



Report to West Area Planning Committee

Application Number:	22/07824/FUL
Proposal:	Householder application for demolition of a single storey conservatory, conversion of a garage to a habitable room, erection of a single storey porch structure and a single storey rear extension, and alterations to the existing internal layout and roof shape
Site Location:	1 Bream Close Marlow Buckinghamshire SL7 2BB
Applicant:	Kate Dicker
Case Officer:	Yee Chung Hui
Ward(s) affected:	Marlow
Parish-Town Council:	Marlow Town Council
Date valid application received:	19th October 2022
Statutory determination date:	14th December 2022
Recommendation	Application Permitted

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Under latest constitution changes and guidance updates following the creation of a unitary local authority of Buckinghamshire Council, any submission of planning applications where the applicant is a chief officer, corporate director, service director, planning officer or a member of staff within the Planning and Environment Service, they fall under the category of Legal Exceptions outside the scheme of Delegation. The changes to constitution comes into effect on 1st July 2021.
- 1.2 The application was submitted by a Service Director of Buckinghamshire Council who has recently retired.
- 1.3 There are no comments received from local members.
- 1.4 Recommendation – approval

2.0 Description of Proposed Development

- 2.1 The application dwelling is an existing bungalow within a small cul-de-sac of Bream Close in an established residential area. The dwelling is adjoined to the rear curtilage of 35 to 39 Pound Lane and next to No.3 Bream Close. Within the cul-de-sac, the residential street is characterised by two storey linked-detached properties such as no.2, 4 and 6 Bream Close and bungalows such as no.1 , 3 and 5 Bream Close.
- 2.2 Planning permission is sought for the alterations to the roof form over the existing garage with gable end timber frame in connection with garage conversion to habitable use. Proposed alterations to timber cladding over the existing part brick, part tile front elevation, extension to the rear of the dwelling with a single storey, gable end, rear extension up to 7.6m length. Crown roof proposed over the main dwelling with a flue pipe attached to the rear. The existing in and out access in front of the dwelling is retained, but alterations to the surfacing materials with a gravelled parking area is proposed.
- 2.3 The existing east elevation gable end would be demolished and replaced with the rear extension proposed. Insertion with a roof light and two linear openings to the east elevation. A smaller roof light, one bathroom opening and high level opening would be inserted in to the west elevation. A set of patio doors would be inserted to the side of proposed living area. A levelled terraced area is proposed next to the extension to the rear.
- 2.4 The application site falls within Flood Zone 2 and 3, with previous flood records in the local area provided by Environment Agency and high levels of groundwater flood risks identified. It is outside of any Green Belt, Chilterns AONB, designated Conservation Area and curtilages of Listed Buildings. It is within Residential Parking Zone B of Marlow North and West.
- 2.5 The rear of the site boundary is adjoined to Green Belt with the entire site protected by a Tree Preservation Order.
- 2.6 The site is within amber zone of habitats suitability of Great Crested Newts, which is the medium category of suitability.
- 2.7 The application is accompanied by:
 - a) Updated application form
 - b) Materials
 - c) Flood Risk Assessment
 - d) Existing plans and elevations
 - e) Proposed plans and elevations
 - f) Additional south elevation and mock up view from no.37 Pound Lane , no. 1969-P-04

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
96/05798/FUL	Erection of single storey side & rear extensions with demolition of garage & erection of new garage	PER	14 June 1996

4.0 Policy Considerations and Evaluation

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP9 (Sense of Place), CP12 (Climate Change)
DM1 (Presumption in favour of sustainable development), DM14 (Biodiversity in development), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality), DM39 (Managing flood risk and sustainable drainage systems)

- 4.1 The proposed development comprising loft conversion and extensions to a residential dwelling within existing residential area is acceptable in principle, subject to the compliance with the other material planning considerations and Adopted Local Plan Policies.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP12 (Climate change)
DM2 (Transport requirements of development sites), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM35 (Placemaking and Design Quality)
Adopted Parking Guidance SPD

- 4.2 The proposed development involves internal re-configuration of the layout within the existing dwelling. There are no changes to the number of habitable rooms and bedrooms within the host dwelling, but enlargement only.
- 4.3 The proposal would form a 5 habitable rooms/ 3 bedrooms dwelling within Residential Parking Zone B. The parking requirement is two parking spaces as per parking standards under the Adopted Parking Guidance. The existing driveway in front would provide in excess of the optimum level of parking requirement as per the Guidance.
- 4.4 Given the parking area is proposed for resurfacing with gravel finish only and there is no alterations to the parking layout and vehicle access, the parking area remains available for the provision of four bay parking spaces.
- 4.5 As such, there are no detrimental harm to impact upon the on-site parking area and safety and operations of the adjacent highways network.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)
DSA: DM11 (Green networks and infrastructure)
Householder Planning and Design Guidance SPD

- 4.6 The proposed development would improve the appearance and design of the existing dwelling with the incorporation of part timber cladding finish and the introduction of a matching roof pitch of extended timber frame canopy on brick posts at the front. The built form of the proposal with extension to the rear and gable canopy roof at the front would follow the existing form of the dwelling.

- 4.7 The use of natural oak timber cladding to the other gable end at the front with gable end extension to the rear, and modern styled of aluminium openings inserted are well-integrated, in harmony with the design of the proposed dwelling. The bulk, mass and scale of the rear extension proposed, its depth and its positioning, relationship with the main building and with the use of matching roof pitch and gable end design, it is not out of keeping nor detracting from the building and dwelling plot. As such, the proposal is not considered detrimental nor harmful to the appearance and character of the application dwelling.
- 4.8 Whilst the use of crown roof is usually not recommended following guidance in the Adopted Householder Planning and Design SPD, the incorporation of a crown roof at the centre and above the extensions and main dwelling, would limit its maximum height in order to preserve an identical height as existing. This would reduce its prominence from the public views.
- 4.9 Due to the staggered siting of the adjacent buildings, the application dwelling amongst the properties, no. 3 and 5 Bream Close, is not readily prominent and there is no significant intrusion and projection to the front of the building line and to the rear of the existing row of properties.
- 4.10 The flank of the existing building already blocks views of the proposed extensions. There is no visibility to the rear of the extension proposed and the design of the proposed development has no unacceptable impact on the residential street scene as a result. As such, there is no negative visual amenity harm to the residential street scene from the resultant development.
- 4.11 In this instance, the proposal is considered acceptable forms of development to the general appearance, character and design of the main dwelling, residential street and locality.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)

Householder Planning and Design Guidance SPD

- 4.12 The proposed development, by reason of its relationship with the adjacent dwellings, no.3 Bream Close, no.37 and no.39 Pound Lane, despite concerns and objections were raised from the adjacent neighbours, the proposed extension would be located in excess of 20m from the rear of no.37 Pound Lane and sufficient separation would be retained to the side of no.3 Bream Close. The proposal is considered to comply with the Council's 60 degree light angle guidance.
- 4.13 The proposal, therefore, would have no acceptable and detrimental impact to the privacy, light and overbearing harm to the amenity and outlook of the adjacent dwellings and accords with the Adopted Local Plan Policies DM35 and DM36.

Flooding and drainage

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth), CP12 (Climate change), DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 4.14 The application site is within Flood Zone 2 and 3 with high risks of groundwater flooding within the site curtilage. Majority of the low surface water flood risk concentrates to the rear of the application site.

- 4.15 A Flood Risk Assessment has been submitted as part of the application.
- 4.16 In line with the standing advice from Environment Agency, the proposal is of minor category in accordance with the EA risk category and it is recommended implementation of sustainable urban drainage system within the scheme and the finished floor levels of the development should not be lowered than existing finished floor level of the existing building.
- 4.17 The proposal is not considered to add to the risk of flooding to the application site and surrounding areas.

Green networks and infrastructure

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth), CP10 (Green infrastructure and the Natural environment), DM11 (Green Networks and Infrastructure), DM15 (Protection and enhancement of river and stream corridors), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 4.18 Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site for the lifetime of the development. No assessment has been provided with this proposal so it falls to the Local Planning Authority to consider what would be proportionate for the development proposed.
- 4.19 The proposed development would result in a partial loss of grassed garden areas and some shrubs and hedges along the side curtilage as a result of the proposal. There are no protected trees to be adversely affected by the development.
- 4.20 In this instance, in order to compensate for the loss of this green infrastructure and associated biodiversity, a condition would need to be imposed on any permission requiring either a bird box, bat box or a bug hotel to be included in the proposed development.

Ecology

Wycombe District Local Plan (August 2019): DM13 (Conservation and Enhancement of Sites, Habitats and Species of Biodiversity and Geodiversity Importance), DM14 (Biodiversity in Development), CP10 (Green infrastructure and the Natural environment), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

Biodiversity Net Gain SPD

- 4.21 The application site is within 2k buffer zone of SAC, rear of the site boundary is adjoined to Green Belt with the entire site protected by Tree Preservation Order.
- 4.22 It is also within amber zone of habitats suitability of Great Crested Newts, which is the medium category of suitability to the habitats of the European protected species.
- 4.23 Given the location of the site and desk-based evidence identified the site could hold the presence of protected species, consultation was sought from the Ecology Officer.
- 4.24 Upon reviewing the application, the comments from the Ecology Officer have confirmed there is not a reasonable likelihood of protected species including bats being present and/or affected by the proposed development and recommended the condition to include one installation of bird box to the north/ north-east/ north-west aspect of the proposed development to enhance biodiversity opportunity on-site.
- 4.25 In this instance, the proposal is found acceptable in terms of ecology and biodiversity impact.

Environmental issues

Wycombe District Local Plan (August 2019): CP12 (Climate change), DM20 (Matters to be determined in accordance with the NPPF – contamination and pollution), DM33 (Managing Carbon Emissions: Transport and Energy Generation), DM35 (Placemaking and Design Quality)

4.26 There are no matters observed in terms of noise, lighting, pollution, air quality, waste collection and land contamination issues.

Building sustainability

Wycombe District Local Plan (August 2019): CP12 (Climate change), DM33 (Managing Carbon Emissions: Transport and Energy Generation)

4.27 There are no sustainability statement submitted and anticipated the proposed works would built in accordance and compliance with the Building Regulations.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): DM19 (Infrastructure and delivery), CP7 (Delivering the Infrastructure to Support Growth)

4.28 The development is a type of development where CIL would be not be chargeable.

5.0 Weighing and balancing of issues / Overall Assessment

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

5.3 As set out above it is considered that the proposed development would accord with most of the development plan policies.

5.4 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for a residential development comprising roof alterations including timber gable end canopy roof at the front, formation of crown roof design, single storey rear extension with gable end roof with demolition of the existing conservatory and internal conversion of existing garage. The development is to the applicant's home and no discrimination or inequality would arise from the proposal. In light with the constitution changes, following the creation of a unitary local authority of Buckinghamshire Council, any submission of planning applications where the applicant is a chief officer, corporate director, service director, planning officer or a member of staff

within the Planning and Environment Service, they fall under the category of Legal Exceptions outside the scheme of Delegation. The changes to constitution comes into effect on 1st July 2021. The current application is submitted by a Service Director of Buckinghamshire Council and recently retired.

- 5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 6.2 In this instance, the agent/applicant has submitted further drawings in supporting their planning application and clarification on the choice of materials were also confirmed. The application was determined by the Planning Committee because the applicant was a Service Director at Buckinghamshire Council when the application was submitted. The application was found acceptable as submitted and approval is recommended.

7.0 Recommendation

Application Permitted, 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 the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 1969-P-01; 1969-P-02; 1969-P-03; 1969-P-04; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 The materials to be used for the external surfaces, including windows, doors, walls and roofs of the development hereby permitted shall be of the same type and texture as those specified under the schedule of materials, approval details and plans submitted and or matching to those used in the existing dwelling, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.
- 4 No development shall take place above slab level until details of biodiversity features of 1 integrated bird box to be incorporated into the main building have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved plans of biodiversity features, which shall have been installed prior to the first occupation of the development and retained.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements are achieved in line with policy DM34.

- 5 Prior to the first occupation of the development hereby permitted, permeable surfaces shall be incorporated in the development or provision is made to direct run-off water from the hard surface to a permeable area within the curtilage of application site. Permeable hard surfaces shall be permanently retained in that condition thereafter, unless Local Planning Authority first agrees in writing.

Reason: To ensure surface water is effectively run off and avoid on-site surface water flooding.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance, the agent/applicant has submitted further drawings in supporting their planning application and clarification on the choice of materials were also confirmed. The application was determined by the Planning Committee because the applicant was a Service Director at Buckinghamshire Council when the application was submitted. The application was found acceptable as submitted and approval is recommended.

- 2 Standing advice states that: floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development is required to incorporate where appropriate.
- 3 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.
- 4 Protection of bats and their roosts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

LEGISLATION, POLICY AND GUIDANCE

Opportunities to improve biodiversity

The NPPF (2021) Paragraph 180d states "When determining planning applications, local planning authorities should apply the following principles.... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received

Parish/Town Council Comments

Marlow Town Council

No objection

Consultation Responses

Ecology Officer:

No Objection, subject to a planning condition securing a biodiversity feature on site. Informatives for bats and nesting birds are provided.

DISCUSSION

Documents submitted to inform the application, aerial and street photography and site and species records held by the Buckinghamshire & Milton Keynes Environmental Records Centre (BMERC) have been reviewed.

The proposals directly impact the existing roof space. Upon review of the photographs of the existing dwelling on site, it is considered that there is not a reasonable likelihood of protected species including bats being present and/or affected by the proposed development. Therefore, no supporting ecological information is required.

The applicant should be reminded of the legislation that protects bats and nesting birds. Informatives have been provided below.

Opportunities to improve biodiversity in and around developments should be integrated as part of their design in line with recognised good practice and national policy on biodiversity and sustainability (National Planning Policy Framework 2021). Should this application be granted, a planning condition should be applied to secure the provision of biodiversity enhancement within the proposed development.

One bird box should be integrated into the main dwelling on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.

CONDITION

Restrictions on stage of development until specific biodiversity outcomes are achieved

Condition: No development shall take place above ground level until details of biodiversity features of 1 integrated bird box to be incorporated into the building have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in

accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and retained.

Reason: To ensure that the development provides gains in biodiversity through ecological enhancements are achieved in line with policy DM34.

INFORMATIVE

Protection of bats and their roosts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

LEGISLATION, POLICY AND GUIDANCE

Opportunities to improve biodiversity

The NPPF (2021) Paragraph 180d states “When determining planning applications, local planning authorities should apply the following principles... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

Representations

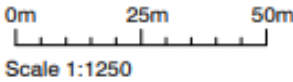
One comment has been received objecting to the proposal:

- Proposed built form and visual bulk of the considerable height of development is overbearing and presenting a sense of enclosure to the adjacent dwelling and their amenity areas.
- Overshadowing to the amenity gardens of the adjacent dwellings and to their amenity areas.
- Recommendation on the use of flat roof instead

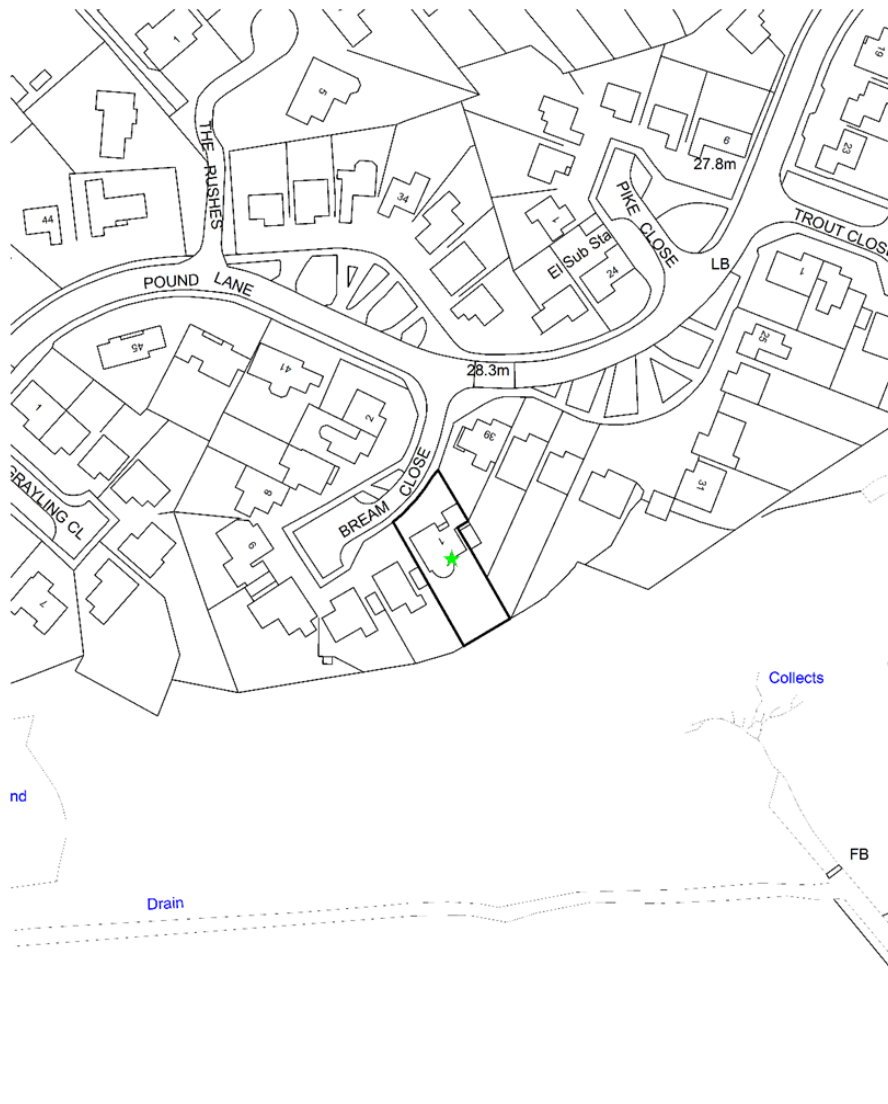
APPENDIX B: Site Location Plan



Location Plan Scale 1:1250



22/07824/FUL
Scale 1/1250



Planning Committee
© Crown Copyright and database rights 2020.
Ordnance Survey 100062456