plan cannot be then a benefit of the proposal. Support has been given by a local resident as the new house would be more energy efficient, however no information on the green credentials of the new build has been submitted by the applicant and therefore this is not considered to be an evidenced benefit of the scheme and therefore given no weight.
- 6.17 Substantial weight is given against the development by reason of its inappropriateness and conflict with the purpose of the Green Belt, while significant weight is given to actual harm to openness due to the physical presence of the new house and associated hardstanding, residential paraphernalia and on previously green, open land. It is the view of the Local Planning Authority that that the benefits would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted Local Plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The Council's Community Infrastructure Levy (CIL) document was subject to examination in March of this year. While this development is likely to place additional pressure on local services and infrastructure, the CIL has not yet been adopted, so the development would not be liable for any financial contributions at this time.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 10 May 2016.

2 letters were received supporting to the application, summarised as:

Comment		Where in the report this is considered
1.	No significant alteration to the development of the site, no encroachment in Green Belt.	Para. 6.2 – 6.5.
2.	Improved design and appearance of the house.	Para. 6.6 – 6.7.
3.	Would replace old cottage with a more energy efficient building.	Para. 6.16.
4.	No impact to neighbouring amenity.	Para. 6.8.

Other Consultees

Consultee	Comment	Where in the report this is considered
Cookham Parish	Objections on the basis of overdevelopment in Green Belt.	Para. 6.2 – 6.5.

Council		
Local Highway Authority	No objection subject to conditions on parking and turning area in accordance with the approved plans; gates to be set back a distance of least 7m from the edge of the carriageway; no part of the development shall be occupied until the access has been surfaced with a bonded material for a distance of at least 5m from the highway boundary.	Para. 6.9 – 6.12.
Berkshire Archaeology	No objection subject to condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation.	Para. 6.13.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Approved site location plan for 13/02586/CLU
- Appendix C - plan and elevation drawings

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. 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 NPFF.

In this case the issues have not been successfully resolved.

10. RECOMMENDED REASONS FOR REFUSAL

1. The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and due to its siting and introduction of new development and parking on previously open land, and the increase in spread of development, the proposal would result in actual loss of openness. The proposal therefore represents an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt. No Very Special Circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and saved Policies GB1 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
2. The incremental spread of piecemeal residential development and loss of openness would be at odds with the surviving rural character of the locality, identified as a feature of the Area of Landscape Importance and Cookham Village Design Statement. The applicant has also failed to demonstrate there would be no undue loss or harm to trees that would compromise their longevity, which would harm the visual amenity of the locality, including the Area of Special Landscape Importance. This is contrary to Core Principle 4 and paragraph 64 of the National Planning Policy Framework (2012) and saved Policy DG1, H10, H11, N1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003), the Landscape Character Assessment SPG (2004), and Cookham Village Design Statement SPD (2013).
3. In the absence of a survey of bats and other protected wildlife, the application has not demonstrated that it could be carried out without detriment to protected wildlife, contrary Core Principle 7 and paragraph 118 of the National Planning Policy Framework.