

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

26 October 2016

Item: 6

<b>Application No.:</b>	16/02624/FULL
<b>Location:</b>	Linger In Spade Oak Reach Cookham Maidenhead SL6 9RQ
<b>Proposal:</b>	Detached house with integral boathouse, associated parking with car port and new access following demolition of existing dwelling
<b>Applicant:</b>	Mr Taylor
<b>Agent:</b>	GMTW Architects
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796697 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The proposal is for a replacement dwelling, which would be materially larger than the existing house to be demolished. It therefore represents inappropriate development, which by definition is harmful to the Green Belt. Due to its scale, height, form, mass and bulk it would also result in the actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt namely 'to assist in safeguarding the countryside from encroachment'. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general.
- 1.2 The proposal is considered to pass the Sequential Test, but fails the Exception Test as the scheme proposes the use of voids to mitigate the flood risk. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
- 1.3 Due to its scale, height, form, mass, and proximity to the flank boundary with Kingfisher, the proposal would also be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity. It should be noted that the adjoining property, Kingfisher, is the subject also of an application for a replacement dwelling (16/01449/FULL) reported elsewhere on this agenda.

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

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|-----------|---|
| <b>1.</b> | The proposal represents inappropriate development in the Green Belt which by definition is harmful to its openness and would conflict with one of the purposes of the Green Belt, and the applicant has failed to demonstrate that any 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.   |
| <b>2.</b> | Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal |

	would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general.
3.	The submitted Flood Risk Assessment does not demonstrate that the scheme meets the requirements of the Exceptions Test. The scheme proposes the use of voids to mitigate the flood risk but these are not acceptable as the Local Planning Authority is unable to ensure that voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. The proposal also fails to demonstrate a wider sustainability benefit to the community that outweigh flood risk.
4.	Due to its scale, height, form, mass, and proximity to the flank boundary with Kingfisher, the proposal would be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity.

## 2. REASON FOR PANEL DETERMINATION

- The Head of Planning and Lead Member consider it appropriate that the Panel determines the application.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by a chalet bungalow which is set back from the edge of the River Thames. The property forms part of a row of residential development along Spade Oak Reach where properties vary in age, design and size. The River Thames is to the north-west and open fields lie to the south and south-east of the site, beyond that is Winter Hill. The site lies in the Green Belt, Flood Zone 3, in an Area of Special Landscape Importance and within the Setting of the River Thames

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

- 4.1 The proposal is for the erection of a contemporary style, detached, two-storey house with integral boathouse and wet dock following the demolition of the existing chalet bungalow, and associated parking with car port and new access. The application site shares a vehicular access from Spade Oak Reach with the neighbouring property at Kingfisher. There is no relevant planning history for the site.

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

- 5.1 National Planning Policy Framework Sections 6, 7, 9 and 10

### Royal Borough Local Plan

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

	Within settlement area	Highway and Parking
Local Plan	GB1, GB2, GB4, DG1, N1, N2, F1	T5, P4

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)

### Supplementary planning documents

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

7 Cookham Village Design Statement

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)

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- Interpretation of F1
- Landscape Character Assessment
- Parking Strategy

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:

- 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 Flood Risk
- iii Design and Appearance
- iv Highway Safety and Parking
- v Impact on Neighbouring Amenity
- vi 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 is largely in compliance with the NPPF stating that residential development may be appropriate development in accordance with GB3, which states a general presumption against proposals for residential dwellings except for proposals relating one-for-one replacement of an existing dwelling which is not materially larger. In this case, while the proposal is for residential use in comparison the floorspace of the original house measures approximately 180 square metres with a volume of approximately 685.4 cubic metres while the floorspace of the proposed house including the integral boathouse measures approximately 341sqm with a volume of approximately 1294 cubic metres (including underfloor voids). This represents an increase of approximately 89.4% in floor area and approximately 89% in volume. As such, the proposed dwelling is considered to be materially larger and therefore considered to be inappropriate development within the Green Belt. By reason of inappropriateness and in accordance with paragraph 88 of the NPPF the weight against the proposed development is substantial.

#### Purpose and Open Character of Green Belt

- 6.3 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, while 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.
- 6.4 As inappropriate development in the Green Belt, the proposal is by definition substantially 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'. In terms of actual openness the proposal is considered to be materially larger than the existing house on the site. Height, form, mass and bulk should also be taken into consideration when assessing the impact on openness. In this case the proposed two-storey house would measure some 7.5m in height, 20.2m in width and 8-12m in depth, while the low-pitch-curved-roof form would measure an additional 1m in height and add further prominent mass and bulk. In comparison with the existing chalet bungalow, the visual impact and mass and bulk of the proposed house is considered to have a greater actual and visual presence on the site and would materially erode the open character of the Green Belt.
- 6.5 In accordance with paragraph 88 of the NPPF the encroachment into the countryside and loss of openness should be given substantial weight.

### **Flood Risk**

- 6.6 The proposal is sited in Flood Zone 3 where there is a high risk of flooding. Generally Local Plan policy F1 allows an increase of 30 square metres in footprint per site located in the floodplain. The proposal (the main house and boathouse) increases the footprint by approximately 13sqm. However, the National Planning Policy Framework requires the following tests to be applied in this case.

### Sequential Test

- 6.7 As the proposal is for the demolition of the existing house and erection of a replacement dwelling, it is considered that the Sequential Test is passed 'de facto' as alternative sites is not likely to be a realistic option. As a more vulnerable development in Flood Zone 3 it follows that the proposal would need to pass the Exception Test in accordance with the NPPF.

### Exception Test

- 6.8 To pass the Exception Test the development must provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall. In line with the Exception Test, Local Plan policy F1 states that within an area liable to flood, proposals must not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding.
- 6.9 The submitted Flood Risk Assessment (FRA), dated July 2016, fails to demonstrate safe access or egress for the existing dwelling but it is noted that there is no safe access or egress from the existing dwelling. As such it is not considered reasonable to refuse the proposal on this basis. It is, however, considered reasonable that applicants investigate how risk associated with flood risk can be reduced. In this respect, the FRA estimates a flood level of 27.81 AOD during the 1% AEP plus Climate Change and it is proposed that the proposed ground floor levels of the building would be 27.84 AOD. The applicant has also incorporated flood resistant and resilience measures where practical to mitigate the situation. This is considered to be a betterment for future occupants of the dwelling, and acceptable in this case.
- 6.10 In terms of floodplain compensation the FRA states that the proposed building would be raised on steel supports above the 1 in 100 year event plus Climate Change flood level, equating to a reduction of building footprint within the floodplain of 157.6sqm and subsequently an increase in flood storage capacity. However the supporting text to Policy F1 of the Local Plan advises that the use of pier foundations (voids) will not be acceptable as a means of overcoming an objection to a proposal on the grounds of loss of flood storage capacity. In the past where this has been allowed, problems have resulted from the inability of the planning authority to ensure that the voids beneath the building are not obstructed by domestic effects or by flood debris. When this

occurs the flow of flood water is impeded and /or the capacity of the flood plain to store flood water is reduced, leading to an increase in flood risk elsewhere. Overall, it has not been demonstrated that the development will not increase flood risk elsewhere. It is also considered that the FRA fails to demonstrate wider sustainability benefit to the community, with no reference made with the exception to policy. As such the proposal fails the Exception Test, and accordingly the proposal is contrary to paragraphs 102 and 103 of the NPPF and Policy F1 of the Local Plan.

### **Design and Appearance**

- 6.11 The site lies within an Area of Special Landscape Importance, the Setting of the River Thames, and the Council's Landscape Character Assessment identified Spade Oak Reach as an area of 'Settled Farmed Floodplain' with the river edge having a diverse and natural character which is often quiet and remote in character. Paragraph 10.2 of the Cookham Village Design Statement (VDS) states that the properties of Spade Oak Reach, which has extended from the historic core of the Cookham settlements, were originally weekend retreats for boat owners and of simple build. This acknowledged their seasonable use and flood risk. To an extent these have now been replaced by more durable homes. The Landscape Character Assessment states that the character of these developments of generously spaced detached and housing has largely been unsympathetic to the local vernacular and leads to a chaotic composition of materials and buildings styles. It is considered that the dwellings on Spade Oak Reach are mixed in appearance, but still on the whole modest in size. The Cookham VDS advises that replacement development should in general avoid having a greater impact on the riverside environment than the existing and key consideration should be scale and bulk of the proposal. In assessing the suitability, regard should be had to the size of the existing building, the nature of the surrounding area including the character of nearby properties. In this context, it is considered that the scale, bulk and mass of the proposal would appear overly dominant in the street and riverside scene which comprises of more modest buildings. It is noted that there is a large, contemporary style home nearby at Longmead, but although this property is larger than the norm the design is 'subdivided' into separate linked elements with vary roof heights which is considered to break up the scale and visual bulk and mass of the building whereas the proposal has a more linear building envelope.
- 6.12 The Landscape Character Assessment notes the openness of the river in Cock Marsh, where Spade Oak is located. The Cookham VDS further states that riverside properties should not be overbearing within their plot and the retention of views between properties are particularly important to the character of the area. To retain these views the Cookham VDS recommends that a minimum of 1.5m or one sixth of the plot width to each side of a property, whichever is greater, should be kept open as a minimum. Properties should also be set well back in their plots where possible, providing for generous green spaces between the river and the property. The proposal is contrary to this guidance with the proposal offset from the flank boundaries by less than 1.5m, and the 4m set back from the riverside is occupied by a terrace with limited space for soft landscaping and greenery. Together with the two storey height it is considered that the proposal would be visually overbearing within its plot, eroding views between building and the characteristic sense of space, to the detriment of the street and riverside scene and character of the wider area.
- 6.13 The proposal is of a contemporary style incorporating large glazed sections set in walls in painted render and timber boarding on the north (riverside) elevation and an open boathouse with wet-dock. The south (Spade Oak) elevations incorporates vertical slit, full height glazing to ground and first floor rooms with large glazed areas to the front entrance and landing areas. The side elevation will have a mixture of glazing, painted render or timber boarding. The roof has been designed to be a low pitched curved zinc roof providing a 'wave like' roof with curved ceiling to the first floor rooms. While a contemporary design may be acceptable, it is considered that in this instance the siting, height, scale, form, mass and bulk would be contrary to the special character of Spade Oak, the River Thames and wider locality as identified in the Council's Landscape Character Assessment and Cookham Village Design Statement. The proposal is therefore contrary to Local plan policies DG1, N1 and N2.

### **Highway Safety and Parking**

- 6.14 Spade Oak is a private Road that is accessible of Winter Hill. A new gated access is proposed off Spade Oak Reach to a new parking area with a car-port for 3 cars. The new access provides sufficient visibility splays in each direction when exiting the site. In relation to parking a 4 bedroom dwelling would require the need for 3 parking spaces and the submitted plan ref: 2367-PL 101 A shows there is sufficient room to accommodate this number of vehicles in additional the cycle and refuse/recycling storage.
- 6.15 In terms of cumulative trips arising from the proposal, it is unlikely that there would be a significant increase in respect of harm to highway safety and impact on local highway infrastructure.
- 6.16 For the reasons above the proposal is considered to comply with policies T5 and P4.

#### Impact on Neighbouring Amenity

- 6.17 Core Principle 4 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of buildings. The proposal would be located approximately in the same location as the existing house which is approximately 7-8m forward of Kingfisher, the adjacent neighbour to the west (formally known as Thames Cottage), and the offset from the shared boundary would be similar at 1m. However, the existing chalet bungalow with a dual pitched roof sloping away from the shared boundary is not considered to be particularly overbearing to the rear amenity space at Kingfisher. In comparison, the proposed would result in an 8.5m in deep flank elevation in close proximity of the shared boundary at approximately 7.5m in height to the head beam in addition to the curved roof measuring 0.5 to 1m in height. This is considered to result in undue visual intrusion to amenity space at Kingfisher, which is not considered particularly large to afford relief from the proposed development. As such, it is considered that the proposed development is contrary to Core Principle 4 of the NPPF. It is also noted that there would be a large glazed Kingfisher, but views could be mitigated by obscure glazing and privacy screens if recommended for approval.
- 6.18 In relation Kanda, the adjacent neighbour to the east, the proposal would be approximately in line with this neighbouring property. Although there would be a forward projection of some 5m, this spatial relationship is not considered to result in undue visual intrusion to Kanda. Overlooking from large sections of glazing on the flank elevation and rear balcony of the proposed house could be mitigated by obscure glazing and privacy screens if recommended for approval.

#### **Planning Balance and the Case of Very Special Circumstances**

- 6.19 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). Therefore the main issue is whether by reason of inappropriateness and any other harm is clearly outweighed by other considerations which would amount to very special circumstances necessary to justify the development. No case for VSC has been put forward by the applicant and there is no obvious VSC in favour of the proposal.
- 6.20 The NPPF requires a balancing exercise of benefits against harm. Substantial weight is given against the development by reason of its inappropriateness, conflict with the purpose of the Green Belt, and harm to openness. Significant weight is also given against the proposal in terms harm to the character and appearance of the special character of the street scene and river scene, potential increase in flood risk elsewhere, and harm to neighbouring amenity. There is an acceptable level of parking provision and no harm to highway safety, but compliance with Local Plan policies P4 and T5 is a requirement and would have to be met unless there are material considerations otherwise. Overall, the proposal is likely to cause significant and demonstrable harm that is not outweighed by its benefits.

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

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy (CIL) contribution. The required CIL payment for the proposed

development would be based on the net increase of floorspace at a chargeable rate of £240 per square metre.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

2 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 23.08.2016. No letters of representation were received.

### Other Consultees

Consultee	Comment	Where in the report this is considered
Local Highway Authority	The new access provides sufficient visibility splays in each direction when exiting the site. A 4 bedroom dwelling would require the need for 3 parking spaces. The plans show that there is sufficient room to accommodate 3 cars, cycle storage and refuse storage. The residual cumulative trips arising from the proposal is unlikely to pose harm to road safety.	Para. 6.14-6.16.
Environmental Protection	No objection subject to informatives on dust and smoke control and hours of construction.	Noted.
Cookham Parish Council	No comment.	Noted.
Cookham Society	Objects to the proposal as the new building would be out of keeping with the other houses on the riverside, adversely affecting views from the north side of the Thames. The bulk would also be overbearing addition to the setting of the river.	Para. 6.11-6.13.
Environment Agency	No comments received.	Noted.

## 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 NPPF.

In this case the issues have not been successfully resolved.

## 10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, and the applicant has failed to demonstrate that 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. Due to its scale, height, form, mass and bulk the proposal would result in actual loss of openness across the site to the detriment of the representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt. Furthermore, together with its siting in close proximity to the flank boundary and river edge, and amount of hardstanding, the scale, height, form, mass and bulk of the proposal would be overly dominant within its plot and within the street/river scene, while the loss of space and views between buildings would erode the open character of open and rural character of this Area of Special Landscape Importance, the setting of this section of the River Thames, and locality in general. This is contrary to paragraph 60, 79 and 80, and in accordance with paragraph 64 of the National Planning Policy Framework, Policies GB1, GB2 (a), GB3, DG1, N1 and N2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), the Cookham Village Design statement (2013) and Landscape Character Assessment for the Royal Borough of Windsor and Maidenhead (2004).
3. The application site is within Flood Zone 3a, an area at high risk from flooding and the development is classed as 'more vulnerable'. The scheme proposes the use of voids to mitigate flood risk in terms of flood storage capacity. As the planning authority is unable to ensure that the voids beneath the building would not be obstructed by domestic effects or by flood debris, the flow of flood water is likely to be impeded and /or the capacity of the flood plain to store flood water is likely to be reduced, leading to an increase in flood risk elsewhere. For these reasons the proposal fails the Exception Test and is contrary to paragraphs 102 and 103 of the National Planning Policy Framework and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).
4. Due to its scale, height, form, mass, and proximity to the shared flank boundary the proposal would be visually overbearing and intrusive when viewed from the rear garden at Kingfisher, to the detriment to their neighbouring amenity and contrary to Core Principle 4 of the National Planning Policy Framework.