

Agenda Item 58.

Application Number	Expiry Date	Parish	Ward
222516	16/12/2022	Wokingham CP	Evendons

Applicant	Mr N Rainer and Mrs T How
Site Address	Cherry Trees Limmerhill Road, Wokingham, RG41 4BU
Proposal	Householder application for the proposed erection of two-storey side extension raising the roof to create habitable accommodation following the demolition of the existing double garage.
Type	Householder
Officer	Tariq Bailey-Biggs
Reason for determination by committee	Listed by the Chair on behalf of Cllr Mather as the consultation period ended. The application was listed due to concerns relating to the impacts of the development on the neighbouring properties and returning to Committee following deferral for a site visit.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 14 December 2022
REPORT PREPARED BY	Operational Lead Development Management
RECOMMENDATION	APPROVAL - subject to conditions and informatives.

SUMMARY

The application was presented to the Planning Committee on 09 November 2022 with a recommendation for conditional approval. It was deferred to allow a site visit to be undertaken to consider the proposed development's relationship with neighbouring properties. Additional information has been received from the agent to address concerns raised by neighbouring properties and therefore the Committee is asked to consider this information with this agenda item. The committee report from November's committee meeting is attached as an appendix to this report.

RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
17506	Detached house and garage.	Refused, 27/07/1982 Dismissed at appeal.
22660	Replacement dwelling.	Conditional Approval, 31/01/1985
23924	Bungalow and Garage.	Refused, 15/08/1985 Dismissed at appeal.
27130	Replacement dwelling	Refused, 19/02/1987
27737	Dwelling	Conditional Approval, 16/07/1987
29156	Bungalow	Conditional Approval, 26/11/1987
29908	Bungalow (Plot 2)	Conditional Approval, 17/03/1988

050444	Proposed single storey side extension to dwelling to form conservatory.	Conditional Approval, 31/11/2005
220048	Application for a certificate of lawfulness for the proposed replacement of existing conservatory roof with flat roof, including the insertion of 2no. roof lights, erection of new front porch, following demolition of existing front porch, plus changes to fenestration.	Split Decision, 18/02/2022

DEVELOPMENT INFORMATION	
CONSTRAINTS	<ul style="list-style-type: none"> - Major Development Location (Settlement Edge – Countryside to the south east) - AWE Burghfield consultation zone (12km zone) - Flood Zone 1 - Tree Preservation Order 286/1985 (Birch in northern corner) - Adjoins Public Open Space to the east (Limmerhill Road Amenity Space) - Bat consultation zone - Thames Basin Heath Linear Mitigation Zones (7km Linear Mitigation Zone) - Surface Water Nitrate Vulnerable Zones - Private Road/non classified road

CONSULTATION RESPONSES	
Internal	
WBC Highways – No comments received. WBC Landscape and Trees – No objections.	
External	
No comments received.	

REPRESENTATIONS	
Wokingham Parish Council	No comments received.
Local Members	No comments received.
Neighbours	<p>3 Letters of objection have been received from 51, 53 and 55 Dorset Way, Wokingham on the following grounds:</p> <ul style="list-style-type: none"> - Overlooking and loss of privacy concerns.

	<ul style="list-style-type: none"> - Overdevelopment concerns. - The proposal would adversely impact the character of the area. <p><u>Officer comment:</u> This is discussed in the main body of the report.</p> <ul style="list-style-type: none"> - The proposed development would set a precedent for similar development, particularly along the north-western side of Limmerhill Road. <p><u>Officer comment:</u> Each planning application is assessed by its own merits and level of acceptability.</p> <ul style="list-style-type: none"> - Ecological concerns. <p><u>Officer comment:</u> This is discussed in the main body of the report.</p> <ul style="list-style-type: none"> - Loss of property value and costs associated with having to relocate <p><u>Officer comment:</u> Depreciation of neighbouring property value is not a material consideration in planning.</p> <ul style="list-style-type: none"> - Only bungalow properties should be allowed along the north-western side of Limmerhill Road. <p><u>Officer comment:</u> This is assessed in the main body of the report.</p> <p>A letter of support was received from The Ridings, Limmerhill Road, Wokingham. It made the following observations:</p> <ul style="list-style-type: none"> - Would improve the appearance of the dwelling and the character of the area - Will allow for improved living standards without deriment to neighbour amenity
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PLANNING POLICY

National Planning Policy Framework
National Design Guide
National Planning Practice Guidance

Core Strategy (CS)

CP1 – Sustainable Development
CP3 – General Principles for Development
CP6 – Managing Travel Demand
CP7 – Biodiversity
CP9 – Scale and Location of Development Proposals

MDD Local Plan (MDD

CC01 – Presumption in Favour of Sustainable Development

CC03 – Green Infrastructure, Trees and Landscaping

CC04 – Sustainable Design and Construction

CC07 – Parking

TB21 – Landscape Character

TB23 – Biodiversity and Development

Other

Borough Design Guide Supplementary Planning Document

CIL Guidance + 123 List

PLANNING ISSUES

Preamble

1. The original scheme presented to the Planning Committee on 9th November 2022 was considered acceptable by the planning officer and so the additional information received from the agent is in response to member and resident concerns.

Impact on neighbouring properties

2. The recent removal of hedgerow along the rear common boundary (which did not require planning permission and occurred independently from this application) has allowed for a greater degree of visibility between no.51 Dorset Way and the application site. However, the agent has confirmed that this vegetation was recently re-planted along the rear common boundary and will eventually provide a high level of screening and subsequent privacy similar to previous boundary hedging.



Recently re-planted vegetation.



Anticipated height of re-planted vegetation once fully grown.

Conclusion

3. The planning officer believes that the original scheme presented to the Planning Committee on 9th November 2022 is considered acceptable on character, neighbouring amenity, landscape, trees, ecology and highway grounds. 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.

APPENDIX 1 – November 2022 committee report - Application No.222516 - "Cherry Trees", Limmerhill Road, Wokingham

Applicant	Mr N Rainer and Mrs T How
Site Address	Cherry Trees Limmerhill Road, Wokingham, RG41 4BU
Proposal	Householder application for the proposed erection of two-storey side extension raising the roof to create habitable accommodation following the demolition of the existing double garage.
Type	Householder
Officer	Tariq Bailey-Biggs
Reason for determination by committee	Listed by the Chair on behalf of Cllr Mather as the consultation period ended. The application was listed due to concerns relating to the impacts of the development on the neighbouring properties.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 9 November 2022
REPORT PREPARED BY	Operational Lead Development Management
RECOMMENDATION	APPROVAL - subject to conditions and informatives.

<p>SUMMARY</p> <p>The application is for the erection of a two-storey side extension and raising of the roof to create habitable accommodation as well as the demolition of the existing double garage. Objections have been received from three properties on character and neighbour amenity grounds, namely overlooking from the rear of the proposed first floor.</p> <p>The principle of development is acceptable, and the scale and design of the proposals is appropriate in the context of the surrounding development. There is no detrimental impact upon the surrounding trees and landscape and the proposal would not raise any highway concerns. The development could have an adverse ecological impact on bat roosts, therefore, a mitigation Licence will need to be obtained from Natural England prior to any works and the development would need to accord with mitigation measures set out in the Bat Emergence Survey. This is outlined in conditions 4 and 5.</p> <p>The extent of overlooking from the proposed first floor windows to properties on Dorset Way is not unreasonable nor uncommon for a suburban residential relationship, and also accords with relevant policies and guidelines. Therefore, the application is recommended for conditional approval.</p>
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DEVELOPMENT INFORMATION	
CONSTRAINTS	<ul style="list-style-type: none"> - Major Development Location (Settlement Edge – Countryside to the south east) - AWE Burghfield consultation zone (12km zone) - Flood Zone 1 - Tree Preservation Order 286/1985 (Birch in northern corner) - Adjoins Public Open Space to the east (Limmerhill Road Amenity Space) - Bat consultation zone - Thames Basin Heath Linear Mitigation Zones (7km Linear Mitigation Zone) - Surface Water Nitrate Vulnerable Zones - Private Road/non classified road

CONSULTATION RESPONSES	
Internal	<p>WBC Highways – No comments received. WBC Landscape and Trees – No objections.</p>
External	<p>No comments received.</p>

REPRESENTATIONS	
Wokingham Parish Council	No comments received.
Local Members	No comments received.
Neighbours	<p>3 Letters of objection have been received from 51, 53 and 55 Dorset Way, Wokingham on the following grounds:</p> <ul style="list-style-type: none"> - Overlooking and loss of privacy concerns. - Overdevelopment concerns. - The proposal would adversely impact the character of the area. <p><u>Officer comment:</u> This is discussed in the main body of the report.</p> <ul style="list-style-type: none"> - The proposed development would set a precedent for similar development, particularly along the north-western side of Limmerhill Road. <p><u>Officer comment:</u> Each planning application is assessed by its own merits and level of acceptability.</p> <ul style="list-style-type: none"> - Ecological concerns. <p><u>Officer comment:</u> This is discussed in the main body of the report.</p> <ul style="list-style-type: none"> - Loss of property value and costs associated with having to relocate <p><u>Officer comment:</u> Depreciation of neighbouring property value is not a material consideration in planning.</p> <ul style="list-style-type: none"> - Only bungalow properties should be allowed along the north-western side of Limmerhill Road. <p><u>Officer comment:</u> This is assessed in the main body of the report.</p> <p>A letter of support was received from The Ridings, Limmerhill Road, Wokingham. It made the following observations:</p> <ul style="list-style-type: none"> - Would improve the appearance of the dwelling and the character of the area - Will allow for improved living standards without deriment to neighbour amenity

PLANNING POLICY

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Other

Borough Design Guide Supplementary Planning Document
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PLANNING ISSUES

Site Description:

1. Limmerhill Road is an established residential street accessed via Barkharm Road and is characterised by traditional style, detached dwellings of varying designs with a mix of render, red brick and tile as the predominant types of external material. The properties are situated on generally substantial plots. The specimen trees visible over and between properties and mature hedging and views into the grounds of the houses from the road give the area a spacious green character.
2. The application site includes a bungalow of traditional brick construction set back from the main road on a large corner plot with a gravelled driveway and garden mainly laid to lawn.

Proposal

3. The proposal involves the following:
 - Ground floor rear extension comprising an infill boot room and conversion and enlargement of existing garage to accommodate a reception room

- Raising of the roof to accommodate a first floor above the eastern end of the dwelling comprising two ensuite bedrooms

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 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. The proposal is within a major development location and the principle of extending the dwelling is appropriate, subject to a consideration of other impacts as outlined below.

Character of the Area

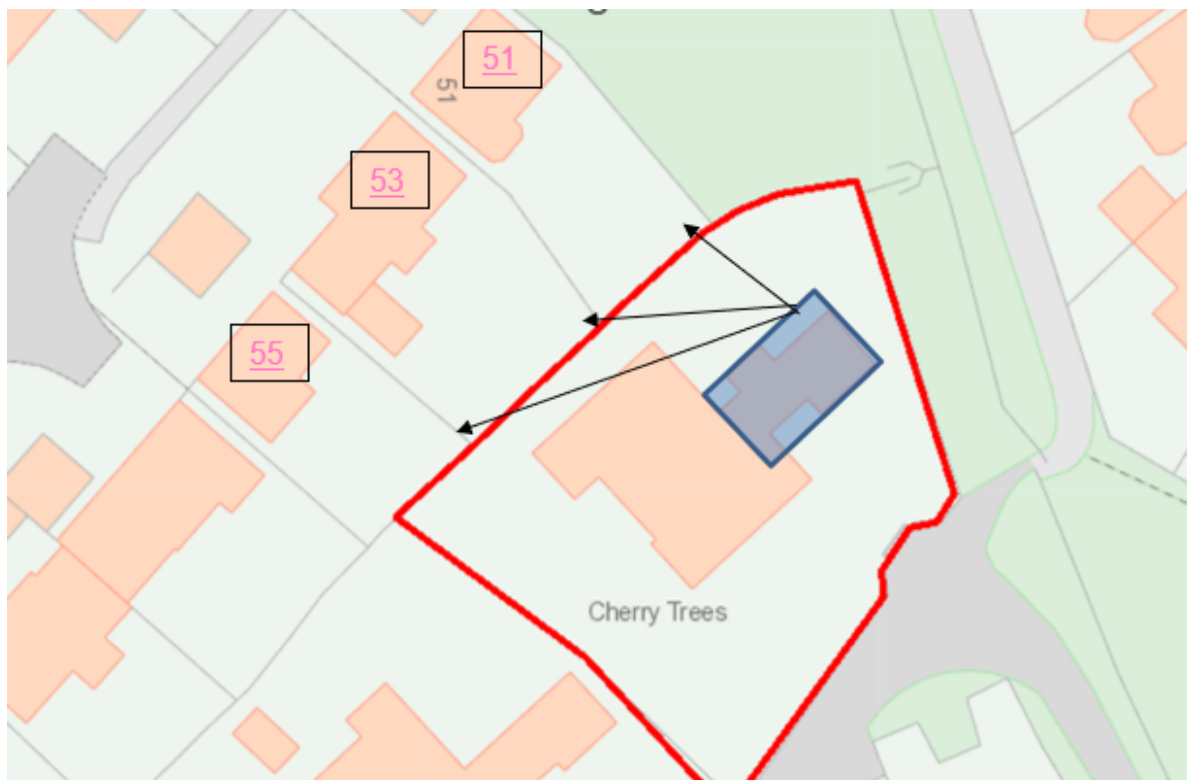
5. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design. Several objections have been received on the grounds that the proposed development would adversely impact the character of the area and would set a precedent for similar development for along the north-western side of Limmerhill Road.
6. The proposal seeks to raise the ridge height at the eastern end of the bungalow by approximately 1.7 metres (measured at the highest point) to create habitable accommodation. It is a modest increase that would be acceptable in the context of taller, two storey properties along Limmerhill Road and because it is set well back from the front boundary. The hipped roof design would be preserved and the use of matching materials would enable the proposal to integrate with the character of the existing property.
7. R23 design principle within the Borough Design Guide states that “alterations or extensions should be clearly subservient to the form and scale or the original building in most situations, although there may be exceptions where it is more appropriate to design a seamless continuation”.
8. By virtue of its height, the raising of the roof would not be subservient to the original dwelling. However, the design and use of matching materials would tie in relatively well with the original dwelling and the built form and style and scale of properties along this road vary considerably. On balance, the site is able to accommodate an extension of this size and when paired with new raised roof, would not appear as a visually dominant and incongruous addition to the dwelling. As a result, the proposal would not adversely impact the character of the area.
9. With regards to over-development concerns expressed by a number of objectors, the proposed development is recognised to increase in the height of part of the property. However, taking into account the generous original footprint of the host dwelling and the size of the plot, it is not considered that the proposed extensions would result in over-development. Finally, the proposed extensions are not considered to be inappropriate or unconventional in height or appearance when compared to other two-storey dwellings in the immediate area.

Impact on neighbouring properties

10. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. R15 of the Borough Design Guide (BDG) provides additional detail and requires the retention of reasonable levels of visual privacy to habitable rooms, The BDG goes on to provide guidance on appropriate separation distances in order to maintain privacy. This advises that a 22m separation distance should be achieved for new back-to-back elevations at first floor. This advice constitutes guidance and must often be applied flexibly having due regard to the character and nature of the area in question, as there are often circumstances where the existing urban/suburban setting and natural features will often allow a reduction in such distances. R23 also notes that the side walls must not contain windows, especially at first floor level.

Overlooking

11. The proposed ground and first-floor windows (including the 3no. roof lights) on the front elevation would overlook the front driveway and public realm. As these windows would maintain over 10 metres separation from properties across Limmerhill Road, any overlooking concerns are not considered harmful.
12. The new roof light on the north-east side elevation of the property would be obscure glazed and serve a non-habitable space (ensuite) and therefore would also not raise any overlooking or loss of privacy concerns.
13. Several objections have been received on the grounds that the new first-floor rear facing windows within the two-storey side extension would overlook the rear garden areas and habitable rear facing rooms of no.51, no.53 and no.55 Dorset Way. There are three, proposed first-floor rear windows – two to the bedroom and one to the en-suite, the latter being obscure glazed.
14. When measured on plan view, the windows would be approximately 23.5 metres from the furthest protruding rear elevation of no.51 Dorset Way; approximately 27 metres from the rear elevation of no.53 Dorset Way and approximately 35 metres from the rear elevation of no.55 Dorset Way. With the application site itself, the distances to the common rear boundary are 9.2 metres to no. 51, 14.5 metres to no.53 and 26 metres to no.55. R16 design principle within the Borough Design Guide requires a minimum depth of 11 metres for rear garden areas. There is therefore a technical departure of 1.8m in the separation distance to the rear common boundary shared with no.51 Dorset Way (or 0.6m in diagonal/elevation view). Furthermore, a degree of overlooking would already be attainable from a much closer distance by 51, 53 and 55 into each other gardens.
15. On the ground, the reality is that the outlook towards nos. 53 and 55 is oblique and across a substantial distance such that no harmful overlooking is caused. In terms of the outlook to no.51, the recent removal of boundary vegetation, which did not require planning permission and occurred independently from this application, has allowed for a greater degree of visibility between no.51 and the application site.



Distances in plan form

16. It should also be noted that the application site sits at a slightly higher ground level (approximately 1.5 metres) than properties along the south-eastern side of Dorset Way. However, notwithstanding this difference in ground levels; views from the new first-floor rear bedroom windows would be directed towards the back of the rear garden of no.51 Dorset Way, furthest away from the most usable area of amenity space (patio/sitting out area) and would not allow any new immediate views that are not already attainable from the first floor windows of no. 53 Dorset Way. Overall, when considered against the separation distance that exists (approximately 23.5 metres), the first-floor rear bedroom windows would not cause any significant harm to the private residential amenity of occupants in this property.

Loss of light and overbearing

17. The raising of the roof would be well within the boundary of the application site and well away from neighbouring properties within the immediate vicinity. As such, any loss of light or overbearing concerns would be minimal.

Landscape and Trees

18. Policy CC03 of the MDD Local aims to protect green infrastructure networks, retain existing trees and establish appropriate landscaping. Policy TB21 states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.

19. TPO 286/1985 is sited in the northern corner of the site, however, according to the Planning Statement, the protected tree has been removed.

20. The site is surrounded by trees on the north-east and south-west side and this character is commensurate with that of the wider setting of Limmerhill Road and Limmerhill Public Open Space boundaries adjacent to the Northeast side of the site. The Trees and Landscape Officer does not anticipate that there would be any adverse impacts on the root protection areas of nearby trees. However, it is possible that lower branches from the boundary trees may need to be pruned to accommodate the raised roof. There is no objection on these grounds, in which case careful removal of affected branches should be carried out prior to any construction.

21. Overall, the Trees and Landscape Officer has raised no objections to the proposed development on landscape grounds.

Ecology

22. Policy CP7 of the Core Strategy states sites designated as importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted.

23. The site is located in habitat which matches where bat roosts have previously been found in the borough and is surrounded by a habitat suitable for use by foraging and commuting bats including large, connected trees that border Limmerhill road.

24. The Bat Emergence Survey (Chase Ecology, June 2022) identified two active bat roosts during internal and external inspections of the property and concludes that these roosts are likely to be disturbed during construction works. The report notes that no further surveys are required, however in the event of any approval, appropriate mitigation, protection and enhancement measures must be employed prior to any development works. Additionally, a Mitigation Licence will need to be obtained from Natural England prior to any works. It is considered that the development can occur without harming bats subject to a condition ensuring a licence is first obtained and the mitigation measures set out in the supporting Bat Emergence Survey are followed in full.

Highways Access and Parking Provision

25. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off-street car parking standards. The three off-street parking spaces shown on the site plan submitted with this application would be sufficient for a dwelling of this size, and in accordance with the council's Parking Standards. As such, there are no highways issues.

The Public Sector Equality Duty (Equality Act 2010)

26. 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.

27. 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.

Community Infrastructure Levy

28. The proposal is not a CIL liable development because the extension is less than 100m² in area.

Conclusion

29. The proposed development is considered acceptable on character, neighbouring amenity, landscape, trees, ecology and highway grounds. 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.

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.

APPENDIX 1 - APPROVAL subject to the following 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 PL20165/01, PL20165/02, PL20165/03, PL20165/04, PL20165/06 and PL20165/07 received by the local planning authority on 16/08/2022 and 15/09/2022. 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. 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 other minor variations are agreed in writing after the date of this permission and before implementation with 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. Compliance with bat report

The development hereby approved shall be carried out in full accordance with the mitigation measures set out in Appendix 1: Mitigation, Protection & Enhancement of the Emergence Survey Report – Bats (Chase Ecology, – 8 th June 2022).

Reason: To ensure that bats, a protected species (as per the NPPF), are not adversely affected by the proposals.

5. Bat Mitigation licence

The proposed works shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy of the licence (or an email from Natural England that the site has been registered under the bat mitigation class licence) has been submitted to the council. Thereafter mitigations measures detailed in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required for all or part of the works the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.

Reason: To ensure that bats, a protected species (as per the NPPF), are not adversely affected by the proposals.

Informatives

1. 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.

2. Pre-Commencement Condition

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

3. 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

APPENDIX 2 – Town/Parish Council Comments

At the date of publication, no comments have been received.

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