

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 January 2010

Item: 4

Application No:	09/02660/FULL
Location:	Wharf House Marlow Bridge Lane Marlow SL7 1RH
Proposal:	Construction of a replacement house.
Applicant:	Mr And Mrs Jackson
Agent:	Not Applicable
Parish/Ward:	Bisham Parish

If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk
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1. SUMMARY

- 1.1 The application seeks planning permission for a replacement house, located within the Green Belt, in Bisham Conservation Area and in an area with a high probability of flooding. The proposed house has a contemporary appearance and is 12.8 metres wide by 16.9 metres deep, with a flat roof at a height of 7.4 metres. The proposal is materially larger than the existing dwelling it is replacing and is therefore contrary to adopted and saved Local Plan Policy GB3. Although the proposed house has sustainable credentials these are not sufficiently exceptional to override Green Belt Policy. The house will also have a detrimental effect on the amenities of the neighbouring property.
- 1.2 The application is identical to application 09/01748, which was granted planning permission by Councillors on 14th October 2009, subject to planning conditions. The conditions included two relating to sustainability and one relating to flooding. The applicant considers that these conditions make the approved scheme impossible to build and therefore wishes this application to be considered on its own merits.

It is recommended the Panel defer and delegate to refuse planning permission, (subject to additional representations being received that raise new material considerations as the neighbour notification consultation date will not have expired by 6th January 2010), for the following summarised reasons (the full reasons are identified in Section 9 of this report):
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| 1. | The proposal, by reason of its siting, design, scale and massing will overshadow Bridge End Cottage and will have an overbearing and dominant appearance when viewed from it. The proposal will therefore harm the living conditions of the neighbours. |
| 2. | The proposal will result in a materially larger dwelling on site than the existing house, which as a result, will have a greater impact on the openness of the Green Belt and detract from the purposes of including the site within it. |

2. REASON FOR PANEL DETERMINATION

- The Head of Planning & Development considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on the south side of Marlow Bridge Road within a residential area, close to the River Thames. The site is L-shaped and is occupied by Wharf House, which is a two-storey dwelling with an attached single garage.

- 3.2** The site is open at the front. The existing house sits above the road level and is approximately 23 metres back from its edge. The house is 11.6 metres wide, 9 metres deep and has a pitched roof that reaches 9 metres, (the eaves height is 5.5 metres). Attached to the front is a single flat roofed garage.
- 3.3** The existing house is positioned 6.8 metres to the rear of its neighbour to the north-east, Bridge End Cottage, and 1.4 metres from its side boundary. Bridge End Cottage is approximately 1 metre below the application site, with its rear garden set even lower. After Bridge End Cottage, the nearest residential property is approximately 30 metres away.
- 3.4** The application site is 70 metres south of the River Thames and is within an area liable to flood. It is also within the Bisham Conservation Area and within the Green Belt.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

6852/66	Detached bungalow and garage.	Refused 30.03.66 Appeal dismissed.
7480/67	Detached house and garage.	Approved 30.08.67
09/01074	Conservation Area Consent to demolish the existing house.	Approved 27.07.09.
09/01073	Replacement house.	Withdrawn 6.08.09.
09/01748	Replacement house.	Approved 20.10.09.

- 4.1** The proposed replacement dwelling is a 4 bedroom, two-storey house with a contemporary appearance. The front and rear elevations are predominantly glazed with the rest of the building being largely white rendered. The house is 12.8 metres wide by 16.9 metres deep and has a flat roof at a height of 7.4 metres. A raised entrance deck is proposed to the front, together with a raised wooden deck on stilts to the rear. Two rear balconies are proposed at first floor. Parking space is provided to the front of the house.
- 4.2** This application is identical to application 09/01748, which was approved on 20th October 2009, subject to a number of planning conditions. Included in those conditions were two in relation to ensuring the house achieved a code level 6 under the Code for Sustainable Homes, and one in relation to flooding, requiring the dwelling to be constructed with under-floor voids. The applicant considers that these conditions make the approved scheme impossible to build and therefore wishes this application to be considered on its own merits.

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:

	Green Belt	High risk of flooding	Conservation Area
	✓	✓	✓
Local Plan	GB1, GB2, GB3	F1	CA2

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.3
- RBWM Strategic Flood Risk Assessment – view using link at paragraph 5.3
- Bisham Conservation Area appraisal – view at http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the replacement dwelling in the Green Belt.
- ii The impact of the proposal on the Conservation Area and the street scene.
- iii The impact of the proposal on the floodplain.
- iv The impact of the new house on the amenities of neighbouring properties.
- v Whether there is sufficient on site parking provision.

The impact of the replacement dwelling in the Green Belt

6.2 Policy GB3 of the Local Plan allows for one-for-one replacement dwellings provided they are not materially larger or result in a material alteration to the scale of development on site. Supporting text to the Policy, set out in paragraph 2.1.25, explains that whether a proposal is acceptable in relation to the definition of “not being materially larger” will differ according to the dwelling concerned, its setting and the effect upon the openness of the Green Belt. Floorspace will be a guiding factor in determining whether a proposal is materially larger. However, the main determinant will be an assessment of the relevant criteria in the relevant policies, including matters such as the scale and bulk of the proposals and other matters set out in Policy GB2.

6.3 The proposed dwelling is nearly 8 metres deeper than the existing house and nearly two metres higher (when compared to the existing eaves height). The floorspace will increase by 44% over and above the existing. The proposal will materially alter the scale of development on site and the combined effect of the substantial increases in depth and height, will result in the overall bulk of the proposed dwelling being materially larger than the existing house.

6.4 The application site is within a small group of dwellings, bounded to the north, east and west by the River Thames and by open fields to the south. The site is therefore set within a predominantly rural and open area, hence its inclusion in the Green Belt. The scale of the proposal will result in the over-development of a comparatively small residential site, and will affect the built up appearance of the overall residential area in which it is located. For this reason, the proposed dwelling will have a greater impact on the openness of the Green Belt and the purposes of including the site in it than the existing development on the site.

- 6.5 For the reasons set out above, the proposal is contrary to Policies GB1 GB2 and GB3 of the Local Plan.

The impact of the proposal on the Conservation Area and the street scene

- 6.6 The application site is located within the Bisham Village Conservation Area. Within such areas development is required to either preserve or enhance the character or appearance of the area. The Conservation Officer has advised that the existing house itself does not make any significant positive contribution to the area in terms of architectural style, and its replacement with a high quality modernist style house would create a landmark that is unashamedly of its time. As such, whilst the proposal does not preserve the character or appearance, it would make a positive enhancement to the Conservation Area.
- 6.7 Marlow Bridge Lane is comprised of individually designed properties. The proposed dwelling is to be positioned 14 metres back from the edge of the road, behind the neighbouring property, Bridge End Cottage. There is tree screening at the front along the neighbouring boundary to the south-west. Although the replacement dwelling will be more imposing than the existing house, due to its forward projection and design, its set back from the road and screening from the sides, together with the varied character of residential development in the area, means that it will not harm the character of the area or the street scene.

The impact of the proposal on the floodplain

- 6.8 The application site is located within a Zone 3a area with a high probability of fluvial flooding. The Environment Agency has advised that the proposed development is only acceptable if measures detailed in the Flood Risk Assessment, submitted with the application, are secured by way of planning conditions, specifically that the finished floor levels are set no lower than 29.058m above Ordnance Datum and that the rear patio is removed to offset the increase in footprint of the dwelling.
- 6.9 The previously approved application was subject to a condition (No.6) that the dwelling should be constructed with under-floor voids. Further to discussions with the applicant it is no longer considered necessary to impose this condition.

The impact of the new house on the amenities of neighbouring properties

- 6.10 Wharf House, including its attached garage, is set behind, close to and above Bridge End Cottage. The current relationship between the two properties is therefore not ideal. However, the single storey garage to the front of Wharf House means that at present the immediate private amenity space to Bridge End Cottage is afforded some degree of openness.
- 6.11 The proposed replacement dwelling is to be sited 1.3 metres from the side boundary with Bridge End Cottage and at a higher level, similar to the current situation. However, the house will extend 15 metres at a height of 6.7 metres (plus the difference in site levels) from the rear wall of Bridge End Cottage, effectively closing the gap above the existing garage and losing the limited openness that Bridge End Cottage currently enjoys. Furthermore, the building is proposed to be white rendered and the only existing landscaping provided, which may soften the appearance of the development, is provided on the neighbour's land beyond the control of the planning authority. As a result, the proposal, by reason of its siting, design, scale and massing will overshadow Bridge End Cottage and will have an overbearing and dominant appearance when viewed from it. The proposal will therefore harm the living conditions of the neighbours. For this reason the proposal is contrary to Policy GB2 of the Local Plan and does not meet the objectives of Planning Policy Statements 1 and 3, which seek to achieve good design that contributes positively to making places better for people.

- 6.12** Due to the distances between The Garden House, located to the south-west, and the proposed house, together with consideration of the existing relationship with regard to windows and level the boundary screening, the proposal will not harm the living conditions of the neighbours at The Garden House.

Whether there is sufficient on site parking provision

- 6.13** There is sufficient space to the front of the site to provide three parking spaces to meet the Council's parking requirements.

Other Material Considerations

- 6.14** Application 09/01748 was considered by the Panel on the 14th October 2009 and was granted on the grounds that the applicant had demonstrated that very special circumstances existed to justify the development. The very special circumstances were that the proposed house would be highly sustainable and carbon positive and would enhance the Conservation Area in which it is located.
- 6.15** The Design and Access Statement submitted with application 09/01748 specifically stated that the proposed dwelling would be carbon positive. Councillors will also recall that the applicant, in his letter to them dated 10th October 2009 and in his presentation on the 14th October, advised that the proposed house would be "highly sustainable" and "will be one of the first in the country to be carbon positive". The Panel granted planning permission and delegated to the Head of Planning and Development the specific conditions, including those relating to a very high level of sustainability, to be attached to the permission.
- 6.16** Conditions 2 and 3 of 09/01748 required the development to achieve level 6 of the Code for Sustainable Homes. Code level 6 is a zero carbon home and an illustrated example of how a home might meet this level, taken from The Code for Sustainable Homes, December 2006, is attached to the Appendix C. With regard to the appropriateness of the conditions, Circular 11/95 sets out the six tests required for conditions; that they should only be imposed if they are necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. Given the basis on which permission was granted, it was necessary, relevant and reasonable to attach conditions 2 and 3. The conditions are sufficiently worded to be precise and enforceable.
- 6.17** The applicant states that the conditions imposed make the development impossible to build. It is acknowledged that Level 6 is the highest level and therefore arguably more difficult to achieve, but it is not impossible and is consistent with a highly sustainable dwelling, which would be one of the first in the country to be carbon positive. The site's location within a Conservation Area does not automatically mean that a Code Level 6 home can not be achieved.
- 6.18** The sustainability and energy efficiency specifics of the dwelling are set out in the submitted Design and Access Statement, December 2009. The dwelling is to be constructed of timber, is estimated to be 76 tonnes carbon positive in its construction and more energy efficient than the existing house. The proposal includes solar panels on the roof and lights will be predominantly fitted with low energy bulbs. Energy and water efficient appliances are proposed to be used. A cycle store will be made available.
- 6.19** Whilst a house incorporating these sustainable measures is welcomed, high standards of design, including energy efficiency and sustainability, are expected of all new housing. The 'green' credentials of the proposed dwelling are not considered especially exceptional to justify the impact the development would have on the Green Belt and the neighbour's amenities.

6.20 Should the Panel be minded to approve the development, Councillors are reminded that the Council has already accepted under application 09/01798 that the proposed development is inappropriate in the Green Belt and was granted on the basis, in part, that the development would be of the highest sustainability specification. In order to avoid setting a precedent for other inappropriate developments in the Green Belt, which may seek to use sustainability as a justification, it is recommended that conditions be attached to any permission to meet specific sustainable criteria. The most appropriate way of achieving this is to link it to the Code for Sustainable Homes, as this sets out clearly defined criteria and involves independent assessment and verification of whether those measures have been achieved. In terms of other conditions, the Panel may wish to impose similar conditions to those on the previous permission, which is attached in Appendix D for information.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

No letters of representation have been received.

Statutory consultees

No responses received.

Other consultees and organisations

An update will be provided by a Building Control Consultant, who is a Code for Sustainable Homes assessor, advising the Panel of the sustainability credentials of the proposed house.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed elevations
- Appendix C – Code for Sustainable Homes, Level 6 an illustrated example.
- Appendix D – Copy of Decision Notice 09/01748

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed replacement dwelling is materially larger than the existing dwelling on site and would therefore have a greater impact on the openness of the Green Belt and the purposes of including the land in it. Accordingly, the proposal is contrary to saved Policies GB2 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and represents inappropriate development contrary to saved Policy GB1 of the Local Plan. Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that very special circumstances exist that clearly outweigh the harm caused by inappropriateness and the harm identified in subsequent reasons for refusal.
- 2 The proposed dwelling, by reason of its siting, design, scale and massing, will overshadow the neighbouring property and will have an overbearing and dominant appearance when viewed from it. The proposal will therefore be detrimental to the living conditions of the neighbours and, as such, is contrary to saved Policy GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Planning Policy Statements 1 (Delivering

Sustainable Development) and 3 (Housing) which seek to achieve, amongst other objectives, good design that contributes positively to making places better for people.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>