

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

26 October 2016

Item: 5

<b>Application No.:</b>	16/02503/FULL
<b>Location:</b>	New Britwell 3 Westmorland Road Maidenhead SL6 4HB
<b>Proposal:</b>	3 No. detached houses with off street parking following demolition of existing dwelling
<b>Applicant:</b>	Mr Potyka
<b>Agent:</b>	Mr Rickie Chambers
<b>Parish/Ward:</b>	/Boyn Hill Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The net gain of housing would be a clear benefit of the scheme by contributing towards the Council's housing needs and meeting the aims of national planning policy as set out in paragraph 47 of the NPPF.
- 1.2 The tandem form of development is considered acceptable given the house on plot 1 fronting onto Westmorland Road is comparable with neighbouring properties in terms of siting, height, width, depth, form and sense of space around the building. The two houses on plot 2 and 3 are sited on smaller plots, but there are examples of houses on smaller plots within the locality and the houses themselves sit comfortably within the plots. Their form design is conventional in nature and set back approximately 40m from the site frontage with Westmorland Road would not have a significant impact on the character of the streetscene and wider area. There are no undue concerns over residential amenity, parking and highway safety.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report:</b>
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**2. REASON FOR PANEL 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 Panel.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 Westmorland Road is a wide residential street of fairly large, detached houses of varied designs within spacious plots and set back from the road. The gardens include generous mature planting, which is reflected in the line of street trees along the eastern side of the road. The street therefore has a spacious, well-established and rather sylvan character and appearance. No. 3 Westmorland Road differs slightly in that it occupies a much smaller proportion of its plot and differs in its intrinsic design characteristics, although it is well screened from the road due to the substantial vegetation along the site frontage.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The proposal is for 3 x 4-bed houses following the demolition of the existing dwelling, with 1 detached house fronting onto Westmorland Road and 2 detached houses to the rear in tandem, forming a backland development. There would be a new vehicular access serving all 3 dwellings.

Ref.	Description	Decision and Date
05/00810/FULL	Construction of 2 pairs of 2-bed semi-	Refused – 25.05.2005.

	detached houses with parking and new access drive.	Appeal Dismissed – 23.02.2006.
15/01516/FULL	4 detached houses with attached garages, new private access road following demolition of the existing dwelling.	Refused – 15.12.2015.  Appeal Dismissed – 17.08.2016.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6 and 7

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking
DG1, H10, H11	P4, T5, T7

These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Residential Amenity
- Highway Safety and Parking
- Other Material Planning Considerations

### Principle of Development

6.2 There is no objection in principle to the loss of the existing dwelling and redevelopment for 3 houses. In the context of the stated aim to boost housing supply, a key element of national planning policy as set out in paragraph 47 of the NPPF, the gain in housing would be a clear benefit provided that there is no undue harm to the character and amenity of the area.

### Impact on Character and Appearance of the Area

6.3 The NPPF attaches great importance to the design of the built environment and good design is indivisible from good planning. The NPPF states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. In accordance Local Plan policy H10 requires new residential development schemes to display a high standard of design and landscaping in order to create attractive, safe and diverse areas and where possible to enhance the existing environment. Policy H11 takes this further and states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new

development which would be incompatible with or cause damage to the character and amenity of the area. DG1 states that harm should not be caused to the character of the surrounding area through cramped development or the loss of important features which contribute positively to the area.

- 6.4 The previously refused scheme under 15/01516/FULL was deemed to be harmful to the character of the area due to the proposed layout when coupled with the uncharacteristic design and form of the proposed dwellings, in particular the two properties on the site frontage, which would result in a visually incongruous and cramped development that would diminish the spacious quality and character of this part of the street. The current proposal materially differs from the refused schemes with a single dwelling fronting onto Westmorland Road (plot 1) which is comparable with neighbouring properties in terms of siting, height, width, depth and form, including a hipped roof, instead of two narrower and taller frontage dwellings. It is noted that neighbouring properties are characterised by single storey elements attached to their flank walls while the house on plot 1 incorporates a two storey element, but given the set-back from the principle elevation of the main house (approximately 6.5m) and the set back from the road (14m) this is not considered to result in an intrusive or obtrusive feature detracting from the character of the house, the streetscene or wider locality. It is also considered that the spacious quality is maintained with the offsets from the flank boundaries. The two storey element is therefore considered to be acceptable in this instance. To ensure a satisfactory assimilation with the verdant character of the road it is recommended that landscaping and details of the front boundary treatment is secured by condition 4 and 5.
- 6.5 In looking at the backland development, it is important to consider that the previous application was refused and upheld at appeal on the combined harm of the proposed layout of the dwellings together with the uncharacteristic design. The Planning Inspector recognised that there are examples of other backland development in the locality, albeit mainly in the form of short cul-de-sacs with properties having a new street frontage. The proposed tandem development is therefore somewhat at odds with the prevailing pattern of development, but the resultant harm is not considered to warrant refusal on this basis alone. The two houses on plot 2 and 3 are sited on smaller plots, but there are examples of houses on smaller plots within the locality and the houses themselves sit comfortably within the plots. Their form of design is conventional in nature and they would be set back approximately 40m from the site frontage with Westmorland Road. As such they would not have a significant impact on the character of the streetscene and wider area.
- 6.6 On balance, the proposal is considered to meet the aims and objectives of the NPPF and Local Plan policies H10, H11 and DG1.

### **Residential Amenity**

- 6.7 Core principle 4 of the NPPF provides that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, while Local Plan policy H11 states that planning permission will not be granted for schemes which introduce development that will cause damage to the amenity of the area.
- 6.8 The separation distance between the proposed dwellings and the house at Lawnfield to the north is considered to sufficiently mitigate any unreasonable harm in terms of loss of light or visual intrusion. There would be proposed flank windows directly facing Lawnfield, but serving habitable rooms on the ground floor and non-habitable rooms at first floor. Condition 10 requires these first floor windows to be obscure glazed and as such the proposal is not considered to result in undue overlooking. There would be oblique views into the garden at Lawnfield from front and rear windows of the proposed houses, but this is not considered so harmful to create unacceptable living conditions for the residents of Lawnfield given that such oblique views commonly exists between properties in a suburban area such as this.
- 6.9 The gardens of Boyne House and The Cottage, Boyndon Road, lie immediately beyond the eastern boundary of the site. There would be a back-to-back distance between the proposed houses on plot 2 and 3 and Boyne House and The Cottage of over 30m, and an approximate 11m distance from the proposed houses and the shared boundary. As such, there are no concerns over an undue loss of light, visual intrusion, or overlooking.

- 6.10 Woodstock on Boyndon Road lies to the south and the proposed house on plot 2 would be sited so that the rear elevation would be at an approximate 50 degree angle from the rear elevation of Woodstock at a distance of approximately 15m. This degree of separation and oblique relationship is such that the proposed house on plot 2 would not unacceptably comprise light levels or outlook for this dwelling. As with Lawnfield, there would be windows facing Woodstock, but serving a habitable room on the ground floor and a non-habitable room at first floor. Condition 10 requires these first floor windows to be obscure glazed and as such the proposal is not considered to result in undue overlooking. Oblique views into their garden from rear windows are not considered so harmful to create unacceptable living conditions for the residents of Woodstock given that such mutual views are not uncommon in a suburban location such as this.
- 6.11 The house on plot 1 would be sited approximately 2m further forward than no. 5 Westmorland Road and the rear building line would not extend significantly further rearwards than the existing house at no. 5 Westmorland Road. It is therefore not considered to result in undue visual intrusion or loss of light to this neighbouring house. The proposed houses on plot 2 would be sited so the front elevation would be at an approximate 70 degree angle from the rear elevation of no. 5 Westmoreland Road at a distance of approximately 20m. This separation distance and oblique relationship is such that the proposed house on plot 2 would not unacceptably impact light levels/outlook for this dwelling. There would be oblique views from habitable rooms into their garden as a result of the new houses, but this is not considered so harmful to create unacceptable living conditions for the residents of no. 5 Westmorland Road.
- 6.12 The proposed living conditions of future occupants are considered to be acceptable. The internal shapes and sizes of rooms are adequate to function for residential uses, and habitable rooms would benefit from natural light, ventilation and outlook. Private amenity space to the rear is provided for each house. Concerns have been raised over the size of amenity space for the houses on plot 2 and 3, but measuring approximately 100sqm in size this is considered to be acceptable for a family dwelling.

### **Highway and Parking**

- 6.13 Westmorland Road (an unclassified road) is an adopted residential street subject to a local 30mph speed restriction and is lit. Based on Manual for Streets principles visibility splays of 2.4m x 43m in each direction would normally be applicable. The footway adjacent to the site is 2.4m wide and the street itself is lined on its eastern-side with a significant number of lime trees. These trees inhibit clear visibility from the access, but this situation exists for many properties along Westmorland Road. In the decision letter dated 23 February 2006 in respect of an earlier appeal under 05/00810/FULL, the Inspector concluded that it would be appropriate to relax the normal requirement that visibility splays and that they should be kept clear of all permanent obstruction. As such, the proposed visibility at the proposed access is considered acceptable in this instance.
- 6.14 Each plot makes provision for at least 3 parking spaces to be provided in accordance with the Council's current parking standards, and acceptable turning space has been provided for cars and small delivery vehicles. 2 bin stores are also proposed. The bin store in front of plot 3 is over the permitted 25m carry distance for refuse collection from the public highway, but the applicant has confirmed that the bins will be taken to an acceptable location point on refuse collection days, which is considered acceptable.
- 6.15 The proposed redevelopment comprising 3 x 4-bed houses on this site is likely to generate between 16 and 24 additional vehicle movements per day, which is not considered to result in undue noise and disturbance.

### **Other Material Considerations**

#### Housing Land Supply

- 6.16 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. It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwellings would also weigh in favour of the development.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The proposal is for a new residential development and would be liable for a Community Infrastructure Levy (CIL) contribution. The CIL payment for the proposed development would be based upon the chargeable rate of £100 per square metre.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

14 occupiers were notified directly of the application and the planning officer posted a statutory notice advertising the application at the site on 18.08.2016.

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

Comment	Where in the report this is considered
1. Introduction of backland development which is inappropriate in this location, overdevelopment of the plot.	Para. 6.4 - 6.5.
2. Harm to brick boundary wall of 5 Westmorland Road and Woodstock, which is believed to be over 100 years old due to the proximity of the proposed houses on plot 2 and 3.	Not a material planning consideration.
3. No objection to the house on plot 1, which is more in keeping with the existing houses on the road, subject to dwarf or waist height brick boundary wall backed by shrubs, hedging or ornamental trees.	Para. 6.4.
4. House on plot 1 is too large and over dominant, and the roof design is not in keeping, thereby out of character with the rest of the road.	Para. 6.4.
5. Unusable parking spaces for plots 2 and 3, resulting in increase in parking pressure elsewhere and increase in highway danger.	Para. 6.14.
6. Inadequate amenity space, in particular as occupants will likely erect outbuildings for storage etc. which would reduce the amenity space.	Para. 6.12.
7. Inadequate bin storage.	Para. 6.14.
8. Houses on plot 2 and 3 would be overbearing on properties on Boyndon Road.	Para. 6.9 – 6.10.

### Other Consultees

Consultee	Comment	Where in the report this is considered
Maidenhead Civic Society	The house on plot 1 is an improvement and in line with the existing detached houses on the street, but the houses on plot 2 and 3 are cramped with inadequate parking, turning area and amenity space.	Para. 6.4-6.5, 6.12, 6.14.
Local Highway Authority	No objection subject to conditions relating to access being constructed as approved, a construction management plan, parking and turning layout constructed as approved, and bin and recycling facilities to be constructed as approved, and informatives.	Agreed, condition 6, 7, 8 and 9.

Environmental Protection	No objection subject to informatives on construction noise, dust and smoke control.	Agreed, informatives 6, 7 and 8.
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## 9. APPENDICES TO THIS REPORT

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

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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 been successfully resolved.

## 10. CONDITIONS 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. No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11
3. No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
4. No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
5. No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

6. No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
7. Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
8. No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
9. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
10. The first floor window(s) in the north and south elevation of the house on plot 1, north elevation of the house on plot 3 and south elevation of house on plot 2 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
11. 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: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
12. 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.

### **Informatives**

1. The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
2. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which

enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
5. No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
6. The applicants' contractor is advised to apply for a prior consent, which controls the hours of working and can stipulate noise limits on the site. This is recommended by way of Informative and is covered by the Control of Pollution Act 1974. Such an agreement is entered into voluntarily, but is legally binding. The applicant's attention is also drawn to the provisions under British Standard Code of Practice B.S. 5228: 2009 'Noise Control on Construction and Open Sites'. The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00; Saturday 08.00-13.00; No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
7. The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
8. The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.