

# Agenda Item 81.

Application Number	Expiry Date	Parish	Ward
173177	15/02/2018	Finchampstead	Finchampstead South;

<b>Applicant</b>	Ms Rebecca Stead
<b>Site Address</b>	The Lodge, North Court, The Ridges, Finchampstead, RG40 3SH
<b>Proposal</b>	Application to vary condition 2 of planning consent F/2014/0168 for the demolition of existing rear extension and erection of rear and side extension, conversion of loft space to habitable room and creation of underground garage and store room with associated parking. Condition 2 relates to plan numbers and the new plans propose the erection of dormer windows.
<b>Type</b>	S.73 application
<b>PS Category</b>	633
<b>Officer</b>	Katie Herrington
<b>Reason for determination by committee</b>	Listed by Councillor Weeks

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 14 February 2018
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>This is a S.73 (variation of condition) application to amend condition 2 of planning permission F/2014/0168 for the erection of dormer windows and ground floor changes to fenestration as an amendment to the approved scheme which relates to the <i>'the demolition of existing rear extension and erection of rear and side extension, conversion of loft space to habitable room and creation of underground garage and store room with associated parking'</i>.</p> <p>Concerns have been raised by residents that the proposal would result in overlooking and would unduly increase the size of the building.</p> <p>The proposed dormers are modest in their size and whilst they would increase the size of the building this would not be to the extent that it would harm the rural character of the countryside. The proposed dormers would replace already approved windows and would not just meet but exceed the distance separation standards found in the adopted Borough Design Guide SPD.</p> <p>Permission F/2014/0168 is currently under construction and this application is an amendment to alter the fenestration and add dormers. The fenestration changes and dormers are of a form that would not appear out of keeping with the character of the host building and would be of a size that would not harm the rural character of the countryside.</p>

<b>PLANNING STATUS</b>
<ul style="list-style-type: none"> <li>• Designated Countryside</li> <li>• SPA 5KM and 7KM</li> <li>• Badger Sett Consultation Zone</li> </ul>

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### **A. Conditions and informatives:**

**The below conditions have been amended;**

#### 2. Approved plans

This permission is in respect of the submitted application plans and drawings numbered 07D, 08E, 21B, 20D received by the local planning authority on 20/11/2017 and plan '0' received by the LPA on the 14/02/2014. 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. Materials to match existing.

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of a 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*

**All other conditions as per F/2014/0168 remain in place;**

1. The development hereby permitted shall be begun before the expiration of three years from the date of 09/04/2014.

*Reason: In pursuance of s91 of the Town and Country Planning Act 1991 (as amended by s51 the Planning and Compensation Act 2004).*

2. Approved plans.  
As amended above

3. Materials  
As amended above

4. Tree protection

- a) No development or other operation shall commence on site until a scheme (herein called the Approved Method Statement for Arboricultural Works Scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent the site has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place until the approved tree protection measures have been implemented except in complete accordance with the approved protection scheme.

- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the approved scheme.

d) The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3.*

5. Removal of PD rights for conversion of garage

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

*Reason: To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking. Relevant policy: Core Strategy policy CP6.*

6. Vehicle parking

No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking has been provided in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority. The vehicle parking shall be permanently maintained and used for no other purposes.

*Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.*

*Informatives:*

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. As an affordable housing development a claim for relief can be made. This is a matter for the developer. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>.

<b>PLANNING HISTORY</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
Application Number	Proposal	Decision
170538	Application for a non-material amendment to planning consent F/2014/0168 to allow replacement of roof lights to dormers, replacement	Refused. 20/03/2017

	of existing red/hip ridge tiles to lead flashing and replacement of 3no existing windows to French Doors.	
163428	Application for a non-material amendment to planning consent F/2014/0168 to allow the removal and reconstruction of the damaged front wall to the exact original condition using reclaimed materials.	Approved. 03/01/2017
161599	Application for a non-material amendment to planning consent F/2014/0168 to allow the removal and reconstruction of the front wall to the exact original condition using reclaimed materials.	Refused. 21/07/2016
161203	Application for submission of details to comply with the following conditions of planning consent F/2015/0770 (Dated 16/11/2015) 3. Boundary treatments 4. Arboricultural Method Statements 5. Drainage systems	Approved. 04/11/2016
160736	F/2014/0168 Conditions application for the submission of details to comply with the following condition of planning consent F/2014/0168 (141952) dated 09/04/2014: 4. Arboricultural Method Statement.	Refused. 16/05/2016
F/2015/0770	Proposed erection of 3 bedroom detached dwelling with associated parking, access and landscaping following demolition of existing dwelling.	Approved. 16/11/2015
152139	Application for a certificate of lawfulness for the proposed erection of a wall.	Refused. 17/09/2015
CLP/2015/1252	Proposed erection of wall	Refused. 01/07/2015
NMT/2015/0098	Application for a non-material amendment to planning consent F/2014/0168 to allow the retention of the addition of a 2 m wide trench around the property, at basement level and only where basement is situated.	Approved. 04/02/2015
F/2014/0168	Demolition of existing rear extension and erection of rear and side extension, conversion of loft space to habitable room and creation of underground garage and store room with associated parking.	Approved. 09/04/2014
F/2013/1864	Proposed erection of a rear and side extension following demolition of	Refused. 17/12/2013

	existing rear extension, creation of an underground garage and basement room with associated site levelling, landscaping and provision of car parking spaces, and conversion of existing roof space to additional habitable accommodation.	

<b>SUMMARY INFORMATION</b>	
<b>For Residential</b>	
Volume of proposed dormers	6.3 cubic metres (or 2.1 cubic metres each)
Volume increase over approved	0.79%

<b>CONSULTATION RESPONSES</b>	
WBC Highways	No comments received
WBC Tree & Landscape	No comments received

<b>REPRESENTATIONS</b>
<p><b>Town/Parish Council:</b> Objection to variation of condition 2. Finchampstead PC supports comments made by Wishing Well Cottage.</p> <p><b>Local Members:</b> Objection by Cllr. Weeks: Due to overlooking.</p> <p><b>Neighbours:</b> 10 objections;</p> <p><u>Loss of privacy</u></p> <p>Dormers allow neighbouring property to be overlooked/ overviewed.</p> <ul style="list-style-type: none"> <li>• Site sits on mound 1.8/ 2.0m above other properties.</li> <li>• Concern that the Cyprus firs that edge the garden between The Lodge and Wishing Well Cottage are high and could be considered to stop any overlooking, but they are not in the control of Wishing Well Cottage – no control is had over their height or retention. <b>Officer comment: these concerns are addressed in paragraph 9 – 15.</b></li> </ul> <p><u>Size of dormers</u></p> <ul style="list-style-type: none"> <li>• Dormer would add significantly to over dominant size of property – previous applications have turned an estate lodge into a large family home. <b>Officer comment: this concern has been address in paragraph 4 – 8.</b></li> <li>• Developer is making incremental increases in the size of the building. <i>Officer comment: The local planning authority is obliged to determine planning applications submitted to them in accordance with development plan policy and other material considerations.</i></li> </ul>

### Mistakes/drawing issues

- The drawings do not reflect F/2014/0168, including the ridge height. *Officer comment: Non material amendment application 163428, following legal advice, considered that the plans for F/2014/0168 and F/2015/0770 to be materially similar and allowed the plans for F/2015/0770 to be used under F/2014/0168.*
- Ridge materials changes from red ridge tile to lead finish. *Officer comment: This change was approved under F/2015/0770.*
- Site location drawing and neighbour map do not reflect site context. *Officer comment: The site location plan 'red line' has been amended.*

### **Other matters not specifically related to this application:**

#### Concerns that building is not being built as approved

- Concerns that the proposal is not being built as approved under F/2014/0168

#### Concerns over the approved building

- Ridge height exceeds that of original building.
- Site sits on mound 1.8/ 2 m above other properties.
- Rear elevation window sizes increased by 20%

*Officer comment: The council's enforcement officer visited the site in January for the purpose of establishing whether the building had been erected in accordance with approved plans.*

*The officer measured the distance of The Lodge from the adjoining boundaries. At the time of the initial visit the roof had not been completed, but a measurement of the top of the roof structure (the flat roof element in the middle of the building) was taken, taking into account the need to add insulation and tiles upon this, and using the damp course to the front of the building (visible in photos of the original / remains of the building) as a guide.*

*The enforcement officer found that the works, in terms of the position of the proposal within the site and its footprint, and the opening of the upper floor window to the west, complied with the approved plans. At the time of the visit the roof was not yet completed, however, the steels and wooden beams supporting the roof were. A tape measure was taken from the highest point to the internal ground level, and then a measurement taken from the ground level to the original damp course and lower brick of the building – the consistent point of measurement. The height, including an estimate of the space required to complete the roof, was within that demonstrated on the approved plans. A second visit is planned to re-measure the building height once the roof has been completed. Based upon such information, the planning enforcement officer is satisfied that, so far, the building is being constructed in accordance with the approved plans.*

### **APPLICANTS POINTS**

- The proposal would not result in a loss of privacy. The cheeks of the dormers would further obscure oblique views to the neighbours properties more than would the approved velux windows.

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<b>PLANNING POLICY</b>		
National Policy	<b>NPPF</b>	National Planning Policy Framework
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP2</b>	Inclusive Communities
	<b>CP3</b>	General Principles for Development
	<b>CP9</b>	Scale and Location of Development Proposals
	<b>CP11</b>	Proposals outside development limits (including countryside)
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
Supplementary Planning Documents (SPD)	<b>BDG</b>	Borough Design Guide – Section 4
		DCLG – National Internal Space Standards

<b>PLANNING ISSUES</b>
<p><b>Description of Development:</b></p> <ol style="list-style-type: none"> <li>1. This proposal seeks to erect 3 new dormer windows to replace roof lights. These dormer windows would be upper floor side extension to the south of the site, and two dormer windows towards the north of the site as an amendment to F/2014/0168 for the 'demolition of existing rear extension and erection of rear and side extension, conversion of loft space to habitable room and creation of underground garage and store room with associated parking' which is currently under construction. The proposed dormer windows would serve bedrooms.</li> <li>2. The proposal also includes: <ul style="list-style-type: none"> <li>• Window to the side elevation (south) changed to a door.</li> <li>• Window on the side elevation (north) changed to a door.</li> <li>• Windows into the basement (into the void)</li> <li>• Alternation to the internal layout of rooms</li> </ul> </li> </ol> <p><b>Principle of Development:</b></p> <ol style="list-style-type: none"> <li>3. 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.</li> </ol> <p><b>Character of the Area:</b></p> <ol style="list-style-type: none"> <li>4. The site is located within the Countryside and therefore policy CP11 applies. Policy CP11 sets out that in order to protect the separate identity of settlements and</li> </ol>

maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where, in the case of residential extensions, it does not result in inappropriate increases in the scale, form or footprint of the original building.

5. The proposed dormers would have a volume of 2.1 cubic metres per dormer, the three totalling a volume of 6.3 cubic metres. The existing approved dwelling would have a volume of 783 cubic metres and therefore the proposal would result in an increase of 0.79% - less than 1% increase of the total volume. Whilst as a consequence of this proposal the resulting dwelling would be 99.37% larger than the original dwelling, when compared to the previously approved and implemented scheme, calculated as being 97.8% larger, the total volume increase as a result of this proposal would not be to the extent that it would result in an 'inappropriate increase' in the scale of the building. As such, the proposal would accord with Policy CP11 in this respect and as such it would not be reasonable to refuse this application on this ground.
6. Dormers of this size would normally fall within the limits of permitted development. However, permitted development rights were not able to be utilised for this proposal as these rights do not exist until a house is built and capable of being occupied. In addition it is unlikely, given the increased roof volume approved under F/2014/0168, that any additional volume increase in the roof could meet the requirements under permitted development. This is because the volume of previous roof extensions are taken away from the volume achievable in the roof space through permitted development.
7. In terms of character, the Guidance within the Borough Design Guide SPD sets out that dormer windows should not project above the ridge line, and they should also be positioned within the main roof, by being set back from both eaves line and the sides of the roof. Furthermore, dormers should relate to the design of the existing building in terms of roof form, materials, positioning and window proportions.
8. The proposed dormers would be set below the approved ridge line and above the eaves. They would also be set within the sides of the roof. They would replace some of the existing roof windows and their form and proportions would be in keeping with the character of the building. The design and detailing of the dormers along with the fenestration details would be in keeping with that of the host building.
9. As such, the proposal would comply with policy CP11 and CP3 of the Core Strategy and the provisions of the Borough Design Guide SPD.

**Residential Amenities:**

10. Concern has been raised that the proposal would result in a loss of privacy to the adjoining neighbours.
11. The proposed dormers would replace the below head height windows that have already been approved in the roof space. Whilst the proposed dormer windows would be wider than the windows that they would replace, the difference in size would not materially affect the extent of views from these windows. This is because whilst the windows would be wider and taller, they would not change their relationship to surrounding dwellings.



<b>Window</b>	<b>Existing Width</b>	<b>Proposed width</b>	<b>Existing height</b>	<b>Proposed height</b>
<b>Including frame</b>	0.8m	1m	1m	1.2m
<b>Without frame</b>	0.7m	0.9m	0.7m	1m

12. The proposed dormers would also exceed the separation distances as set out by the Borough Design Guide SPD. The dormers, like the existing windows, would not directly face towards Wishing Well Cottage or The Coach House. The result is that any sightlines towards these properties and their gardens would be oblique as are the already approved windows that are being replaced by the dormers. As such, the impacts as a result of affording outlook are considered to be neutral.
13. The Borough Design Guide SPD sets out minimum separation standards between windows to maintain privacy and limit a sense of enclosure. The Guide does not set out distance separation standards for dwellings where their relationship and hence their resulting views are oblique as by its very definition those resulting views would be limited. These separation standards advised by the Guide are; 1m between a flank and the boundary, 10 metres between opposing front elevations, 22 metres between opposing rear elevations and 12 metres for a relationship of rear elevations to flank elevations. Whilst such distance standards, in part, relate to directly facing windows, they are used as a guide to assess all other relationships between windows which are not listed within the Guide.
14. By applying the guidance within the SPD to this application given the oblique relationship of the windows, even when applying the highest standard of separation which relates to a distance of 22m, the relationship of the proposed dormers would exceed this by being located further away from the neighbouring properties windows at both neighbouring properties. Any sightlines into the gardens would be oblique and not materially different from that of the already approved windows in the roof space of the host dwelling. Therefore, the proposal would not result in a loss of privacy to the adjoining neighbours and therefore, it is not necessary to impose a condition requiring the retention of the Cyprus Firs that edge the garden towards Wishing Well Cottage.
15. As such, the proposal would comply with policy CP3 and the provisions of the Borough Design Guide SPD.

**Parking:**

16. The proposal would not result in the creation of additional rooms and therefore no additional parking provision would be required.

**Trees and Landscape:**

17. The proposal would not affect the adjacent trees and as such there would be no impact in this respect.

## **CONCLUSION**

The proposal seeks to erect three dormer windows to replace already approved roof windows, along with minor fenestration changes. The proposal would result in the increase in the volume of the building however such increase would be very small and not harm the rural character of the countryside. Like the windows that they replace, the proposed dormers would not direct face towards residential properties and would exceed the distance separation standards as set out by the Borough Design Guide SPD. As such, the proposal would comply with development plan policy and is **recommended for approval**.