

MAIDENHEAD DEVELOPMENT CONTROL PANEL

3 February 2010

Item: 5

Application No.:	09/02702/FULL
Location:	7 The Fieldings Holyport Maidenhead SL6 2NL
Proposal:	Erection of a side covered way/canopy (Retrospective).
Applicant:	Mr Rothwell
Agent:	MP Building Plans Ltd
Parish/Ward:	Bray Parish

If you have a question about this report, please contact: Michael Byrne on 01628 796547 or at michael.byrne@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks retrospective permission for the retention of a lean-to structure which extends to the boundary with no.6. The proposal requires planning permission because permitted development rights were removed from the properties when they were granted planning permission in 1993. The property lies within the Green Belt and the proposal would represent a cumulative increase of some 40%. The increase in floorspace is not considered to be disproportionate to the original house. The lean-to is mostly obscured but part of it can be seen from the road and no.6 above the existing fence and gate. The supporting structure has been constructed in new wood which highlights its appearance. It is considered that should the structure be conditioned to be stained a darker colour then it would blend suitably with the surrounding boundary treatment and become less conspicuous.

It is recommended the Panel grants planning permission with the conditions listed in section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Leo Walters who considers that the application should be called to Panel as it is in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 No.7 is a two storey detached character dwelling located at the entrance to the cul-de-sac, known as The Fieldings, adjacent to Moneyrow Green. The development at The Fieldings was granted planning permission in 1993 under application reference 426755 and condition 3 of the permission removed permitted development rights from the property. The boundary between no.7 and no.6 consists of a 1.8metre high close boarded fence and at the side entrance to no.7 is a solid wooden gate of similar height.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

426755	12 Detached houses and garages.	Approved 1993
01/36717	Two storey side extension	Refused 2001
02/38364	Two storey side extension	Approved 2002

- 4.1 The proposal is for the retention of a lean-to structure at the side of the house which extends to the boundary with no.6. Much of the structure is obscured by the existing boundary fence though the top part and the plastic roof are visible, mainly from the neighbouring property at no.6. The supporting structure to the lean-to has been constructed in new timber which is a natural pale colour. This light colour contrasts with the existing timber boundary treatment and gives it an incongruous appearance which contrasts with the character style of the house.

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	Green Belt
	✓	✓
Local Plan	DG1, H14	GB1, GB2, GB4

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

i the impact on the Green Belt: and

ii the impact on the neighbouring properties and the street scene.

Impact on the Green Belt

6.2 The reason given in the decision for the removal of the permitted development rights was that the “..nature and density of the layout require strict controls over the form of any additional development which may be proposed on this Green Belt site”. The floorspace of the original dwelling was some 194 sq. metres and the two previous additions, the conservatory and the two storey side extension, added some 70sq. metres of floorspace to it. The current proposal would have a floorspace of some 9sq. metres which would represent a cumulative increase of some 78.50sq metres to the floorspace, an increase of some 40%. This is considered not to be disproportionate and is acceptable. In terms of the bulk that would be added to the house the proposal would represent a low structure on the side of the dwelling between no.6 and no.7. It would be largely obscured by the existing dwellings themselves, the boundary treatment and the existing bushes. The open nature of the structure, particularly if it were to be conditioned to be stained a darker colour and in view of the low increase in floorspace and height results in negligible impact on the openness of the Green Belt and is considered to comply with Policies GB1, GB2 and GB4.

Impact on the neighbouring properties and street scene

6.3 The proposal is set back from the front elevation and is visible from the front and side of the neighbouring property of no.6. From the rear garden of no.6 the structure is effectively obscured by bushes. Views from private areas cannot be protected by the planning system. It is only when a development is unacceptably visually intrusive or overdominant that an objection can be raised. It is considered that if any planning permission included a condition requiring the structure to be stained a darker colour, the same as the fence, the impact on the neighbouring property would not be significant. The impact on the street scene, due to its set back and location is considered negligible. It is considered that even if the proposal were to be replicated on other properties there would be no significant detrimental harm done to the street scene.

6.4 The roof of the proposed structure would be above existing doors and windows on the side elevation of no.7. It would also be above an existing gas flue. These are not planning issues, but the comments of the Environmental Protection Department are awaited and will be reported in an update. The British Gas inspection form submitted by no.6 does indicate with regard to the appliance that “*It is currently operating safely and does not present a safety hazard at this time*”. Other concerns raised by the neighbouring property in regard to drainage issues, the noise of the applicant’s dog and maintenance issues are not controlled under planning legislation. The issue of the proposal setting a precedent has been raised. Each case is determined on its individual merits and the granting of permission in the current application would not prevent the Council from exercising control over other similar structures on neighbouring properties if they saw fit to do so.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 15th January

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

Comment		Where in the report this is considered
1.	No consideration given to the venting of odours or the gas flue as set out in the Safety Advisory issued by British Gas.	6.4
2.	Not in keeping with the design, building materials and character of the properties or the area	6.3
3.	Drainage not clearly defined.	6.4
4.	Used for the owners dog.	6.4
5.	Prohibits maintenance of the side of no.7.	6.4
6	Set a precedent.	6.4

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment al Health	To be advised	

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The materials used on the external surfaces of the development shall be stained to match those of the existing fencing within one month of the date of this decision and shall not be altered unless first otherwise agreed 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 Policies - Local Plan DG1.