

# Agenda Item 84.

Application Number	Expiry Date	Parish	Ward
240459	18 April 2024	Charvil	Charvil;

<b>Applicant</b>	Mr Tino Simon
<b>Site Address</b>	20 Old Bath Road, Charvil, RG10 9QR
<b>Proposal</b>	Householder application for the proposed single-storey front extension, single-storey side extension, two-storey side extension and part single-storey part two-storey rear extension plus changes to fenestration and demolition of existing detached garage.
<b>Type</b>	Householder
<b>Officer</b>	Claire Moore
<b>Reason for determination by committee</b>	<p>This application has been called to committee by Cllr Aktar for the following reasons:</p> <ul style="list-style-type: none"> <li>- Loss of light and loss of privacy impacts to no.18 Old Bath Road.</li> <li>- The proposal being a rebuild, rather than extensions.</li> <li>- High frequency of applications causing confusion among neighbours (This is not a planning reason).</li> <li>- Regulations not being consistently applied by the council (This is not a planning reason).</li> </ul>

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 10 April 2024
<b>REPORT PREPARED BY</b>	DM Operational Lead
<b>RECOMMENDATION</b>	<b>APPROVAL subject to conditions and informatives</b>

## SUMMARY

This application seeks planning approval for the erection of single and two-storey extensions, changes to fenestration and demolition of the existing garage.

Objections have been received on overbearing impact and loss of light to no.18 Old Bath Road and the proposal being out of character with the host dwelling and local area.

The principle of development is acceptable, and the scale of the proposal is appropriate in the context of surrounding development, including impact upon the adjoining neighbours.

The application is recommended for conditional approval.

## RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
232951	Householder application for the proposed erection of a single storey front extension, single storey side extension, two storey rear extension	Refused 24/01/2024

	plus changes to fenestration following demolition of existing detached garage.	
231261	Householder application for the proposed erection of a single storey front extension, single storey side extension, two storey rear extension plus changes to fenestration following demolition of existing detached garage.	Approve 14/09/2023
230259	Application for the prior approval of the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.00m, for which the maximum height would be 3.00m and the height of the eaves 2.80m.	Approve 20/03/2023

<b>CONSTRAINTS</b>
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<p>Contaminated Land Consultation Zone  Local Authorities  Heathrow Aerodrome Consultation Zone  Affordable Housing Thresholds  Bat Roost Habitat Suitability  Borough Parishes  Scale and Location of Development Proposals  Great Crested Newt Consultation Zone  Ground Water Zones  Nuclear Consultation Zone  Borough Wards  Radon Affected Area  Landfill Gas Consultation Zone  Landscape Character Assessment Area  SSSI Impact Risk Zones  JCEB Mineral Safeguarding Areas</p>
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<b>CONSULTATION RESPONSES</b>
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<b>Internal</b>
<p>WBC Environmental Health – No objection, subject to condition in relation to land contamination and hours of work (05/03/2024).  WBC Highways – No objection (27/02/2024).  WBC CIL – CIL liable (29/02/2024).</p>
<b>External</b>
None consulted.

<b>REPRESENTATIONS</b>
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Parish/Town Council	<p>Objection letter (11/03/2024). Concerns include:</p> <ul style="list-style-type: none"> <li>• Increase in mass adversely affects amenities of neighbouring property.</li> <li>• Contrary to CP3 - The extension does not respond positively to the original building.</li> <li>• Loss of light to no.18 Old Bath Road.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Overbearing and out of character with the neighbouring properties.</li> </ul>
Ward Member(s)	<p>This application has been called to committee by Cllr Aktar for the following reasons:</p> <ul style="list-style-type: none"> <li>- Loss of light and loss of privacy impacts to no.18 Old Bath Road.</li> <li>- The proposal being a rebuild, rather than extensions.</li> <li>- High frequency of applications causing confusion among neighbours (This is not a material consideration).</li> <li>- Regulations not being consistently applied by the council (This is not a material consideration).</li> </ul>
Neighbours	<p>One letter of support (08/03/2024). Two letters of objection (29/02/2024 and 11/03/2024). Concerns include:</p> <ul style="list-style-type: none"> <li>• Scale, size and massing.</li> <li>• Disproportionate design.</li> <li>• Detrimental impact on character and appearance of host dwelling and local area.</li> <li>• Overbearing impact on no.18 Old Bath Road.</li> <li>• New roof form and excessive depth.</li> <li>• Raising of roof will lead to increase in bulk, further overshadowing, loss of light and loss of visual amenity to no.18.</li> <li>• Contrary to CP3 as it does not take its form from the main building.</li> <li>• Incongruous design.</li> <li>• The extent of demolition is beyond that of a householder application.</li> <li>• Inaccurate use of the 45° angle.</li> <li>• The two side, ground-floor windows should be removed from the application.</li> <li>• Concerns over accessing the rear garden.</li> <li>• Concerns over drainage.</li> </ul>

<p><b>APPLICANTS POINTS</b></p> <p>The applicants have taken into consideration the reasons for refusal for application 232951 and the comments from this application and have removed the additional storey (loft accommodation) from the proposal and reduced the roof ridge height. They have also removed two gables from the front elevation and reduced the size of the one remaining front gable to be more in-keeping with surrounding properties.</p>
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<p><b>PLANNING POLICY</b></p> <p><b>National Planning Policy Framework</b> <b>National Design Guide</b> <b>National Planning Practice Guidance</b></p> <p><b>Core Strategy (CS)</b></p>
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CP1 – Sustainable Development  
CP3 – General Principles for development  
CP7 – Biodiversity  
CP9 – Scale and Location of Development Proposals

**MDD Local Plan (MDD)**

CC01 – Presumption in Favour of Sustainable Development  
CC02 – Development Limits  
CC03 – Green Infrastructure, Trees and Landscaping  
CC04 – Sustainable Design and Construction  
CC06 – Noise  
CC07 – Parking  
CC09 – Development and Flood Risk  
CC10 – Sustainable Drainage  
TB21 – Landscape Character  
TB23 – Biodiversity and Development

**Other**

Borough Design Guide Supplementary Planning Document  
CIL Guidance + 123 List

**PLANNING ISSUES**

**Background**

1. A Household Prior Approval application was approved on 20 March 2023 for the erection of a single storey rear extension. On 14 September 2023 planning permission was granted for a single-storey front extension, single-storey side extension and two-storey rear extension plus changes to fenestration following demolition of the existing garage. On 24 January 2024 planning permission was refused for the erection of a single-storey front extension, single-storey side extension, two-storey rear extension, addition of a loft room, changes to fenestration and demolition of detached garage. Application 240459 was validated on 22/02/2024 and consultation letters sent to adjoining neighbours on 22/02/2024. Amendments were submitted on 22/03/2024.

**Site Description**

2. The application site consists of a two-storey detached property set within a large plot on the south side of Old Bath Road, Charvil. There are two adjoining neighbours (nos. 18 and 22) to the east and west of the application site and Park Lane Recreation Ground located to the south beyond the rear garden.
3. The property is set back from the road behind a substantial front lawn and off-street parking for three vehicles. Old Bath Road consists of a wide variety of dwelling types and architectural designs styles arranged in a conventional side-side relationship. There is a mix of material palettes including red brick, timber cladding, render, hung tiles and timber detailing. There are numerous examples of already constructed extensions ranging in form, size and scale.



Figure 1: Aerial view of site (Google Maps 2024)

## Proposal

4. This application seeks planning approval for a part single-storey, part two-storey rear extension. The ground floor element of the extension would measure approximately 6m in length and 9.4m in width and would include no.2 roof lanterns in the flat roof.
5. The single-storey side extension would run along the side of the house and measure approximately 11.89m in length and 2.2m in width with no.3 rooflights.
6. The two-storey side extension would measure approximately 2.45m in length and 3.05m in width.
7. Also proposed is a single-storey front extension measuring approximately 3.27m in width and 2.59m in depth to form a porch and open-sided porch canopy.
8. A new dual pitched roof would be erected and would include a hipped roof form to the front and 2-span to the rear, plus the insertion of no.1 dormer in the east elevation and no.1 dormer in the west elevation.
9. The first-floor would measure approximately 9.38m in width and 12.22m in length (maximum length).
10. There are no protected trees on site and no trees or hedges are proposed to be removed as part of this proposal.
11. The application proposes no.3 on-site vehicle parking spaces.

12. Materials would include grey roof tiles, uPVC windows and doors and facing brickwork and render, to match existing.

### **Principle of development**

13. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
14. The site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

### **Impact on the Character and appearance including landscaping**

15. CP3 of the Core Strategy states that proposals should be of an appropriate scale of mass, built form and character of the area. Section 4 of the Council's Borough Design Guide (BDG) sets out advice for residential developments.
16. As described, there is no prevailing architectural style along Old Bath Road, as residential properties vary in size, scale, age and design.
17. The site benefits from a large front lawn and driveway. The mature hedging and shrubs along the front boundary and the existing mature trees and shrubs in the rear garden add to the verdant environment of the local area. There are no protected trees on site, and no trees or hedges are proposed to be removed as part of this proposal.

#### *Single storey side extension:*

18. The Borough Design Guide (BDG) recommends the eaves height of single storey extensions '*should not exceed 3m within 2m of a side boundary*'. The proposed eaves height would measure approximately 2.8m at the front and rear with a sloping flat roof adjoining a mock pitch to the front elevation. This element of the scheme is set back from the road in excess of 19m and is set back from the principal building line by approximately 0.3m. The proposed single-storey side extension is a subservient addition to the host dwelling.
19. Furthermore, there are examples of similar, already constructed extensions in the street, most notably no.24.

#### *Front extension:*

20. The proposal includes a single-storey front extension to create a porch and open-sided canopy. The BDG recommends that front extensions are '*generally only acceptable where the building is set well back from the street frontage..... and should generally be no more than 1 storey in height and should not project significantly forward from the building line*'.

21. The single-storey front extension would be a relatively minor addition to the host dwelling and is a similar footprint to that which could have been allowed under permitted development.

22. It would be sufficiently in-keeping with the varied local character of the street scene which includes a variety of porch styles. These include inset, mono-pitch, pitched, flat roof, open and closed-sided porches. Furthermore, the proposed porch would be set back approximately 17m from the road and is acceptable.

*Single-storey rear extension:*

23. There would be no discernible views of the single storey rear extension from the public realm and it would have no discernible impact on the character of the street. Furthermore, it is not substantially different to approved application 231261.

*Two storey side extension:*

24. The proposed two-storey side extension to the northwestern corner would infill space between the existing hall and dining room. The proximity of the two-storey side extension to no.18 Old Bath Road (approximately 2.78m), would not result in any harmful terracing effect in this instance. Furthermore, the front elevation would be set back from the front building line by approximately 0.3m and would not harm the character and appearance of the host dwelling or surrounding area.

*Raising of roof:*

25. The proposal also includes raising the roof from approximately 6.57m to 7.48m. R9 of the BDG states that the heights of residential buildings should '*respond to the prevailing heights and degree of variation in height in the local context*'. As evidenced by the submitted street scene plan (BR-08) and publicly available Google Maps image below dated 21/03/2024 (Figure 2), even with the 0.91m increase in ridge height, the host dwelling would remain at a height commensurate with the lower roof height of no.18 (6m tall) and no.22 (8.2m tall). The incremental increase in height when viewed from the street would be sympathetic to its immediate surroundings and would not appear obtrusive or have an adverse impact on the character of the host dwelling or local area.



Figure 2: Street view (Google Maps 2024)

26. From the public realm, the new roof would be sufficiently in-keeping with the hipped roofs of no.18 and no.22. The remodelled roof would also include the addition of no.1 pitched roof dormer in the east elevation and no.1 pitched roof dormer in the west elevation. There are examples of existing side dormer windows along Old Bath Road, examples include no.26 and no.34. Therefore, these components of the scheme cannot be argued to be out of character within the local context.
27. Third parties referenced concern regarding the new roof form. As stated above, the hipped roof is in-keeping with the local character. There is a 2-span roof form proposed to the rear. As evidenced in the photographs below, there are examples of less prevalent roof forms along Old Bath Road. Within close proximity are examples of a 2-span and gambrel roof.



Figure 3: Example of a 2-span roof form approximately 60m to the west (no.8).





Figure 4: Exmample of a gambrel roof form approximately 80m to the west (no.6).

### Impact on Residential Amenity

28. Policy CP3 of the Core Strategy aims to protect neighbouring amenity.
29. The Parish Council and third parties have raised concern over the scale and size of the proposed works. It is considered that the large plot can accommodate such increases in size and scale without significant detrimental impact to neighbouring properties.
30. Permitted development rights would already be used through any grant of this planning permission, therefore, the application site would not benefit further from the provisions set out in the Town and Country Planning, (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, for Class A, B, C, or D, unless the scheme is not implemented. As the property benefits from a substantial sized garden (circa 50m), it would be unnecessary to impose a condition to remove permitted development rights for Schedule 2, Part 1, Class E.
31. Revised plans (BR-05R1, 22/03/2024) have been submitted that reduce the ridge height to approximately 7.54m and replace the crown roof form proposed in 232951 with a 2-span roof form to the rear. The proposed height is marginally higher (0.05m) than the roof height of approved application 231261 and removes the significant bulk and mass of the proposed loft room in application 232951.
32. The depth of the first floor will increase to an approximate 11.9m. This extends the depth of the first floor by approximately 3.1m. This accords with general BDG guidance which recommends that *'rear extensions should not project more than four metres from the main rear wall where they are close to a side boundary'*.

33. Nonetheless, it is recognised that due to no.18 being sited significantly further forward, there are already views of the host dwelling from the rear fenestration of no.18, and views of built form from the rear fenestration of no.18 would increase to some degree.
34. However, the removal of the crown roof and reduction in roof height to similar proportions of those approved in application 231261, significantly reduce the overbearing impact of the first-floor extension to adjoining neighbours.
35. Furthermore, no.18 benefits for a substantial sized garden that extends to over 50m in length, providing the occupiers with sufficient private amenity space which is currently free from any perceived overbearing.
36. The single storey rear extension would be located approximately 1m from the shared boundary with no.18 and 2.3m from the shared boundary with no.22. This accords with the BDG which recommends a minimum 1m separation distance for one and two storeys to maintain privacy and limit a sense of enclosure. This is also similar to that already approved under application 231261.
37. Objections have been raised regarding the first floor dormer window in the western elevation. However, as already stated in the officer report for 231261, the window would be replacing an existing window. It would not change the existing relationship with the neighbouring property. This is an original window and so although R23 of the BDG notes that side walls should not contain windows, especially at first floor level, it would be unreasonable to refuse this aspect of the scheme due to the existing side facing window already being present.
38. The proposed first floor window in the eastern elevation would serve a bathroom. Furthermore, the adjoining property has only one window on the adjoining flank wall which serves the staircase. Therefore, as concluded in the officer report for 231261, it remains the case that no significant overlooking would be caused. However, to mitigate any potential harmful overlooking impacts, it will be conditioned that the dormer window serving the bathroom is obscurely glazed and limiting in opening height to protect the amenity of the occupants at no.22.
39. An objection has been raised regarding a loss of privacy to the occupiers of no.18 from the 2no. ground floor windows proposed on the western elevation. However, 2no. ground floor windows in this side elevation already exist. The no.2 additional ground floor windows would be more than 7m from the existing rear windows of no.18. Therefore, this element of the scheme would not result in any greater level of harm that does not already exist and is therefore acceptable.
40. The host dwelling and adjoining side neighbours benefit from south facing gardens. There is already a degree of loss of light to no.18 from the host dwelling and it is acknowledged that there would be a minor increase in loss of light impact. This would be confined to the mornings at certain times of the year. However, due to the south facing gardens, for large parts of the day no.18 would have unobstructed sunlight. Therefore, no harmful impact to the amenities of no.18.
41. In conclusion, the impact on adjoining neighbours has been considered in detail and informed by third party comments. Based on this assessment and the site-specific circumstances, it is concluded that the proposal would not cause any significant harm to

the amenities of adjoining occupiers in accordance with policies CP1, CP3, CC07 and guidance in the Borough Design Guide.

### **Land Contamination**

42. The application site falls within a landfill gas consultation zone for nearby historic landfill sites. The WBC Environmental Health officer was consulted and raised no objection to the proposal, subject to the applicant carrying out an appropriate risk assessment to determine if gas protection measures are required, this will be conditioned.
43. An hours of construction/building work condition was also recommended. Usually, it is not standard practice and unreasonable to impose construction times on household development when they are likely to be carrying out the works themselves. Therefore, this condition will not be imposed.

### **Ecology**

44. The application site is located in an area suitable for bat roosts and a preliminary bat roost assessment was submitted. The report concluded that there was no evidence of bats (currently or historically) found internally or externally and the main dwelling and garage offer no suitable roosting opportunities for bats. Taking the precautionary approach in the unlikely event bats are found during works, an informative will be included to a grant of any planning permission.

### **Drainage**

45. The application site is located in flood zone 1 which is suitable for development and is at a very low risk of surface water flooding. Very low risk means that this area has a chance of flooding of less than 0.1% each year. WBC Drainage were consulted for application 232951 and had no objection, subject to a condition to provide drainage details due to the increase in footprint. The same approach has been taken for this application.

### **Community Infrastructure Levy**

46. The CIL Team were consulted and confirmed that the proposal would result in a total net increase in floorspace of 126.95sqm, therefore CIL liable. When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications. Any changes to the approved scheme could result in significant CIL implications.

### **The Public Sector Equality Duty (Equality Act 2010)**

47. In determining this application, the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

## **Conclusion**

48. The proposed extensions are acceptable in principle and do not cause a detrimental impact on local character, neighbouring amenity, drainage, parking, and ecological aspects. Therefore, it is recommended that this application is approved subject to the above conditions as it accords with the National Planning Policy Framework and the Council's Development Plan policies and guidance.

## APPENDIX 1 – Conditions and Informatives

### 1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

### 2. Approved Details

This permission is in respect of the submitted application plans and drawings received by the local planning authority and labelled as follows:

BR-01, BR-02, BR-03, BR-04, BR-05R1, BR-06, BR-07 and BR-08 received by the Local Planning Authority on 20/002/2024 and 19/03/2024.

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

### 3. Drainage

No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include:

- 1) Calculations indicating the existing runoff rate from the site.
- 2) BRE 365 test results demonstrating whether infiltration is achievable or not.
- 3) Use of SuDS following the SuDS hierarchy, preferably infiltration.
- 4) Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100-year flood event with a 40% allowance for climate change and runoff controlled at existing rates, or preferably better.
- 5) If connection to an existing surface water sewer is proposed, we need to understand why other methods of the SuDS hierarchy cannot be implemented and see confirmation from the utilities supplier that their system has got capacity and the connection is acceptable.
- 6) Groundwater data confirming seasonal high groundwater levels in the area.
- 7) A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level.
- 8) Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for maintenance.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

*Reason: this is to prevent the increased flood risk from surface water run-off.*

*Relevant policy: NPPF (2019) Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

4. Land Contamination

A preliminary Risk Assessment must be conducted in line with the Land Contamination Risk Management procedure as defined by the Environment Agency to determine if any gas protection measures are required, and if so, identify these in a clearly defined scheme of works.

The preliminary report must be presented to the local authority and any risk or remediation measures agreed prior to commencement of development.

Any necessary mitigation measures are to be maintained in perpetuity.

*Reason: To ensure that any contamination of the site is identified at the outset to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land.*

*Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.*

5. External materials

Except where stated otherwise on the approved drawings, the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be of similar appearance to those used in the existing building, unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure that the external appearance of the building is satisfactory.*

*Relevant policy: Core Strategy policies CP1 and CP3.*

6. Obscure glazing

The first floor dormer window in the eastern elevation of the development hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

*Reason: To safeguard the residential amenities of neighbouring properties.*

*Relevant policy: Core Strategy policy CP3.*

***Informatives:***

1. Bat Informative

Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

2. Within Curtilage

Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, the granting of planning permission does not authorise you to gain access or carry out any works on, over or under your neighbour's land or property without first obtaining their consent, and does not obviate the need for compliance with the requirements of the Party Wall etc. Act 1996.

### 3. Changes to Approved Plans

The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990. Any changes to the approved scheme could result in CIL implications. This specifically refers to serious implications for the applicant in respect of potential Community Infrastructure Levy (CIL) payments that may be due if the development does not have the correct planning permission.

### 4. Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:

- Existing elevation plans to include garage – plan submitted.
- Revised Proposed Elevation plan submitted.
- Additional plans submitted: Street scene plan, Comparative elevation plan and Comparative elevation Rear plan submitted.
- Agreed amended description.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

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