

**ITEM NO: 11**Application No.  
**17/00563/FUL**Ward:  
Winkfield And  
CranbourneDate Registered:  
19 June 2017Target Decision Date:  
14 August 2017

Site Address:

**Flat Above Paws Nursery Hayley Green Warfield  
Bracknell Berkshire**

Proposal:

**Erection of first floor conservatory.**

Applicant:

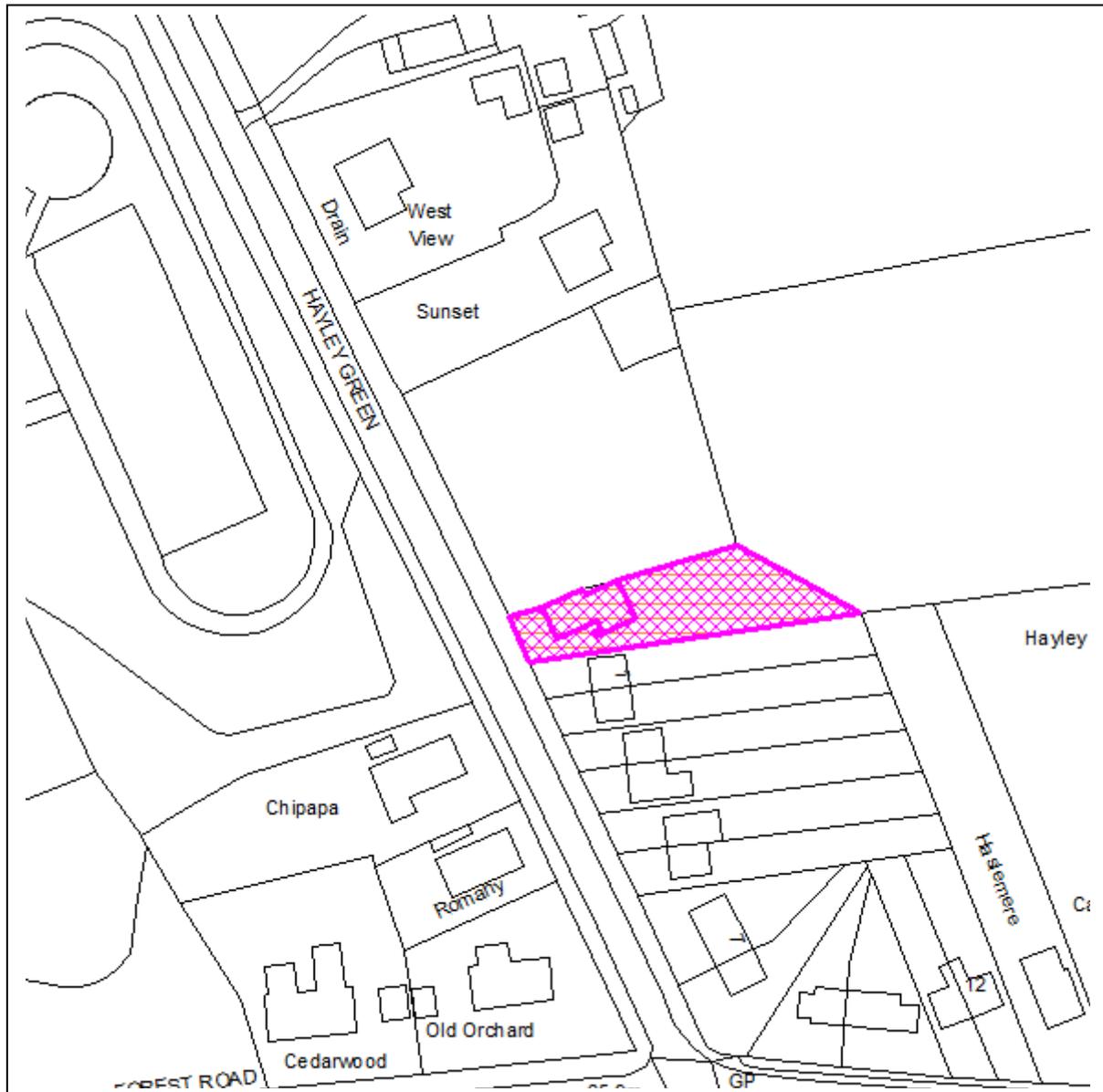
Augusta Fretwell

Agent:

(There is no agent for this application)

Case Officer:

Shannon Kimber, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)**Site Location Plan** (for identification purposes only, not to scale)

## **OFFICER REPORT**

### **1. SUMMARY**

- 1.1 The proposal is for the erection of a first floor rear extension, providing a conservatory.
- 1.2 There would be no significant effect on the streetscene or the character of the surrounding area as a result of this development. The proposal would be in keeping with the host dwelling, and would not result in a negative impact on the occupiers of the neighbouring properties.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to conditions in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

- 2.1 The application is to be considered by the Planning Committee as more than five objections have been received, in accordance with the Council's constitution.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within settlement boundary
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Northern Village Study Area Character Area Assessments
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- 3.1 The existing building is formed of a children's nursery on the ground floor and a residential flat on the upper storey. The building is detached and located to the east of the highway. There is parking available to the front of the property, although the proposal does not alter the Parking Standards requirements. It is located within the extended settlement boundary, although the surrounding area is rural in character, especially to the north and east.

### **4. RELEVANT SITE HISTORY**

- 4.1 The relevant planning history of the flat is summarised below:

- 613963

Single storey side and rear extension forming enlarged shop and WC with roof terrace over, for use by existing first floor flat. Also new shopfront.

Approved 1988

*[Officer note: The use of the flat roof section over the rear extension as a terrace was included in the description of proposed works. However, condition 4, attached to the above permission, prohibited the use of this flat roof as a balcony, terrace, garden space etc. A legal view point was sought on this disparity in 1993; the Council's Solicitor was of the opinion that condition 4 is void since it is totally at variance with the description of the development in the planning permission. In any event, the use of the terrace has occurred for more than 10 years, thereby making the beach of planning condition, if one has taken place, unenforceable.]*

- 621684

Change of use to nursery school

Approved 1996

### **5. THE PROPOSAL**

- 5.1 The proposed conservatory would have a maximum depth of 5.5 metres and a width of 5 metres. It would have a maximum height of 3.4 metres, with an eaves height of 2.1 metres,

both measured from the surface of the existing terrace. The proposed structure would have a maximum height of 5.8 metres when measured from the adjacent ground level.

## 6. REPRESENTATIONS RECEIVED

### Warfield Parish Council:

6.1 Warfield Parish Council commented on the application and raised no objection.

### Other Representations:

6.2 7 Objection comments were received from 6 households in Hayley Green. The points raised are summarised below:

- Overlooking (including perceived overlooking, loss of privacy/invasion privacy);
- Not visually appealing;
- No safety rail to patio area

*[Officer Note: The design of the proposal is considered in section 9(ii) of the following report, the impact on the residential amenities of the occupiers of the neighbouring properties is addressed in section 9(iii) of the following report. The safety rail, or lack of one, is not a planning matter (although it may be covered under building regulations).]*

## 7. SUMMARY OF CONSULTATION RESPONSES

7.1 No statutory or non-statutory consultations have been required.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 and CS2 of the CSDPD	Consistent
Design	CS7 of the CSDPD,	Consistent
Amenity and Design	'Saved' policy EN20 of the BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Character Area Assessments Supplementary Planning Document 2010		
Design Supplementary Planning Document 2017		
<b>Other publications</b>		
National Planning Policy Framework (NPPF)		
Bracknell Forest Borough Policies Map (2013)		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Residential Amenity
- iv. Community Infrastructure Levy

### **i. Principle of Development**

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), SC2 (Location Principles) and the NPPF subject to no adverse impacts upon character and

appearance of the host building and surrounding area, the residential amenities of neighbouring properties, etc. These matters are assessed below.

## **ii. Impact on Character and Appearance of Surrounding Area**

- 9.3 The application site is located just within Area B2 (Hayley Green) of the Northern Village Study Area Character Area Assessments SPD. This area is characterised by its linear development. Hayley Green has a clearly defined settlement boundary separating the development from the surrounding landscape; Flat 1 is located on the very edge of the settlement. There is a regular plot pattern however, due to the variation in dwelling types, this is not apparent. As the majority of the development would be to the rear of the site, the impact on the streetscene would be minimised. It is not considered that the proposed development would have a detrimental impact on the character area.
- 9.4 The proposed development would be partially visible from the highway, as there is no immediate neighbouring building to the north west. However, as most of the development would be to the rear of the existing building, the proposal would not be considered dominant in the streetscene.
- 9.5 There are examples of rear conservatories in the surrounding neighbourhood, as well as examples of two storey rear developments. However, it is acknowledged that this proposal would be the first conservatory at first floor level in the immediate area.
- 9.6 There would be a section of tiled roof between the proposed conservatory style roof and the existing roof. It has been confirmed in the submitted application form that the tiles to be used for this section would be similar in appearance to those used in the host building. Whilst the glazed roof over the proposed conservatory would not match in appearance the roof materials used in the host dwelling, this is acceptable for a conservatory. In addition, the section of full height wall and the dwarf wall would be constructed from facing brickwork also to be similar in appearance to those used in the existing dwelling. As such the proposed development would be considered in keeping with the host dwelling.
- 9.7 The Design SPD set out guidelines for acceptable schemes. The design of the proposed development includes a ridgeline which is lower than the ridgeline over the host building. The proposed extension would also not exceed the width of the existing building. As such the proposal would be considered subservient to the host building and in accordance with the Design SPD.
- 9.8 The proposed development would be at first floor and the pitch of the roof over the proposed extension would not match the pitch of the roof over the existing dwelling. This would be contrary to the guidelines set out in the Design SPD. However, there is an unusual roof design on the existing dwelling, with a part hipped and part gabled to the rear, this roof design is considered acceptable. In addition, the low pitch limits the bulk and impact of the development on the host dwelling, and is at a pitch that is commonly used for conservatories.
- 9.9 The proposal would therefore be in line with CSDPD Policy CS7, 'Saved' BFBLP Policy EN20, and the NPPF.

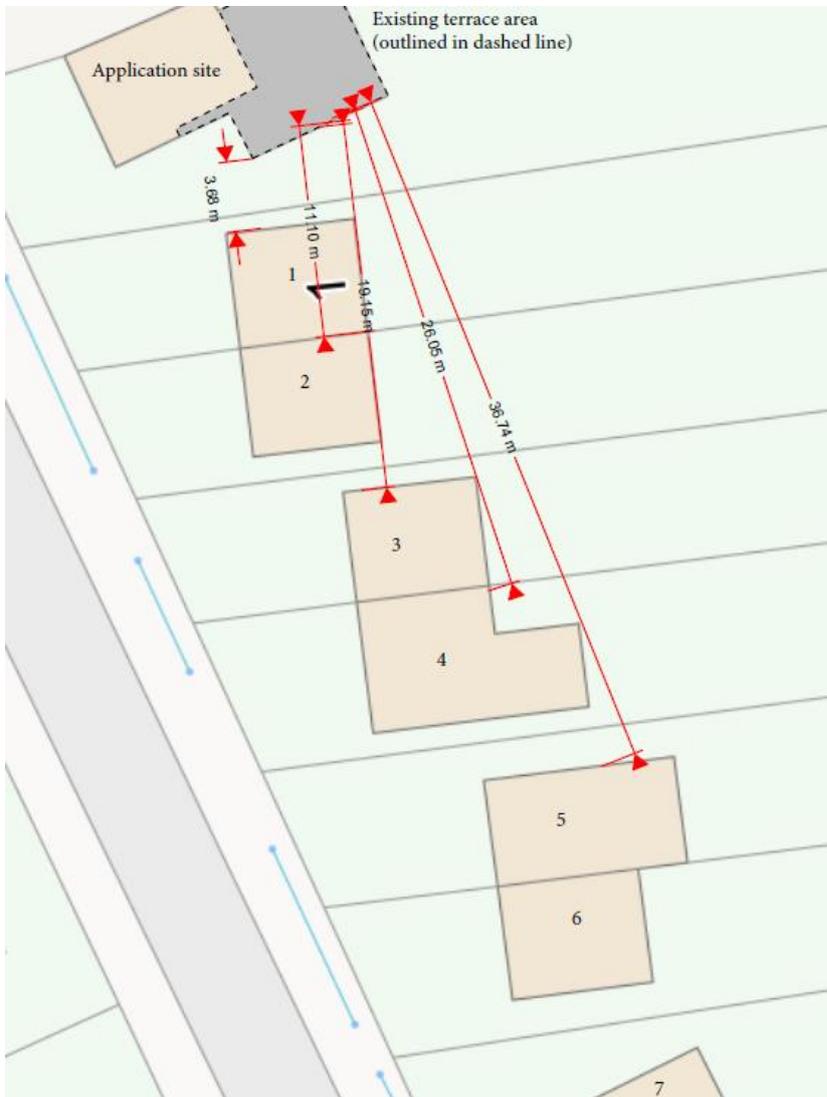
## **iii. Impact on Residential Amenity**

- 9.10 The use of the flat roof section of the existing rear extension as a terrace for the use of the occupier(s) of the flat above Paws Nursery is considered lawful.
- 9.11 One point that has been raised is that the proposed conservatory could result in a more frequent use of the terrace area than at present as it would be covered and would not

therefore be restricted by the weather. This could result in an increase in the levels of overlooking throughout the year. However, it has been confirmed by the applicant that the terrace is used presently for a multitude of activities on a daily basis all the year round, including but not limited to, as a means of entering/exiting the maisonette via the patio doors and hanging out laundry, also a patio heater is used to enable the use of the terrace in colder weather. In addition, due to the modest size of the maisonette/flat, the terrace is used as additional space and is regularly accessed for the recycling crates and the two sheds which currently are used for storing items from the maisonette.

9.12 The proposed development would not alter the existing levels of overlooking. It is acknowledged that there is the potential for the increase in frequency of overlooking; however the difference would not be considered so significant as to warrant a refusal.

9.13 Similarly, it would not be reasonable to restrict the proposed side facing windows and doors on the southern elevation to be obscure glazed or non-openable, as the impact of the proposed development over and above the existing situation is not considered significant.



9.14 The above plan has been annotated to demonstrate the relationship between the application site and the neighbouring properties to the south, 1 to 7 Hayley Green. The annotated separation distances are from the existing roof terrace to the closest point of the neighbouring

properties. This is the existing, lawful, situation and would not be altered by the proposed development.

9.15 The distances have not been shown for numbers 6 and 7 Hayley Green as the most private amenity areas directly to the rear of these properties are screened by the existing extensions to the rear of the neighbouring property, number 5. Therefore the proposed conservatory to the rear of the flat above Paws Nursery would not have a negative impact on the occupiers of these two dwellings.

9.16 Due to the orientation of the application site in relation to these properties to the south, there would be no direct views from the proposed conservatory into any habitable room of these properties resulting in an undue level of overlooking.

9.17 The proposed conservatory would be sited 5.7 metres from the southern boundary of the application site. Due to this separation distance the proposal would not be considered to result in an overbearing or overshadowing impact on the residential amenities of the occupiers of the residential dwellings to the south of the site.

9.18 There are no direct neighbours to the east or west of the application site.

9.19 The neighbouring property to the north of the application site, Sunset, is sited 53 metres from the proposed development, at the closest point. Due to this significant separation distance it is not considered that the proposal would have a negative impact on the residential amenities of this property.

9.20 As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policy EN20 of the BFBLP and the NPPF.

#### **iv. Community Infrastructure Levy (CIL)**

9.21 Following the introduction on the 6<sup>th</sup> April 2015 of the Community Infrastructure Levy (CIL), all applications for planning permission will be assessed as to whether they are liable. As this development is not for a net increase in dwellings, this application will not be liable for a charge.

### **10. CONCLUSIONS**

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor would the development result in a negative impact on the residential amenity of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policy EN20 of the BFBLP, Policies CS2 and CS7 of the CSDPD and the NPPF.

### **11. RECOMMENDATION**

11.1 The application is recommended to be **APPROVED** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:  
Site Location Plan, Received 19.06.2017

Existing and Proposed Floor Plans, Received 21.07.2017

Proposed Elevations, Received 21.07.2017

Proposed Elevations, Floor Plan, Roof Plan, 3D View and Details, Received 19.06.2017

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

3. The brickwork and roof tiles to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to those of the existing dwelling, or as stated in the submitted application form.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

#### 11.2 Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
  1. Time limit
  2. Approved plans
  3. Materials
3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

#### Doc. Ref:

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)