

Unrestricted Report

ITEM NO: 09

Application No.
20/00722/FUL

Ward:
Warfield Harvest Ride

Date Registered:
28 September
2020

Target Decision Date:
23 November 2020

Site Address:

**42 Walsh Avenue Warfield Bracknell Berkshire RG42
3XZ**

Proposal:

Erection of first floor side extension and single storey rear extension following demolition of existing conservatory.

Applicant:

Mr Rob Kelly

Agent:

Cameron Lloyd

Case Officer:

Lucy Ormrod, 01344 352000

Development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 Planning permission is sought for the erection of a first floor side extension and single storey rear extension following demolition of the existing conservatory at 42 Walsh Avenue Warfield Bracknell RG42 3XZ.
- 1.2 The development relates to a site within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and it is not considered that the development results in an unacceptable impact on highway safety or trees.

RECOMMENDATION
Planning permission be granted subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee following the receipt of more than 4 objections and Councillors being consulted, subsequently calling it to Committee.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Inside the settlement boundary

- 3.1 42 Walsh Avenue Warfield Bracknell is a two storey semi-detached dwellinghouse located to the north of the highway. The property benefits from a driveway. The surrounding area is predominantly residential.
- 3.2 There is a group protection order (TPO 232) on trees adjacent to the rear border of the application site.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history is summarised as follows:

00/00722/FUL: Conversion of existing attached garage to form self-contained annexe (without compliance with condition 06 of planning permission 618804) together with single storey front extension – Approved 2000.

Condition 4 of permission 00/00722/FUL states that “The conversion and extension shall not be occupied until vehicle parking has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.”

5. THE PROPOSAL

5.1 Planning permission is sought for the erection of a first floor side extension and single storey rear extension following demolition of the existing conservatory.

5.2 A ramp has been built on the driveway which is in breach of Condition 4 of permission 00/00722/FUL. However, this ramp has become lawful through the passage of time as it is visible on GIS from 2010, and the agent has confirmed it was constructed in 2007.

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Warfield Parish Council commented on the application on 21st October 2020 and recommended refusal on the grounds that the proposed parking is unrealistic for three vehicles.

Other responses received

6.2 3 objections have been received from neighbouring properties. The issues raised can be summarised as follows:

- (i) Parking spaces not used - An objector commented that a letter was sent by Mike Holmes, Borough Planning Officer to Mx S Norman under reference 00/00722/FUL dated 3rd October 2000 referring to using parking spaces to prevent on street parking which would be a danger to road users.
- (ii) Inconsiderate parking and potential for builders to damage neighbours cars and hinder access at 39 Walsh Avenue
- (iii) Not enough space for 3 vehicles on the driveway
- (iv) An increased number of rooms increase those eligible to drive
- (v) The pathway next to 41 Walsh Avenue is used by school children
- (vi) Dangerous parking
- (vii) Overlooking to 39 Walsh Avenue reducing privacy to their garden and house
- (viii) Already any cars parked on the road
- (ix) Building vehicles restricting access for residents and blocking the roads in the case of an emergency
- (x) Noise and disturbance
- (xi) Road safety as parents walk their children to school of this stretch of road
- (xii) The property is on a corner and has already been extended and if it were made larger with more vehicles parking it would have a detrimental effect on the surrounding area.

6.3 A number of other objections were received, however no name or contact details were given and therefore cannot be counted as formal objections. Additionally, one property raised 2 objections and as they are from the same household only count as one objection.

7. SUMMARY OF CONSULTATION RESPONSES

Highways:

7.1 The Highway Authority stated that they object to the proposal, as sufficient parking has not been demonstrated without requiring land which is not within the applicants control and which is public highway.

Tree Service:

7.2 From an informal discussion the Tree Service stated that a Tree Service consult was not necessary, however, they recommended an informative regarding works and storage of materials be appended to an approval.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of the CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP and CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design SPD (2017)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications

i. Principle of development

9.2 The application site is located within a defined settlement as designated by the Bracknell Forest Borough Polices Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD Policies CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon character and appearance of surrounding area, residential amenities of neighbouring properties, etc. These matters are assessed below.

ii. Impact on character and appearance of the area

9.3 The proposed rear extension would be subservient to the host dwelling and would largely be screened from the highway by boundary fences and trees and bushes. The bricks and fenestration would match the existing. Due to the proposed rear extension not being visible from most of the highway, the single ply membrane proposed for the flat roof elements of the rear extension is not considered to have a significantly adverse impact on the streetscene.

9.4 The proposed side extension would be subservient to the host dwelling with a lower ridge height than the existing roof ridge. It would also be set back from the existing furthest forward front elevation. As such it is not considered to have a significantly adverse effect on the streetscene or surrounding area, even though locate on a corner plot. Additionally, the proposed side extension would be in keeping with the character and appearance of the surrounding area as the external materials would match the existing external materials.

9.1 Additionally, the proposal would not look out of place as there are similar developments nearby. 43 Walsh Avenue received permission (09/00132/FUL) for the erection of a single storey rear extension in 2009. 51 Walsh Avenue received permission (17/00839/FUL) in 2017 for the conversion of the garage and erection of first floor side extension.

9.2 As such, it is not considered that the development proposals under consideration have a significantly detrimental impact on the character of the area or the host dwelling.

iii. Impact on Residential Amenity

Overlooking

9.3 The rear extension is not considered to result in adverse overlooking as it would be a single storey and would partially cover the footprint of the existing conservatory which is to be demolished which is largely constructed from glass. This conservatory will be replaced by a single storey extension with less glass than the existing structure. Additionally, with a separation distance of approximately 29 metres to the dwellinghouse 39 Walsh Avenue, the proposed development is not considered to result in adverse overlooking.

9.4 The proposed first floor side extension is not considered to result in adverse overlooking as no side windows are proposed and proposed window to the front elevation would be a level height with existing front elevation windows and would be set further back from the highway than the furthest forward front elevation.

9.5 In the neighbour representation 39 Walsh Avenue raised concerns over how the plans will overlook their property reducing privacy to both their house and garden. Given the separation distance and that no first floor windows will overlook their property this is not considered to result in overlooking. Additionally, the proposed rear extension would be a single storey and only 0.3 metres taller in height than the existing conservatory and as such is not considered to result in significantly increased overlooking. Furthermore, the rear extension would be constructed from less glass than what is on the existing conservatory.

Overbearing

9.6 Given that a conservatory is currently located where the rear extension is proposed, although constructed largely from glass compared to the proposed rear extension, the proposal is not considered to be significantly adversely overbearing. Additionally, given that it will have a single storey it will be subservient to the host dwelling and is not considered an unduly addition to the dwellinghouse. It will also largely be screened from the neighbouring property by a boundary fence.

9.7 The neighbouring property has a rear extension largely constructed from glass. The side elevation which would be adjacent to the proposed rear extension is constructed from brick and does not have any side windows. As such the proposed extension is not considered to be adversely overbearing to the neighbouring property

9.8 The proposed first floor side extension is not considered to be adversely overbearing to neighbouring properties due to its separation distance from them and as it would be subservient to the existing dwellinghouse with a lower ridge height.

Overshadowing

9.9 Given the amount of glazing on the neighbouring conservatory/rear extension, the proposed rear extension is not considered to result in a substantial loss of light.

9.10 Due to the separation distance to neighbouring properties the proposed side extension is not considered to result in a loss of light to those properties.

Lighting and Noise Concerns

9.11 Noise and disturbance from building works is not a planning consideration. Any noise and disturbance would be for a temporary period during the course of the build and not a permanent impact.

9.12 Once completed, it is not considered that the development would result in lighting or noise nuisance over and above what is expected in residential areas. If the occupants of 42 Walsh Avenue are producing unacceptable levels of lighting or noise nuisances this can be investigated under Environmental Health legislation.

9.13 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, and would also provide an acceptable level of amenity for future occupiers, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended condition.

iv. Transport implications

9.14 The Highway Authority object to the proposal, as sufficient parking has not been demonstrated without requiring land which is not within the applicants control and which is public highway.

9.15 As the proposal would see an increase in bedrooms from 4 to 5 there is no requirement to provide additional parking above what is already provided as 4 and 5 bedroom dwellings require the same amount of parking spaces.

9.16 Condition 4 of permission 00/00722/FUL states that the conversion and extension shall not be occupied until vehicle parking has been surfaced and marked out in accordance with the approved drawing, and that the spaces shall thereafter be kept available for parking at all times. The applicant is currently in breach of this condition as a ramp has been built on the driveway. However, this wall has become lawful through the passage of time as it is evident on GIS that the wall has been there since at least 2010, and the agent has confirmed via email (received 18th November 2020) that the wall was built in 2007. Therefore, the wall is lawful and requesting additional provision of parking spaces cannot be justified in planning policy terms.

9.17 Residents cannot be enforced to park their cars on their driveways. Whether a resident uses or does not use their driveway is not a planning consideration. It can only be considered whether they can provide the required parking, and as the existing driveway is lawful and the increase from a 4- to 5-bedroom dwelling does not require any additional parking to provided to what is existing as per the parking standards, whether the driveway is used is not enforceable as a planning condition and is not within the remit of planning.

9.18 The comment regarding the increase in the number of rooms increasing the number of people eligible to drive is not a planning consideration. The number of bedrooms in a house does not necessarily dictate how many people live there and how many are/will have a car. The requirements for parking provision are set out in the Council's Parking Standards SPD (2016) based on number of bedrooms in an existing dwelling. As stated previously the proposed parking is lawful and acceptable in planning terms and the increase from 4 to 5 bedrooms does not require additional parking provision.

9.19 In terms of dangerous parking, we cannot enforce or condition residents or visitors to park in particular places. Any indiscriminate parking causing an obstruction could be a matter enforced by the local police/PSCO.

9.20 The concern regarding construction vehicles parking restricting access for residents and blocking the roads in the case of an emergency is not a planning consideration. Again, any indiscriminate parking causing an obstruction could be a matter enforced by the local police/PSCO.

9.21 The fact that the pathway next to 42 Walsh Avenue is used by school children and that school children walk along Walsh Avenue is not a planning consideration and not a justifiable reason for refusal. No car regardless of the proposed development should be driving down a footpath. Additionally, school children use many roads across Bracknell. Simply because school children use the area is not a planning reason to refuse the application. Any indiscriminate parking causing an obstruction could be a matter enforced by the local police/PSCO.

Ivv. Impact on trees

9.22 There is a group protection order (TPO 232) on trees adjacent to the rear border of the application site.

9.23 The Tree Service stated that they did not require a consult but recommended an informative regarding works and storage of materials be appended to an approval.

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 surrounding area, the residential amenities of the occupiers of the neighbouring properties or highway safety. It is therefore considered that the proposed development complies with 'Saved' policies EN1 and EN20 of the BFBLP, Policies CS1, CS2 and CS7 of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

That the application 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 documents received by the Local Planning Authority:

Existing and Proposed Roof Plan – Drawing Number 20.42WA.P05 – Received 28.09.2020

Proposed Floor Plans – Drawing Number 20.42WA.P03 - Received 28.09.2020

Proposed Elevations - Drawing Number 20.42WA.P04.01 – Revision 01 – Received 28.10.2020

Proposed Parking Plan – Drawing Number 20.42WA.P06.02 – Revision 02 – Received 08.12.2020

Proposed Site Location and Block Plans – Drawing Number 20.42WA.SITE.P01.02 – Revision 01 – Received 08.12.2020

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those outlined on the Application Form, received 28th of September 2020 by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]
4. Prior to commencement a Building Method Statement must be submitted to and approved by the Local Planning Authority. (A Building method Statement was requested by Councillor's following the 3-5 procedure – it is currently set as a pre-commencement condition and a Building Method Statement has been requested from the agent to be provided asap so that it does not need to be imposed as a pre-commencement condition).

Informatives

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. The following conditions do not require details to be submitted, but must be complied with:
 1. Time limit
 2. Approved plans
 3. Details of materials
03. The applicant is advised that the following conditions require discharging prior to commencement of development:
 4. Building Method Statement
04. Tree protection

Care should be taken with any activity, storage of materials or mixing of materials that takes place in the rear of the application site bordering the group protection order (TPO 232), and if work is intended in this area an application should be submitted to the Tree Service.
05. 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.
06. 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.