

# Agenda Item 63.

<b>Development Management Ref No</b> 172366	<b>No weeks on day of committee</b> 18/08	<b>Parish</b> Earley	<b>Ward</b> Maiden Erlegh	<b>Listed by:</b> Cllr. Chopping
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<b>Applicant</b>	Mr and Mrs Tahir Bashir		
<b>Location</b>	37 Wilderness Road, Earley, Wokingham.	<b>Postcode</b>	RG6 7RU
<b>Proposal</b>	Householder application for the proposed erection of a part ground floor and part first floor extension (including rear facing balcony) to the existing dwelling.		
<b>Type</b>	Full		
<b>PS Category</b>	366		
<b>Officer</b>	Andrew Chugg		

**FOR CONSIDERATION BY** Planning Committee on 13<sup>th</sup> December 2017  
**REPORT PREPARED BY** Assistant Director – Place Based Services

## SUMMARY

The proposal represents a larger than average extension to a residential dwelling, however, given the physical relationships with neighbouring properties, sufficient distance is maintained to avoid any significant amenity issues in terms of the bulk and massing of the development. In terms of potential overlooking and privacy concerns, suitable mitigation measures in the form of privacy screens are to be secured that would protect the residential amenity of neighbouring properties. As such, the application is considered to accord with planning policy and is recommended for conditional approval.

## PLANNING STATUS

- Major development location
- Bat habitat area

## RECOMMENDATION

**Subject to receipt of an acceptable Bat Survey and no objections from the Council's Ecologist, that the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### A. 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 numbered 'Location & Site Plan – PL/339/105', 'Proposed Ground Floor Plan – PL/339/106', 'Proposed First Floor Plan – PL/339/107' and 'Proposed Elevations – PL/339/104', received by the local planning authority on 24<sup>th</sup> October 2017. The development shall be carried out in accordance with the approved details unless

otherwise agreed in writing by 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. External Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be of a similar appearance to those used in the existing building unless otherwise agree 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.*

4. Obscure glazing

The windows in the southern 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*

5. Restriction of permitted development rights – windows and other openings

Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows, doors or similar openings shall be constructed in the first floor level or above in any elevation of the extension hereby permitted except for any which may be shown on the approved drawing(s).

*Reason: To safeguard the residential amenities of neighbouring properties.  
Relevant policy: Core Strategy policy CP3*

6. Privacy screens

The privacy screens to the rear balcony as shown on the approved plans shall be installed prior to first use of the extension hereby permitted and shall be permanently retained and maintained with obscure glazing at a height of 1.8m above the floor level of the balcony.

*Reason: To safeguard the residential amenities of neighbouring properties.  
Relevant policy: Core Strategy policy CP3*

**Informatives**

1. 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:

- Extending the determination period of the application to allow for amended plans (to address amenity concerns) to be submitted, considered and consulted upon

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.

2. 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

## PLANNING HISTORY

37 Wilderness Road:

170553	Householder application for proposed part single storey rear extension to existing dwelling. APPROVED (Prior Approval not required) 21/04/2017
F/2008/1541	Proposed erection of two storey rear extension and addition of pitched roof to flat roof at rear. APPROVED 02/09/2008
F/1998/68845	Proposed single storey rear extension to dwelling to form conservatory. APPROVE 23/02/1999
PD/310/62	Additions (including a two storey rear addition). APPROVE 12/07/1969

## REPRESENTATIONS

**Highways:** No objection.

**Earley Parish Council:** Objection. There are discrepancies between the proposed plans which misrepresent the proposals. The rear facing balcony would result in overlooking to the rear gardens of neighbours. If officers are minded to approve, it is requested that a condition is included to secure privacy screening to protect neighbours amenity (refer to paras. 9 to 14).

**Ward Members:** David Chopping – Objects to this application on the grounds that views from the proposed rear balcony would result in an unacceptable loss of privacy to neighbours (refer to paras. 9 to 14).

**Neighbours:** Objections received from immediate neighbouring properties at 35 and 39 Wilderness Road and 38 Aldbourne Avenue on the following grounds:

- Overdevelopment of the site would allow for multiple occupancy (refer to officer note below).
- Overlooking and loss of privacy resulting from the proposed balcony (refer to paras. 9 to 14).
- Potential increase in noise from gatherings on the balcony in the evening (refer to para. 25).
- The proposal would be 9m beyond the rear of the original house on both the ground and first floors and would be excessive in size (refer to para. 8).
- The property has already undergone significant change. The scale and extent of previous extensions should be considered and how it impacts on the character of the original house (refer to paras. 7 and 8).
- Any development should be suitably set back from the party wall boundary to ensure no guttering, soffits etc. encroach the boundary (refer to para. 26).

Following discussion with the applicant, amended plans were received (on 24<sup>th</sup> October 2017) which reduce the width of the proposed balcony by approx. 1m and incorporates 1.8m high privacy screens to its sides. The amended plans also include a smaller

obscure glazed en-suite window in the proposed south facing side elevation and a revised block plan which accurately reflects the floor areas of the proposed ground and first floor extensions.

Objections to the amended plans were received from immediate neighbouring properties at 35 and 39 Wilderness Road on the following grounds:

- The back wall of the original house is not marked against the existing extensions already in place (refer to paras. 1 to 3).
- The depth of the rear wall will dominate property boundaries (refer to paras. 15 to 17).
- A 45 degree line from the kitchen window of no. 39 would be impeded by the applicants planned boundary wall and therefore impact of the light / sense of open space (refer to paras. 18 to 19).
- Privacy screens are not sufficient to protect the amenities of immediate neighbours (refer to paras. 9 to 14).
- Foundations of any drain should not impact on neighbours drains (refer to officer note below).
- Proposal would reduce property values (refer to officer note below).
- The proposal will result in the removal of a tree on the property boundary with no. 39 that currently provides a degree of privacy (refer to para. 12).

Officer Note: The submitted amended plans appear to indicate that the proposed development would be entirely within the property curtilage of 37 Wilderness Road. Potential property blight or impacts on drainage are not a material planning considerations and have not been taken into account in assessing this application. The proposal does not seek a change of use to a House in Multiple Occupation (HMO). A 45 degree line taken from the kitchen of no. 39 would not be impeded by the proposed development.

#### **APPLICANTS POINTS**

- While the proposal would be greater than the size of rear extensions advocated with the Borough Design Guide, the submitted amended plans demonstrate that no adverse impact would occur to the amenity of neighbouring properties in terms of its physical presence.
- The proposed privacy screens would illuminate any direct overlooking to the areas of garden directly to the rear of nos. 35 and 39 Wilderness Road.

#### **PLANNING POLICY**

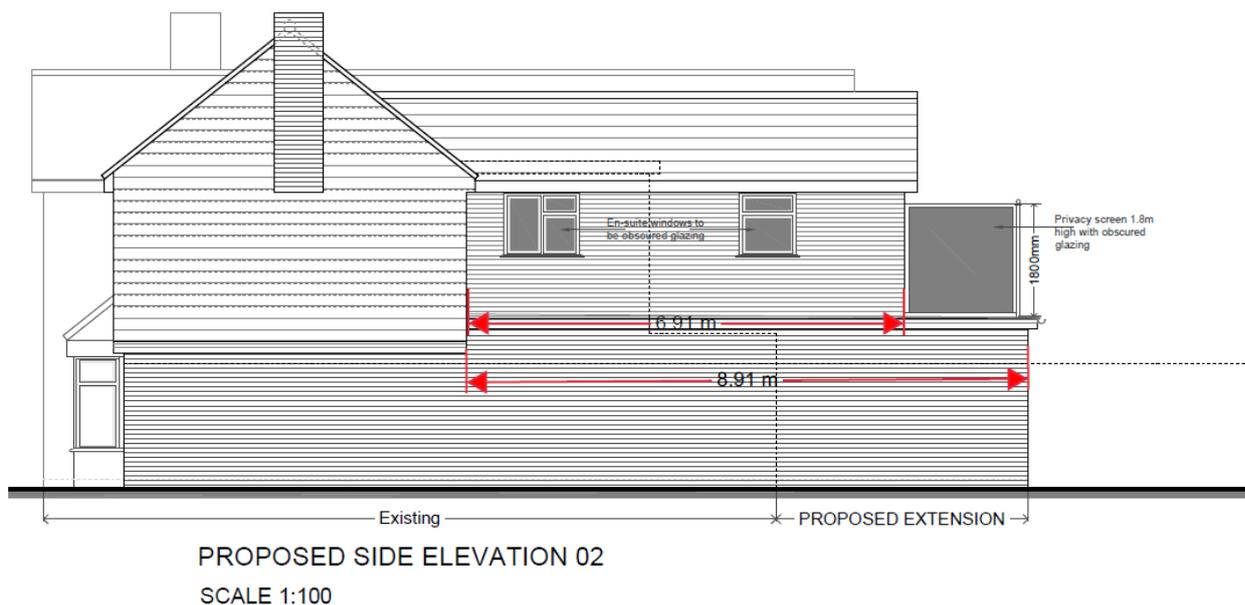
National Policy	<b>NPPF</b>	National Planning Policy Framework
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP9</b>	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits

## PLANNING ISSUES

### Description of Development:

1. The proposal is for a part ground floor and part first floor rear extension that would provide an additional family room and bedroom. The proposed extension would extend approx. 4m to the rear of the existing house (as currently extended); or approx. 9m (at ground floor) and 7m (at first floor) from the rear of the original dwelling. These dimensions are outlined in Fig 1.0 below for clarity with the current extensions annotated by dotted lines.
2. The proposed ground floor extension would extend approximately 1m further than the scheme recently approved under Prior Approval application 170553 (refer to planning history above).
3. The proposal also includes the introduction of a rear facing balcony at first floor that would be approximately 1.8m deep and 4.9m wide. The proposal balcony would include 1.8m high privacy screens (with obscure glazing) to the southern and northern sides. The proposed south facing en-suite windows in the first floor extension would be fitted with obscure glazing.

**Fig 1.0: Proposed southern elevation showing proposed dimensions in relation to original dwelling house and existing extensions (dotted).**



### Principle of Development:

4. 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 (MDD) 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.

5. The site is located within the Major Development Area of Earley and as such the proposal should be acceptable providing that it complies with the principles outlined with the Core Strategy. Core Strategy Policy CP3 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 with detriment to the amenities of adjoining land users and occupiers.
6. In addition, the Council's Borough Design Guide (BDG) sets out general principles for residential alterations and extensions. Accordingly, BDG Policy R23 states that alterations and extensions should be well designed, respond positively to the original building line, contribute to the local character and relate well to neighbouring properties.

**Character of the Area:**

7. The surrounding area is predominantly characterised by detached properties of similar styles sat within large plots located along the eastern side of Wilderness Road. A dense tree belt is located opposite on the western side of Wilderness Road which forms part of the Reading University Whiteknights campus. Many of the properties along this road have been significantly extended over time.
8. The host dwelling was originally a modest property that has been extended in the past to provide utility rooms, a study and en-suite at the rear. The proposed rear extension has been well-designed to be proportionate to the scale and mass of the original dwelling by incorporating two rear gables approx. 1.5m lower than the existing roof ridge line. While the rear extension is significant in size and depth, it is not considered to be excessively large such that it would raise concerns in terms of any significant detrimental impact on the character and appearance of the surrounding area. As such, the proposal accords with Core Strategy Policy CP3 and the Borough Design Guide in this respect.

**Amenities of adjoining occupiers:**

*Overlooking:*

9. Concerns have been raised by neighbours and a local Ward Member in respect of the potential for overlooking that may occur from the proposed balcony and a resulting loss of privacy to neighbours at 35 and 39 Wilderness Road and 38 Aldbourne Avenue to the rear of the site.
10. While the proposed balcony would offer the opportunity to sit outside at an elevated position it would not offer views that would be significantly different from that of existing first floor rear windows in the host property; i.e. those views over the gardens of the application site and neighbours. This is because officers requested amended plans to reduce the size of the balcony and, more importantly, provide a 1.8m high privacy screen to either side of the balcony thereby avoiding any direct overlooking to the private gardens areas directly to the rear of 35 and 39 Wilderness Road. Condition 6 is recommended to ensure that privacy screens are permanently maintained with obscure glazing.
11. Neighbouring side (north facing) windows at 39 Wilderness Road are either obscure glazed, at first floor level, or relate to non-habitable rooms, at ground floor, and therefore no significant loss of privacy would occur to these existing windows. Moreover, the proposal intends obscure glazing in the south facing windows at first

floor that would help avoid any overlooking to the rear garden of 39 Wilderness Road.

12. It is likely that the proposal would require the removal of a relatively small tree on the application site that lies close to the property boundary with no. 39. The removal of this unprotected tree would not require consent from the Local Planning Authority and its removal is not considered to result in any significant amenity concerns when considered in light of this application.
13. The proposal would retain a back-to-back distance of approx. 65m from 38 Aldbourne Avenue which far exceeds the BDG guidance of 22m. Therefore, no significant overlooking or loss of privacy is considered to occur to 38 Aldbourne Avenue.
14. Therefore, while the proposed balcony would introduce a different element to the host property that would increase the amount of outdoor space available for sitting out, it is considered that it would not result in significant privacy concerns that would warrant refusal of this application.

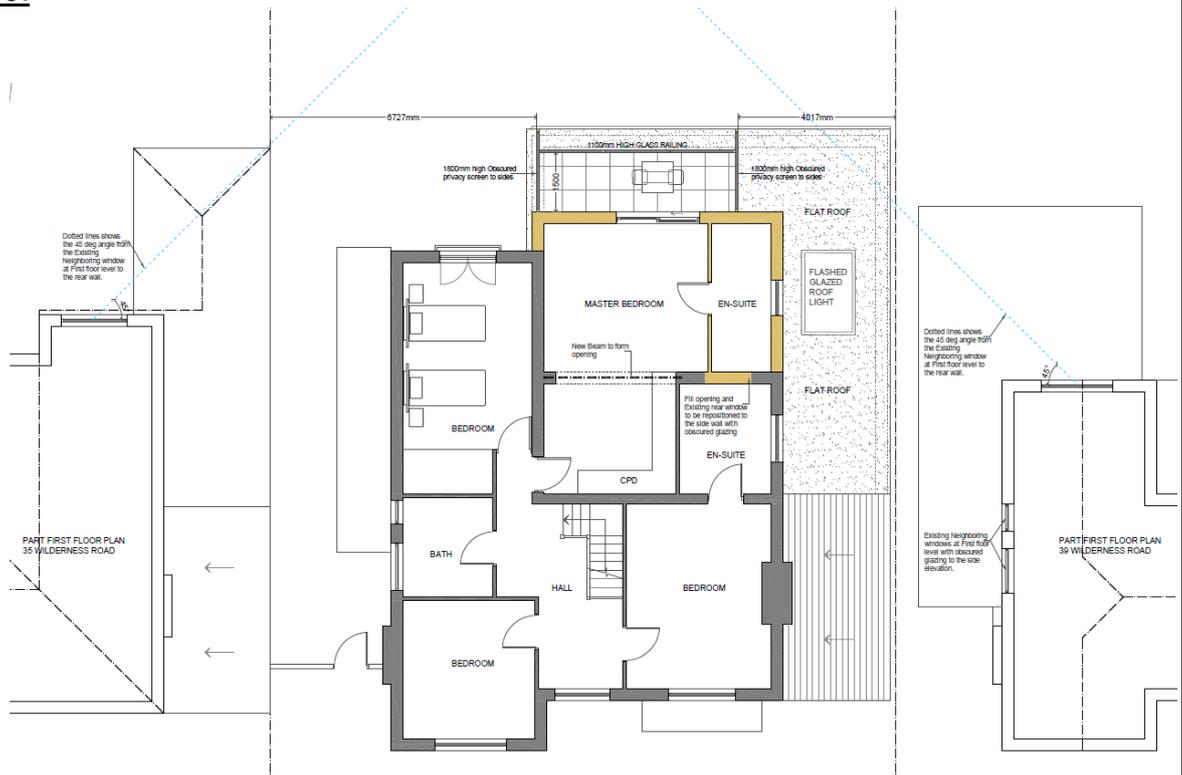
*Overbearing:*

15. The Council's BDG suggests that rear extensions should not project more than four metres from the main rear wall where they are close to a side boundary. While the proposed extension surpasses this guidance each individual application must be considered on its own merits and assessed for significant harm to neighbouring amenities. On larger residential plots there are often opportunities to extend significantly further than that advocated in the above guidance provided residential amenity is protected.
16. The proposed first floor extension would be sited approx. 2.8m and 6.7m from the side boundaries of 39 and 35 Wilderness Road respectively. The first floor extension would only be viewed at a very oblique angle from the first floor bedroom window at 39 Wilderness Road which could not be considered to be overbearing or physically oppressive. Given the flat roofed design of the proposed ground floor extension it is considered that this element would also have little impact on the outlook from either ground or first floor rear windows at 39 Wilderness Road.
17. The degree of separation between the proposals and 35 Wilderness Road also means that they would not appear as overbearing or physically oppressive structures when viewed from this neighbouring property.

*Overshadowing:*

18. The applicant has annotated 45 degree lines on the amended plans (see Fig 2.0 below) in order to demonstrate compliance with the Council's BDG in respect of potential overshadowing issues. The orientation of plots (with the application site being directly north of 39 Wilderness Road) means that overshadowing to this neighbouring property would be minimal or non-existent.

**Fig. 2.0:**



19. In light of the above, it is considered that the proposal would not have an adverse impact on the residential amenities of any of the neighbouring properties to the extent that it would warrant refusal. As such, the proposal complies with Core Strategy CP3 in this respect.

**Trees and Landscaping:**

20. As mentioned, the proposal would require the removal of a small tree within the application site that is sited along the boundary with 39 Wilderness Road. This tree is not protected by a TPO and its removal is not considered to have any significant impact on the character of the site or surrounding area.

**Highways**

21. The proposal would provide an additional family room and bedroom. No increase car parking provision would be required as a result of this development. At least three off-road parking spaces currently exist on the frontage of the site.

**Biodiversity**

22. The site falls within a Bat Habitat Area and therefore the proposal needs to be assessed against any potential impact upon protected species. The applicant has advised that a Bat Survey has been recently undertaken which confirms the non-existence of bats at this property. The Council’s Ecologist will be consulted on this document in due course and an update on this matter will be provided at your meeting.

**Amenity space for occupants**

23. The proposal would not significantly reduce the private rear garden area to the host dwelling. Adequate space would remain for the occupants of the property.

**CIL**

24. Wokingham Borough Council adopted CIL on 6 April 2015. The proposed development will result in an increase in new build floorspace of less than 100 sq m and therefore is not liable for CIL.

**Other issues:**

25. An objection has been raised by a neighbour on the grounds that the proposal would result in a potential increase in noise from gatherings on the balcony in the evening. Officers consider that it is unlikely that this would represent a significant change from the existing situation whereby the rear garden could be used in the evenings.

26. The proposed development appears to be entirely within the curtilage of the application site. However, an informative is recommended to draw the applicant's attention to the Party Wall Act (1996).

**CONCLUSION**

The proposed is recommended for conditional approval as outlined above.

**CONTACT DETAILS**

<b>Service</b>	<b>Telephone</b>	<b>Email</b>
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