

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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

12 December 2018

Item: 1

<b>Application No.:</b>	18/00823/VAR
<b>Location:</b>	Friary House 6 Friary Island Friary Road Wraysbury Staines TW19 5JR
<b>Proposal:</b>	Variation of conditions 2 (external material samples), 12 (external steps, walkways and bridges), 16 (hard and soft landscaping) and 19 (creek realignment) of planning permission 14/02879/VAR as approved under planning permission 14/00446 for the construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek
<b>Applicant:</b>	Mr Vali
<b>Agent:</b>	Ms Tegwynne Goldthorpe
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The development on this site has not been undertaken fully in accordance with the approved plans and the planning permission 14/02879/VAR expired in December 2018. Aside from this, there is also concern about the large amount of hard surfacing that has been created at the site, particularly to the sides of the house and the river frontage, which does not conserve and enhance the setting of the Thames (Local Plan Policy N2). Furthermore, there is concern that the soffit heights of the bridges across the creek are below bank level which would impede the flow of water during a time of flooding (Local Plan F1). The EA has also raised concern about the boundary fencing not having adequate gaps to allow free flow of flood water.
- 1.2 In these circumstances, whereby the development is substantially complete, occupied but not built fully in accordance with the approved plans and in the light of the Tree Officer's comments and Environment Agency comments, it is considered that the LPA could not recommend approval to vary Conditions No. 2,12,16,19 either by approval of submitted details or through extending the time period for submission of details.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
<b>1.</b>	<b>Regarding condition 2 (materials) and 16 (landscaping): The large areas of hard surfaces particularly to the sides of the house and on the river frontage detract from the setting of the river Thames. This is contrary to Policy N2 which seeks to conserve or enhance the river Thames setting. Additional soft ground needs to be provided with additional planting in order to soften the appearance of the development and to protect and safeguard the retained tree in the south western corner. The proposal also conflicts with N6.</b>
<b>2.</b>	<b>Regarding condition 12 (steps, bridges) and 19 (management of buffer zone to the creek): The bridges across the creek with soffit heights below the bank level would impede the flow of water during a time of flooding. (Furthermore, the boundary fence without adequate openings within the 5m buffer zone would have an adverse impact on the flood plain during a flooding event).</b>

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Lenton – irrespective of the recommendation, at the request of the Parish Council.

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

3.1 The site is not within the Green Belt. The site is adjacent to and faces onto the river Thames.

### 4. KEY CONSTRAINTS

4.1 The site is within an area liable to flooding. (Flood Zone 3)

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

5.1 The application has been submitted in order to try and vary Conditions 2 (external materials including hard surfacing materials), Condition 12 (external steps, walkways and bridges), Condition 16 (hard and soft landscaping) and Condition 19 (provision and management of the 5 metre wide buffer zone alongside the eastern bank of the creek). This application follows on from the refusal in November 2017, of application 17/00907/CONDIT.

5.2 The application was submitted with very little details as to what was sought to be varied. It is noted on the application form that it states that the variation of conditions is 'to allow material changes and development as the project proceeds' and 'to allow the condition to be approved following commencement and not prior to the works'.

5.3 During the course of this application the applicants submitted a detailed soft and hard landscape scheme 18.3074.01 Rev A (received June 2018) together with photographs of the steps, bridges across the creek and the bank to the creek. No other details have been submitted with this current application.

Reference	Description	Decision
14/00446/FULL	Construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	Permission 6/8/2014
14/02879/VAR	Construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek as approved under planning permission 14/00446/FULL without complying with condition 2, 12,13,16,19 and 21 for no development shall take place prior to substantial completion, condition 17, changes to Creek Road, Man House and Access Road	Permission 12/12/2014
14/02906/CONDIT	Details required by condition 7 (construction management plan) of planning permission 14/00446 for the construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	Approved 16/10/2014
15/01455/CONDIT	Details required by condition 2 (Materials) 6 (Access construction and visibility splays) 8 (Parking) 13 (Sustainability Measures) 16 (Hard and soft landscaping) 19 (Management of buffer zone) and 21 (Foul water treatment and disposal) of planning permission 14/02879/VAR for construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	Part refusal (conditions 2,19). Part approval (6,8,13,21). 14/9/2015.

15/01605/NMA	Non material amendment to planning permission 14/00446 to add balcony to south elevation of garage including amendment of windows to sliding doors to access balcony, addition of windows on north elevation, changing of materials to blue engineering bricks on ground floor and render on first floor, and change from 3 no. single garage doors to 2 no. garage doors with entrance doors on the ground floor west elevation	Refused 4/6/2015
15/01962/FULL	Construction of double garage (retrospective)	Permission 23/10/2015
15/03458/CONDIT	Details required by condition 2 (materials) of planning permission 14/00446 for the construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek	Approved 19/11/2015
16/01108/VAR	Construction of double garage (retrospective) as approved under planning permission 15/01962 without complying with condition 5 (balcony screening) to vary the wording	Permission 2/8/2016
17/00907/CONDIT	Details required by condition 2 (external material samples) 12 (external steps, walkways and bridges) 16 (hard and soft landscaping) of planning permission 14/02879/VAR as approved under planning permission 14/00446 for the construction of a no.4 bedroom replacement dwelling with garage and realignment of existing creek.	Refused 9/11/2017.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6
Flooding	F1

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)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport  
 Section 12- Achieving well-designed places  
 Section 14- Meeting the challenge of climate change, flooding and coastal change  
 Section 15- Conserving and enhancing the natural environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. Stage 1 of the examination took place at the end of June 2018.

7.2 The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy.

It is considered that the above mentioned policies carry significant weight.

7.3 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

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

7.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM 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)

## **8. CONSULTATIONS CARRIED OUT**

### **8.1 Comments from interested parties**

28 occupiers were notified directly of the application.

The planning officer posted a yellow notice publicising the application at the site on the 17<sup>th</sup> April 2018.

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

Comment		Officer response /where in the report this is considered
1.	Plans include land which is not owned by the applicant; e.g. 20ft wide strip adjacent to the bridge. This is an unregistered strip of land.	The red outline is the same as that shown on the approved plans (14/00446 and 14/02879/VAR)
2.	Applicant should not ignore conditions imposed on planning permission.	See main report paragraphs 9.2 - 10.2
3.	Access road damaged by heavy lorries.	Noted. However, damage to private roads is a matter for landowners to resolve.
4.	The development process has failed to protect the rights and quiet enjoyment of neighbours	Any reported formal complaints about excessive noise could be investigated by the Environmental Protection Team as a statutory nuisance.
5.	The old garage has not been demolished. There are now 3 buildings on the site.	The Council is aware of this and a separate application 18/01615/FULL, has been submitted for a new double garage/store (retrospective). This is pending consideration.  See paragraphs 9.2 -9.7 of main report.
6.	The new garage/annexe building should have a fixed Juliet Balcony to prevent overlooking as per condition on 15/01962. Building does not comply with the condition. Variation to conditions on this building are objected to.	This application is not seeking to vary conditions on 15/01962. This matter would need to be pursued by the Council's enforcement team.
7.	Conditions need to be enforced. The applicant does not take his responsibilities seriously and the Council needs to enforce with vigour.	Noted. See paragraphs 9.2-9.7 of main report.
8.	Applications should not be allowed to be varied.	Noted.
9.	It is unclear what is sought to be varied.	Noted. See paragraphs 9.2 -9.7 of main report.
10	The creek appears narrower than it should be. Objection to further alteration to the creek. Concern about negative effect on the free flow of floor water. Concern about variation of Condition 19.	The Environment Agency have concerns about the soffit heights of the bridges across the creek. They have not objected to the width or form of the creek.  See paragraphs 9.23 – 9.29 of the main report.
11	The applicant has exacerbated the flooding situation and destroyed the natural environment and does not take responsibilities seriously. The applicant needs to be made aware of the NPPF and Policy F1. There should be no raising of ground levels and no hindering the passage of water.	Noted. The hard surfacing materials are considered to be permeable.
12	There are parking issues as applicant still parks outside of the site.	There is ample parking space within the site.
13	There have been disputes about the position of 3 electricity poles which the applicant has sought to relocation.	Noted. This is not considered to be a planning matter.

14	Large areas of hard surfacing have been created for the access drive and surround all buildings. The area to the back of the annexe is completely concreted over.	Noted. See paragraphs 9.8 -9.13 and 9.19 - 9.22 of the main report.
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### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency.	<p><u>Regarding Condition 12:</u> After reviewing 18.3074.01 Rev A and picture BR2 from a fluvial flood risk perspective the EA is unable to recommend discharge of the condition 12 of 14/02879/VAR. Further details required including cross-section details of bridges. Having reviewed pictures BR1 A1, BR2 D1 and BR3 B2 ; the soffit of the bridges BR1 A1 and BR2 D1 appear to be below bank level.</p> <p><u>Condition 19:</u> From a fluvial flood perspective the EA is unable to recommend the discharge of condition 19 of planning permission 14/02879/VAR. The Drawing 18.3074.01 Rev A and picture BR2 shows the boundary fence is made of 1.8m high timber close boarded fence with concrete posts and gravel boards.</p> <p>These should be permeable to water. Post and rail fencing, hit and miss fencing (vertical slats fixed alternatively on each side of horizontal posts) or hedging is recommended. If a solid wall is proposed there must be openings blow the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth flooding and there should be one opening in every 5-metre length of wall.</p> <p>Walls and fencing can have a significant impact on the flow and storage of water, especially if they are constructed across a flow route.</p> <p>The drawing 18.3074.01 Rev A includes details of existing and proposed ground levels. On a number of occasions the proposed ground levels are stated to be higher than existing which conflicts with condition 17 of the decision notice. The EA has raised concern with new hard surfaced areas if they have involved raising ground levels.</p> <p>The details provided on the maintenance of the 5 metre wide buffer zone is acceptable. The EA is satisfied that the responsibility of maintenance is for the site owner.</p> <p>The owner as a riparian owner is responsible for letting the water flow naturally, remove blockages, fallen trees or overhanging branches or cut back trees and shrubs on the bank, if they obstruct or affect a public right of navigation or reduce the flow or cause flooding to other landowners' property.</p>	<p>Agreed see paragraphs 9.14 -9.18 and paragraphs 9.23-9.29 of main report.</p> <p>Noted. It is considered that as there was no condition relating to permeable boundary fencing, the LPA could only require permeable fencing within the 5 metre buffer zone pursuant to condition 19.</p> <p>It is noted that the proposed ground levels shown on 18.3074.01 Rev A, accord with the approved plans fh/121 Rev A.</p>

	The planting details pursuant to condition 19, are acceptable to the EA.	The EA's acceptance of the planting details and management of the buffer zone are noted.
Councils Tree Officer	Re: 18.3074.01 Rev A: This is an improvement in terms of the quality of the details and proposed planting. However, there is still an excessive amount of hard standing proposed compared to the approved layout plan, more soft ground must be retained, along with some additional planting. The retained tree in the south western corner of the site on the banks of the River Thames would not survive the alterations. The section of path next to it (within the tree's root protection area) should be deleted.'	Noted and agreed.  See paragraphs 9.19-9.22 of the main report.
Council's Ecologist	No objection.	Noted

### Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Strong objection. The conditions were placed on this development for a reason and must be retained.	Noted. See main report 9.1 – 10.2

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Whether the variation of the conditions is appropriate and whether the submitted details are acceptable.

### Background

9.2 This application has been submitted in order to try and vary conditions 2 (external materials), 12 (external steps, walkways and bridges) , 16 (hard and soft landscaping) and 19 (provision and management of the buffer zone to the Creek).

9.3 The application was submitted with very little details as to what was sought to be varied. It is noted on the form it states that the variation of conditions is 'To allow material changes and development as the project proceeds' and 'To allow the condition to be approved following commencement and not prior to the works'

9.4 During the course of this application the applicants submitted a landscape scheme 18.3074.01 Rev A (received June 2018) together with photographs of the steps, bridges across the creek and the bank to the creek.

9.5 The original application 14/00446/FULL was varied by 14/02879/VAR and this latter application essentially afforded the applicants more time to submit details pursuant to conditions.

- 9.6 The development is essentially complete and the house is occupied. However, it would appear that the development has not been built out fully in accordance with the approved plans. A central stair case to the main house on the river elevation is different to the staircase layout on the approved elevations. Also, an additional area of decking/balcony appears to have been added to the side elevation/river elevation and additional external staircases have been added. The garage building which was to be demolished, has been refurbished/rebuilt (it is acknowledge that this is the subject of a current separate application 18/01614/FULL which is still pending consideration), and this is shown on the submitted landscape scheme 18.3074.01 Rev A. The previous application 14/02879/VAR expired in December 2017.
- 9.7 As the built development does not accord with the approved plans and given that the existing approvals have now expired, in principle it is not considered possible to now vary applications 14/00446/FULL and 14/02879/VAR. It would certainly not be appropriate to extend the time limit for submitting details, given the development is now essentially complete.

### **Consideration of Condition 2 (external materials including hardsurfacing)**

- 9.8 The LPA is concerned about the extent of the new hardsurfaced areas on this site. As a result, it is considered that there is conflict with Local Plan Policy N2 (Setting of the river Thames).
- 9.9 It is noted that application 14/02879/VAR states:  
'No work shall commence on the external surfaces of the buildings and the provision of hardsurfacing until samples/details the materials to be used on the external surfaces of the development and hardsurfacing 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, N2.
- 9.10 The external materials on the external surfaces of the house are considered to be acceptable in appearance (and indeed this has been acknowledged in previous conditions applications). Furthermore, the choice of hardstanding materials is acceptable in terms of appearance and it is noted that it is permeable.
- 9.11 However, there is concern about the excessive extent of hardsurfacing at the site, which is much greater than that shown on the approved plans. The areas of hardstanding have been increased significantly on the river frontage and to the side and east of the main house and to the rear of the new garage/annexe.
- 9.12 Whilst the new hardstanding to the rear of the annexe and to the east of the new house would not be readily visible from any public vantage point; the hardstanding at the sides of the house and to the west of the house (river frontage) would be visible from the river and would detract from the setting of the river Thames. This is contrary to Policy N2 which seeks to conserve and enhance the setting of the Thames. It is noted that prior to this development there was very little hard surfacing on the site.
- 9.13 It is noted that the level details provided on 18.3074.01 Rev A correspond with the levels supplied on those submitted with application 14/02879/VAR, although it is noted that the details on levels is limited on some parts of the site where there is new hardsurfacing. Nevertheless, the LPA has no evidence that there has been any unauthorised changes in levels at the site.

### **Consideration of Condition 12 (steps, bridges, walkways)**

- 9.14 The details submitted are unsatisfactory in detail and there is conflict with adopted Local Plan policy F1.
- 9.15 Condit 12 states:  
'No external steps, walkways and bridges shall be installed/provided on site, until details have been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with such approved details. The external steps, walkways and bridges shall be of an open construction to allow the free flow of flood waters.'

Reason: To ensure that the steps, walkways and bridges have an acceptable appearance and are designed so as not to impede the flow of flood waters. Relevant Policies - Local Plan DG1, N2, F1.

- 9.16 It appears that some of the external steps are in a different location to those shown on the approved plans. However, the appearance of the steps is considered acceptable and the open construction would not impede floodwaters.
- 9.17 However, the Environment Agency has raised objection about the soffit heights on the bridges across the creek commenting that they appear to be below bank level. Inadequate information has been submitted with this application and further details/plans of the bridge details would be required to verify soffit heights. Therefore, the submitted details cannot be approved and as the development is substantially complete (and the development is not fully in accordance with the approved plans) it is not considered appropriate to vary the wording of the condition to extend the time to allow the further submission of details.
- 9.18 The applicant's agent has commented that one of the bridges was existing; however, with limited information to make a before and after comparison, it is not possible to verify this point.

### **Consideration of Condition 16 (Landscaping)**

- 9.19 The details submitted are unsatisfactory with large areas of hard surfacing and do not adequately safeguard the retained tree in the south western corner. The proposals conflict with adopted Local Plan policy DG1.
- 9.20 Condition 16: States:  
Within 3 months of the date of this permission or before construction work commences, whichever is the first, full details of both hard and soft landscape works (including details of all existing trees to be retained), shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved during the first planting season following the substantial completion of the development and shall be 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.

- 9.21 The proposed soft landscaping scheme **18.3074.01** Rev A is not completely satisfactory - although it is noted that it is much better than previous proposals. However, the extent of hard surfacing is unacceptable and does not conform to the approved layout. The Council's Tree Officer's comments are as follows:
- 9.22 'This is an improvement in terms of the quality of the details and proposed planting. However, there is still an excessive amount of hard standing proposed compared to the approved layout plan, more soft ground must be retained, along with some additional planting. The retained tree in the south western corner of the site on the banks of the River Thames would not survive the alterations. The section of path next to it (within the tree's root protection area) should be deleted.'

### **Consideration of Condition 19 (provision and management of the buffer zone to the creek)**

- 9.23 The details submitted pursuant to 19 are unsatisfactory from a fluvial perspective and as such there is conflict with adopted Local Plan policy F1.

9.24 Condition 19 states:

'No further works on the realignment of the creek (Thames Lower) shall take place, other than to ensure the free flow of water in channel, until a scheme for the provision and management of a 5 metre wide buffer zone alongside the eastern bank of the watercourse has been submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and should form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone.
- details of the proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting etc.

Reason : Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Relevant Policies - National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

9.25 The Environment Agency has confirmed that the planting and management of the creek margin is acceptable and it is noted that the reason for imposing condition 19 relate primarily to ecology.

9.26 However, as the condition refers to the 5 metre buffer zone needing to be 'free from built development' it follows that the soffit heights on the bridges should be above the bank level so as not encroach the watercourse. This condition was imposed at the request of the Environment Agency.

9.27 As with Condition 12, there is concern about the bridge soffit height being below bank level. In this respect it is considered that there is some overlap between the requirements of Condition 12 and 19.

9.28 The EA has also commented about the boundary fencing (raising an objection as it is non-floodable). Condition 19 specifically refers to details of fencing within the 5 metre wide buffer zone alongside the eastern bank of the watercourse. Although, it is noted that there is no condition to secure permeable boundary fencing across the site. It is considered that the applicant should at the very least provide openings in the fencing in the immediate proximity of the watercourse, as in accordance with the EA requirements.

9.29 As such, the details submitted (and the scheme as built) does not meet the EA requirements and the development would adversely affect the flow of water in the creek during times of flooding.

### **Summary**

9.30 In these circumstances, whereby the development is substantially complete, not built fully in accordance with the approved plans and in the light of the Tree Officer's comments and Environment Agency comments, it is not considered that the LPA could recommend approval to vary Conditions No. 2,12,16,19 (either by approving the details or extending the time for submission of details).

9.31 Following a refusal, the LPA would need to consider enforcement proceedings and decide whether it would be expedient to take enforcement action.

## **10. CONCLUSION**

10.1 In these circumstances, whereby the development is substantially complete, not built fully in accordance with the approved plans and in the light of the Tree Officer's comments and Environment Agency comments, it is not considered that the LPA could recommend approval to vary Conditions No. 2,12,16,19 (either by approving the details or extending the time for submission of details).

10.2 The large areas of hardstanding are detrimental to the setting of the river Thames contrary to Local Plan Policy N2. Additional areas of soft ground and planting need to be provided to soften the appearance of the development and to protect the root protection of the retained tree in the south western corner of the site. As such, the proposal conflicts with Local Plan Policy DG1. The soffit heights of the bridges across the creek appear to be below bank height and would impede the flow of flood water and encroach on the watercourse, contrary to Local Plan Policy F1.

## **11. APPENDICES TO THIS REPORT**

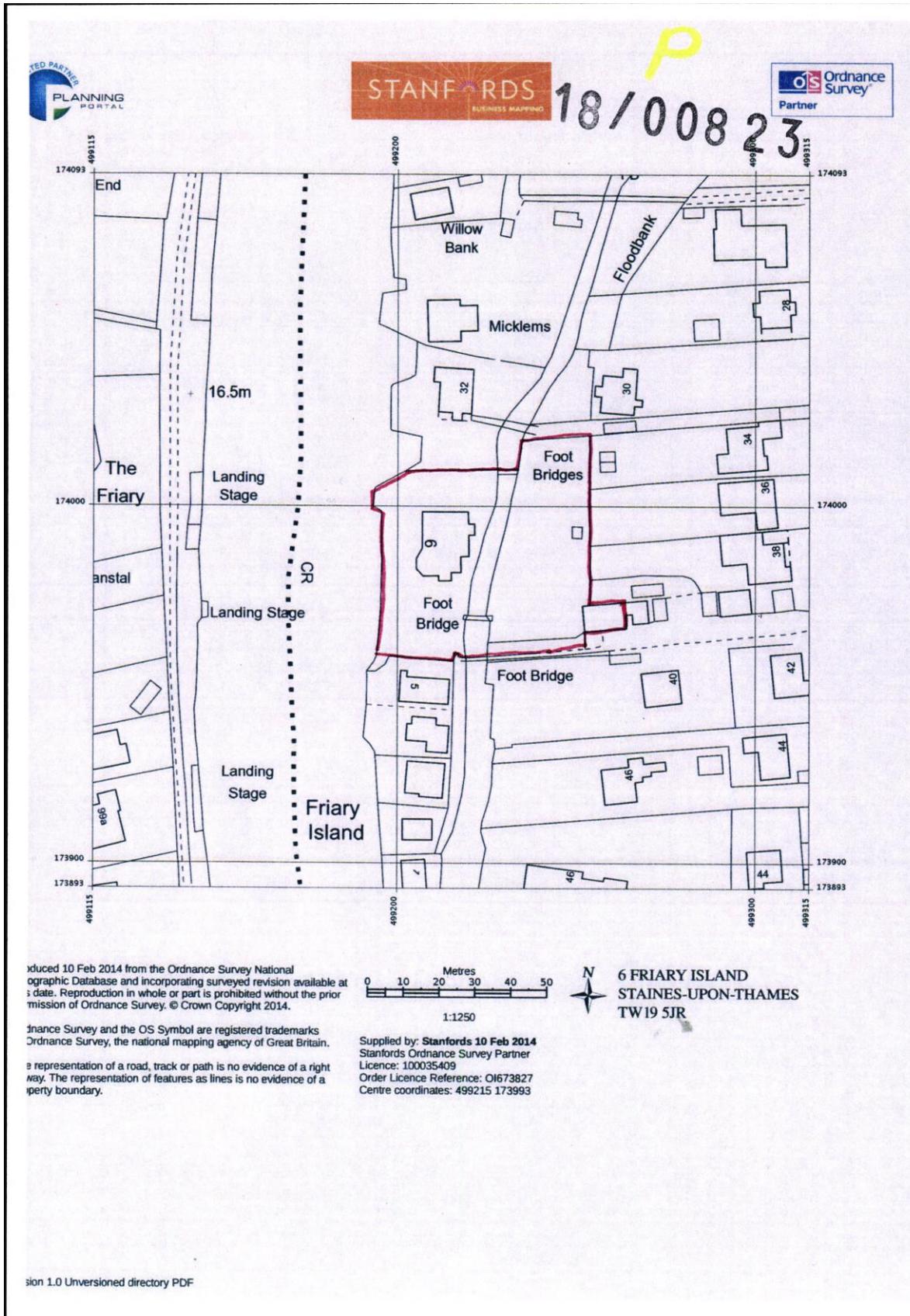
- Appendix A - Site location plan and site layout
- Appendix B – Landscape plan

## **12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED.**

- 1 Regarding condition 2 (materials ) and 16 (landscaping): The large areas of hard surfaces particularly to the sides of the house and on the river frontage detract from setting of the river Thames, contrary to Policy N2 which seeks to conserve of enhance the river Thames setting. Additional soft ground needs to be provided with additional planting in order to soften the appearance of the development and to protect the safeguard the root protection area of the retained tree in the south western corner. The proposal also conflicts with Local Plan Policy DG1.
- 2 Regarding condition 12 (steps, bridges) and 19 (management of buffer zone to the creek): The bridges across the creek with soffit heights below the bank level are unacceptable from a fluvial perspective in that they would impede the flow of water during a time of flooding . Furthermore, the boundary fence without adequate openings would have an adverse impact on the flood plain during a flooding event. The proposals conflict with Local Plan Policy F1 and NPPF Paragraph 163.

APPENDIX A

Application 18/00823/VAR Friary House, 6 Friary Island, Wraysbury







## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

12 December 2018

Item: 2

<b>Application No.:</b>	18/01285/FULL
<b>Location:</b>	Land At Ankerwycke Priory Staines Road Wraysbury Staines
<b>Proposal:</b>	Upgrading of hard and soft landscaping to facilitate improved visitor access at Runnymede and Ankerwycke including sections of new boardwalk around the Ankerwycke Yew, footpaths, benches, interpretation plinths, sculptural gates, reflective sculptures and small seasonal canopies to provide shelter for visitors
<b>Applicant:</b>	Mrs Brennan
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at <a href="mailto:jo.richards@rbwm.gov.uk">jo.richards@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The National Trust are proposing to upgrade visitor facilities at their site known as Runnymede and Ankerwycke. The site as a whole falls within two legislative authorities, Runnymede and RBWM. The Ankerwycke part of the site falls within the jurisdiction of RBWM and therefore the current application under review covers works to that land. A separate planning application has been submitted to Runnymede Borough Council for works to the land south of the river.
- 1.2 The works to upgrade hard and soft landscaping to improve visitor facilities are considered to be sympathetic to Green Belt, the character of the area, the historic importance of the site and would have minimal impact on neighbour amenity and the public highway.

**It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton, irrespective of the recommendation of the Head of Planning as this is a historic site and the application needs full scrutiny by the relevant Development Management Panel

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

- 3.1 The application site forms the northern part of the Runnymede and Ankerwycke National Trust site. The site lies to the north-east of the River Thames and is entirely within the metropolitan Green Belt.
- 3.2 The site includes the Ankerwycke Priory, a former Benedictine nunnery, which is a Scheduled Ancient Monument. The ruins of the priory building are grade II listed and date from the late 13<sup>th</sup> century, with later 14<sup>th</sup> and 15<sup>th</sup> century additions. Originally the priory was a two storey building with extensive structures and outbuildings, which in the later mediaeval period were altered to form a large, high status, house. The scheduled monument also includes the earth works associated with the priory, which are a level rectangular platform, ditches surrounding the building and fish ponds.
- 3.3 A further important part of the site is the ancient Ankerwycke Yew, which is thought to be as old as 2,500 years. This important tree is protected along with other yew trees to the north of it.
- 3.5 The site borders the River Thames and lies within Flood Zones 2 and 3.

#### 4. KEY CONSTRAINTS

- 4.1 Green Belt
- 4.2 Flood Zones 2 and 3
- 4.3 Scheduled Ancient Monument
- 4.4 Setting of the River Thames
- 4.5 TPOs

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

5.1 The proposal is for the upgrading of visitor facilities at the Ankerwycke National Trust site. The proposed works within the application site (north of the river) include the following (numbers refer to the Design and Access statement):

- A viewing platform overlooking the Ankerwycke Yew incorporating an interpretation plinth
- A low fence around the Ankerwycke Yew
- A DDA compliant footpath (highlighted black). (All other footpaths are either retained as is, mown surfaces or unsurfaced paths)
- 3 feature gates (20, 21 and 22)
- A reflective sculpture (23)
- An interpretation plinth (13)
- A gathering point (29)
- A natural play area comprising logs and branches on the ground
- Timber benches (25)

5.2 The planning application is part of a wider proposal for upgrading of facilities across the Runnymede and Ankerwycke site. Runnymede Borough Council are currently considering a similar application for works within the southern part of the site, ref: RU.18/1204. RBWM have been invited to comment on this application and put forward the following comments:

'The proposed works are within an environmentally sensitive and historically important site. The Royal Borough of Windsor and Maidenhead raises no objection to the application subject to consideration of the impact upon the Green Belt, Flood Risk, Trees and Landscaping, Ecology and the Historic/Archaeological importance of the site.'

#### 6. DEVELOPMENT PLAN

##### **Adopted Royal Borough Local Plan (2003)**

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Impact on the Green Belt	GB1 and GB2
Highways	P4 and T5
Setting of the Thames	N2
Trees	N6
Impact on the Historic Environment	LB2 and ARCH 1
Flooding	F1
Rights of Way	R14

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)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Development in the Green Belt	SP5
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
River Thames Corridor	SP4
Trees, Woodlands and Hedgerows	NR2
Nature Conservation	NR3
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

48 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16<sup>th</sup> May 2018 and the application was advertised in the Local Press 17<sup>th</sup> May 2018.

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

Comment		Where in the report this is considered
1.	Lack of parking for visitors to the site on the Ankerwycke side resulting in on-street parking on Magna Carta Lane	Section 9.17-9.20
2.	Cars ignore no parking signs and park in front of the fields and in passing bays restricting access for properties on Magna Carta lane	Section 9.17-9.20
3.	Permission has been applied for to increase visitors and spectators which will increase the number of vehicles and pedestrians	Section 9.17-9.20
4.	The plans show no provisions for additional parking or to improve road access. There is an issue for highway safety	Section 9.17-9.20
5.	The new artwork and ferry crossing will attract visitors to both sides of the river	Section 9.17-9.20
6.	There have already been instances of coaches turning and parking in Magna Carta Lane and obstructing traffic	Section 9.17-9.20
7.	There is currently a fly tipping problem down Magna Carta Lane	Noted but not a material planning consideration
8.	It is misleading to say that the application will not increase visitors to the site	Section 9.17-9.20
9.	The proposal includes a new footpath not just upgrading of existing facilities	Section 9.17-9.20
10.	The construction of a ferry port will increase visitor numbers	Section 9.17-9.20
11.	It cannot be said with any certainty that visitor numbers will not increase	Section 9.17-9.20
12.	The proposals will urbanise the landscape.	Section 9.2 – 9.8 and 9.16
13.	Land and boundaries identified on the plans are not accurate	The onus is upon the applicant to provide accurate drawings
14.	Impact on privacy of neighbouring occupiers	Section 9.21
15.	There is no provision for waste bins	Noted
16.	The Ankerwycke Yew is a religious icon of ancient importance. The proposed change will disrupt religious ceremonies and those who visit for quiet reflection.	The proposal is to allow many types of visitor to the site
17.	The proposals should include a designated area for pagan worship so as not to discriminate against an established faith.	The site is to be accessed by all

### Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	No objection	Noted
Environment Agency	We are satisfied with the explanation within the FRA Addendum that the cumulative impact of the proposed structures and footpaths within the site will not result in a loss of floodplain storage. The addendum confirms that there will be no land raising within flood risk areas and fencing will be or an open design to allow floor water to flow freely. This in combination with the proposed design of the viewing deck is now sufficient for us to advise that no mitigation in the form of flood compensation will be necessary.	Section 9.13

	The Conservation Plan is acceptable. Conditions recommended	
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## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objection on the grounds that the car park is of an insufficient size to cope with the expected increase in visitor numbers. Also the access to the car park would result in unacceptable levels of traffic down Magna Carta Lane where there is restricted view onto the busy Staines	See section 9.17 – 9.20
Conservation Officer	<p>In general the proposals are welcomed as it is considered that they will enhance this important, but little known site, and also make provision for its long term protection. Whilst the works will inevitable mean some negative intervention, in terms of footings and surfacing, these are considered on balance to be acceptable and do not outweigh the positive benefits of the scheme. It is important that issues relating to the car park are addressed as part of the application. The consolidation of the priory ruins and interpretation of this site, and the later house, should also ideally be included as part of the works.</p> <p>No objections, subject to the above comments being addressed and safeguarding conditions as outlined in this report and as required by Historic England and Berkshire Archaeology being included.</p> <p>The Conservation Management Plan from 2015. This is a well-researched and very useful supporting document that fully explains the significance of the application site and its wider environment</p>	Section 9.10-9.12
Trees	<p>The ancient Ankerwycke Yew and a linear group of yew trees to the west of it are covered by Tree Preservation Order 11 of 1990.</p> <p>Additional information has satisfied initial concerns and the application is now supported subject to conditions.</p>	Section 9.14-9.15
Ecologist	No objections subject to conditions relating to a Construction Environmental Management Plan (CEMP) and Biodiversity Enhancements	Noted
Historic England	<p>Largely supportive of the proposals in that they will provide better preservation of the site from footfall, along with enhanced presentation, access, and interpretation of the scheduled monument.</p> <p>Historic England has no objection to the application on heritage grounds.</p> <p>We consider that the application meets the requirements of the NPPF, in particular paragraph number 184 and 200 relating to sustaining and enhancing designated heritage assets.</p>	Section 9.10-9.12
County Archaeologist	No objections subject to a condition requiring an archaeological watching brief to be submitted.	Section 9.10-9.12
Runnymede Borough	No objection subject to regard being given to the impact of the development on the Green Belt, Flood Risk, Ecological,	Noted

Council	Archaeology/Heritage, Trees and Landscape due to the importance of the riverine character of the area and its historical significance and links with the wider area.	
Highways	No objection. The Ankerwycke side is already open to the public and as the proposals only consist of upgrading the existing facilities on site, there is no requirement to provide additional parking or to address the existing situation	See section 9.17-9.20
Public Rights of Way	There are a number of public and permitted footpaths through or close to the application site.  It is considered that the proposal would significantly improve and enhance the experience of walkers using these paths, and I therefore support the application.	See section 9.22

#### Other consultees

Consultee	Comment	Where in the report this is considered
RBWM Advisory Access Forum	It is difficult to be sure that visitors with disabilities, including those with visual impairment are able to visit the most significant parts of this historically important site. It is disappointing that wheelchair users do not appear to be able to access the viewing platform near the Ankerwycke Yew.	See section 9.22

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the Green Belt
- ii Impact on the Historic Environment
- iii Flooding
- iv Trees/Landscaping
- v Impact on the Highway and Parking
- vi Other material considerations

### **Impact on the Green Belt**

- 9.2 The proposed works within the Ankerwycke side of the site are very minimal and include a new hard-surfaced footpath, a low fence around the Ankerwycke Yew, a viewing platform opposite the Ankerwycke Yew, the upgrading/replacement of gates and reflective sculptures. It is noted that more substantial works are proposed to the south of the river, within Runneymede Borough Council.
- 9.3 Adopted plan policy GB1 sets out those uses which are deemed to be appropriate development within the Green Belt, including essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.4 Paragraph 145 of the NPPF allows for appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 9.5 Furthermore, paragraph 146 of the NPPF states that other forms of development are also not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. One of these forms of development is engineering operations.
- 9.6 Emerging policy SP5 of the Borough Local Plan Submission Version advises that facilities for outdoor sport and recreation should be no more than is genuinely required for the proper functioning of the enterprise or the use of the land to which it is associated. Furthermore, they should not introduce a prominent urban element into a countryside location.
- 9.7 The purpose of upgrading the footpaths is to improve the experience visitors to the site have and to make the important areas of the site more accessible. The trails surfacing strategy indicates that only one footpath within the Ankerwycke site is going to be engineered – this path is highlighted black on the surfacing strategy and will allow visitors to walk past the Ankerwycke Yew and priory remains. The material proposed is a commercial aggregate with permeable membrane and 2D geogrid. These works can reasonably be described as an engineering operation which would preserve the openness of the Green Belt and therefore would constitute appropriate development under paragraph 146 of the NPPF.
- 9.8 It is considered that the proposed viewing platform, low fence around the Ankerwycke Yew, replacement gates and sculptures can reasonably be described as appropriate facilities in connection with outdoor recreation which preserve the openness of the Green Belt. The most significant of these works, the viewing platform, is envisaged to allow visitors to view the Ankerwycke Yew from a setback position, thus protecting the Yew and ground area surrounding it. The platform would be constructed from wood and include a deck and rail. The structure is minimal in its form and appearance and therefore would preserve the openness of the Green Belt. The other works as described above are also very small scale in nature and are proposed entirely in connection with the use of the site for outdoor recreation.
- 9.9 There is therefore no objection to the proposal on Green Belt grounds.

### **Impact on the Historic Environment**

- 9.10 The site is highly sensitive in both archaeological and historic building terms. The site is a scheduled ancient monument relating to the ruinous remains and buried deposits of a Benedictine nunnery with associated moat and fishponds, and an ancient tree of great historical and cultural importance. The Council's Conservation Officer has advised that the proposals are well considered in principle, allowing the site to be more fully enjoyed by visitors whilst guiding footfall away from the more sensitive areas of the site such as the base of the yew tree and earth works so as to protect these areas from further damage. The Conservation Officer advises that the Council will need to be guided by the advice of the Historic England Inspector of Ancient Monuments and also that provided by Berkshire Archaeology regarding works on those areas beyond the Scheduled Ancient Monument. The works within the boundary of the Scheduled Ancient Monument will require Scheduled Ancient Monument Consent from the Secretary of State.
- 9.11 Historic England have advised that the planning application is supported as the proposals will provide better preservation of the scheduled ancient monument from footfall, along with enhanced presentation, access and interpretation of different elements that make up the scheduled ancient monument. Specific comments are made in relation to the Conservation Plan which will need updating as the project progresses. The impacts from the proposed works on the scheduled ancient monument can be controlled through the Scheduled Ancient Monument Consent application which the applicants will need to follow as part of a separate process. Historic England conclude by stating that there is no objection to the application on heritage grounds.
- 9.12 Following the recommendation of Historic England, who have advised that archaeological mitigation measures within the Scheduled Ancient Monument are to be dealt with through the scheduled monument consent process, Berkshire Archaeology have advised that for any areas outside of the scheduling, a statement is to be provided by the Trust's archaeologist, to

summarise the potential impacts and to suggest mitigation measures that will be needed; which could then be referred to in a condition on planning consent, if the scheme is approved. These details of mitigation have been submitted and are considered acceptable by Berkshire Archaeology subject to a condition requiring a programme of archaeological mitigation to be submitted (condition 9).

### **Flooding**

- 9.13 The application has been supported by a comprehensive Flood Risk Assessment. The proposal demonstrates that the cumulative impact of the proposed structures and footpaths within the site will not result in a loss of floodplain storage. Furthermore, there will be no raising of the land within flood risk areas and fencing will be of an open design to allow flood water to flow freely. The Conservation Plan outlines that appropriate mitigation can be implemented to address the increased disturbance from access to the River Thames and to deliver ecological improvements. Therefore no objections are raised by the Environment Agency and Lead Local Flood Authority subject to conditions (conditions 2, 3 and 4).

### **Impact on Trees/Landscape**

- 9.14 The Ankerwycke Yew is an ancient tree which is of national importance and thus is protected by a tree preservation order along with several yew trees close by. Visitors to the site include those wishing to worship and reflect upon this important tree. Whilst visitors are permitted to go near to and touch the tree, heavy footfall within the root protection zone of the tree is damaging. As such, the proposal includes a low fence rail around the Yew (approx. 0.5m in height) and a viewing platform from across the stream to the east of the Yew so that visitors may continue to enjoy viewing the tree but from a setback position outside its root protection area.
- 9.15 Following receipt of further arboricultural information, the application is supported by the Council's Tree Officer subject to a condition ensuring that the tree protection measure outlined in the submissions are carried out (condition 7) and any works to the Yew itself must be agreed in writing with the Local Planning Authority (condition 8).
- 9.16 With regard to the impact on the wider landscape and the setting of the River Thames, the proposal is considered to comply with adopted plan policy N2 which seeks to ensure that the character, height, scale and bulk of development respects the water frontage together with adjoining development and land uses. Furthermore, emerging policy SP4 states that the special character and setting of the River Thames will be conserved and enhanced. The proposed development is of a relatively minor scale and therefore would not adversely affect the setting of the River Thames or the landscape character of the area in general.

### **Parking/Highways**

- 9.17 The majority of the parking facilities for the site are to the south of the river (within the Runnymede side of the National Trust site) and the proposals show that these parking and turning facilities will be retained.
- 9.18 There is very limited parking for the site on the Magna Carter Island, and Magna Carter Lane is very narrow and provides substandard visibility splays at the junction with Staines Road. The lane is also not enforced with parking restrictions which means that the road could suffer heavily from on street parking which would affect highway and pedestrian safety. Indeed there have been strong objections raised by the residents of Magna Carter Lane regarding this matter.
- 9.19 The proposed development on the Ankerwycke side of the river is minimal and includes the hard-surfacing of existing footpaths, a fence around the Ankerwycke Yew, a viewing platform, gates and sculptures. Given these limited works, which are intended to upgrade existing facilities and improve access for current users of the site, rather than to increase visitors to the site, there is no requirement for additional parking facilities to be provided in connection with this application. The proposals clearly state that the ferry crossing is to form part of a future application – at that stage, the Council will consider whether improved parking facilities are required on Magna Carta Lane.

- 9.20 The ongoing parking problems experienced by residents on Magna Carta Lane are concerning, however, this matter cannot be dealt with under the remit of this planning application. It is considered that the issue will have to be dealt with by parking restrictions which residents can take up separately with the Highway Authority. No objections have been received by the Highways Authority in relation to the current application and no condition have been recommended.

### **Other Material Considerations**

- 9.21 The proposals are not considered to result in any adverse impact upon neighbouring occupiers. The works and structures themselves are not obtrusive and are proposed simply to upgrade the landscape character of the site, not necessarily to increase visitors and activity. Whilst it cannot be guaranteed that the upgrading of facilities will not increase the number of visitors to the site, the site as a whole is a public area which visitors can access freely.
- 9.22 Regarding comments made about access for disabled users, the upgrading of paths across the site as a whole will allow disabled users to access the site more easily including the Ankerwycke Yew and the priory remains. Whilst disabled users would not be able to access the viewing platform, other areas of the site will become more accessible and therefore no objection is raised in this regard. No objections have been received by the Public Rights of Way Officer.
- 9.23 The Council's Ecologist raises no objection to the proposals subject to the submission of a Construction Environmental Management Plan (condition 5) and Biodiversity Enhancements (condition 6).

## **10. CONCLUSION**

- 10.1 The proposed works within the Ankerwycke side of the National Trust site, to the north of the River Thames and falling under the legislative area of RBWM are considered to be appropriate development within the Green Belt resulting in minimal harm to openness.
- 10.2 The site is a historically sensitive site but the proposals are supported by the Council's Conservation Officer, Historic England and by Berkshire Archaeology subject to condition.
- 10.3 Whilst there is objection to the application on grounds of parking and impact on highway safety, given the nature of the proposed works, there is no requirement for the applicant to provide additional parking facilities. Any future planning application for a ferry crossing will indeed need to address these concerns.

## **11. APPENDICES TO THIS REPORT**

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

## **12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 50026101-FRS-DW-2018-01-15 and addendum reference 4035 dated 04/09/2018 and the following mitigation measures detailed within the FRA:
1. No ground level raising within areas of flood risk  
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of flood water is maintained in accordance with paragraphs 160 and 163 of the National Planning Policy Framework.

- 3 No development shall take place until a scheme for the provision and management of a 15 metre wide buffer zone from the top of the bank, alongside the River Thames, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:
- plans showing the extent and layout of the buffer zones, scaled so as to show the distance from the bank top of the watercourse. The bank top is defined as the point at which the bank meets the level of the surrounding land
  - details of proposed planting, which must be of native species appropriate to this location
  - details demonstrating how the buffer zones will be protected during development
    - details of how the buffer zone will be managed/maintained over the longer term in order to enhance the ecological value. This will include measures to mitigate the impacts of the development. This will be informed by the habitat surveys
  - details of any lighting that could impact on the buffer zone. Artificial lighting near watercourses should be avoided but where it is required it should be directional and focussed with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) Guidance Notes For The Reduction of Obtrusive Light
  - details of ecological enhancements to the river corridor

Reason: To enhance the natural environment in accordance with paragraphs 170 and 175 of the National Planning Policy Framework

- 4 No development shall take place until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority

Reason: To enhance the natural environment in accordance with paragraphs 170 and 175 of the National Planning Policy Framework.

- 5 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in regard to notable habitats, nesting birds and badgers
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
  - g) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is not adversely affected by the development in line with emerging Policy NR3.

- 6 No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes and native and wildlife-friendly landscaping, have been submitted to and approved in writing by the council.

Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.

- 7 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the

completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. Works shall accord with the Challice Consulting Ltd, Arboricultural Method Statement, dated 27th November 2018 and the 'Detail Plan Series The Ankerwycke Yew Proposals', dwg. no. 50026101-D-202.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 8 Full details of any tree surgery works, if required to the Ankerwycke yew, must be submitted to and agreed in writing with the Local Planning Authority prior to any works being carried out. Sufficient evidence of the need for the works shall be submitted to support any proposal. Reason; to ensure the health and visual amenity of this nationally important tree is preserved, in compliance with policy N6.
- 9 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological mitigation (to include preservation in situ or by record) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority.  
Reason: The site lies within an area of archaeological potential including a scheduled ancient monument. The Condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains, in accordance with the NPPF.
- 10 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.

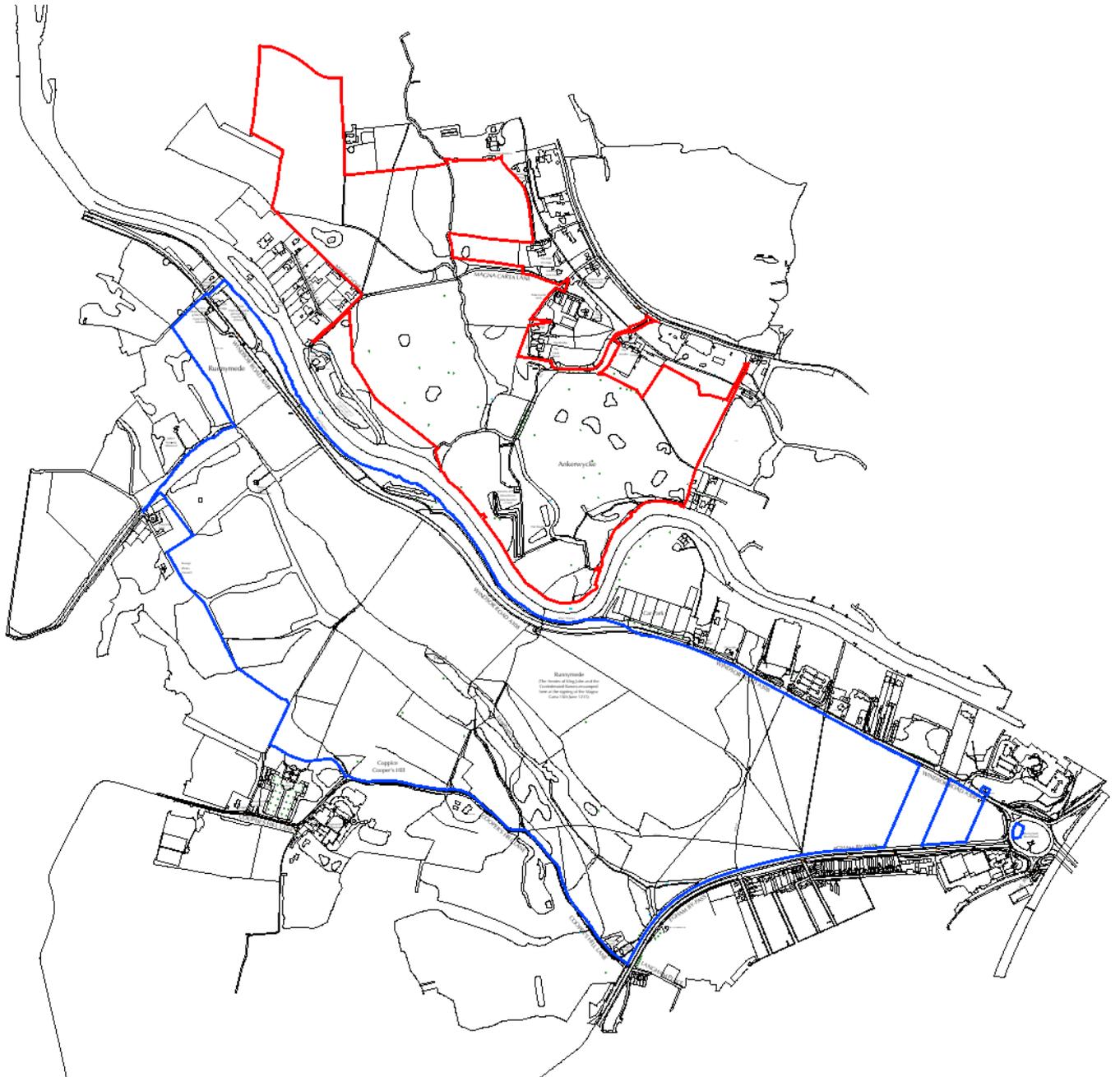
### **Informatives**

- 1 EA informative

Appendix A

18/01285/FULL— Land at Ankerwycke Priory

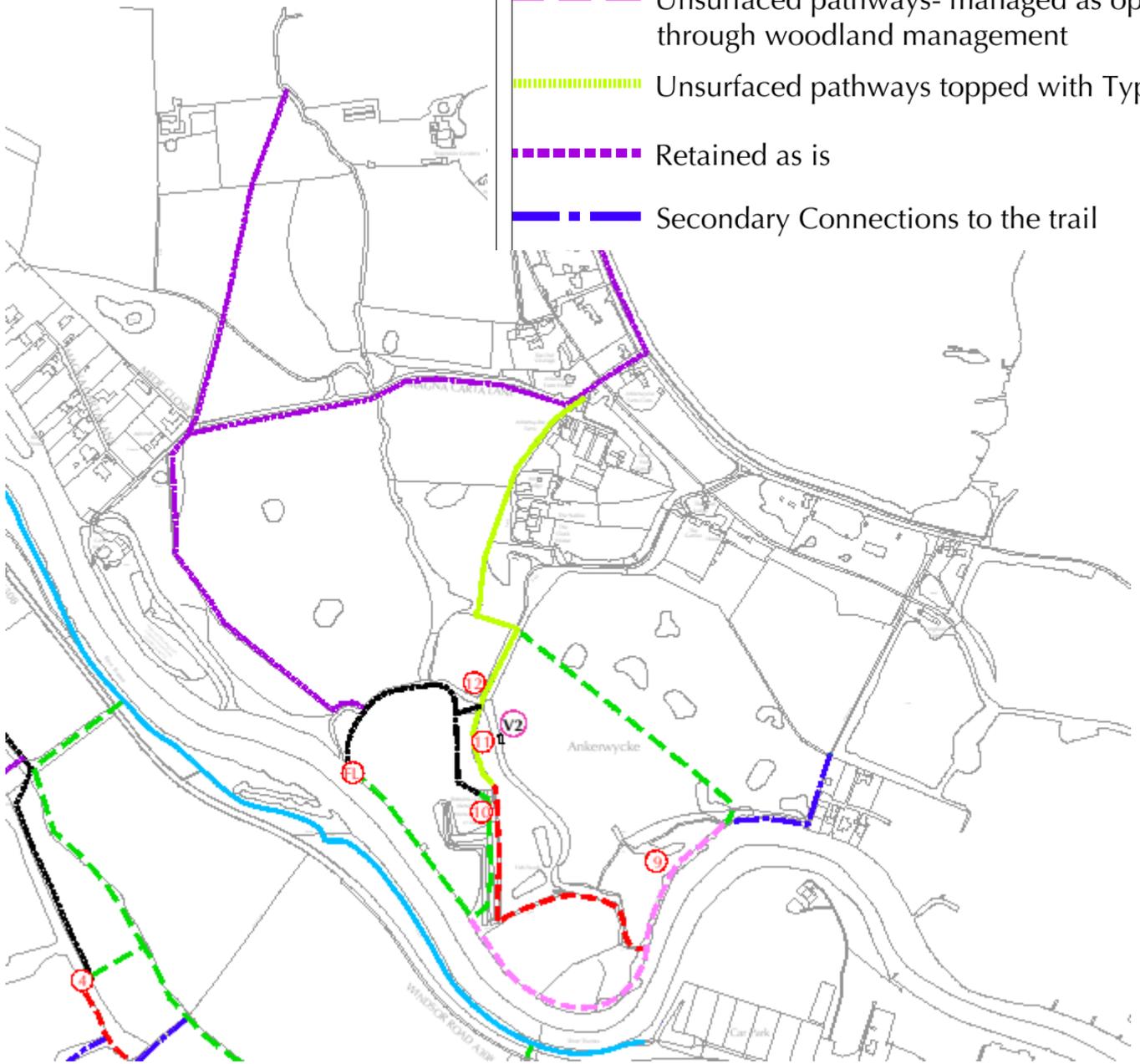
Location Plan



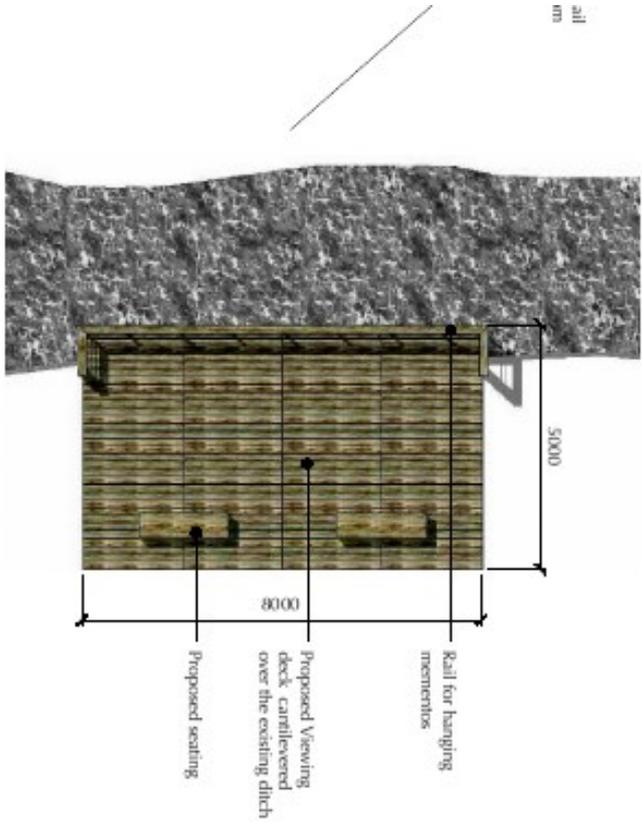
Hard-surfacing strategy

KEY

-  Thames Shared Riverside Path -  
Compacted Type 1 Commercial Aggregate  
with permeable geotextile membrane & 2D  
geogrid as specified by Engineers  
(2.5m wide)
-  Compacted Type 1 Commercial Aggregate  
with permeable geotextile membrane &  
2D geogrid as specified by Engineers
-  Mown pathways
-  Unsurfaced paths within the woodland -  
ocassionally topped with Type 1
-  Unsurfaced pathways- managed as open  
through woodland management
-  Unsurfaced pathways topped with Type 1
-  Retained as is
-  Secondary Connections to the trail

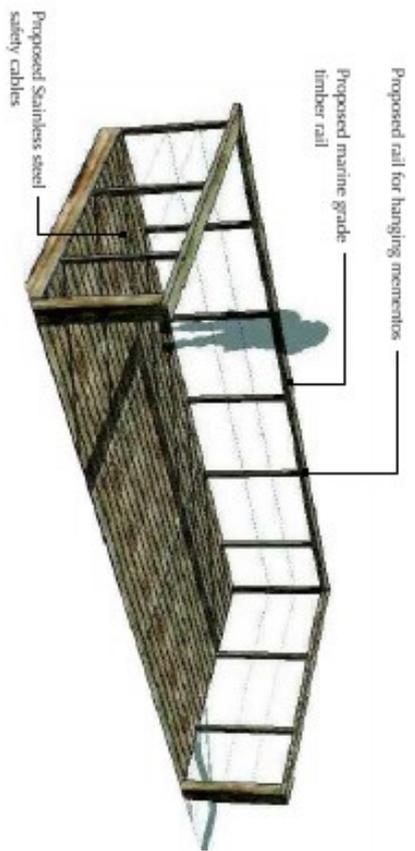


# Viewing Deck



EXISTING ANSERWYCKE VIEW TREE

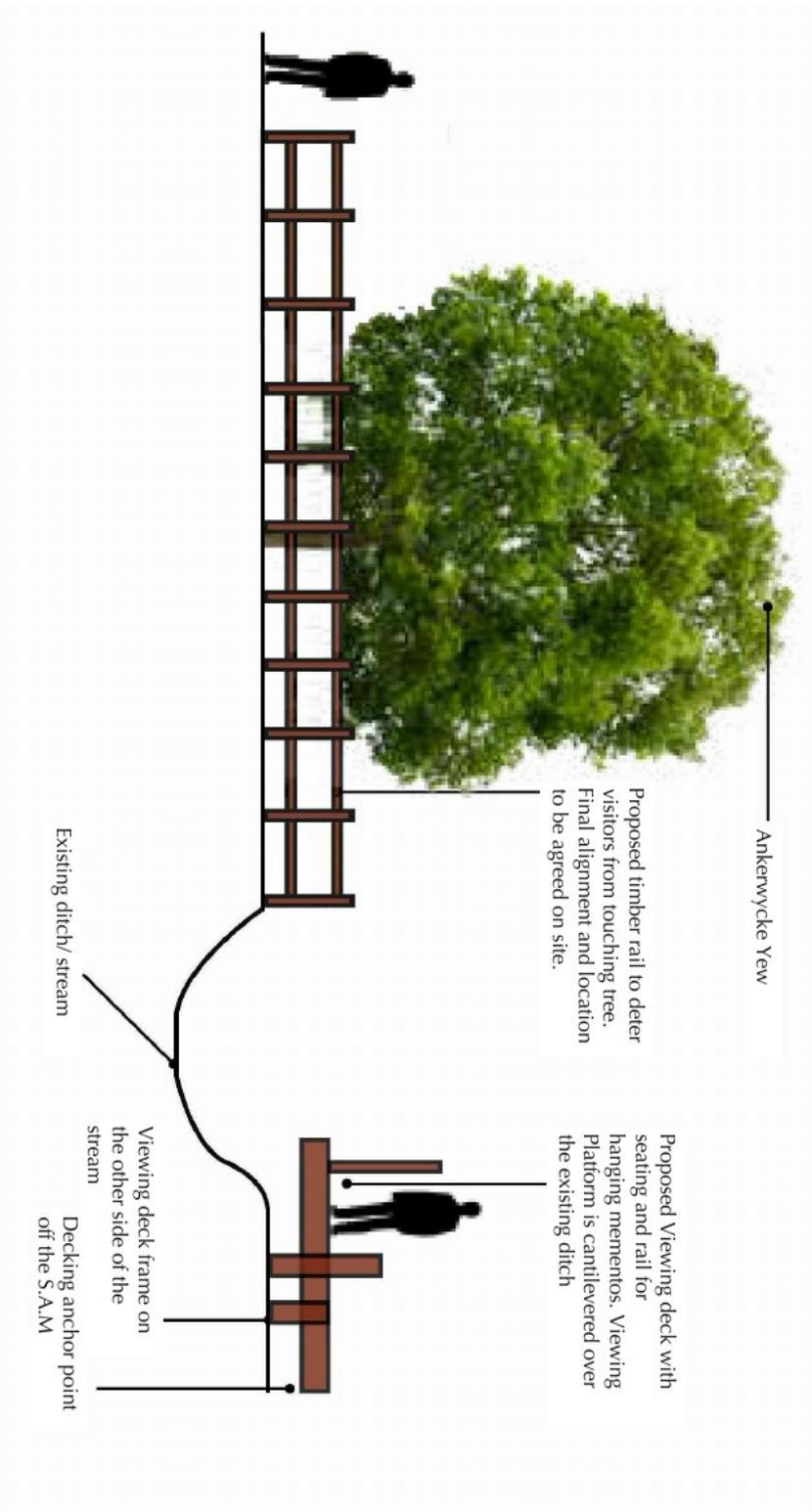
3 PLAN OF THE VIEWING DECK  
Scale: 1:100



INDICATIVE IMAGE FOR THE PROPOSED VIEWING DECK

4 SCHEMATIC VIEW OF THE VIEWING DECK  
Scale: NTS

Section showing fencing around Ankerwycke Yew and viewing platform

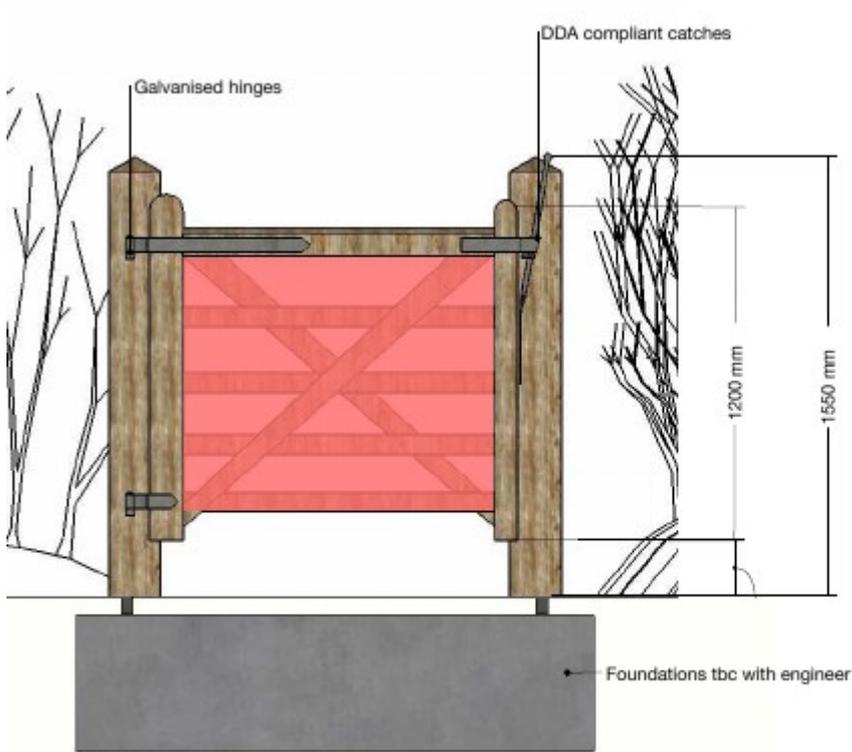


2

INDICATIVE SECTION THROUGH THE VIEWING DECK

Scale: NTS

# Sculptural Gates



**E1: Front Elevation**  
1:20mm @ A3



**Reference Imagery**  
- Illustrative carved timber style

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

12 December 2018

Item: 3

<b>Application No.:</b>	18/02528/FULL
<b>Location:</b>	19 Llanvair Drive Ascot SL5 9HS
<b>Proposal:</b>	Two storey front and rear extensions with a new raised roof to provide accommodation within the roof space and 3 No. rear dormers, garage conversion and roof over the existing single storey garage with 1 no rooflight to provide first floor accommodation and detached garage.
<b>Applicant:</b>	Mr & Mrs Chohan & Bains
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward

**If you have a question about this report, please contact:** Louise Fuller on 01628 796121 or at [louise.fuller@rbwm.gov.uk](mailto:louise.fuller@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application seeks to obtain planning permission for the erection of a two storey front extension and two storey rear extension with a new raised roof to provide accommodation within the roof space and 3 No. rear dormers and a detached garage. The proposed extensions overall would not harm the character and appearance of the area nor impact any neighbour amenity. The proposal also complies with parking standards and raises no concerns in terms of its impact on trees to the rear which are covered by a Tree Protection order (TPO).

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Hilton, only if the Head of Planning is to approve the application at the request of the Parish Council who do not consider that this proposal addresses the previous concerns raised.

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

- 3.1 The application site is located at the junction of Llanvair Drive and Llanvair Close, in South Ascot. It is a large residential plot of approximately 0.14 hectares and contains a detached, two storey, four bedroom dwelling with attached garage. The property is set back from the highway and, as with the majority of the dwellings in the area, is enclosed at the front by an established hedge and mature trees. The character of Llanvair Drive predominantly comprises of detached houses dating back to the 1950's, constructed of brick with fully-hipped clay tile roofs. Properties sit back from the highway and garages are positioned to the side. The surrounding area has a spacious and green appearance. A Tree Preservation Order (TPO) covers all of the trees to the rear of properties in Llanvair Drive, with individual TPO's covering some of the trees to the front, (not including No.19).

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

The site has an intensive planning history the most relevant planning history is listed below;

APPLICATION REFERENCE NUMBER/ PORPOSAL	DECISION
18/00790/FULL- Two storey front, and rear extensions, with a new raised roof to provide accommodation within the roof space, and roof over the existing single storey garage to provide first floor accommodation with the insertion of three flat boxed dormers to the rear. Erection of a detached garage to the front. New front boundary treatment consisting of automatically opening	Appeal Dismissed- 02/10/18

gates, new brick piers and metal railings.	
17/01391/FULL-Two storey front and rear extension, first floor side extension, garage conversion into habitable accommodation, new roof including raising the roof height, 2 No. front and 2 No. rear dormers and 2 No. side roof lights to facilitate a loft conversion.	Refused-08.09.2017-

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

### Royal Borough Local Plan

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

	Within settlement area	Protected Trees
Local Plan	DG1, H10, H11, H14	N6

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)

The Ascot, Sunninghill and Sunningdale Neighbourhood Plan was made part of the Development Plan in April 2014 and all relevant planning decisions should be made in line with this plan. As such it is afforded full weight when determining planning applications. The policies considered as part of this application are as follows:

- Policy NP/DG1 – Respecting the Townscape
- Policy NP/DG2 – Density, footprint, separation, scale, bulk
- Policy NP/DG3 – Good quality design
- Policy NP/T1 – Parking and Access

### 5.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

5.3 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Character Assessment – view using link at paragraph 5.3
- RBWM Parking Strategy – view using link at paragraph 5.3

## 6. EXPLANATION FOR RECOMMENDATION

6.1 The key issues for consideration are:

- i background
- ii the impact on character and appearance of the area
- iii the impact on residential amenity
- iv the impact on parking
- v the impact on trees

### Background

6.2 This revised planning application seeks to address the recent refused planning application reference 18/00790/Full and subsequent appeal which was dismissed on the 2<sup>nd</sup> October 2018. In dismissing the appeal made under 18/00790/FULL (appendix E) which also sought planning permission for a similar development to this current planning application, the Planning Inspector made the following key observations:

*“By reason of width, depth and overall scale, the resulting dwelling would be set back from the roads, it would sit comfortably within this verdant large corner plot and it would reflect the prevailing density of development. The design of the proposed front elevation would retain a suburban appearance and its proportions and fenestration would be similar to other near-by Neo Georgian dwellings, including No 17.”*

*“.. The proposed development would result in a crown with an extensive flat element. The extent of this roof would be more noticeable on this corner site when compared to No.17”.*

*“The apex roof form of the garage would project significantly above the boundary hedge adjacent to the junction. Although sited close to the front boundary, the roof form and height of the garage at 17 has a lower visual impact within the street scene, principally because this plot is not adjacent to road junction.”*

*The appeal decision, is a material consideration to which significant weight needs to be afforded and a copy of it is attached as appendix E.*

6.3 This current application encompasses a number of changes the most noticeable being;

- The extensive crown roof has been removed and the roof design changed to a simple pitch roof design with two lower projecting hipped gables to the rear;
- This change in roof design has resulted in the overall height of the dwelling being increased by approximately 200mm from the originally submission;
- The proposed front boundary treatment has been removed from the proposal;
- The application has been slightly reduced in depth at two storey level to 12.5m;
- Three rear dormers are now proposed and replace the previously proposed rooflights;
- The roof design of the garage has been amended and the overall height reduced from 5.7m to 4.5m.

The acceptability of this revised scheme is assessed below;

### The impact on scale and character

6.5 Policy DG1 of the Local Plan sets out guidelines for assessing new development proposal. This criterion includes ensuring that the design of new buildings is compatible with the established street façade having due regard to the scale, height and building lines of adjacent properties. Llanvair Drive is identified in the ‘Townscape Assessment’ (TA) as being in a ‘Leafy Residential Suburb’ zone. The key characteristics of this zone include a low to medium density residential

suburbs with characteristic 'leafy' streets, suburban style detached two-storey houses on medium to large plots, a variety of architectural styles, well established private gardens and well-defined interface between the private and public realm, quiet and peaceful.

- 6.6 The Inspector previously concluded that by reason of the development's width, depth and overall scale, the resultant dwelling would sit comfortably within this verdant large corner plot and it would reflect the prevailing density of development". Whilst the proposed height of the dwelling has been increased by approximately 200mm the overall width and depth of the proposed building is no larger than the previous appeal proposal and is sited in a similar position. Furthermore even with the increase in height the proposed dwelling would still be lower in height than the neighbouring property no.17. Furthermore the removal of the crown roof and its replacement with a convention roof form now results in the dwelling assimilating better within the street scene and appearing less prominent which overcomes one of the main objections raised by the appeal Inspector. For these reasons no objection is raised to the proposed dwellings impact on the street scene or character of the area.
- 6.7 In relation to the proposed garage. The proposed garage incorporates an apex roof and has an overall ridge height of 4.5m with a total floorspace of 42.25m<sup>2</sup>. The scale and form of the proposed garage does not draw the eye as being noticeably prominent within the street scene and is smaller than the neighbouring garage at no.17. As such, no objection is raised in relation to this element of the development subject to a condition being imposed to require a landscaping scheme to ensure that the development is in keeping with the verdant character of the area. (See condition 7)
- 6.8 Accordingly, the proposed development is in compliance with the advice contained within Chapter 12 (achieving well-designed places) of the NPPF July 2018 (in particular paragraph 130), local plan policies DG1 and H14 and the Neighbourhood Plan. Along with policies SP2 and SP3 of the emerging plan (being given significant weight).

#### **The impact on residential amenity**

- 6.9 The properties most likely to be affected by the proposal in terms of residential amenity are no.17 and no.1 Llanvair Close. It is acknowledged that there are properties located to the rear of the application site however these are set a sufficient distance away and as such the residential amenities of these occupiers will not be materially impacted by this proposed development.
- 6.10 In relation to No. 17 Llanvair Drive. The proposed development would not project beyond the rear elevation of the adjoining property no.17 and will only be projecting slightly forward of the front elevation. Accordingly, the proposal would not harm the living conditions of the occupiers of No.17 in terms of loss of light, or by appearing overbearing. Furthermore the proposed first floor side windows can be conditioned to be obscure glazed (see condition 3) and the proposed rear windows result in no additional significant levels of overlooking than the current situation. As such, no objection is raised in this regard.
- 6.11 In relation to 1 Llanvair Close following an officer site visit it is noted that, due to the position of No.1 approximately 8.5 m behind the rear of No.19, there is already some loss of light to the front of this property. However, having regard to the orientation of the sun this is likely to be minimal and will not result in any further material harm in this regard over and above the current situation. The proposed first floor rear windows and dormers would not result in any significant additional over looking over and above what already exists. Furthermore there are no first floor side windows proposed facing no.1 other than a velux window and four ground floor side windows proposed but given that any overlooking would be of the front garden area of No. 1 Llanvair Close this is not deemed harmful enough to warrant refusal. As such, it is considered that there would be no significant harm caused to the occupiers of No. 1 Llanvair Close terms of loss of privacy, outlook, daylight, sunlight or otherwise.

#### **The impact on parking**

- 6.12 Policies DG1 (7), H14 (3), P4 and neighbourhood plan policy NP/T1 all require that extensions/development should not impair highway safety or lead to an inadequate car parking provision within the curtilage of the property. The property has sufficient off-road parking for at least three cars and there is sufficient. As such, no objection is raised in this regard.

### The impact on trees

- 6.13 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission maybe refused. Policy NP/EN2 set out in Ascot, Sunninghill and Sunningdale Neighbourhood Plan places similar emphasis on the protection of important trees. A significant level of weight is also afforded to emerging local plan policy NE2 in the determination of this application. The Councils Tree Officer has assessed the application and has raised no objection subject to a conditions regarding tree protection (see condition 5), tree retention (see condition 6) and landscaping (see condition 7).

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

11 occupiers were notified directly of the application.

Following the receipt of amended plans an additional site notice advertising the application at the site on the 8<sup>th</sup> November 2018.

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

Comment		Where in the report this is considered
1.	Loss of privacy	Para's 6.9-6.11
2.	Overbearing	Para's 6.6
3.	Out of Character/ Imposing on street scene	Para's 6.5.-.6.8
4.	Too many windows within side elevation	Para's 6.10-6.11
5.	Increase in height (even higher than originally proposed)	Para's 6.6
6.	3 rear facing dormers	Para's 6.9.-.6.11
7.	Amendments do not address previous concerns	Para's 1.1.-.6.3

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	The building is particularly obtrusive situated on a bend. Object for the same reasons as submitted under application 18/0079/FULL.	Para's 6.6-6.8
Trees	No objection subject to a condition for all underground utilities stating that they must be directed outside root protection areas.	Para 6.13
SPAE	Objects on the following grounds: The application represents an over-development of the site	Para's 6.2-6.13

	<p>with an over-bearing scale and bulk contrary to NP/DG2, H11, H14 and emerging Local Plan SP2. The higher roof line, roofed 5m side extension and garage in front of the main building mean the proposed building would dominate its site and the local street scene. The corner location of the site at a road junction with high visibility from 3 sides exacerbates this.</p> <p>The scale and location of the proposed garage do not meet the requirements of NP/DG3.3</p> <p>The erection of metal fencing and gates should not be permitted as these would contravene restrictive covenants imposed on all Llanvair Estate housing at the time of construction. It would also impair the street scene and be contrary to NP/DG3.1</p>	
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## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B- Floor Plans and Elevations
- Appendix C- Proposed Block Plan
- Appendix D- Proposed Street Scene
- Appendix E- Appeal Decision 18/00790

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. 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 NPF.

In this case the issues have been successfully resolved.

## 9. CONCLUSION

In conclusion, given the location, nature and scale of the development it is considered that the proposal would not result in a materially harmful impact on the appearance and character of the property or wider area, or such harm to neighbouring amenity as to justify refusing planning permission in this instance. The proposed development is in compliance with both national and local policies and, as a whole and is considered to be acceptable.

## 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

- 3 The first floor window(s) in the side elevation of the extension shall be of a permanently fixed, non-opening design 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.
- 4 No further window(s) shall be inserted at first floor level in the side elevation of the extension 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 H11
- 5 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 6 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 7 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.
- 8 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.

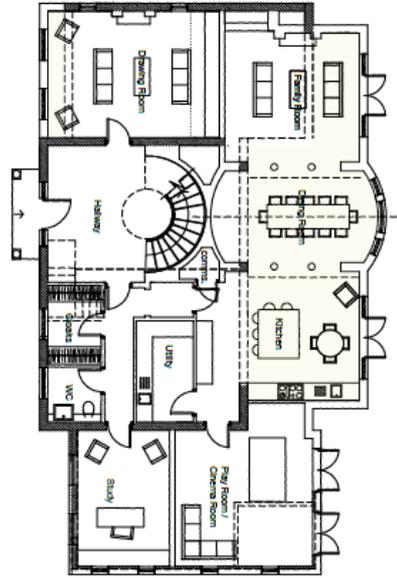
Appendix A– Site Location Plan



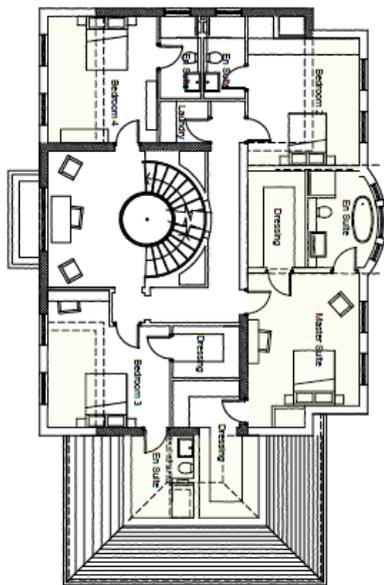
SITE LOCATION PLAN

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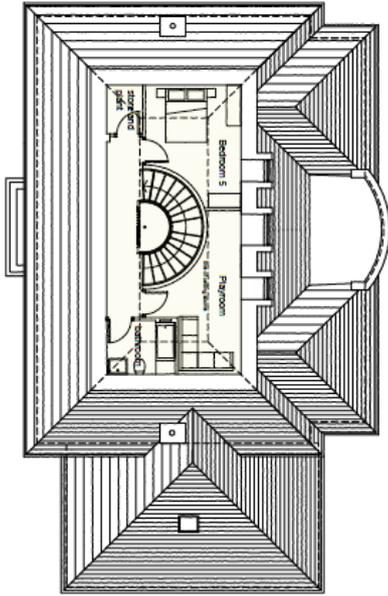
Appendix B Floor Plans and Elevations



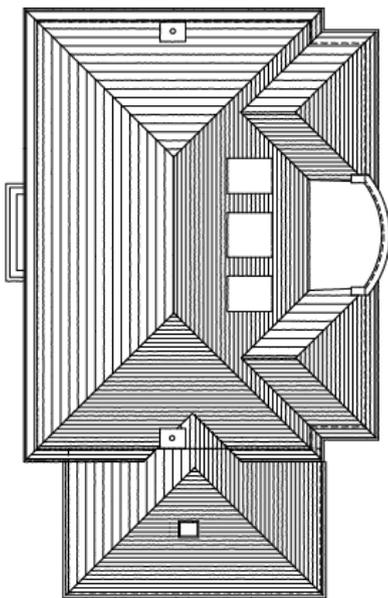
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



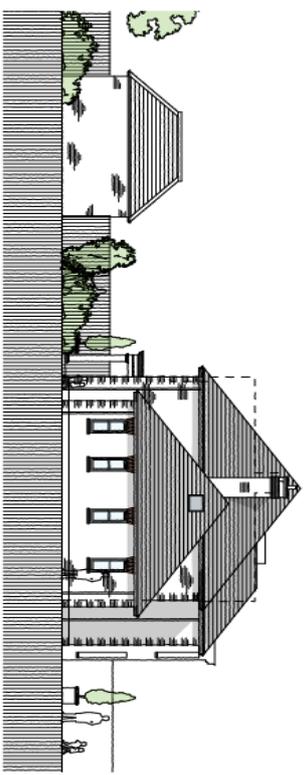
PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN



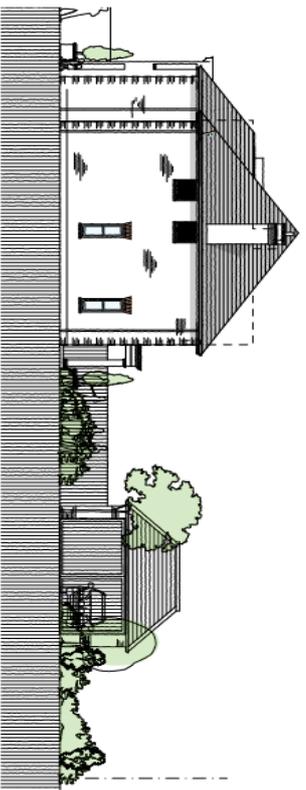
PROPOSED FRONT ELEVATION (south)



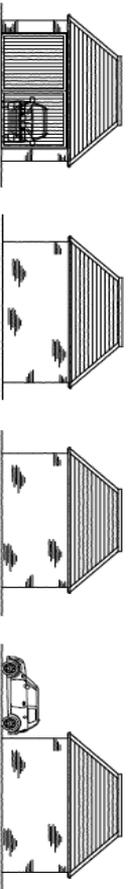
PROPOSED SIDE ELEVATION (east)



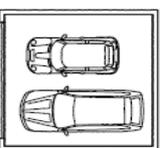
PROPOSED REAR ELEVATION (north)



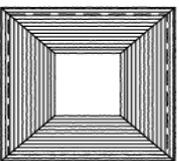
PROPOSED SIDE ELEVATION (west)



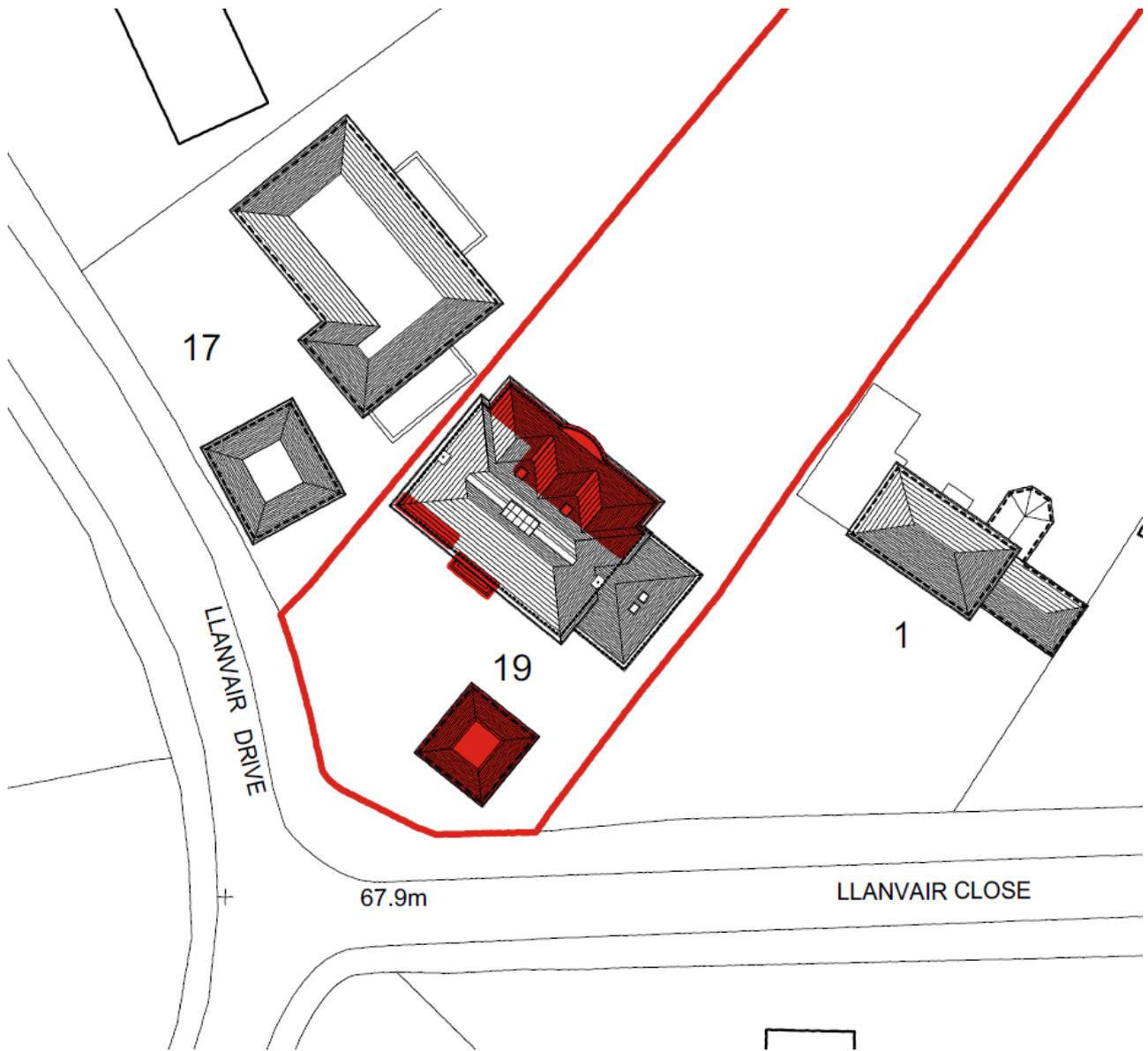
PROPOSED GARAGE ELEVATIONS



PROPOSED GARAGE PLANS



Appendix C—Block Plan



Appendix D— Proposed Street Scene



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## Appeal Decision

Site visit made on 12 September 2018

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> October 2018.

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**Appeal Ref: APP/T0355/D/18/3206645**

**19 Llanvair Drive, Ascot SL5 9HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs N Cohan & Bains against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 18/00790, dated 8 March 2018, was refused by notice dated 1 June 2018.
  - The development proposed is the erection of two storey front and rear extensions to an existing house, with a new raised roof to provide accommodation within the roof space, and roof over the existing single storey garage to provide first floor accommodation. To the front of the house a new garage is proposed with automatically opening gates, with new brick piers and metal railing fencing to the front.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the appeal was lodged the revised National Planning Policy Framework (the Framework) has been published but does not raise any additional matters. The appellants' name has been adopted from the appeal form.
3. The Council has submitted the Borough Local Plan 2013-2033 and it has been considered at an Examination but the Inspector's report has not yet been published. The emerging policies referred to by the Council have been given limited weight in the determination of this appeal. However, the content of the emerging policies concerning design and landscaping matters are similar to those of the extant development plan.

### Main Issue

4. It is considered that the main issue is the effect of the proposed development on the character and appearance of the character and appearance of the host property and the streetscene.

### Reasons

5. The appeal property is a 2-storey extended dwelling and is located on a large corner plot within a residential area. The *Townscape Assessment* refers to the surrounding residential area as comprising medium/low density 2-storey houses of suburban styles sited within leafy streets. There are variations in architectural styles. The detached dwellings are set back from the roads to the rear of open and landscaped gardens.

6. The content of the *Townscape Assessment* was confirmed by the observations made during the site visit. It was also noted during the that the front gardens were generally devoid of built forms of development, such as garages, and where they exist the front boundaries are predominately defined by vegetation. Further, the majority of the vehicular accesses are not gated and there only a few dwellings which have walls or railings fronting the road. Overall, the area surrounding the property has an open and verdant character and appearance.
  7. A new dwelling is being erected adjacent to the property at 17 Llanvair Drive and has a garage within the front garden, a timber fence fronting the road sited to the rear of the boundary hedge and a gated access. By reason of its relationship to the appeal property, this is an important consideration in the determination of this appeal. However, the appeal scheme is located on a corner plot and has the potential to be visually more prominent within the streetscene.
  8. Only limited information about the planning circumstances of the other dwellings referred to by the appellants has been provided. Further, based upon the site visit, the alterations to these other dwellings relate to their specific circumstances and context. For these reasons, only limited weight has been given to these other schemes in the determination of this appeal. However, it is acknowledged that they do contribute to the character and appearance of the streetscene.
  9. The curtilage of the appeal property positively contributes to the character and appearance of the streetscene because of its verdant plot, front boundary hedge, open front garden and lack of a gated access. However, I share the appellants' claims that, in the absence of an overall cohesive design, the architecture of the property does not make the same positive contribution to the appearance of the streetscene.
  10. The proposed development includes various extensions and their scale would cumulatively subsume the host property rather than be subservient additions. The resulting dwelling would have a materially different form and style when compared to the current property. By reason of the degree of change to the design and appearance of the property, this appeal scheme would be tantamount to the erection of a new dwelling and it has also been assessed on this basis.
  11. By reason of width, depth and overall scale, the resulting dwelling would be set back from the roads, it would sit comfortably within this verdant large corner plot and it would reflect the prevailing density of development. The design of the proposed front elevation would retain a suburban appearance and its proportions and fenestration would be similar to other near-by Neo Georgian dwellings, including No. 17.
  12. According to the Council, the resulting property would not have an adverse effect on the trees within the curtilage that are the subject of a Tree Preservation Order. Based upon what was observed, the siting of the proposed garage would not require the removal of boundary vegetation. A suitable condition could be imposed to control construction work for the proposed buildings close to the front hedge and any trees.
  13. However, the proposed development would result in a crown roof with an extensive flat element. The extent of this roof would be more noticeable on
-

this corner site when compared to No. 17. Further, the siting of the proposed garage adjacent to the front boundary would result in a visually prominent built form of development within the front garden. The apex roof form of the garage would project significantly above the boundary hedge adjacent to the junction. Although sited close to the front boundary, the roof form and height of the garage at No. 17 has a lower visual impact within the streetscene, principally because this plot is not adjacent to a road junction.

14. There is a lack of clarity about the erection of the proposed front boundary. The appellants identify the intention is for the railings to be erected to the rear of the existing hedge which would reflect the siting of the fence at No. 17. However, the Proposed Site Plan indicates that a substantial length of the proposed railings would be sited within the current hedge. Further, the streetscene drawing identifies the railings would be visible, at least above the vegetation. This physical enclosure of the front garden by railings and gates would contrast with mainly the verdant or unenclosed boundaries of other dwellings fronting the roads.
15. Based on the evidence available and assessing the location of the proposed railings during the site visit, there would need to be the removal of some frontage hedge to accommodate the means of enclosure. The potential loss of this boundary vegetation would be detrimental to the leafy and verdant character and appearance of the streetscene and reduce the screening effects of both the resulting property and garage. No details have been provided about how the proposed railings would be erected ensuring the substantial retention of the hedge. This is not a matter which can be left to a condition because of the indicated siting of the railing and the positive contribution the hedge makes to the streetscene.
16. Although there are some elements of the of the proposed development which could be acceptable they are significantly and demonstrably outweighed by the unacceptable harm associated with the extensive crown roof and the degree of change to the streetscene. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies DG1, H14 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (incorporating Alterations) and Policies NP/DG1, NP/DG2, NP/DG3 and NP/EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. Amongst other matters, these policies require development to be of a high quality design which responds positively to the local townscape and integrates with the local surroundings.

*Other Matters*

17. Local residents have raised concerns about the effects of the proposed development on their living conditions. However, the Council has not objected to the appeal scheme on these grounds and there are no reasons for me to disagree with the Council's assessment. Accordingly, and taking into account all other matters, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

12 December 2018

Item: 4

**Application No.:** 18/02861/FULL

**Location:** Holly Cottage Whitmore Lane Sunningdale Ascot SL5 0NA

**Proposal:** Use of Holly Cottage as a separate independent dwelling

**Applicant:** Mr Cartwright

**Agent:** Not Applicable

**Parish/Ward:** Sunningdale Parish/Sunningdale Ward

**If you have a question about this report, please contact:** Josey Short on 01628 683960 or at [josey.short@rbwm.gov.uk](mailto:josey.short@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The proposed development is considered to constitute an appropriate form of development in the Green Belt as it proposes the reuse of a building of permanent and substantial construction, would not harm the openness of the Green Belt nor be contrary to the purposes of including land in the Green Belt. Whilst there is currently a legal agreement in place to prevent this accommodation being used separately from Holly Dell this is not required to make the scheme acceptable in policy terms. To refuse the application on this ground would therefore be considered unreasonable. Should permission be granted for this application then the applicant would seek to vary the previous legal agreement attached to application 96/74858 to remove this clause.
- 1.2 The proposed development would not cause harm to the character and appearance of the area or harm neighbouring amenity. Adequate parking is already provided on site and no changes are required to the current access provision.
- 1.3 A legal agreement is required to secure the necessary mitigation with regard to the development's impact on the Special Protection Area Thames Basin Heaths.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the necessary mitigation regarding impact on the SPA through a SANG and SAMM payment towards Allen's Field.</b>
2.	<b>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not secure mitigation in order to protect the SPA.</b>

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson at the request of Sunningdale Parish Council which raises concern about the legal position in relation to this property based on the previous s106 agreement.

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

- 3.1 The application site is located on the west side of Whitmore Lane within the Green Belt in Sunningdale, Ascot. The site comprises a detached annex dwelling with 2 detached outbuildings to the side. The dwelling is accessed by an approximately 100m long access road off of the main highway which wraps around the site of neighbouring dwelling Callay. The dwelling is located within close proximity (approximately 1.5 metres at the closest point) with the rear flank boundary of neighbouring dwelling, Callay, however it is noted that the dwelling is located approximately 40 metres from the main dwelling of the neighbouring site.

3.2 Holly Cottage is a detached, 2 bedroom, chalet bungalow with a front porch and a single storey conservatory to the side located on a spacious plot. The dwelling is multi brick with timber cladding to the front, side and rear. The dwelling has 3 x forward facing dormers which serve the first floor accommodation. The dwelling has a gravel driveway for access and handstanding to the front which provides ample parking provision for 6 or more vehicles.

#### 4. KEY CONSTRAINTS

4.1 The site and surrounding area falls within the Green Belt in which the open and spacious character is to be protected and maintained. The site also falls within the 5KM buffer of the Special Protection Area (SPA) in which the creation of new dwellings on any one application is limited to 9.

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

5.1 The application seeks planning permission for the use of Holly Cottage as a separate independent dwelling. Holly Cottage is an existing, detached, 2 bedroom property which was approved under application 96/74858/FULL which granted planning permission for the alteration and conversion of existing barn and attached cottage at rear of Callaly to create two storey residential accommodation ancillary to Holly Dell.

5.2 The application seeks this permission as the family members who had lived in the cottage since constructed no longer live there and the property has remained empty since February 2018.

Reference	Description	Decision
96/74858/FULL	Alteration and conversion of existing barn and attached cottage at rear of Callaly to create two storey residential accommodation ancillary to Holly Dell	Application Permitted – 01.08.1997

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2, GB3 and GB8
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	NG

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)

##### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Trees	EN1

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

##### Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 13- Protecting Green Belt land

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary Planning Documents**

- RBWM Thames Basin Health's SPA

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

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM 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)

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

One occupier was notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16<sup>th</sup> October 2018.

No letters of support or objection have been received.

### Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection to the proposal. Informative recommended in the event of planning permission being granted	Please see paragraphs 9.9 and 9.10
Sunningdale Parish Council	The property history for the site does not include the 1996 permission which is referenced in the application form for the current application subject of this report The planning permission for the conversion of the barn in the Green Belt was only granted as ancillary to the main dwelling. There have been no changes since 1997 which would change this original ruling.	Please see paragraph 9.12

### Others

Group	Comment	Where in the report this is considered
SPAE	Clause 5 of the S106 agreement attached to planning permission 96/74858 makes it clear Holly Cottage should remain ancillary to Holly Dell. It seems clear that the permission was granted in the Green Belt location because it was ancillary to the main dwelling.	Please see paragraph 9.14

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact the change of use would have on the Green Belt location
- ii The impact the change of use would have on the character of the area and locality in general
- iii Impact on neighbour amenity
- iv Impact on parking provision
- v Impact on trees
- vi Impact on the Thames Basin Heaths Special Protection Area
- vi Other issues

### Green Belt

9.2 Paragraph 146 of the NPPF details that the re use of buildings in the Green Belt can be an appropriate form of development provided that the buildings are of permanent and substantial construction, that openness is preserved and there is no conflict with the purposes of including land within the Green Belt. This advice is reiterated in Local Plan Policy GB1 and GB8. Local Plan policy GB2 also confirms that permission will not be granted for a change of use within the Green Belt if it would have a greater impact on the openness of the Green Belt, harm its character or neighbour amenities or conflict with any other policies. Policy GB3 lists the re use of a building in accordance with policy GB8 as an exception for allowing proposals of residential

development. Policy GB8 states that the re use of a building in the Green Belt would be permitted subject to the criteria set out therein.

- 9.3 Holly Cottage was previously a barn converted to ancillary residential accommodation in 1997. Under the assessment of this previous application the barn was inspected by one of the Council's Building Control Surveyors who confirmed that the fabric of the building was sound and capable of conversion, furthermore given the change in national planning policy at the time (Then PPG2), the conversion of the barn was considered acceptable in Green Belt terms and could now be approved. The applicant offered to be tied into a legal agreement to prevent the dwelling being used for purposes other than ancillary to the Holly Dell. However this was not required to make the scheme policy compliant as this was for the reuse of an existing building, not the erection of a new one.
- 9.4 The proposed use of the building as an independent residential unit, is not considered to constitute an inappropriate form of development in the Green Belt, as detailed within Local Plan policies as it would constitute the reuse of an existing building which is of permanent and substantial construction. It is noted that the application does not propose to alter the existing building in any way and as such it is considered that the use of Holly Cottage as an independent dwelling rather than ancillary accommodation would not have a greater impact on the openness of the Green Belt, its purposes, nor would it harm the character of the locality or neighbouring amenity. By virtue of the existing property and access arrangements no additional built form would be required to enable the proposal. Neither would there be a material intensification in the use of the site.
- 9.5 With the above taken into account, it is considered that the proposed re-use of Holly Cottage as an independent dwelling would not have a materially greater impact on the Green Belt than that which is existing and as such it would comply with Section 13 of the NPPF and relevant policies GB1, GB2, GB3 and GB8 of the Councils Local Plan.
- 9.6 Irrespective of the above, given the sensitive nature of the Green Belt location, it is considered that it would be reasonable to remove permitted development rights for classes A, B, D and E of the General Permitted Development Order (GPDO) in order to manage the impact future development may have on the locality (see condition 2).

### **Impact on Character**

- 9.7 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The proposal would make no physical alterations to Holly Cottage or the application site and as such it is considered that there would be no change to the character of the area or the locality in general in this regard. Thus, the proposal is considered to respect the appearance and design of the host dwelling and the appearance and character of the street scene would not be harmed.

### **Neighbour Amenity**

- 9.8 The proposal would not make any alterations to the dwelling which would impact the sunlight and daylight the neighbouring dwelling currently receives. Similarly, there would be no alterations and thus no overlooking or loss of privacy would occur.

### **Parking Provision and Highway Implications**

- 9.9 Holly Cottage is a two bedroom property which would require off street parking provision in this locality for 2 vehicles. There is an existing hardstanding to the front of the property which provides parking provision for up to 4 vehicles and as such it is considered that ample parking is provided at the site to facilitate the proposal.

- 9.10 As existing, the site has an independent vehicular access from Whitmore Lane which is gated. The proposal would not affect the existing access arrangements or visibility and would not result in a material increase in traffic movements.

### **Trees**

- 9.11 The application would have no tree or landscaping implications as no physical alterations are proposed.

### **Thames Basin Heaths SPA**

- 9.12 The application site is within a 5km zone of the Thames Basin Heath Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the proposed development would have a harmful effect on the Chobham Common, which is a part of the SPA due to increased visitor and recreation pressure, it would be necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring). The Borough has its own SANG (Allens Field) which applicants can make a financial contribution to as an alternative to providing their own SANG. There is a limit on the number of units which can rely on the Borough's SANG, however, at the time of writing there is still capacity for sites of this scale.
- 9.13 A legal agreement is currently being drafted to secure the necessary mitigation.

### **Concerns Raised**

- 9.14 It is noted that concerns have been raised for the proposal by both the Parish Council and SPAE, relating to the clauses in the legal agreement. However, by virtue of the assessment on the impact in the Green Belt carried out within section 9 of this report, it is considered that the proposed use of the existing building is not inappropriate in the Green Belt and that to refuse the application because of the legal agreement would be unreasonable. In the event that planning permission is granted, the Council would agree to vary the original legal agreement to allow the property to be used as an independent unit of accommodation.

### **Other Material Considerations**

#### Housing Land Supply

- 9.15 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- 1 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- 2 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard

method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

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

10.1 The development is CIL liable.

## **11. CONCLUSION**

11.1 The proposed use of Holly Cottage as an independent dwelling would comply with relevant policies DG1, GB1, GB2, GB3 and GB8 of the Councils Local Plan, alongside policies DG1, DG2 and DG3 of the Neighbourhood Plan and Sections 12 and 13 of the National Planning Policy Framework. The proposal would not incorporate any physical changes to the existing building and as such would have no greater impact on the open and spacious character of the Green Belt, nor would it significantly impact the character of the area and locality in general. However, given the Green Belt location, it is considered that it would be reasonable to condition that permitted development rights for the site are removed (classes A, B, D and E) in order to manage future developments on the site.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C - Previous Officer Report 96/74858

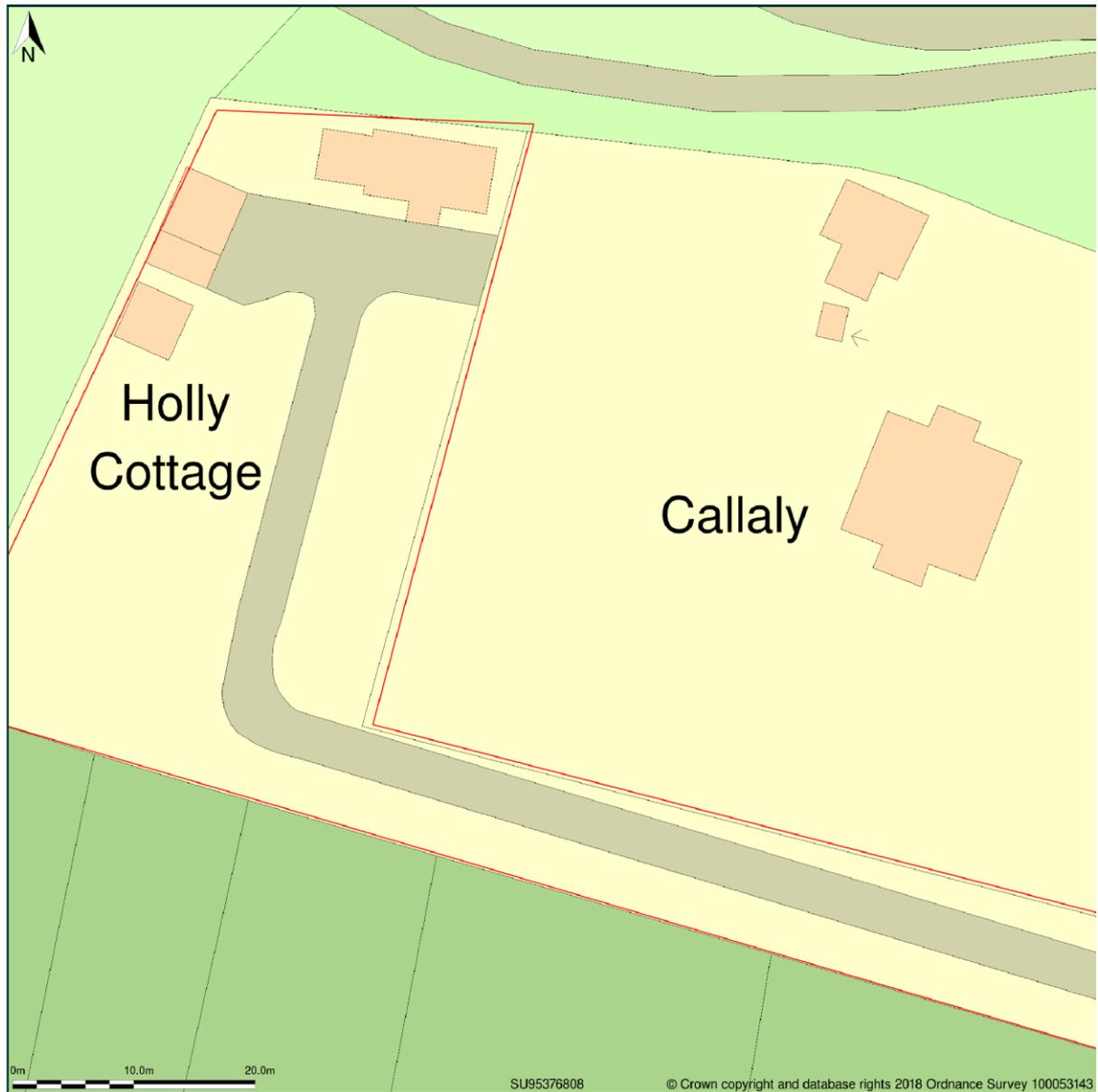
## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be implemented 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 Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) , no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. Reason: The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2, GB4
- 3 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.

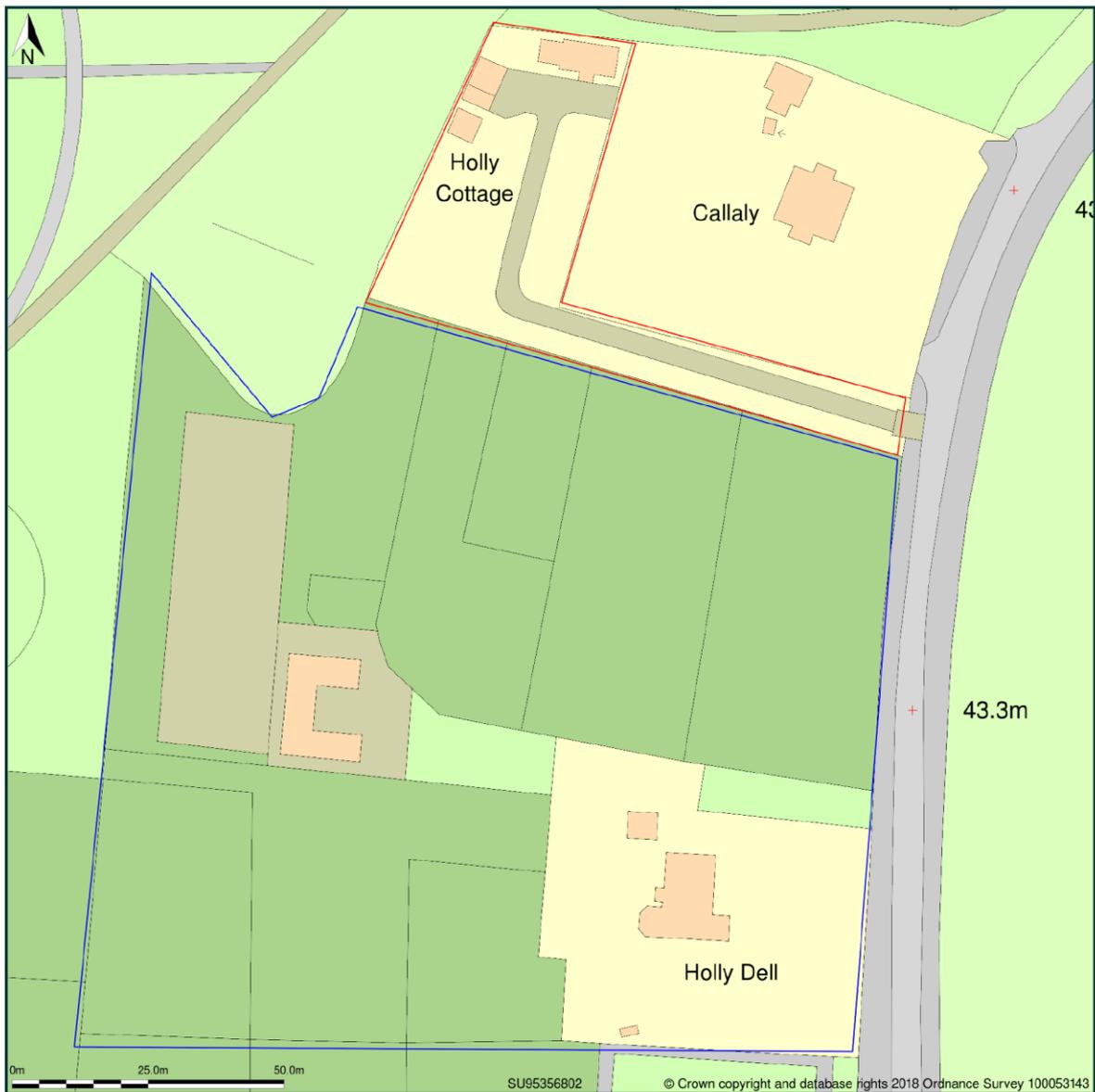
Appendix A

18/02861/FULL – Holly Cottage, Whitmore Lane, Sunningdale

Location Plan



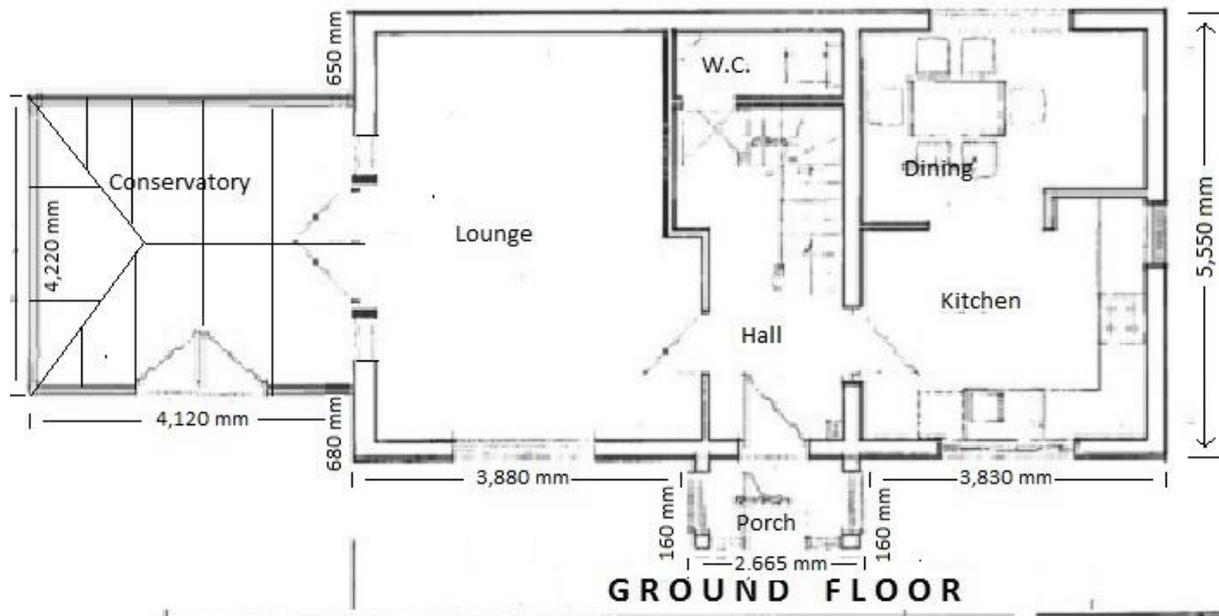
Location Plan showing sites location to Holly Dell



Floor Plans

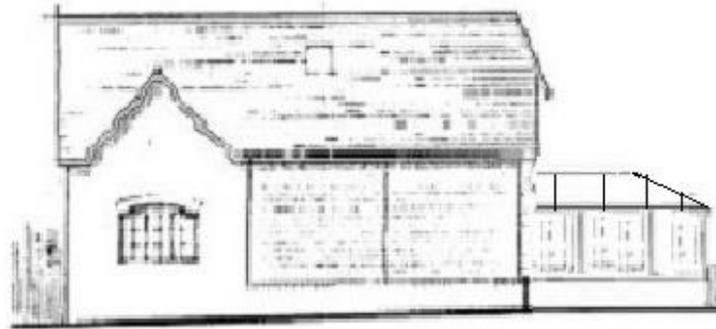


**FIRST FLOOR**



**GROUND FLOOR**

Elevations



**NORTH**



**WEST**

**EAST**



**SOUTH**

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

12 December 2018

Item: 5

<b>Application No.:</b>	18/02894/FULL
<b>Location:</b>	1 Kinross Avenue Ascot SL5 9EP
<b>Proposal:</b>	Two storey side extension to form a new house following demolition of the single storey extension, conservatory and garage.
<b>Applicant:</b>	Mr Hawthorne
<b>Agent:</b>	Mr Anthony Richardson
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

### 1. SUMMARY

- 1.1 Application 17/03331 which sought permission for the construction of a one bedroom dwelling at the above site was recently allowed at appeal. This current scheme proposes some minor changes to that scheme consisting of widening the dwelling by 400mm, siting it flush with the existing front elevation and ridge height at no. 1 Kinross, extending the single storey rear projection further by 400m, replacing the garage with a car parking space and the construction of a small porch.
- 1.2 The proposed development would have an acceptable impact on the character and appearance of the area.
- 1.3 The proposal would have an acceptable impact on the amenity of neighbouring residents.
- 1.4 The proposal would be provided with sufficient parking and would not negatively impact on highway safety.
- 1.5 The proposal would provide the future occupants with an acceptable standard of indoor and outdoor amenity spaces.
- 1.6 Mitigation for the likely impact on the Thames Basin Heaths Special Protection Area will be provided through financial contributions towards SANG (Suitable alternative natural greenspace) and SAMM (Strategic access management and monitoring)

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the mitigation against the likely impacts on the Thames Basin Heaths Special Protection Area as set out in section 9.13 of this report and with the conditions listed in Section 13 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to secure mitigation against the likely impacts on the Thames Basin Heaths Special Protection Area as set out in section 9.13 of this report has not been satisfactorily completed for the reason that the proposed development would not be accompanied adequate mitigation regarding impact on the SPA.</b>

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor David Hilton at the request of the Parish Council. Parish Councillors consider the application to be contrary to Neighbourhood Plan policies DG3.2, EN3 and DG2

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

- 3.1 The application site currently houses a 2-storey end of terrace dwelling that forms part of a wider post-war , planned estate development (The site is located within a Post War Suburbs townscape as identified by the Townscape Assessment). The appeal inspector for 17/03331 (allowed at appeal) found that the area is not particularly sensitive in architectural or streetscape terms and is not subject to any special designation. The surrounding area retains a broadly uniform character, however, its distinctiveness has been compromised by previous additions. The existing dwelling on site has added a single storey side extension and conservatory to the rear. The existing dwelling on site is set away from the northern boundary with this area to the side of the existing dwelling currently used as a 'yard'. It is in this area following the demolition of the existing side extension as well as the conservatory and garage to the rear of the site that the new dwelling will be built.
- 3.2 The application site is located within the 5km buffer of the Thames Basin Heaths Special Protection Area. The SPA was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. Development within 5km of the SPA is required to provide mitigation to protect this sensitive area of natural/semi-natural habitat.

### 4. KEY CONSTRAINTS

- 4.1 Thames Basin Heaths Special Protection Area

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

- 5.1 The proposal is for two storey side extension which will form a new 1 x bedroom dwelling following the demolition of the existing single storey extension, conservatory and garage. The proposed dwelling is approximately 4.2m wide and 6.6m tall (the same height as the rest of the terrace). The proposed dwelling will follow the existing building line of the terrace and includes a small front porch. The proposed garden area is to the side of the property and is approximately 26sqm. A single parking space will be provided to the rear of the site which measures 2.6 x 5.15m. An area behind this space is cited as being for bin and cycle stores.

- 5.2

Reference	Description	Decision
17/01334/FULL	Erection of a 1 bedroom end of terrace house, on land to the side of the existing No.1 Kinross Avenue following demolition of the existing garage and single storey extension.	Refused - 04.07.2017
17/02565/FULL	Two storey side extension. Reduce size of garage, following demolition of existing single storey extension and conservatory.	Refused - 13.10.2017
17/02632/CPD	Certificate of lawfulness to determine whether a single storey rear extension is lawful.	Permitted Development – 15.09.2017
17/03331/FULL	Construction of x1 dwelling following demolition of the existing single storey extension, conservatory and part demolition of the existing garage at 1 Kinross Avenue.	Refused – 29.12.2017

### 6. DEVELOPMENT PLAN

#### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Acceptable impact when viewed from neighbouring occupiers	DG1, H10, H11
Maintains acceptable level of privacy for nearby residents	H11
Maintains acceptable level of daylight and sunlight for nearby occupiers	H11
Acceptable impact on highway safety	T5
Sufficient parking space available	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)

### **Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)**

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

### **Adopted The South East Plan – Regional Spatial Strategy**

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2018)**

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1
Sustainable Transport	IF2

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications

taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### 7.3 Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

#### Other Local Strategies or Publications

7.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM 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)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

20 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 24.10.2018

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

Comment		Where in the report this is considered
1.	Concerns have been raised with the scale of the development.	See paragraphs 9.2 to 9.8
2.	Concerns have been raised with the impact of the development on highway safety.	See paragraph 9.10
3.	Concerns have been raised with the impact of the development on the mains drainage/sewer.	Drainage issues are not a relevant planning consideration on an application of this scale.
4.	Concerns have been raised that the dwelling will be converted into a 2 bedroom house and the impact this would have on parking and services.	See paragraph 9.11
5.	Concerns have been raised regarding the removal and handling of asbestos from the garage.	This is not a material planning consideration. Environmental Protection should be contacted should there be concerns regarding asbestos.
6.	Concerns that building works could cause subsidence to or damage to neighbouring properties.	This is not a material planning consideration and would be a matter for building control.

### Consultees

Consultee	Comment	Where in the report this is considered
Highways	Offers no objection to the proposal subject to conditions relating to car parking, construction management and cycle	A condition regarding car parking has been included, however, conditions relating to

	parking.	construction management and cycle parking were not included in the planning inspector decision for 17/03331 and it would therefore be unreasonable to add this now given the similarities between the 2 schemes.
Environmental Protection	Recommends conditions relating to site working hours and construction and demolition collections/deliveries.	A condition relating to working hours and construction and demolition details are not necessary. Any undue disturbance during construction should be reported to and dealt with by Environmental Protection however an informative is recommended regarding good working practices.
Parish Council	Concerned that that the size of the dwelling is increasing and that the dwelling has moved closer to the pavement. Concerns are also raised that the car port is too small to house a car and bins and objects due to the adverse effect on the street scene.	See paragraphs 9.2 to 9.8

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the character and appearance of the area
- ii The impact on the amenities of the occupiers of neighbouring properties
- iii Highway safety and parking considerations
- iv Quality of accommodation
- v The impact on the Thames Basin Heaths Special Protection Area

### **The impact on the character and appearance of the area**

9.2 Section 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF) emphasises the importance of the design of the built environment and paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Conversely where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

9.3 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. The policy refers to the use of a variety of building types, materials, means of enclosure, surface treatment and landscaping to create visual interest. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area.

9.4 Policy NP/DG1 of the Ascot, Sunninghill and Sunningdale Neighbourhood plan states that development proposals should respond positively to the local townscape. Policy NP/DG2 further states that new development should be similar in density, footprint, separation, scale and bulk to those in the surrounding area, unless it can be demonstrated that the proposed development

would not harm local character. Policy NP/DG3 requires all development proposals to demonstrate good quality design.

- 9.5 The Townscape Character Assessment describes this area as 'Early Post War Suburbs'. Some of the key features of this area are the consistency in the block pattern which is created by two storey semi-detached dwellings and short terraces on regular plots, resulting in medium density suburb with a uniform and harmonised building line and rhythm along the street.
- 9.6 This application has been submitted following a recent appeal decision on this site which was allowed (17/03331/FULL) which is a material consideration in the determination of this application (appendix c). The inspector noted within the appeal that the area is not particularly sensitive in architectural or streetscape terms and the distinctiveness of the area has been compromised by previous additions. The inspector also stated that the existing single storey extension to number 1 is unsightly and has an unbalancing effect on the terrace and that the 2 storey structure proposed would be more harmonious and have a positive effect on the terrace and wider area. The application now proposed is of a similar design and scale. The dwelling will be set slightly further forward and the roof height is to be increased, however, this would only bring it in line with the existing dwellings within the terrace which would enhance its appearance in the street scene as a new dwelling. The depth of the ground floor has also been increased by approximately 400mm to bring it in line with the rear of no.1 and would not have a material impact on spaciousness. These changes will not significantly alter the appearance of the dwelling. A front porch has also been added which is of similar proportions and design to the porches already within this terrace.
- 9.7 The width of the dwelling is increasing from approximately 3.8 to 4.2m bringing the dwelling to within half a metre of the north west corner of the site compared to the gap of 1m for the previous application. The inspector concluded that although spaciousness would be reduced, the reduction would be marginal considering the location of the existing single storey extension and the addition of a second storey was not considered to be harmful to the character of the street scene given the site's unremarkable context. The further reduction in space to the side of the property would not be significant and would not therefore cause harm to the character of the street scene.
- 9.8 Given the above it is considered overall that the proposal is of a suitable scale and design given the context of the street and would not cause harm to the character and appearance of the area. The proposal is considered to comply with the relevant parts of the NPPF as well as policies DG1, H10 and H11 of the adopted Local Plan and policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot Sunninghill and Sunningdale Neighbourhood Plan.

### **The impact on the amenities of the occupiers of neighbouring properties**

- 9.9 The proposed development by reason of its siting (in line with the existing terrace), design and form is not considered to give rise to an unacceptable loss of light or privacy to its surrounding occupants, nor to appear unduly overbearing or visually intrusive. First floor rear facing windows would allow views into the gardens of other dwellings within the terrace, however, these gardens are already overlooked by the existing properties.

### **Highway safety and parking considerations**

- 9.10 A number of concerns have been raised by neighbours that there will be reduced visibility for vehicles round the corner to the north of the site as well as reduced visibility for vehicles pulling in and out of driveways. Currently on this corner is a single storey extension and a wooden panel fence approximately 2m tall which extends along the northern boundary until it is in line with the front elevation of the existing terrace. Both the extension and the fence currently prevent views from being obtained across this corner and restricts visibility for anyone entering or exiting their driveway. The proposed dwelling does extend further towards the northern boundary than the existing extension, however, the position of the existing fence means there will be no further reduction in visibility across the corner compared to the existing situation. A Highways Officer has commented on the application and has suggested that by keeping the hedge, proposed to replace the existing fence, to a height of no more than 0.6m that visibility can be improved, however, given that the proposal will not reduce visibility it is not considered necessary or

reasonable to require this. The hedge being kept below 0.6m would also significantly reduce the standard of private amenity space for the future residents of the dwelling by allowing direct views into their garden.

- 9.11 The proposed dwelling is to be allocated 1 parking space to the rear of the site in place of the existing garage to be demolished. This is sufficient for a 1 bedrooms dwelling. The space is sufficient in size to accommodate both a parking space at a minimum of 2.4 x 4.8m as well as space to the rear of this to store bins and bicycles. The existing property would also be left with 2 spaces which is sufficient. Neighbours have raised concerns that the dwelling will be converted into a 2 bedroom house in the future and will therefore not be provided with sufficient parking space, however, this is not what has been applied for and the Council must assess the scheme put before them. Notwithstanding this given the scale and layout of the bedrooms it is considered unlikely that the bedroom will be split in 2 in the future.

### **Quality of accommodation**

- 9.12 Policy NP/DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan states that schemes should ensure that developments have high quality interior spaces and light. The internal layout is considered to present an acceptable size and standard of accommodation. The proposed dwelling would be provided with a side garden of approximately 26sqm (excluding the space shown for hedging) which is slightly larger than the garden in the previous application (23sqm) and was not objected to by the planning inspector at appeal. Overall it is considered that the future occupants of the dwelling would be provided with an acceptable standard of amenity.

### **The impact on the Thames Basin Heaths Special Protection Area**

- 9.13 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and 9 additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA is based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG). The application site is within this 0.4 - 5km buffer zone around the SPA. The agent has confirmed they are willing to enter into a legal agreement to secure the necessary mitigation, however, at the time of writing this agreement has not yet been completed.

### **Other Material Considerations**

#### Housing Land Supply

- 9.14 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- 1 *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- 2 *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.15 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.16 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.
- 9.17 Significant weight is to be accorded to the relevant Borough Local Plan Submission Version policies in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and the Borough Local Plan Submission Version.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 70sqm.

## **11. CONCLUSION**

- 11.1 It is considered overall that the proposal is of a suitable scale and design given the context of the street and would not cause harm to the character and appearance of the area. The proposal is considered to comply with the relevant parts of the NPPF as well as policies DG1, H10 and H11 of the adopted Local Plan, policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot Sunninghill and Sunningdale Neighbourhood Plan and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.
- 11.2 The proposed development by reason of its siting, design and form is not considered to give rise to an unacceptable loss of light or privacy to its surrounding occupants, nor to appear unduly overbearing or visually intrusive to the surrounding occupants. The proposal complies with paragraph 127 of the NPPF and policies H10 and H11 of the adopted Local Plan.
- 11.3 The proposal provides sufficient parking space for a 1 bed dwelling and would not have an adverse effect on highway safety. The proposal complies with policies P4 and T5 of the adopted Local Plan, policy NP/T1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and policy IF2 of the submission version of the emerging Borough Local Plan.
- 11.4 The proposed dwelling would provide the future occupiers with an acceptable standard of indoor and outdoor amenity space. The proposal complies with policy NP/DG1.3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and paragraph 127 of the NPPF.
- 11.5 The agent has advised that they are willing to provide mitigation against the likely impacts on the Thames Basin Heaths Special Protection Area that would arise through recreational pressure. The proposal would comply therefore with policy NRM6 of the adopted South East Plan – Regional Spatial Strategy.

## **12. APPENDICES TO THIS REPORT**

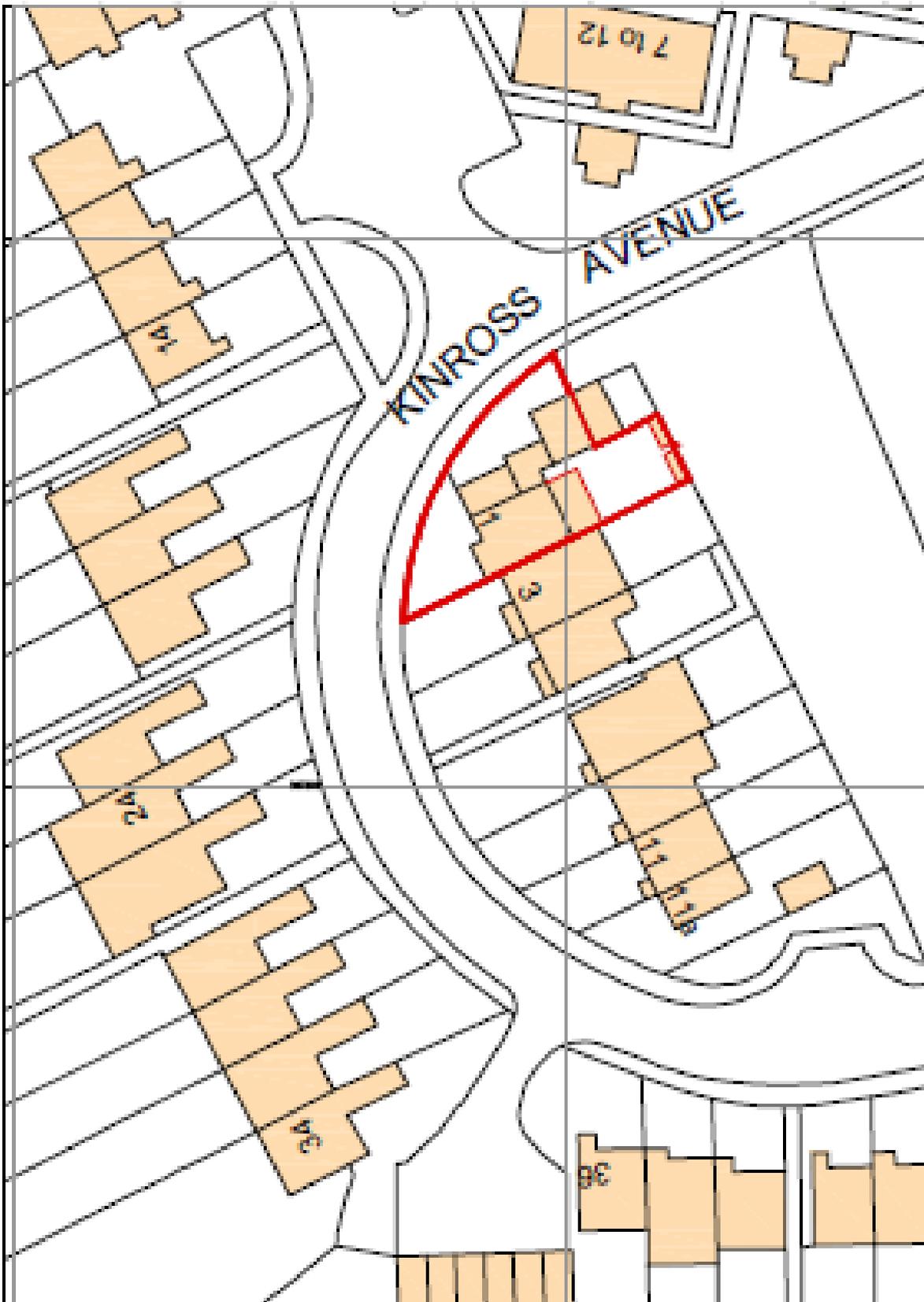
- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Appeal decision 17/03331

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall not be occupied until vehicle parking space has been provided in accordance with the approved plans. The areas 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.
- 3 All new hard surfaces proposed as part of this development shall be made of porous materials and retained thereafter, or provision shall be made and retained thereafter to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property.  
Reason: To reduce surface water run-off to minimise the risk of flooding.
- 4 No development above slab level shall take place until details 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 interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 5 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.

Appendix A—Site location and site layout

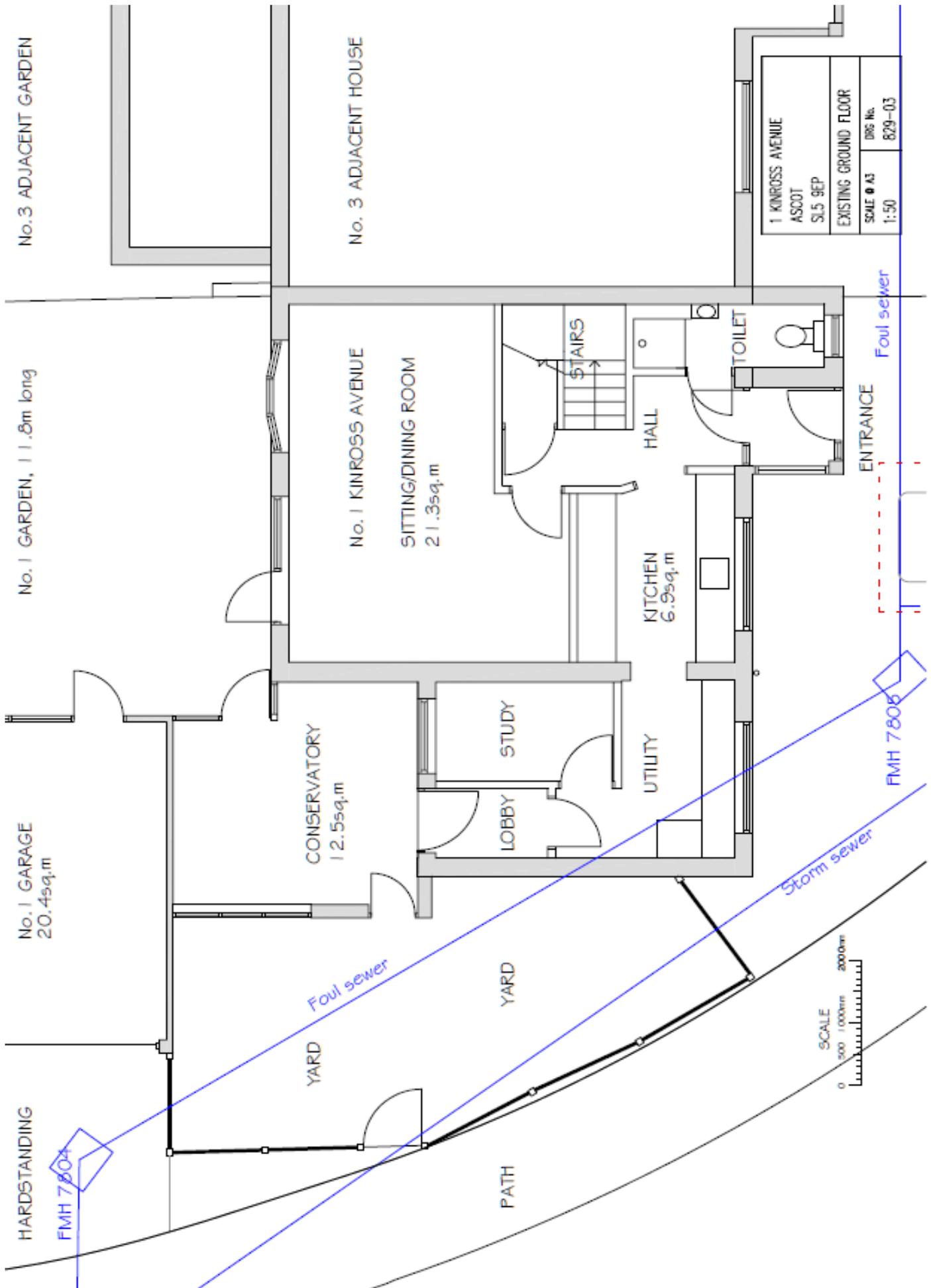


Existing and proposed block plan

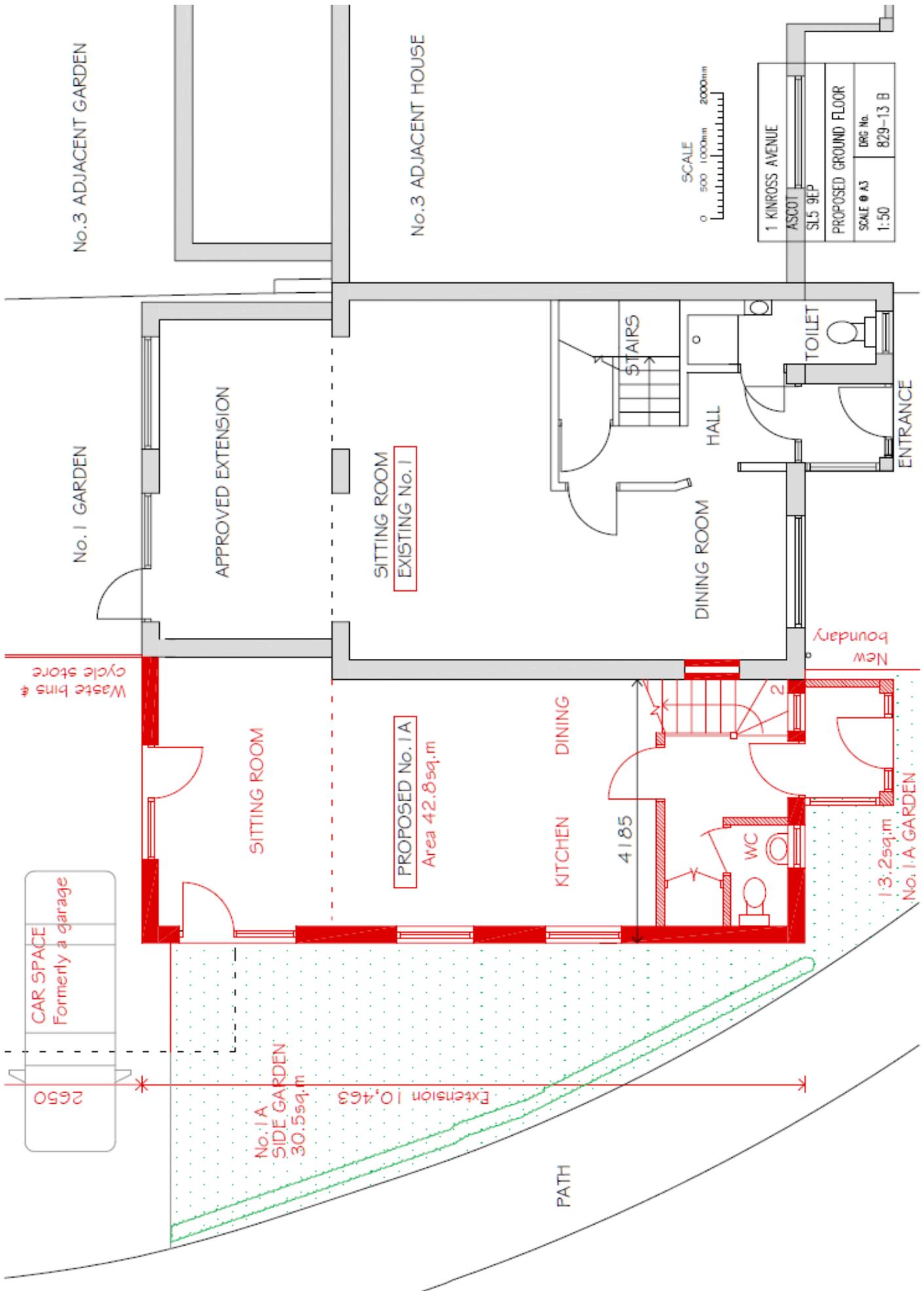


**Appendix B—Plan and elevation drawings**

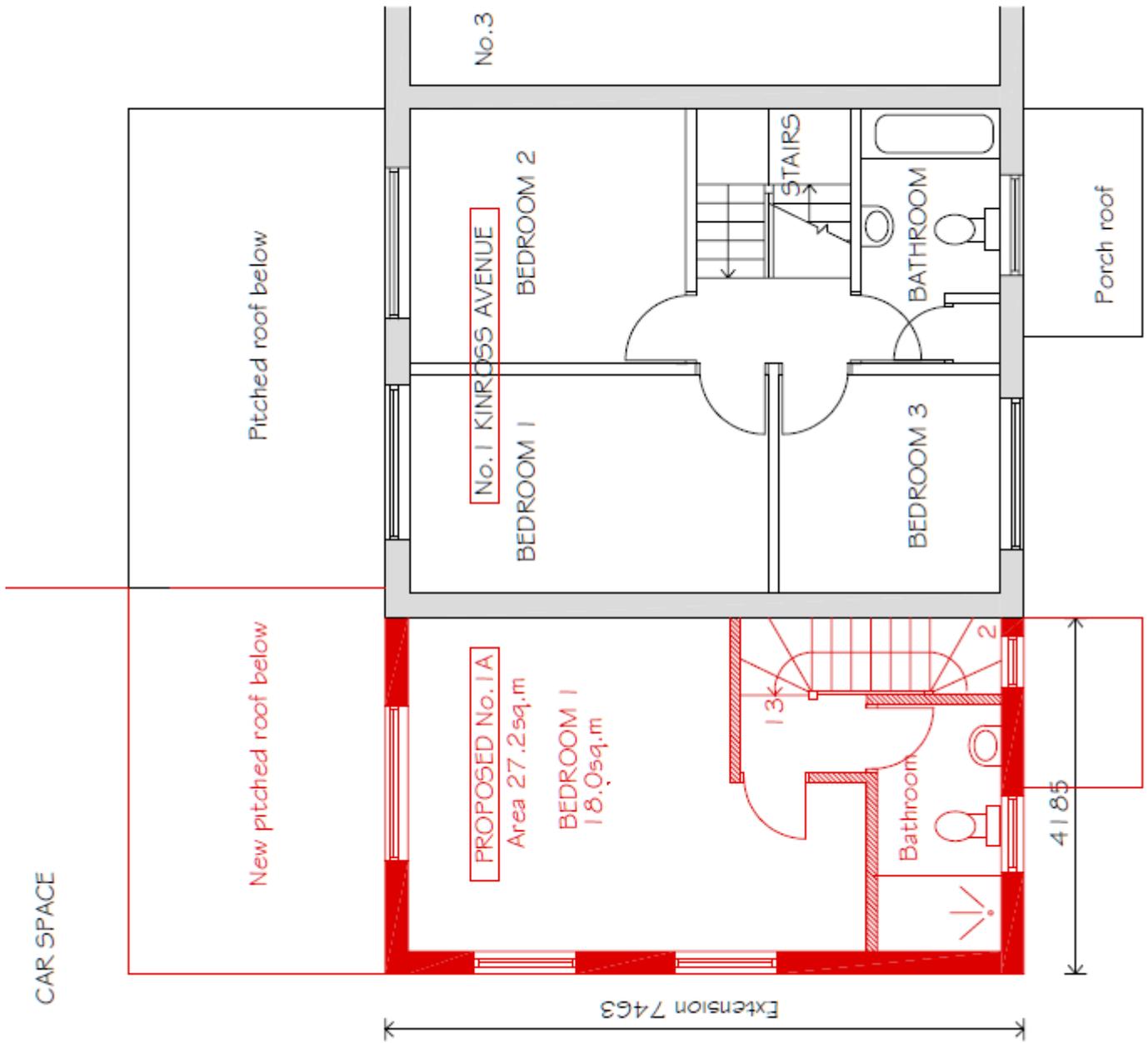
Existing ground floor plan



Proposed ground floor plan



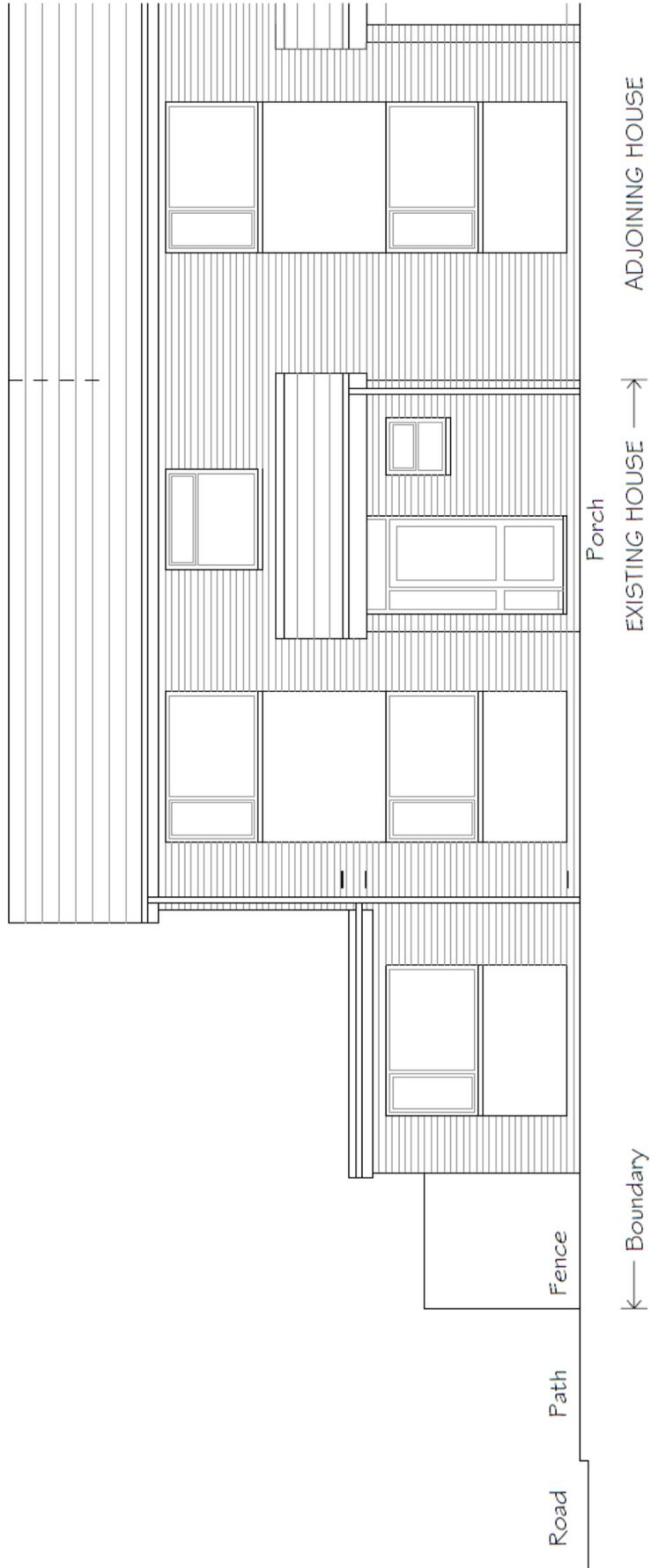
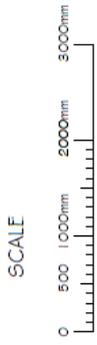
Proposed first floor plan



Proposed roof plan



Existing front elevation



1 KINROSS AVENUE ASCOT SL5 9EP	
EXISTING FRONT ELEVATION	
SCALE @ A3 1:50	DRG No. 829-06 A

EXISTING FRONT ELEVATION

- Yellow brickwork
- White rendered panels
- White PVC windows
- Red roof tiles
- Grey felt flat roof
- White PVC eavesboard

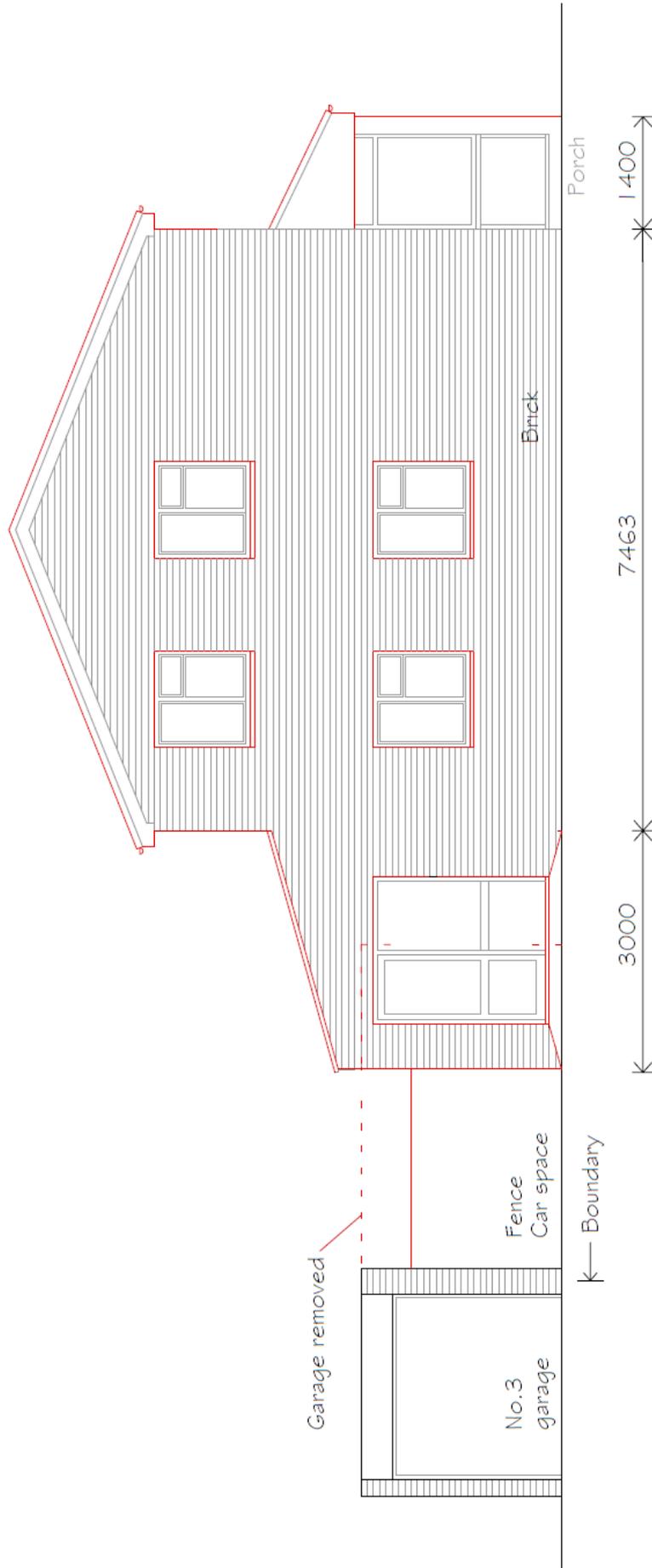
Proposed front elevation



PROPOSED FRONT ELEVATION WEST

1 KINROSS AVENUE ASCOT SL5 9EP	
PROPOSED FRONT ELEVATION	
SCALE @ A3	DRG No.
1:50	829-16

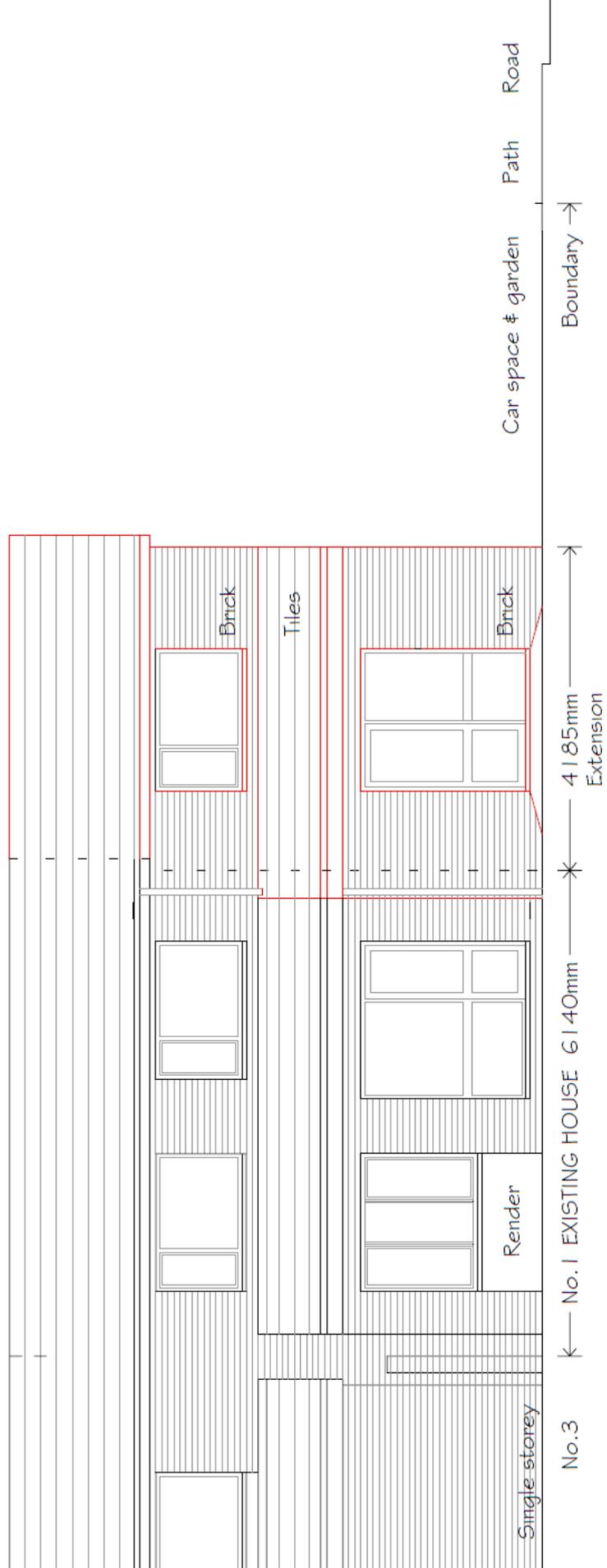
Proposed side (north) elevation



PROPOSED SIDE ELEVATION NORTH

1 KINROSS AVENUE	
ASCOT	
SL5 9EP	
PROPOSED SIDE ELEVATION NORTH	
SCALE @ A3	DRC No.
1:50	829-17 A

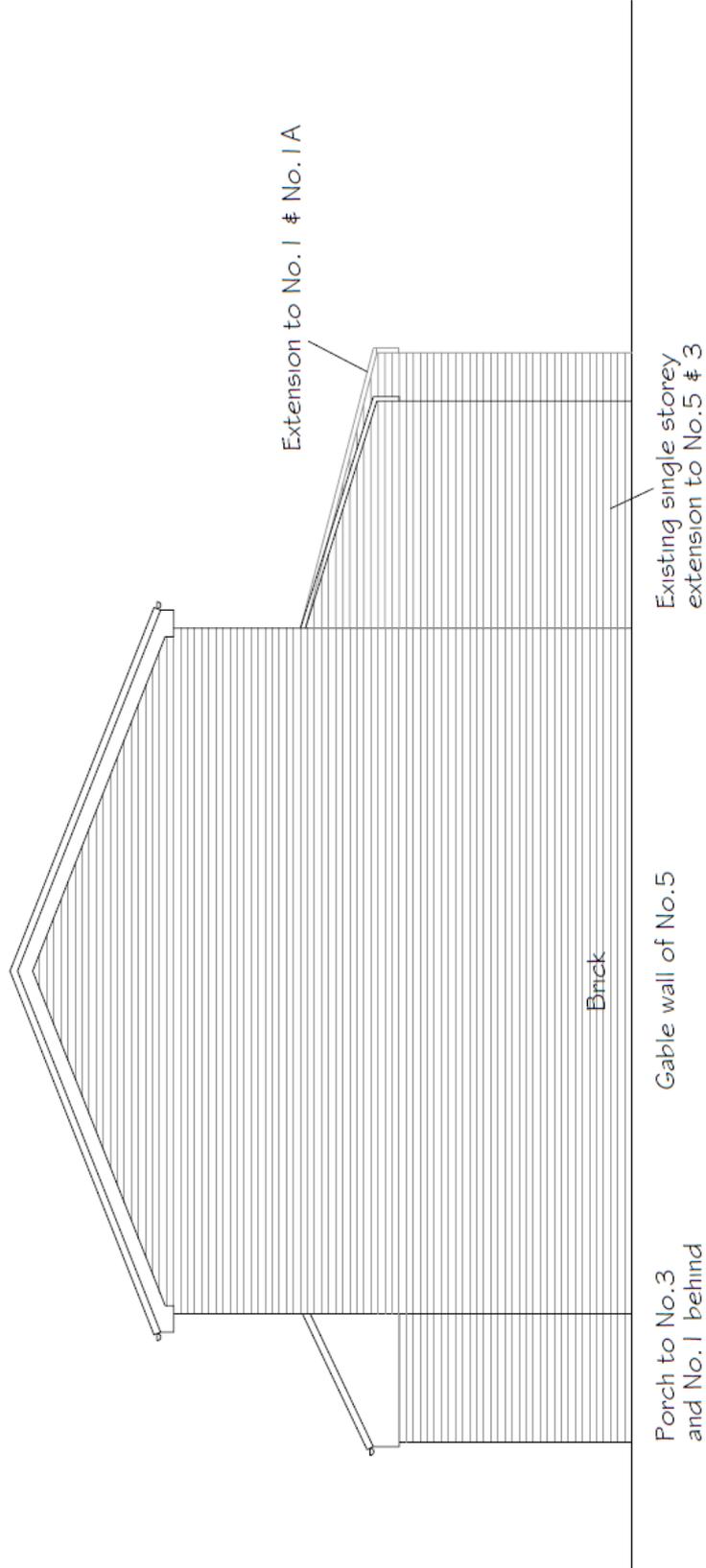
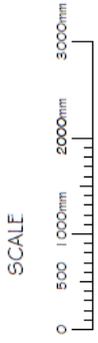
Proposed rear elevation



PROPOSED REAR ELEVATION EAST

1 KINROSS AVENUE ASCOT SL5 9EP	
PROPOSED REAR ELEVATION	
SCALE @ A3 1:50	DRG No. 829-18

Proposed side (south) elevation



**PROPOSED SIDE ELEVATION SOUTH**

Viewed from No.5. Our extension only just visible

1 KINROSS AVENUE	
ASCOT	
SL5 9EP	
SIDE ELEVATION SOUTH	
SCALE # A3	DWG No.
1:50	829-19 A



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## Appeal Decision

Site visit made on 17 September 2018

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> September 2018.

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**Appeal Ref: APP/T0355/W/18/3196428**

**1 Kinross Avenue, Ascot SL5 9EP.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ashton Hawthorne (Developing Concepts Ltd) against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 17/03331, dated 25 October 2017, was refused by notice dated 29 December 2017.
  - The development proposed is the construction of x 1 dwelling following demolition of the existing single storey extension, conservatory and part demolition of the existing garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of x 1 dwelling following demolition of the existing single storey extension, conservatory and part demolition of the existing garage at 1 Kinross Avenue, Ascot SL5 9EP in accordance with the terms of the application, Ref 17/03331, dated 25 October 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 723-0, 723-01, 723-12A, 723-01B, 723-13, 723-14, 723-15, 723-16, 723-17, 723-18 and 723-19.
  - 3) The development shall not be occupied until vehicle parking space has been provided in accordance with the approved plans. The areas approved shall be retained for parking in association with the development.
  - 4) All new hard surfaces proposed as part of this development shall be made of porous materials and retained thereafter, or provision shall be made and retained thereafter to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property.
  - 5) No development above slab level shall take place until details 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.

### **Preliminary Matters**

2. I have taken the description of development from the Council's Decision Notice as this is more succinct than the version provided on the Application Form.
3. Amended plans showing the removal of a portion of the back garden have been submitted with the appeal<sup>1</sup>. According to the appellant, the effect of these plans is to make the boundary between No 1 and the proposed dwelling more coherent. Having regard to the Wheatcroft principles<sup>2</sup>, I do not consider that the amendments materially affect the substance of the proposal. Although the appeal process should not be used to evolve a scheme, local residents as well as the Council have had the opportunity to submit comments on the amended plans at the appeal stage. In these circumstances, I am satisfied that no injustice would be caused if I were to consider the revised plans.

### **Main Issue**

4. This is the effect of the development on the character and appearance of the area.

### **Reasons**

5. The appeal property is a 2-storey, end-terrace residence that forms part of a wider post-war, planned estate development. Despite its spacious, open-fronted character, the area is not particularly sensitive in architectural or streetscape terms and is not subject to any special designation. It is therefore a location where small-scale alterations/additions to existing dwellings ought to be acceptable in principle. To underscore this there is already a single storey side extension to No 1 and a new dwelling at the other end of the terrace at No 11a.
6. The appeal scheme seeks permission for the construction of a small, 1-bedroom dwelling following the removal of the existing extension, conservatory and part of the garage. The dwelling would be set-back slightly from the existing facade of No 1. The Council point out that the Townscape Character Assessment recommends, amongst other things, that new development should reflect its surroundings in terms of the pattern of frontages, roofscape, architectural styles and materials.
7. Whilst I accept that the surrounding estate retains a broadly uniform character, its distinctiveness has been compromised by previous additions. The existing single storey extension is unsightly and its anomalous squat proportions have an unbalancing effect on the terrace. Its removal and replacement with a 2-storey structure of similar scale, detailing and materials to neighbouring properties would be more harmonious and have a positive effect on the terrace and wider area.
8. I have carefully considered the representations of local residents. Whilst I accept that there would be some reduction in the spaciousness to the side/front of No 1, this would be marginal. The footprint and hence proximity of the dwelling at its nearest point to the footway would not be dissimilar to the existing single-storey extension. The majority of the building would be set-back with only the north-west corner encroaching close to the western site

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<sup>1</sup> Drawing Nos: 723-01B & 723-12A.

<sup>2</sup> Bernard Wheatcroft Ltd v SSE (JPL 1982).

boundary. Whilst the additional storey would represent a change to the street-scene, I am not persuaded that this would cause unacceptable harm given the site's unremarkable context set out above. Moreover, any loss of openness to the front of the plot would be offset by the removal of the timber fence to the northern site boundary.

9. The appellant's analysis suggests that the plot ratio of the development would be within the range of that of other nearby properties. Although only one measure, neither the Council nor local residents have adduced any cogent evidence of their own to corroborate the view that the dwelling would be cramped or the plot overdeveloped. Whilst I acknowledge the amount of outdoor amenity space would be limited, it would be commensurate with a 1-bedroom property which in most likelihood would be occupied by a single person or couple. In any event, the Council has not directed me to any local standards that would be breached in this regard and there is public open space approximately 100m away.
10. Based on all of the foregoing, I have some difficulty in understanding how the Council came to the view it did regarding the development. Accordingly, I conclude the development would not harm the character and appearance of the area. There would thus be no conflict with Policies DG1, H10 and H11 of "*The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003)*", Policies NP/DG1, NP/DG2 and NP/DG3.2 of the "*Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011*" or section 12 of the "*National Planning Policy Framework*". Collectively these state that schemes in residential areas should not cause damage to the character of the area in terms of their scale and density.

### **Other Matters**

11. Local residents have expressed a wide range of concerns including but not limited to the following; inadequate sewerage, highway safety and the effect on local services. However, whilst I can understand the concerns of local residents, these issues did not form part of the Council's case and there is no compelling evidence before me which would lead me to a different conclusion.

### **Conditions**

12. In terms of the conditions, those suggested by the Council covering time limits and specifying the approved plans are necessary in the interests of proper planning. A parking condition is necessary to ensure parking is not displaced onto the public highway. A materials condition is necessary to ensure the satisfactory appearance of the development. Finally, a drainage condition is necessary in the interests of flood prevention.

### **Conclusion**

13. For the reasons given above and taking into account all other matters raised, I conclude the appeal should succeed.

*D. M. Young*

Inspector