

Agenda Item 5.

Application Number	Expiry Date	Parish	Ward
200893	10/07/2020	Earley	Hurst;

Applicant	Mrs Noor Khan
Site Address	15 The Drive, Earley, RG6 1EG
Proposal	Householder application for the proposed first floor side and rear extension to existing dwelling and single storey rear extension (part-retrospective).
Type	Full
PS Category	21
Officer	Stefan Fludger
Reason for determination by committee	Listed by Councillor Shirley Boyt in the event of recommendation for approval.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 08 July 2020
REPORT PREPARED BY	Assistant Director – Place

SUMMARY

This application includes the provision of a two storey rear and side extension. It also seeks to regularise an existing single storey rear extension and as a result is part-retrospective.

Comments have been received which relate to an existing rear dormer and hip to gable enlargement. This application does not relate to these and the applicant has indicated that these were carried out under permitted development and this is supported by the Officer's own assessment.

It is not considered that the scheme results in harm to the character of the area or neighbouring amenities. Sufficient parking is provided. The application is therefore recommended for approval.

PLANNING STATUS

- Major development location
- Sand and gravel extraction
- Minerals consultation zone

RECOMMENDATION

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

Conditions and informatives:

Conditions:

1. This permission is in respect of the submitted application plans and drawings numbered TDE: 001, TDE 002, TDE 003, TDE 004, TDE 005 and TDE 006 received by the local planning authority on 06/04/2020 and revised plan and drawing numbered TDE 007 REV A, received by the Local Planning Authority on 25/05/2020. 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.

2. 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 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

3. The en-suite window in the west 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. 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/>.
2. 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

PLANNING HISTORY		
Application Number	Proposal	Decision
F/2010/2564	Proposed erection of a single storey side extension to dwelling.	Approved – 13/01/2011
152245	Householder prior approval application for the erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6.0 metres, for which the maximum height would be 2.8 metres and the height of the eaves 2.4 metres.	Approved – 16/09/2015

SUMMARY INFORMATION	
For Residential	
Site Area	0.0394 ha
Existing parking spaces	3
Proposed parking spaces	3

CONSULTATION RESPONSES	
WBC Highways	No objection.

REPRESENTATIONS
<p>Town/Parish Council: No objection.</p> <p>Local Members: Requests listing of this application for the following reasons:</p> <ul style="list-style-type: none"> - First floor side extension is too close to the boundary with number 13. - The side extension should have a hip rather than a gable. - The proposal is harmful to the privacy of neighbours. - This application should not be considered until enforcement investigations are completed. <p>Neighbours: 2 objections received regarding:</p> <ul style="list-style-type: none"> - The proposal is overdevelopment. The proposals are harmful to the character of the area. The roof should be hipped. - The 'existing' ground floor does not reflect that which was approved under 152245. Does the dormer fall under permitted development? <p>ACER – Whitegate Residents Association:</p> <ul style="list-style-type: none"> - The existing elevations show development which is not authorised. - No objection to single storey rear extension. - Object to 'unauthorised' dormer extension due to overlooking and impact on character of the area. - The side extension would cause a terracing effect. - There is insufficient parking. - There is no soft landscaping proposed. <p><i>Officer Note: Issues relating to neighbour amenity and the character of the area are addressed in the relevant sections of this report. It is not considered that the proposals would result in harm to the character of the area, or to neighbouring amenity. With regards enforcement investigations, the situation on the site is explained in the 'Description of Development' section of this report. The application seeks to regularise an aspect of unauthorised development within the site, it being unauthorised cannot prevent assessment of the application. The parking is considered acceptable and this is addressed in the relevant section of this report.</i></p>

APPLICANTS POINTS
<ul style="list-style-type: none"> • None made.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP4	Infrastructure Requirements
	CP5	Housing mix, density and affordability
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC05	Renewable energy and decentralised energy networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk (from all sources)
	CC10	Sustainable Drainage
	TB21	Landscape Character
	TB23	Biodiversity and Development
Supplementary Documents (SPD)	Planning BDG	Borough Design Guide – Section 4

PLANNING ISSUES
<p>Description of Development:</p> <ol style="list-style-type: none"> 1. This planning application involves the construction of a first floor rear and side extension. The application is part-retrospective as it also involves the regularisation of an already present single storey rear extension. The property benefitted from a larger home extension prior approval for a 6 metre rear extension in 2015. The single storey rear extension which has been constructed is over 6 metres in length and therefore would not be permitted development. Neither does it match that previously approved. For this reason it has been included in this application. 2. Comments have been received from neighbours and Cllr Shirley Boyt regarding potential unauthorised development on site. This extends to the single storey rear extension (which is unauthorised) but also a hip to gable extension and roof dormer which have already been constructed. The roof alterations have not been applied for under this application, however the proposed two storey side extension links into this and therefore is reliant on its presence. Separate enforcement investigations are

being carried out with regards the single storey rear extension and the roof works. This planning application does not relate to the roof works and they are not included in the description and therefore this application would not regularise these should they be unlawful. However, a full assessment has been undertaken and these appear to be permitted development and have been carried out in recent years. No certificate of lawfulness has been sort. However, there is no legal requirement for the developer to apply for planning permission or for a certificate of lawfulness for such works and they are entitled to carry out permitted development without prior consultation with the Local Planning Authority. For these reasons, while the received comments are taken into consideration, the assessment of this application is limited to the assessment of the proposed two storey rear and side extension only, along with the existing single storey rear extension.

3. The proposed plans show the completion of the interior of the dormer extension. As has been discussed, this permission does not relate to the construction of the dormer extension and the drawing relates to internal works only. Should permission be granted this would not relate to the completion of the interior of the dormer extension.

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. Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map and therefore replaces the proposals map adopted through the Core Strategy, as per the requirement of policy CP9. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the site is within a major development location, the proposal is acceptable in principle.

Character of the Area:

6. Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that 'maintain or enhance the high quality of the environment'. Policy CP3 of the Core Strategy states planning permission will be granted if development is 'of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area, together with a high quality of design, without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life'.
7. The application site is within an area of formal suburbia. The Borough Design Guide states that in formal suburbia, the rhythm of buildings and the gaps in between them along the street frontage is often important to the character of the area. As is typical for an area of formal suburbia, the properties in this row are characterised by a regimented design and layout, with gaps between them forming a significant part of the character of the area.
8. The guidance contained in section 4.11 of the Borough Design Guide outlines a number of key considerations in relation to the design of extensions. Amongst others,

these include consideration to be given to the built form, scale and mass of extensions (i.e. the design of proposed extensions must be well considered and should complement the existing building). Overall, extensions and alterations should respond positively to the context, maintaining or enhancing the street scene and local character. Extensions should usually be subservient to the host dwelling. Additionally, it is noted that the design guide indicates that side extensions should be set in by 1 metre from the front of the dwelling and the roof ridge should be set down.

9. The proposed rear and side extension has been set in from the side boundary by 900mm. This is very minimally short of the 1 metre recommendation and is considered acceptable – despite comments received relating to this. The front wall of the side extension is at least 1 metre from the front wall of the existing dwelling, additionally the roof ridge is set down. The proposal is therefore clearly subservient and is considered acceptable on these grounds and in line with guidance.
10. Cllr Shirley Boyt and neighbours have indicated that the roof form of the extension should be hipped, not gabled as houses on this street have hipped roofs. There is some merit in this opinion as the original houses have hipped roofs. However, there are a number of dwellings in the area which have carried out hip to gable enlargements, including the immediately adjacent neighbour and the existing dwelling (under permitted development). While other side extensions in the area are hipped, the provision of a gabled side extension would not be out of keeping with the character of the host dwelling or the area and is acceptable. Given that the dwelling is now gabled, a hipped roof extension to it would be less in keeping than the gabled extension as proposed.
11. The two storey rear extension would be 4 metres in depth, which is not excessive and is in line with the guidance contained in the Borough Design Guide. The single storey rear extension is approximately 6.5 metres in length and would largely be hidden from the street.
12. For the above reasons, it is considered that the proposal and existing development would not/does not cause harm to the character of the area and the scheme is therefore in accordance with CP1 and CP3 of the Core Strategy and is acceptable.

Residential Amenities:

13. The Borough Design Guide recommends that a gap of 1 metre should be maintained between development and side boundaries. A gap of 900mm would be retained between the two storey side/rear extension and the neighbour. This is only marginally short of the requirement. It would run alongside the side wall of the neighbour to the north-west, number 13. A site visit has confirmed that there are 5 windows in the main side wall of that property, three upstairs and three downstairs. The three upstairs windows are the bathroom and landing. The two downstairs windows are the hallway and the toilet. None of these are habitable rooms and therefore any overbearing impact/loss of light to these windows would not substantiate a reason to refuse this application. There is also a conservatory to the rear of that property. This is a light and open room and, while the presence of the extension would be felt, the extension would be some 3.8 metres away and there would not be a harmful overbearing impact or harmful loss of light. Reference to the plans indicates that a 45 degree line measured from the extension would intersect the conservatory, however this is a light room made of glass and therefore it is considered that any loss of light to this room would be modest and not sufficiently harmful to warrant refusal of this application.

Other rear facing windows at that property, either downstairs (inside the conservatory) or upstairs would not be intersected by a 45 degree line. Therefore, no harmful loss of light would occur.

14. The single storey rear extension is largely screened from this neighbour by the existing garage and does not lead to a harmful overbearing impact or loss of light.
15. With regards the attached neighbour, the two storey rear extension is located some 3.7 metres from the side boundary. It is also not more than 4 metres in length, which is in accordance with the advice contained in the Borough Design Guide. The single storey rear extension is 6.4 metres long and abuts the boundary. It is also 3.4 metres high at the intersection with the rear wall and 2.7 metres high to the eaves. This eaves height is below the maximum 3 metre height recommended in the Borough Design Guide. However, the length is significantly longer than the 4 metres recommended. A larger home extension prior approval was approved in 2015, which would have had a maximum height of 2.8 metres, an eaves height of 2.4 metres and a length of 6 metres. The proposal is a different scheme to this and this does not offer a fall-back position, although that approval is material in determination of this application.
16. The above being said, the extension remains single storey, while the attached neighbour's garden is enclosed on the opposite side by another wall (meaning that they are now enclosed on both sides) it is noted that no objection has been received from this neighbour. It is considered that while some impact is occurring on the neighbour's amenity space, any overbearing impact is modest due to the single storey nature of the extension. Additionally, for the same reason and due to the aspect of the site, any loss of light would be minimal and would not substantiate a reason to refuse this application. A site visit has confirmed that the closest rear facing window to the extension serves the living room, but this runs all the way through the house and is also served by a large window to the front. While this window has become relatively enclosed, for this reason any loss of light or overbearing impact towards this window would not substantiate a reason to refuse this application,
17. For the above reasons, while the single storey extension is two metres longer than recommended by the Borough Design Guide, and 0.5m longer than would be permitted under the householder prior approval scheme, it is not harmfully overbearing and would not cause a significant loss of light. Both the single storey and two storey aspects of the proposal are therefore acceptable in this regard.
18. With regards overlooking impacts, the new upstairs windows would have similar views into neighbouring gardens as existing windows. New ground floor windows are screened from neighbouring properties by existing boundary treatments and a garage.

Access and Movement:

19. CP6 of the Core Strategy relates to Highway Safety issues. CC07 of the MDD Local Plan relates to parking standards. Comments have been received from neighbours regarding parking. The Council's Highways Officer has indicated that the parking requirement at this property is 3 spaces. The current driveway provides for three parking spaces and therefore the scheme is acceptable in this regard.

Amenity Space for future occupiers:

20. The Borough Design Guide recommends a rear amenity space of a minimum of 11 metres to serve dwellings. The remaining amenity space would be approximately 23 metres in length and therefore this is acceptable.

The Public Sector Equality Duty (Equality Act 2010)

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 the protected groups 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 upon protected groups as a result of the development.

CONCLUSION

It is not considered that the scheme results in harm to the character of the area or neighbouring amenities. Sufficient parking is provided. The application is therefore recommended for approval.