



Report to South Area Planning Committee

Application Number:	PL/23/3496/VRC
Proposal:	Variation of condition 14 (approved plans) of planning permission PL/23/2708/FA (Replacement dwelling at 49 Marsham Way and modifications to side wall of 10 Marsham Lane) to allow amendment to garage design.
Site location:	Ringstead 49 Marsham Way Gerrards Cross SL9 8AN
Applicant:	RW49 Marsham Way Ltd
Case Officer:	Richard Regan
Ward affected:	Gerrards Cross
Parish-Town Council:	Gerrards Cross Town Council
Valid date:	1 November 2023
Determination date:	12 January 2024
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning Permission is sought for a variation of condition 14 (approved plans) of planning permission PL/23/2708/FA (Replacement dwelling at 49 Marsham Way, and modifications to side wall of 10 Marsham Lane) to allow an amendment to design of the approved detached garage.
- 1.2 It is proposed to provide a double garage as opposed to a single garage that was previously approved.
- 1.3 All other elements of the scheme remain the same as previously approved.
- 1.4 The proposed amendment is considered acceptable. The detached garage is still considered to be of an appropriate size, scale and appearance so as to not adversely impact upon the character and appearance of the site, locality in general, or the conservation area. The proposal would not lead to any adverse impact on the amenities of neighbouring properties, nor would it lead to any adverse highway or ecological impacts.
- 1.5 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Bracken, Broom, and Woods.

1.6 Recommendation – Conditional Permission.

2.0 Description of Proposed Development

2.1 Planning Permission PL/23/2708/FA allowed for the replacement of the existing dwelling, along with modifications to the side wall of No.10 Marsham Lane, subject to a number of conditions. Condition 14 requires the overall development to be carried out in accordance with the approved plans and details.

2.2 This application has been submitted as the applicant wishes to amend the approved development. The proposed amendments can be summarised as follows:

- Alter size of detached garage from being a single garage to a double garage.

2.3 All other aspects of the application are the same as previously approved, therefore it is considered that it is appropriate that this report will only concentrate on determining whether or not the above variation is acceptable.

2.4 The application is accompanied by:

- a) Covering Letter
- b) Relevant Plans

3.0 Relevant Planning History

3.1 Relevant planning history for the site:

PL/23/1485/FA – Conditional Permission, 12 October 2023 - Temporary erection of development hoarding for 1 year (retrospective)

PL/23/2708/FA – Conditional Permission, 12 October 2023 - Replacement dwelling at 49 Marsham Way, and modifications to side wall of 10 Marsham Lane

PL/23/3279/AV – Pending Consideration, Non illuminated advertising cladding to temporary construction hoarding - 27.3m by 2.5m

4.0 Summary of Representations

4.1 Letters of objection have been received from 5 separate households regarding the proposed development. The Town Council have raised objections to the proposals on a number of grounds including it not being in keeping with the Conservation Area, overdevelopment, un-neighbourly. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2023.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

Principle and Location of Development

Core Strategy Policies:

CP1 (Housing provision and delivery)

Local Plan Saved Policies:

H2 (Housing allocation)

H13 (Ancillary buildings within residential curtilages)

- 5.1 This application is submitted under Section 73 of The Town and Country Planning Act 1990 and seeks a variation of Condition 14 of planning permission PL/23/3496/FA. Applications made under Section 73 must be considered against the Development Plan and any other material considerations, under Section 38(6) of the 2004 Act, and conditions attached to the existing permission. The NPPG also states that "local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission".
- 5.2 There have been no changes to the national or local development plan policies that would affect the principle of the previous decision of the Planning Authority in relation to the replacement dwelling previously approved. As such the principle of the development is agreed.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.3 The access arrangements remain unaltered from that previously approved.
- 5.4 It is acknowledged that the footprint of the area of hard-surfacing to the front of the dwelling is slightly altered, but the changes are minimal, and an appropriate and sufficient area is maintained to enable vehicles to manoeuvre within the site and exit in a forward motion. The level of off-street parking that could be accommodated on the site would remain unchanged and would continue to meet the Council's parking standards.
- 5.5 As such, the proposals would not lead to any unacceptable highway implications.

Raising the quality of place making and design / Impact on Historic Environment

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

EP6 (Designing to Reduce Crime)

H9 (Residential development and layout)

H10 (Residential areas of exceptional design)

H13 (Ancillary buildings within residential curtilages)

- 5.6 The proposed alterations to the detached garage would result in the garage becoming a double garage, as opposed to a single garage. In terms of physical changes, the proposed garage would increase in height by 0.6m, displaying a maximum ridge height of 4.7m. The eaves height of the garage would remain as previously approved. The depth of the garage would also remain the same as previously approved, but the width would increase by 2m, providing for a footprint of 6.4m X 6.4m, which is commonplace for a double garage. In

terms of its positioning, it would be sited in a similar position to that of the approved garage. Its rear elevation would be set very slightly closer to the flank boundary with No.10 Marsham Lane, whilst due to the increase in width, it would extend 0.9m closer to the front boundary, as well as extending closer to the actual dwelling itself. It is noted that a distance of 3.4m would still be retained to the front boundary.

- 5.7 The principle of erecting a detached garage in this location has already been established by the granting of the recent planning application for a replacement dwelling and detached garage.
- 5.8 It is acknowledged that the current proposals would result in a larger detached garage, which would display a slightly higher ridge, and would be sited slightly closer to the front boundary. Notwithstanding these alterations, it is considered that the provision of a garage of the size currently being proposed would not be out of keeping for the locality or Conservation Area within which the site is located, with a number of similar structures already present.
- 5.9 No.7 Marsham Lane, exhibits a large detached double garage adjacent to the front boundary of the property. No.54 Marsham Way displays a detached garage with a ridge height of 4.8m and set 3m from the front boundary. No.73 Marsham Way displays a detached garage with a ridge height of 5m which is set 4m from the front boundary, whilst No.50 Marsham Way has a garage that is 4.4m in height and set 3m from the front boundary.
- 5.10 It is clear therefore, that the presence of detached double garages is part of the existing character and appearance of not only the street scene, but also the Conservation Area. This is acknowledged by the Councils Heritage Officer who raises no objections to the proposals, advising that they would preserve the character and appearance of the Conservation Area.
- 5.11 The proposals still allow for the retention/provision of natural vegetation and landscaping to the front and side boundaries of the garage, which would help to maintain such characteristics of the street scene.
- 5.12 In light of the above, given the presence of other detached garages, and forward projecting garages within the street scene, it is considered that the presence of the garage being proposed, would not be out of keeping or incongruous within the street scene. It is considered that the size and scale of the garage is not excessive for the locality, and when combined with its set back from the front of the site, would not appear over-dominant or obtrusive within the street scene.
- 5.13 It is also considered that when taking into consideration the enlarged garage with the replacement dwelling itself, the overall level of development is still considered appropriate. The overall level of built form would not be excessive or out of keeping, and an acceptable level of spaciousness would be maintained. In addition to this, the level of hard-surfacing provided at the front of the site would be extremely similar to that of the approved scheme and is not considered to be out of keeping for the area and allows for an appropriate level of natural landscaping to be incorporated into the scheme.
- 5.14 Overall, it is considered that the proposal would preserve the character and appearance of the Conservation Area, would not adversely impact upon the character or appearance of the site or locality in general, nor would it prejudice the specific characteristics of the area as set out in the Townscape Character Study. As such, the proposal is considered to comply with policies C1, EP3 and H9 of the South Bucks District Local Plan, policy CP8 of the South Bucks Core Strategy, as well as meet the requirements of the NPPF and National Design

Guide.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.15 Whilst the proposed garage would be becoming slightly larger in width, and taller in height, as well as being set slightly closer to the flank boundary with No.10 Marsham Lane, it is not considered that it would adversely impact upon the amenities of this neighbouring property. Boundary hedging would be retained, and the eaves height would remain as previously approved. In addition to this, the additional height would still be pitching away from the boundary. In light of these circumstances, when combined with the distances retained to No.10 Marsham Lane, it is considered that the revised garage would not appear over dominant or obtrusive when viewed from No.10, nor would it lead to an unacceptable loss of light or privacy.
- 5.16 Given the distances retained to all other properties, the proposed revisions to the garage would not lead to any impacts on these other properties.

Landscape Issues

Core Strategy Policies:

CP9 (Natural environment)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP4 (Landscaping)

L10 (Proposals involving felling or other works affecting trees covered by a Tree Preservation Order)

- 5.17 The proposals would not materially alter the amount of natural landscaping that would be retained/provided for within the development when compared to the approved scheme. Natural vegetation would continue to be provided along the sites front and flank boundaries.
- 5.18 The Councils Tree Officer raises no objections to the current proposals, considering that they would not adversely affect the important trees on the site.
- 5.19 Overall therefore, it is considered that the scheme would not adversely affect the natural landscaping of the site.

Ecology

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

- 5.20 No objections were previously raised from an ecology point of view, and the current proposals do not alter this view. They would not harm any protected species and ecological enhancements can be obtained via condition.

Other Matters

- 5.21 A number of objections have been received from local residents, a majority of which are considered to have already been addressed in this report.
- 5.22 The concern of this proposal setting a precedent is noted, however, each application is assessed on its own merits and set of circumstances.
- 5.23 One objection raises the concern that the views of Gerrards Cross residents were not taken

into consideration in the assessment of the previous application in the basis that the recommendation of the Town Council was never considered. However, it is important to note that the views of both the local residents and Town Council were taken into account in the determination of the previous application, as can be noted by viewing the officers report for that application, which clearly notes and sets out the comments and concerns of both of these parties.

- 5.24 It is also noted that the Town Council have raised concerns that the application should not be dealt with as a VRC application, but rather that it should be dealt with as a FUL planning application. VRC (variation/removal of condition) applications can be submitted for revisions to an existing planning permission if the proposed revisions constitute minor material alterations. In this instance, the revisions being proposed consist of modest changes to the size and design of the detached garage. The remainder of the scheme remains unchanged. In these circumstances, it is considered that it is appropriate for such changes to be dealt with by way of the VRC application.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies.
- 6.3 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2023) 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.
- 7.2 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.

8.0 Recommendation: Conditional permission, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of planning permission ref: PL/23/2708/FA granted on 12th October 2023.
Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).
2. The development shall be constructed in accordance with the schedule of external and hard-surfacing materials submitted and approved as part of application PL/23/2708/FA.

Reason: To ensure that the development is not detrimental to the character, appearance or interest of the Conservation Area and locality in general. (Policies C1, EP3, and H9 of the South Bucks District Local Plan (adopted March 1999) and policy CP8 of the South Bucks District Core Strategy (adopted February 2011) refers.)

3. Notwithstanding the materials approved by condition 2, prior to any construction works above damp course level, a sample panel of brick, brick bond, mortar and pointing technique is to be provided for viewing on site and shall be approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, and the approved panel shall be retained on site until the development is complete.
Reason: To ensure that the development is not detrimental to the character, appearance or interest of the Conservation Area and locality in general. (Policies C1, EP3, and H9 of the South Bucks District Local Plan (adopted March 1999) and policy CP8 of the South Bucks District Core Strategy (adopted February 2011) refers.)

4. Notwithstanding the approved plans, prior to commencement of construction works above damp course level, the design and detail of all fenestration features shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure that the development is not detrimental to the character, appearance or interest of the Conservation Area and locality in general. (Policies C1, EP3, and H9 of the South Bucks District Local Plan (adopted March 1999) and policy CP8 of the South Bucks District Core Strategy (adopted February 2011) refers.)

5. Prior to the commencement of construction works above ground level, details of biodiversity features of 1 integrated bat box, 1 swift box and hedgehog pathways in fences shall 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 thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Policy 9: Natural Environment of the South Buckinghamshire Core Strategy.

6. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

7. **No works or development (including for the avoidance of doubt any works of demolition) shall take place until a tree constraints plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide, as required, details of a no dig driveway; phasing of demolition and construction operations; siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding. Protective fencing detailed in the method statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any**

works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. (ST17A)

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

8. Notwithstanding any indications illustrated on drawings already submitted, prior to the first occupation of the development hereby permitted, details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. It shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained, as well as details of all new planting, including any new boundary treatments. None of the trees, shrubs or hedgerows to be planted or shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

10. The first and second floor windows in the southeast side elevation/roof slope, shall be of a fixed, non-opening design unless that part which opens is a minimum of 1.7 metres above the internal floor level, and shall be fitted and permanently maintained with obscure glass.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

11. The first floor windows in the northwest side elevation serving 'ENS4' and 'Master Bath', as shown on plan no. 23 TCMWP10B, and the second floor windows in the northwest side roof slope serving 'Bed 4', as shown on plan no. 23 TCMWP10B, shall be of a fixed, non-opening design unless that part which opens is a minimum of 1.7 metres above the internal floor level, and shall be fitted and permanently maintained with obscure glass.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

12. No further windows shall be inserted at or above first floor level in any of the elevations of the dwelling hereby approved.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the

adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

13. Prior to the first occupation of the dwelling hereby permitted, the wall of the neighbouring property, No.10 Marsham Lane, which will be exposed after the demolition of the existing dwelling, shall be made good in accordance with the details submitted and approved as part of this application.

Reason: To protect the visual amenities of the Conservation Area and locality in general.

14. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
1 Nov 2023	23 TCMW E10 A
1 Nov 2023	23 TCMW SP1 B
1 Nov 2023	22 TCMW SL1
18 Aug 2023	22 TCMW EX01 A
18 Aug 2023	22 TCMW PE01 C
18 Aug 2023	23 TCMW SE1
25 Aug 2023	23 TCMW P10B

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Broom: I would agree that this needs further scrutiny by the planning committee and request that it is called in.

Cllr Bracken: I call in this application.

Cllr Wood: I'd like to call this plan into committee for review as I don't believe the size and scale of the proposed dwelling is in keeping with the surrounding area, and also because it sits within a conservation area.

Town Council Comments

Gerrards Cross Town Council has an objection to this application on the following grounds: it is an overdevelopment of the site, not in keeping with the conservation area, and is unneighbourly. We believe this should be a full application rather than a variation of condition. We request this plan to be called in to the Bucks Planning Committee.

Please can you confirm that you are in agreement that this should be a full application rather than a variation of condition, and that we can call in this plan.

Consultation Responses

Heritage Officer:

Thank you for consulting the heritage team. The application site is within the Gerrards Cross Centenary Conservation Area (CA) and as such the impact on its character and appearance a consideration.

It is understood the current variation to the approved drawings only relates to the proposed garage, changing it from a single to double bay but of the same design and form.

As demonstrated by the applicant in the original application, the CA includes a number of large scale detached house of the design approach. Therefore, there were no heritage objections to the original scheme. The same can also be said of the proposed detached double garage – there are several within the proximity (and CA) which are of a similar scale and position with the site (forward to the main house).

Therefore, there are no heritage objections to the current revision.

Representations

Objections have been raised by 5 separate sources. Concerns raised include the following:

- Overdevelopment.
- Views of Gerrards Cross residents not previously taken into consideration as the recommendation of GX town council was never considered.
- Set a precedent.
- Impact on Conservation Area.
- Impact on amenities of neighbouring property – light provision and excessive massing.
- Large area of hard-surfacing to front of property.
- Impact on trees.
- Loss of a view.
- No other garages set this are forward in Conservation Area.
- Reduced screening.
- Increases mass of development.
- Out of keeping.