

Unrestricted Report

ITEM NO: 7

Application No.
14/00968/FUL
Site Address:

Ward:
Priestwood And Garth

Date Registered:
29 August 2014

Target Decision Date:
24 October 2014

**Cavaliers Downshire Way Bracknell Berkshire RG42
1XT**

Proposal:

Erection of a two storey side extension with a part flat roof and part pitched roof, including alterations to main roof ridge and alterations to existing doors and windows.

Applicant:

Mr Glen Follett-Smith

Agent:

(There is no agent for this application)

Case Officer:

Michael Ruddock, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is reported to the Committee as the request of Councillor Ms Brown due to concerns that the development would result in a detrimental effect on the amenities of the residents of the neighbouring property by reason of an unduly overbearing effect and a loss of privacy which would be greater than the existing situation.

2. SITE DESCRIPTION

Cavaliers is a detached dwelling with a vehicular access onto Downshire Way to the east. The site is unusual in that the dwelling is orientated away from the road and as a result the principal elevation faces towards the side elevation of the neighbouring property to the south at Tarnwell. Cavaliers is set further to the rear of the site than Tarnwell, meaning that the main windows in the principal elevation face towards the garden at the rear of Tarnwell. A driveway runs across the front of the dwelling in between the front elevation of Cavaliers and the side elevation and rear garden of Tarnwell.

3. RELEVANT SITE HISTORY

Application 213 - Application for extensions and renovations. Amended elevations - APPROVED 1948

4. THE PROPOSAL

The proposed development is to extend the site to the east towards Downshire Way with a two storey extension with alterations made to the roof. Although the extension would project further towards the front of the property, it would project to the side of the existing dwelling when facing the property towards the principal elevation. The extension would increase the width of the dwelling by 3.75m and would match its depth of 7.23m and height of 8.3m. Alterations would be made to the roof design, with the existing dual pitched roof being changed to part pitched and part flat roof. Alterations would also be made to the existing doors and windows on the existing elevations. The majority would remain in the same locations, although one south facing window would be set back in line with the main elevation.

The extension would provide an enlarged kitchen and dining room at ground floor level and an additional bedroom with en suite at first floor level. As a result of changes to the internal layout, the number of bedrooms would remain at four. A Juliet balcony would be provided to the new front facing side elevation, with a larger window at ground floor level.

The application as originally submitted included an extension that projected forward of the principal elevation towards the boundary with Tarnwell. It was considered that this element would have exacerbated the existing situation and would have resulted in a more unduly overbearing effect and increased loss of privacy than the existing situation, to the detriment of the living conditions of the residents of the neighbouring property. As such, this element has been removed from the proposal.

5. REPRESENTATIONS RECEIVED

Objection letters have been received from the neighbouring property at Tarnwell, both in respect of the application as originally submitted and as now currently proposed. The letters raise concerns that the development would result in a loss of light to a side facing kitchen/dining room window, and would increase overlooking and overshadowing to that property. The letter states that the position of Cavaliers would not be given planning permission today, and that it is not acceptable to extend this property with further windows facing towards Tarnwell.

The letter also raises concerns that the extension would encroach over the existing turning bay at the front of the property.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council provided a response on the application as originally submitted, and has no objection to the proposed development.

No internal consultations were required.

7. DEVELOPMENT PLAN

The Development Plan for this Borough includes the following:

Site Allocations Local Plan 2013 (SALP)
'Retained' Policies of the South East Plan 2009 (SEP)
Core Strategy Development Plan Document 2008 (CSDPD)
'Saved' Policies of the Bracknell Forest Borough Local Plan 2002 (BFBLP)
Bracknell Forest Borough Policies Map 2013

8. PRINCIPLE OF DEVELOPMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). This is also reflected in Policy CP1 of the SALP which sets out that a positive approach to considering development proposals should be taken which reflect in the presumption in favour of sustainable development as set out in the NPPF, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. Cavaliers is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Therefore, the principle of development on this site is acceptable. Due to its location and nature, the proposal is considered to be in accordance with SALP Policy CP1, Core Strategy Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF but details such as impacts upon residential amenities of neighbouring properties, character and appearance of the surrounding area and highway safety implications, remain to be assessed below.

9. IMPACT ON CHARACTER AND APPEARANCE OF AREA

CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area.

These policies are considered to be consistent with the objectives set out within the NPPF. In addition paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people to live, and therefore these policies can be afforded significant weight.

The extension would project further towards the front of the site than the existing dwelling and would therefore be visible in the streetscene. As existing Cavaliers is set approximately 3.8m further back from the highway than the neighbouring dwelling at Tarnwell, and as a result the extension would project no further towards the highway than this dwelling. It is therefore not considered that the development would appear overly prominent in the streetscene.

In respect of its design, the existing dual pitched roof would be replaced by a part pitched, part flat roof. Such a design would increase the bulk of the roof when viewing the dwelling from the front of the site, but not the height. Although there are no further examples of such designs in the immediate surrounding area, it is not considered that such a design would appear so incongruous that refusal of the application would be warranted. Furthermore, there are a variety of roof designs on the flats opposite the site on Boyd Court, and it is therefore not considered that such an extension would appear out of keeping with the streetscene.

It is therefore not considered that the development would result in an adverse impact on the character and appearance of the area, and the development would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

10. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 (vii) refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. In addition to this, part of the requirement for a development to provide a satisfactory design as stated in BFBLP 'Saved' Policy EN20 is for the development to be sympathetic to the visual amenity of neighbouring properties through its design implications. This is considered to be consistent with the core principle relating to design in paragraph 17 of the NPPF, which states that LPAs should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and consistent with the general design principles laid out in paragraphs 56 to 66 of the NPPF.

In respect of the neighbouring property to the south at Tarnwell, no part of the extension would project any further to the rear than the existing dwelling. The extension would therefore not be visible from the rear facing windows of that property. The extension would be visible from a side facing window at Tarnwell however this window serves a kitchen that is also served by a rear facing window which is the primary source of light to the room. A loss of light to the side facing window is therefore not considered to be unacceptable as this window is not the primary source of light to the room. The extension would not project forward of Tarnwell and would therefore not result in an unacceptable loss of light to the front facing windows at that property.

Regarding the issues raised by the residents of Tarnwell in respect of the extension, it is acknowledged that the existing situation is not ideal and that the dwelling at Cavaliers results in an unduly overbearing effect on the rear of the neighbouring property. Furthermore the windows on the principal elevation offer direct views into the rear garden of that property. The original submission included a two storey side element that was considered unacceptable as it would have exacerbated an already unacceptable situation by bringing the dwelling and windows closer to the boundary with Tarnwell. However this element has been removed from the proposal so that the only enlargement is to the side elevation of the dwelling, towards Downshire Way.

The extension as now proposed would be further away from the garden than the existing dwelling, and it is not considered that it would exacerbate the existing situation. The dwelling would not be brought any closer to the boundary with Tarnwell and the alterations to the roof will not result in any additional impact as the eaves height will be the same as the existing dormers. An existing element above the porch would be set back in line with the main elevation. It is therefore not considered that the proposed development would result in any additional overbearing impact on the rear of the neighbouring property.

As existing, three front facing windows at Cavaliers offer views into the garden at the neighbouring property of Tarnwell. Two of these windows would remain and the other would be set further back, and as none of the windows would be set any closer to the boundary with the neighbouring property it is not considered that the existing effect from these windows would be exacerbated. An additional side facing window would be included on the extension, and as this window would be located further away from the rear of Tarnwell than the existing windows it would not offer direct views into the rear of that property and would face towards the side elevation of the dwelling. However due to its location it may offer views into the existing side facing kitchen window at Tarnwell, and as such it is considered that the new window should be glazed with obscure glass and fixed shut. As the room it serves would also be served by a larger window facing towards Downshire Way, such a condition would not be contrary to Building Regulations. A further condition would be imposed to restrict any further windows in this elevation at first floor level or above, to ensure that the existing situation cannot be exacerbated in the future.

With regard to the neighbouring dwelling to the north at The Laurels, this dwelling has a similar front projection to Tarnwell and the extension would therefore not result in a loss of light to the front facing windows of that property. Furthermore there are no side facing windows that would be affected.

It is therefore not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties. It would therefore not be contrary to 'Saved' BFBLP Policy EN20 or the NPPF.

11. TRANSPORT IMPLICATIONS

CSDPD Policy CS23 states that the LPA will seek to increase the safety of travel. BFBLP 'Saved' Policy M9 seeks to ensure that new development has sufficient car parking. To supplement this policy the adopted Parking Standards SPD (2007) sets out the advised levels and size of parking spaces for residential dwellings (The SPD is a material consideration). The NPPF allows for LPAs to set their own parking standards for residential development and therefore the above policies are considered to be consistent with the NPPF, and can be afforded significant weight.

For a dwelling that has or exceeds four bedrooms (as is the case with Cavaliers), a minimum of three allocated parking spaces should be provided in accordance with the minimum measurements stated within the SPD.

Parking as existing is to the side of the dwelling, with a detached garage to the rear. As the extension would not project over this driveway it would not result in the loss of any parking and no additional bedrooms are proposed. However it would result in the loss of a turning area that exists at the front of the site, beyond the east facing side elevation. As Downshire Way is a classified 'C' road, on site turning is required. The extended dwelling would be set back 16m from the highway, therefore there is space to provide a turning area forward of the dwelling as existing. As such a condition will be imposed requiring a parking and turning layout to be submitted to the Local Planning Authority and implemented before occupation of the extension.

Subject to compliance with this condition, it is not considered that the development would result in an adverse impact on highway safety. It is therefore not considered that the development would be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

12. CONCLUSIONS

It is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity or highway safety. Conditions will be imposed to ensure that there will be no additional overlooking of the neighbouring property at Tarnwell, and that the existing turning area will remain. Subject to compliance with these conditions, it is not considered that the development is contrary to CSDPD Policies CS7 and CS23, BFBLP 'Saved' Policies EN20 and M9 or the NPPF.

13. RECOMMENDATION

The application is recommended for conditional approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. 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.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 19th November 2014 :

GFS/CAV/01

GFS/CAV/02

GFS/CAV/03

GFS/CAV/05

GFS/CAV/06

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

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of similar appearance to those of the existing dwelling.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
04. The first floor bedroom window in the south facing side elevation of the extension hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). It shall at all times be fixed shut with the exception of a top hung openable fanlight.
REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]
05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed at first floor level or above in the south facing side elevation of the extension hereby permitted except for any which may be shown on the approved drawing(s).
REASON: To prevent the overlooking of neighbouring property.
[Relevant Policies: BFBLP EN20]
06. No development shall be occupied until the associated vehicle parking and turning space has been set out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
- 01. Time Limit
 - 02. Approved Plans
 - 03. Materials
 - 04. Obscure glazing
 - 05. Restrictions on side facing windows
03. The applicant is advised that the following condition requires discharging prior to occupation of the development:
- 06: Parking and Turning

Doc. Ref: Uniform 7/DC/Agenda

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