



Planning Committee Meeting 13 October 2020

20/02444/PT20A

Construction of additional storey to provide 4 no flats

56 - 78 Beverley Court Cedar Drive Sunningdale Ascot

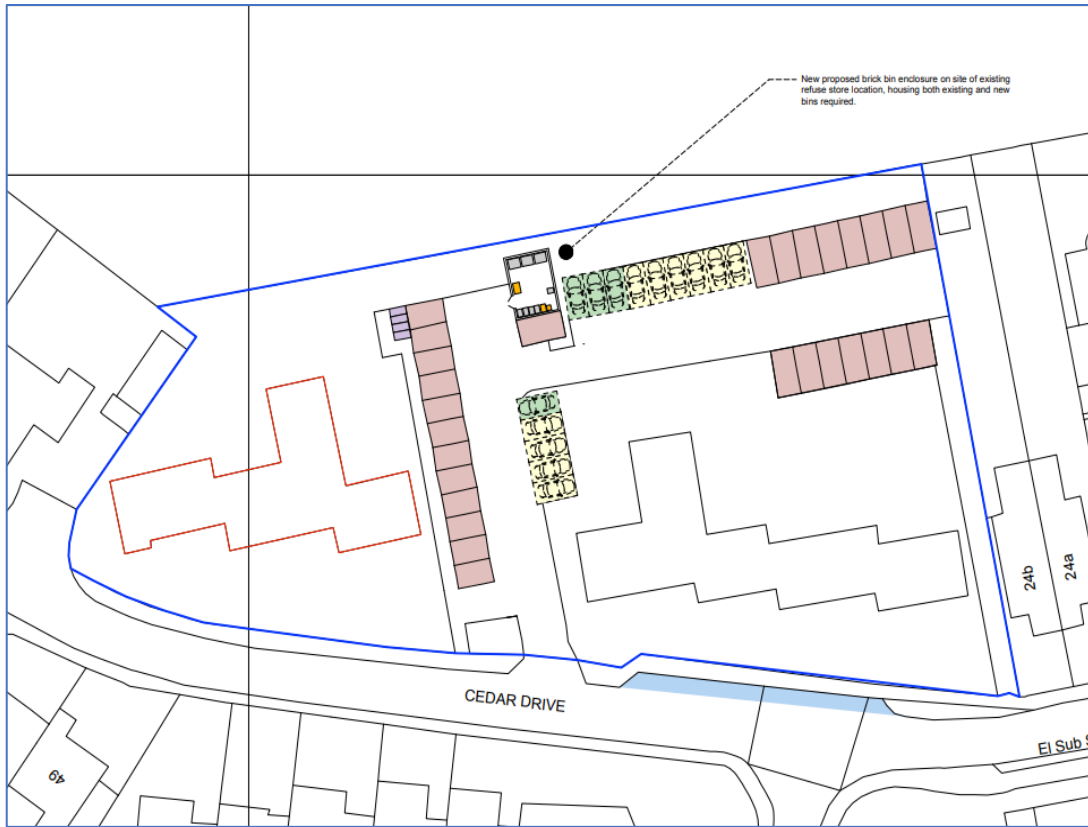
and

20/02445/PT20A

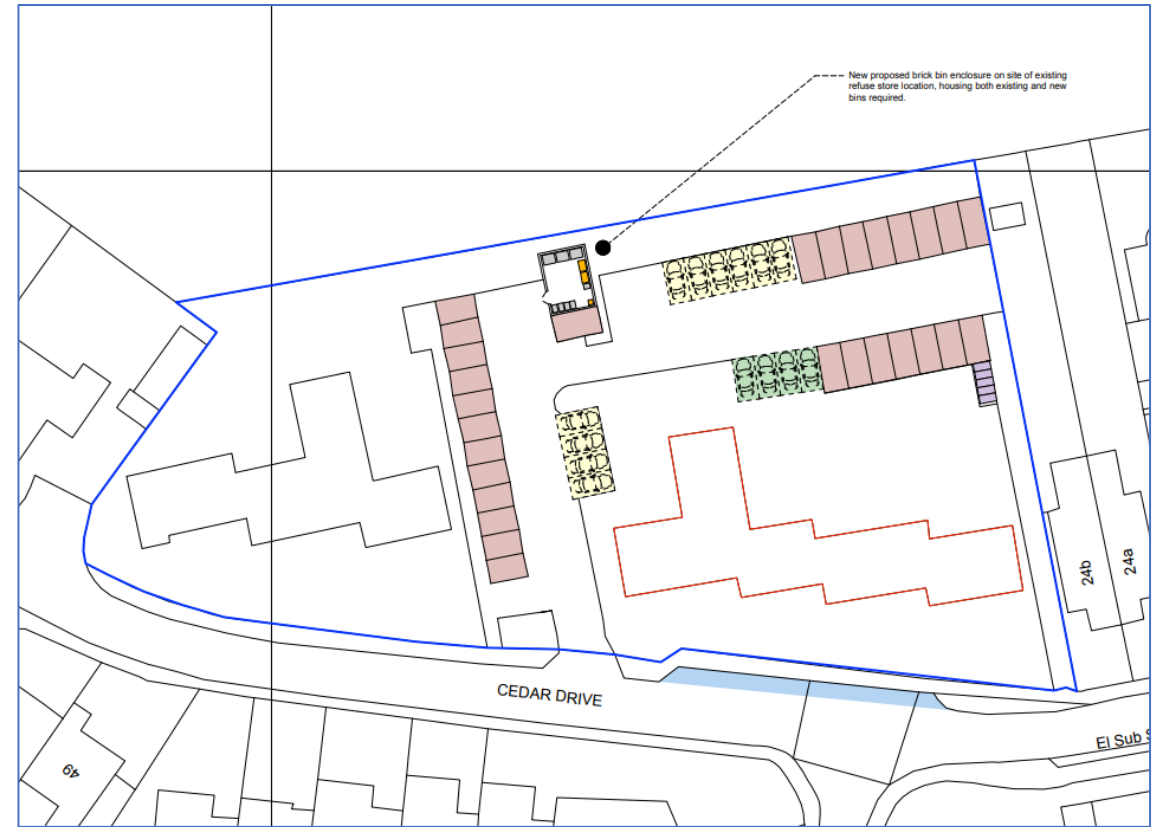
Construction of additional storey to provide 5 no flats

26 - 54 Beverley Court Cedar Drive Sunningdale Ascot

### 56 - 78 Beverley Court



### 26 - 54 Beverley Court



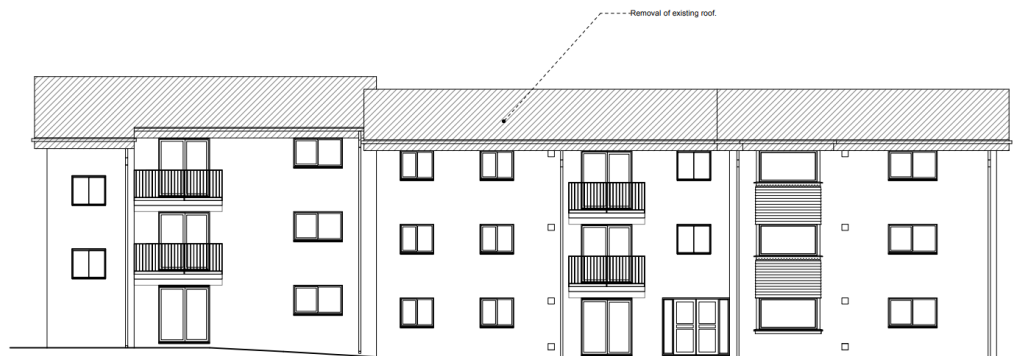


# SUNNINGDALE

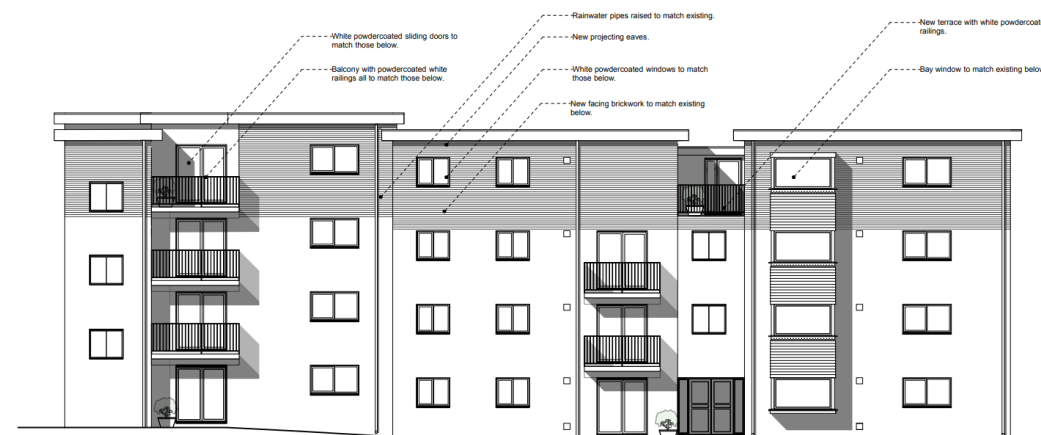
## PARISH COUNCIL

56 - 78 Beverley Court

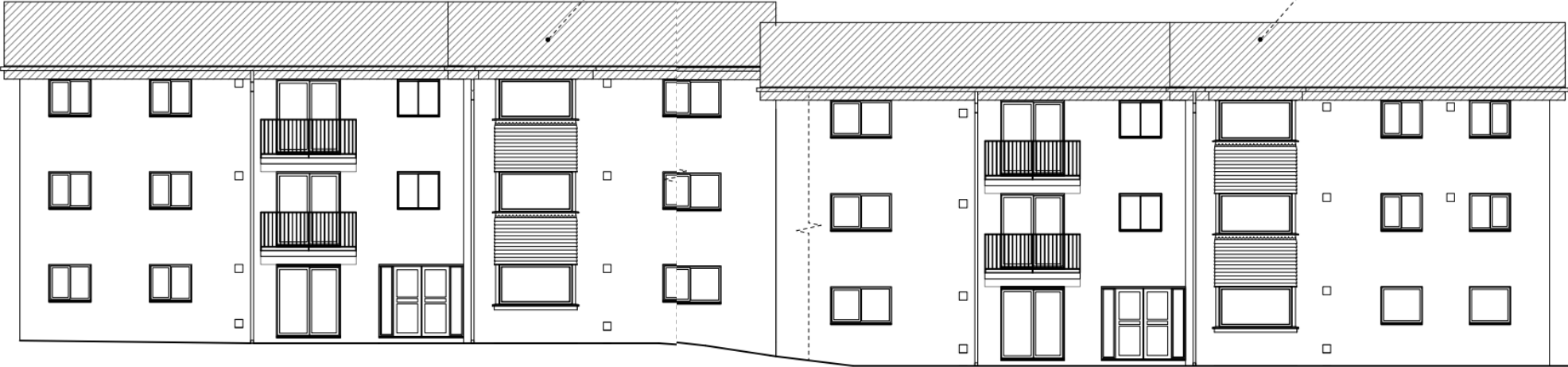
Existing



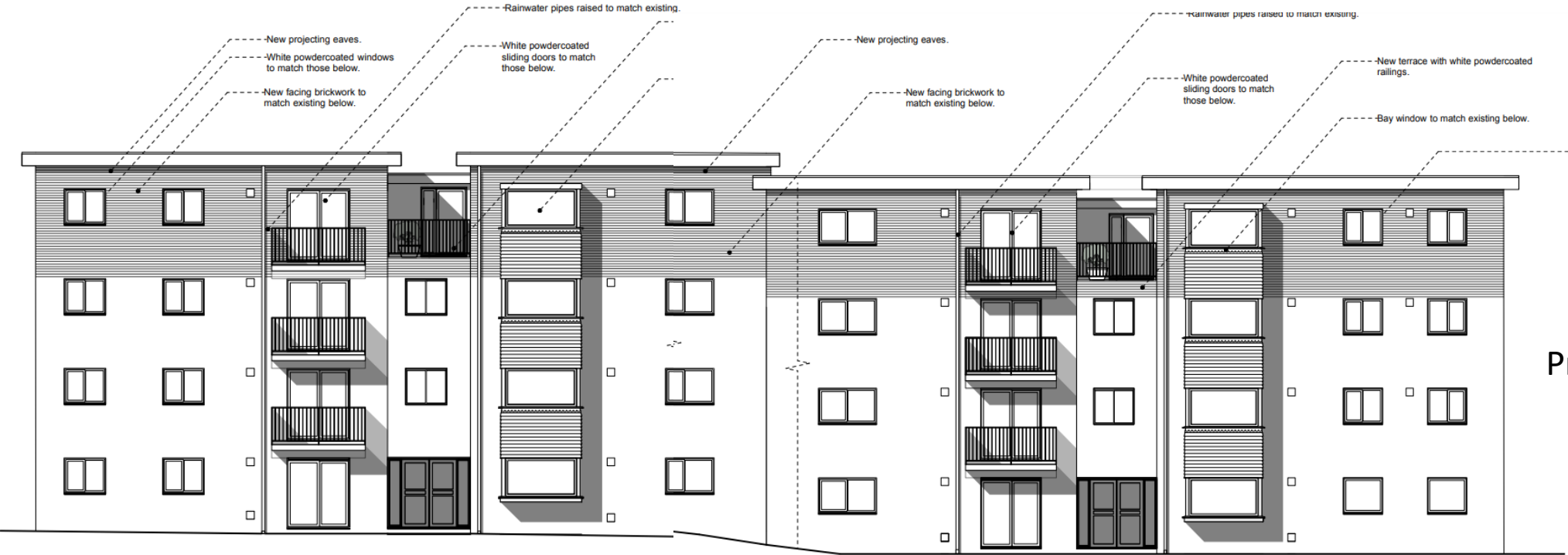
Proposed



26 - 54 Beverley Court



Existing



Proposed



## **Town and Country Planning (Permitted Development and Miscellaneous Amendments)(England)(Coronavirus) Regulations 2020 PART 20**

Introduced in August 2020.

***Class A - New dwellinghouses on detached blocks of flats***

### **Permitted Development**

- Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.
- To qualify for approval under this Regulation, the works must meet specific Requirements, eg height, date built, limitations relating to existing curtilage, land which has special characteristics etc
- In addition, the works must satisfy a number of criteria eg Impacts on traffic, flooding, external appearance, **impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light.**

### Process to Date

1. The applicant has made these two pre-applications under Part 20
2. RBWM are currently reviewing these applications to see if they are technically compliant with the Part 20 Requirements
3. This is followed by an assessment to see if they fully comply with the Part 20 Conditions.
4. RBWM make a final decision, but there may be aspects relating to other Regulations eg the complying with Habitat Regulations and Thames Basin Heaths SPA mitigation.

**NOTE: It cannot go to RBWM Rural Development Panel (not applicable for Part 20 applications).**

So what is our Approach?

**1. Part 20 (Class A) states:**

**5 Procedure for applications for prior approval under Part 20**

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

*Noted*

***SPC can therefore use Part 20 to argue that the rules of the NPPF still apply. Therefore the Beverley Court proposal must still be considered :***

***....as if the application were a planning application***



SPC can argue that this application fails on a number of counts where precedent exists to **REFUSE** as evidenced by two recent Appeal notifications

- **Sandhills, Cross Road 19/00414-** replace 1 x house + outbuilding with 8 apartments
  - Refused at Appeal, 14 Feb 2020 because of
  - **Scale, Bulk and width of building**
  - **Proposed building would result in dominant feature within street scene**
  - **Building would be incongruous within street scene**
  - **Inspector referenced Local Plan. Neighbourhood Plan and importantly the Framework-statement below**

8. For these reasons, I conclude that the proposed block of flats would harm the character and appearance of the surrounding area. As such, the development would conflict with Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (LP), Policies NP/DG1.2 and NP/DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP) and the Framework that seek good quality design that retains the character of the area, including that the design of new buildings should be compatible with the street scene and not to cause damage to the character and appearance of the area.



- **Similarly: Taymount, Lady Margaret Road**- replace 1 house with 10 apartments
  - Refused at Appeal, 12 Feb 2019 because of the:
    - **Effect of the proposed apartments on character & appearance of the area**
    - **Development would be a significantly bulkier building than those to either side**
    - **Negative effect on character of the area**
    - **Inspector's comment below- see last sentence**

12. Consequently, I find that the proposed development would have an adverse impact on the character and appearance of the area for the above reasons. The proposal would therefore fail to comply with Saved Policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Local Plan). Collectively, these seek to ensure that the design of new buildings is of a high standard, compatible with the established street façade and avoid harm to the character of the surrounding area, amongst other things. It would also be at odds with the aims of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP) Policies NP/DG1, NP/DG2 and NP/DG3 which require new development to respond positively to the local townscape and retain and enhance the sylvan nature of the area, amongst other things. It would also be at odds with the aims of Section 12 of the Framework.

**2. Part 20 (Class A) also states:**

(15) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraph (5), (6), (7) or (10) and any notice given under sub-paragraph (12);

*Noted. This should only include consultation comments as a result of neighbour consultation.*

**The applicant for Beverley Court has added the comments above after Noted:**

**So, the applicant has stated they will consider comments from neighbours**

### **3. OBSERVATIONS**

- **On the basis of Sandhills/ Taymount + other refusals clear there is evidence for SPC to refuse Beverley Court whilst at the same time referencing Part 20**

**(Note : Part 20 references NPPF (Framework) but do not believe it references NP or LP)**

- **It is not logical that:**
  - **an Inspector can refuse applications of the basis of the Framework (NPPF),**
  - **the new Part 20 should have regard to the NPPF yet**
  - **NOW with Beverley Court there are clear violations of the NPPF yet these are being ignored**





Some pictures of the  
existing blocks



26 - 54 Beverley Court







Houses opposite



## Planning Considerations

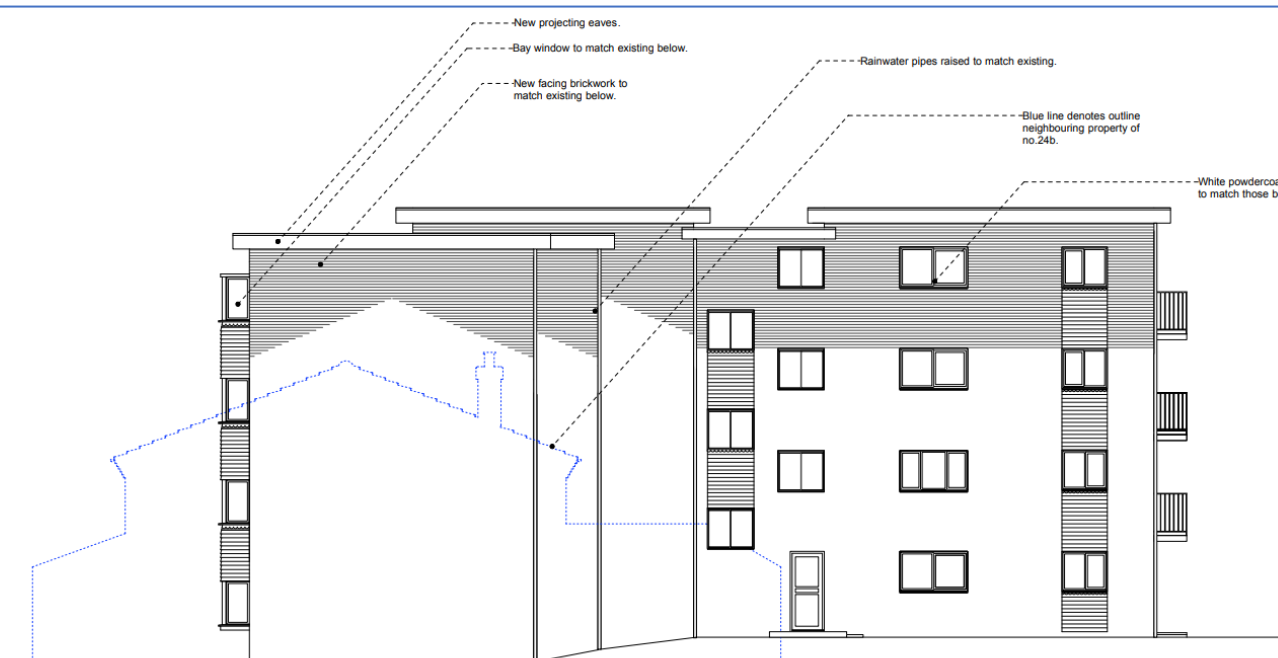
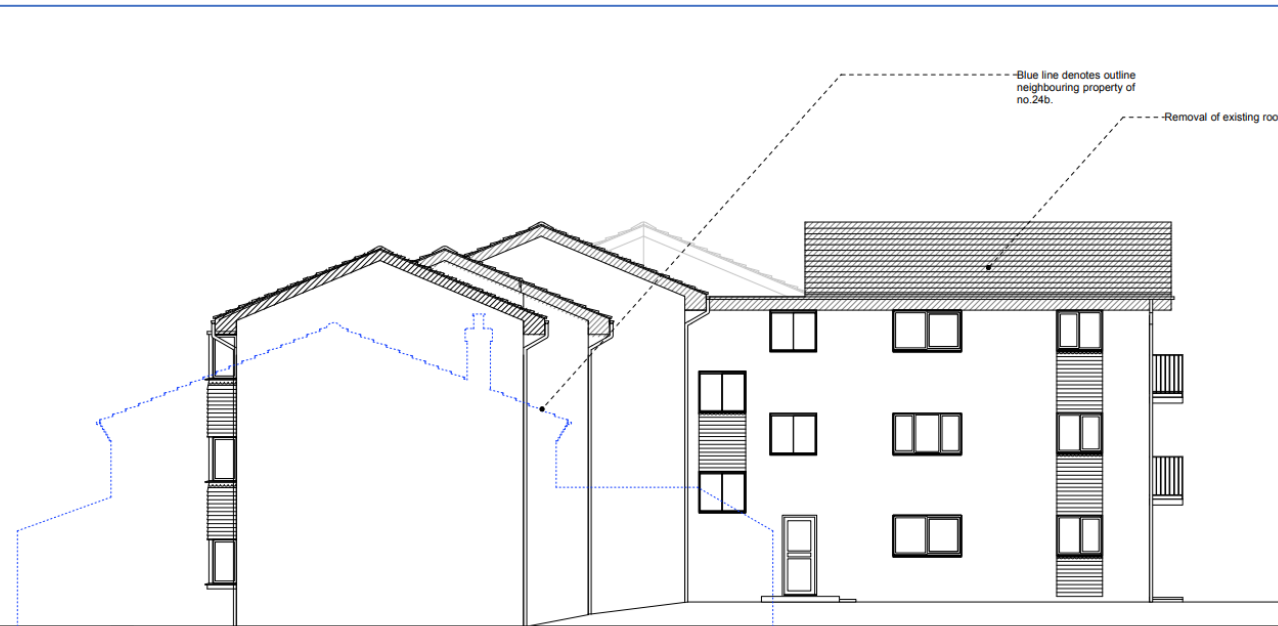
	Planning Rule	Comments
1	NP/DG2 – <b>Density, Footprint, Separation, Scale and Bulk</b>	<ul style="list-style-type: none"> <li>• These two blocks of flats already have the highest ridge heights of any properties in Cedar Drive.</li> <li>• Even the modest increase of 0.845m in ridge height (56 - 78 Beverley Court) would still create considerably more bulk and mass than currently.</li> </ul>
2	<p>The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 Part 20, A.2 1(g) –</p> <p><b>Loss of Light or Overshadowing</b></p>	<ul style="list-style-type: none"> <li>• Overshadowing of neighbouring houses will be worse – simply because of the increased bulk of these buildings.</li> <li>• The applicant has included a report on Loss of Light which states that a full daylight/sunlight assessment has <b>not</b> been performed, but still concludes that <i>“these developments are unlikely to cause any significant impacts in relation to loss of daylight or sunlight”</i>.</li> <li>• Surely this application requires a more detailed report to assess whether any loss of light has been.</li> </ul>



## Planning Considerations

This picture shows the relationship of the proposed works against house 24B.

This house is directly east of the proposed works and will be in shadow from noon onwards



## Planning Considerations

	Planning Rule	Comments
3	<p>The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 Part 20, A.2 1(g)-</p> <p>Overlooking or Loss of privacy</p>	<ul style="list-style-type: none"> <li>Whilst there is obviously a degree to which the current property overlooks neighbouring properties, these proposals expose a broader number of neighbours to <b>lack of privacy</b>.</li> <li>In terms of the impact on the wider community, houses that hitherto were below line of sight will now be overlooked and subject to a <b>loss of privacy</b> that hitherto did not exist and was not a consideration.</li> </ul>
4	NP/T1 - Parking	<ul style="list-style-type: none"> <li>This area already suffers from problems of parking. Built to comply with the maximum dimensions allowed under 1970's planning regulations, they were designed and built to accommodate the smaller cars of that era and not larger modern vehicles.</li> <li>This, together with the increase in car-ownership in the last 30 years, has resulted in residents being forced to overspill into Cedar Drive even if parking spaces are increased to comply with current planning regulations.</li> </ul> <p>Note: All the roads have yellow line parking restrictions.</p>

	Planning Rule	Comments
5	Traffic.	<ul style="list-style-type: none"> <li>The traffic department from RBWM have not yet commented – but a third-party report is included which, of course, argues that traffic flows will not be affected.</li> </ul>
6	<p>NP/DG1 Respecting the Townscape.</p> <p>Cedar drive is “Late 20C suburbs (1960s onwards)”</p>	<ul style="list-style-type: none"> <li>This development would result in two blocks of flats which would be totally out of keeping with the townscape.</li> <li>They would be dominant in the road and represent <b>over-development</b> which would have a detrimental effect on the <b>character of the local area</b>. They would have a Negative / adverse <b>visual impact</b> on the street scene.</li> <li>NPPF 118 (e) states.....  <i>“.... support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development <b>would be consistent with the prevailing height and form of neighbouring properties and the overall street scene</b>, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers”.</i> </li> <li>Therefore, this development would NOT be <b>consistent with the prevailing height and form of neighbouring properties and the overall street scene</b>.</li> </ul>

## Planning Considerations

	Planning Rule	Comments
7	<p>‘Thames Basin Heaths Special Protection Area Supplementary Planning Document (Part 1)’</p> <p>It is a material consideration in the assessment and determination of planning applications for housing development within a 5km straight line distance of the SPA.</p>	<ul style="list-style-type: none"><li>• Cedar drive falls within the 5km catchment area of the TBHSPA.</li><li>• This means the applicant must take avoidance measures to mitigate the effect of the development on the TBHSPA.</li><li>• Normally this involves purchasing SANG (Suitable Alternative Natural Greenspace) to compensate.</li></ul>

## Key Objections from Residents

- Parking
  - Garage spaces too small
  - Pavements already blocked with parked cars
  - Safety issues due to cars parking on pavements
- Loss of light
- Loss of privacy
- Noise, disturbance and nuisance of Construction Traffic
- Dustbin and Emergency vehicles already have difficulty accessing Cedar drive
- Insufficient drainage
- Height of buildings out-of-keeping with the surrounding area
- Structural viability of adding an additional storey on top of existing foundations
- Only staircase access for 4<sup>th</sup> Floor

### SPC Proposed Approach

1. SPC write and Object to these applications in the normal way, quoting both the NPPF, NP and other Planning References, and linking in any Part 20 A2 references as appropriate.
2. We focus primarily on the arguments of:-
  - a) Scale and Bulk – which also results in Loss of Light and Privacy
  - b) Respecting the Townscape:-
    - Dominant features, incongruous with the Street scene
    - Causes damage to the character and appearance of the area
3. Neighbours Objections – sheer number of objections from residents

### What can Residents do?

- Continue to **Object** to RBWM planning department
- Badger your Borough councillors (Christine Bateson and Sayonara Luxton) and the lead-member for planning (David Coppinger) - email addresses on the RBWM website.



Contact details for Residents wishing to put their comments / objections to the locally elected councillors and MP.

### **Borough Councillors for Sunningdale Ward**

Sayonara Luxton: 5 Sheridan Grange, Sunningdale. SL5 0BX Phone: 01344 638730 Email: [cllr.luxton@rbwm.gov.uk](mailto:cllr.luxton@rbwm.gov.uk)

Christine Bateson: 47 Cedar Drive, Sunningdale. SL5 0UA Phone: 01344 627759 Email: [cllr.bateson@rbwm.gov.uk](mailto:cllr.bateson@rbwm.gov.uk)

### **Lead member for Planning**

David Coppinger: Titch Cottage, Bartletts Lane, Holyport, Maidenhead. SL6 2NB  
Email: [cllr.coppinger@rbwm.gov.uk](mailto:cllr.coppinger@rbwm.gov.uk) Bus. mobile: 07766 526081

### **Member of Parliament for Windsor**

Adam Afriyie

<https://members.parliament.uk/member/1586/contact>