

Application Number	Expiry Date	Parish	Ward
222170	31/01/2023	Earley	Bulmershe and Whitegates;

Applicant	Mr Manprit Vig
Site Address	17 Byron Road, Earley, RG6 1EP
Proposal	Householder application for the proposed erection of a single storey front/side extension, a two storey side and part two storey, part single storey rear extension with 1 no. dormer window, rear patio and changes to fenestration following demolition of existing detached garage. (Retrospective)
Type	Householder
Officer	Kieran Neumann
Reason for determination by committee	Listed by Councillor Croy

FOR CONSIDERATION BY	Planning Committee on Wednesday 11 January 2023
REPORT PREPARED BY	Operational Lead Development Management
RECOMMENDATION	APPROVAL subject to conditions and informatives included in Appendix 1 below.

SUMMARY

This planning application is brought before the planning committee as requested by Councillor Croy.

This application seeks permission for the proposed erection of a single-storey front/side extension, a two-storey side and part two-storey, part single-storey rear extension with 1 no. dormer window, rear patio and changes to fenestration.

These works are entirely retrospective and the majority of the development on site has already been permitted by previous applications, but a number of elements were not built-in exact accordance with the approved plans. These changes are subject to assessment under this current application. It is important to note that this application should **only** assess the unauthorised changes to the proposals made since January 2021. The elements of the scheme previously approved that are not subject to the changes proposed should not be subject to further assessment as their acceptability has already been confirmed by the Council.

Overall, the changes to the previously approved schemes are negligible and would not cause any further adverse harm to the visual amenities of the area, nor the amenities of the adjoining neighbours. Subject to the conditions and informatives outlined in Appendix 1, this application is recommended for approval.

RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
131543	Proposed erection of two storey side/rear extension plus single storey side/front porch extension	Approved 14/10/2014
203275	Householder application for the proposed erection of a single storey front/side extension, a two storey side and part two storey part single storey rear extension with 1 no. rooflight, following demolition of existing detached garage.	Approved 18/01/2021
210713	Application for a certificate of lawfulness for the proposed dormer extension to the rear including 1no rooflight.	Split Decision (rooflight approved, dormer refused) 04/05/2021
211682	Application for a certificate of lawfulness for the proposed conversion of loft to create habitable space, facilitated by the erection of 1 no. roof dormer and 1 no. rooflight.	Approved 08/07/2021
212501	Householder application for the proposed erection of a single storey outbuilding (part retrospective).	Approved 22/09/2021
220424	Application for non-material amendment to planning consent 203275 for the proposed changes to fenestration and alterations to front porch.	Refused 17/02/2022
220647	Application for non-material amendment to planning consent 203275 to allow the insertion of 2no. additional windows and changes to front porch.	Approved 18/03/2022

DEVELOPMENT INFORMATION	
Existing parking spaces	3
Proposed parking spaces	3
CONSTRAINTS	Major Development Location - Earley

CONSULTATION RESPONSES	
WBC Highways	No objections
WBC Environmental Health	No objections

REPRESENTATIONS

Town/Parish Council: *Recommend Refusal - due to the bulk and mass and overbearing nature of the proposals, resulting in overshadowing of neighbouring properties, contrary to Policy CP3 and Design Policies R18 and R23. In addition ETC would raise their concerns that the submitted drawings do not accurately reflect the "as-built" situation.*

If WBC are minded to approve this application the following condition is requested:

1: The side windows, facing towards the boundary with No.15 shall remain as obscured glazing, unless as otherwise agreed in writing by WBC, to protect the amenity of the neighbouring property, as supported by Policy.

Local Members:

Councillor Andy Croy:

"I am one of the ward councillors for this ward I wish the application to be listed for consideration by the Planning Committee. The plans, as much as they can be replied on, breach Policies CP1 and CP3 of the Core Strategy and the NPPF, due to the mass, footprint, design features and overbearing nature of the proposals.

There have been such serious issues with the accuracy of the documentation supplied by the applicant's agent in the past that I have very real concerns about how the Committee to make a decision that is properly informed. Officers and Members must address this issue in their consideration of this and any subsequent applications."

Neighbours:

Eight objections on the following grounds:

- Extensions are an eyesore
- Dormer too high and too big for surrounding area
- Obscurity of windows on side elevation causing potential privacy issues
- HMO concerns (**Officer comment: The possibility of future development is not a material planning consideration.**)
- Concerns regarding parking
- Worries over affecting house prices (**Officer comment: This is not a material planning consideration.**)
- Overbearing
- Loss of light/lack of shadow diagrams
- Inaccuracy of plans (**Officer comment: This has since been rectified and subject to further consultations**)
- Out of character with the area
- Brick colour does not match the host dwelling
- Overlooking from dormer
- Air conditioning units and additional rooflights not subservient
- Delays in the submission of the applications (**Officer comment: The time taken to submit the scheme is not a determinative factor in the acceptability of a planning application.**)
- Applicant did not follow the correct procedures (**Officer comment: The nature of the procedure taken to submit the scheme is not a determinative factor in this planning application.**)
- Concerns regarding impact on drains/sewers caused by additional bathrooms and water runoff from large roof form (**Officer comment: This is not a relevant planning consideration.**)
- Lighting from rooflight causing nuisance (**Officer comment: This is not a relevant planning consideration.**)

- Noise from AC units (**Officer comment: This is not a relevant planning consideration, rather this is a nuisance issue that must be dealt with separately.**)
- Distorted roof form
- Building standards are inadequate (**Officer comment: This is not a relevant planning consideration.**)

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 - Earley

MDD Local Plan (MDD)

CC01 – Presumption in Favour of Sustainable Development
 CC02 – Development Limits
 CC06 – Noise
 CC07 – Parking
 CC09 – Development and Flood Risk
 CC10 – Sustainable Drainage

Other

Borough Design Guide Supplementary Planning Document
 CIL Guidance + 123 List

PLANNING ISSUES

Site and Surroundings:

1. The application site consists of a two-storey (with roof accommodation) semi-detached dwelling located at the end of a semi-circular cul-de-sac on Byron Road Earley.
2. The host dwelling has undergone numerous alterations/extensions in recent years consisting of a single storey front extension, two storey side/rear extension, single storey rear extension, outdoor patio area and a detached outbuilding to the west end of the site's garden, all of which (except for the patio) have received permission from a number of different applications since January 2021 which will be expanded on further in the following section.
3. The surrounding area is visually dominated by semi-detached and detached mid-20th century dwellings, the majority of which have seen extensive alterations. The dominating roof form is hipped roofs, but there are a number of loft conversions on the street which have permanently altered the roofscape of many houses within the road. There are a

number of flat roofed dormers prevalent on the street, some with incongruous squared off gable roofs and others have contrived junctions between the original hipped roof of the dwelling and the gable/flat roof form of the loft conversions/dormers.

4. Material choice also varies from traditional red-brick, white/cream render to pebbledash. Frontages of dwellings are visually dominated by gable roofed semi-circular bay windows.
5. Overall, there is little uniformity to the roofscape of the street. Furthermore, because of the variety in the design of extensions seen on the street, the architectural uniformity of the dwellings is now more varied.

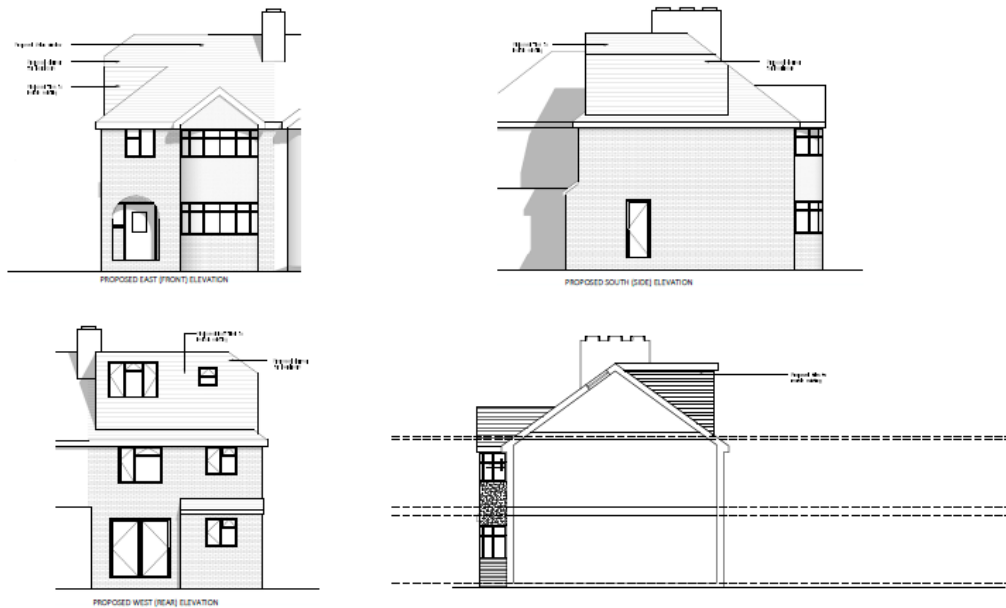
Recent Planning History (2021-2022):

6. As outlined above, this site has undergone numerous alterations that have been permitted since January 2021.
7. The first of these applications was the most significant in terms of massing and footprint; application 203275 approved the single storey side/front extension, two storey side/rear extension and the single storey rear extension:



8. The next application was 210713 for a certificate of lawfulness for the proposed erection of a rear dormer and 1no. rooflight. This was refused on the grounds that because the extensions approved under 203275 were indicated on the plans, the cubic content of the resulting roof space of the extensions and the dormer proposed exceeded 50 cubic metres. The proposals therefore failed to comply with section (d) of Class B of the General Permitted Development Order.
9. Application 211682 was then submitted following this refusal. This application proposed the same dormer with minor alterations to the design, but in this instance the extensions approved under 203275 were omitted from the plans. As the extensions approved under 203275 were yet to be implemented, the dormer was approved as the resulting roof

space of the dormer by itself did not exceed 50 cubic metres. The applicant was however advised that they should seek advice as to whether both approved schemes could be lawfully implemented, as if the 203275 extensions were constructed first, it would render the approved dormer unlawful:



10. The dormer was implemented before the side extension. Evidence that the dormer was constructed first can be seen below:



11. The outbuilding to the western end of the dwelling's garden was approved in September under application 212501.
12. Two non-material amendment applications for 203275 then followed this application, the first was for changes to the southern fenestration and alterations to the front porch (application 220424). This application was refused on the grounds that the proposed

change to fenestration on the approved side elevation (to change from obscured glass to clear glass) was restricted by condition 4 of consent 203275.

13. Non-material amendment application 220647 was the second to be submitted. This application proposed the insertion of 2no. additional ground floor south facing windows and changes to appearance of the front porch. This application was approved in March 2022.

Proposal Description:

14. This application encompasses all of the previously approved additions to the site into one scheme as there were a number of inconsistencies and elements of the proposals that were not built in accordance with the originally approved plans.
15. The changes made to the two originally approved schemes (203275 and 211682) that are subject to assessment in this application are as follows:
- Protrusion of the approved single storey rear extension adjacent to the boundary with no.19 Byron Road corrected to 0.94 metres (was previously 0.767 metres).
 - Separation distance between approved two storey rear extension and the site boundary shared with no.19 Byron Road corrected to 2.4 metres on all proposed plans (floor plans and block plan originally indicated 2.9 metre separation distance, whereas the elevations indicated 2.4 metres which is the correct measurement).
 - Depth of porch amended to accurately reflect the protrusion from the bay window
 - Air conditioning units accurately indicated on proposed plans.
 - Recently constructed rear patio indicated on proposed plans.
 - Previously approved rooflight on front elevation of roof accurately indicated on proposed plans.
16. It is important for members to note that this application should **only** assess the changes to the proposals outlined above. As explained in the recent planning history section, all other elements have previously been permitted and therefore should not be subject to further assessment.

Character of the Area:

17. The increase in the depth of the single storey rear extension would have no adverse impact on the visual amenities of the area. It is a minimal change to the originally approved scheme and would be well screened from the street scene. Likewise, the correction in the width of the two-storey rear element would have no further impact on the visual amenities of the area.
18. The rear patio protrudes approximately 4.2 metres from the rear of the approved extensions, has a small seating area and an approx. 1.2 metre tall boundary wall. It would be well screened from the street scene and is modest in scale and design as to not adversely harm the character of the area.
19. The air conditioning units to the rear would also not be visible from the street scene. They would therefore have a negligible impact on the character of the area.

20. The minor increase in the depth of the front extension would also have a negligible impact on the visual amenities of the area. The dwelling is well set back from the highway due to the semi-circular nature of the cul-de-sac it is located within, the increase in depth would not adversely harm the pattern of dwellings on the street as the dwelling does not conform to a traditional straight building line.
21. It is acknowledged that when viewed together, the extensions approved under 203275 and the dormer approved under 211682 result in several contrived roof junctions which are all visible from the street scene. In particular, the flat roof protrusion of the dormer from the front of the roof is an incongruous element.
22. Regardless however, the dormer's design was approved under the Certificate of Lawfulness application 211682 and was considered permitted development. This means material considerations such as the design, its impact on the adjoining neighbours amongst others were not considered as part of the application, and therefore cannot be considered under this application as a result. Likewise, except for the changes outlined above which are considered minimal and acceptable in terms of design, the front, side and rear extensions already have permission under application 203275. Further objections to the original design should therefore not be raised as it has previously been deemed as acceptable by the Council.
23. Overall, the changes made to the previously permitted schemes are negligible and have minimal impact on the visual amenities of the area.

Neighbouring Amenity:

Overlooking:

24. Even though the dormer is considered permitted development, the separation distance between the rear dormer fenestration and the affected neighbours to the west is approximately 60 metres. This is double the requirement of the Borough Design Guide for back-to-back distance at second storey level (30 metres) and is therefore acceptable. Outlook from the dormer onto no.19 and no.15's rear gardens would also be no greater than that from the first-floor fenestration on the rear elevation of the dwelling currently.
25. The first floor south facing fenestration is all proposed to be obscured and from visiting the site, the Case Officer can confirm that these have been implemented. A condition will be attached to ensure this is retained in perpetuity.

Loss of light:

26. The dormer would have no adverse loss of light impacts on either adjoining neighbour.
27. The corrections made to the width of the two-storey rear extension does result in the proposals failing the BRE 45 degree measurement on plan form with regards to the first floor bedroom window on no.19's rear elevation. However, the proposals pass the BRE 45 degree measurement on elevational form. As proposals have to fail both tests for an objection to be raised, no objections are raised in this instance.
28. The increase in the depth of the single-storey rear extension would also have no adverse loss of light impacts.

Overbearing:

29. The modest protrusion of the single storey rear extension adjacent to the boundary with no.19 Byron Road would have no further adverse overbearing impacts.
30. Similarly, the separation distance retained between the two-storey rear extension and the boundary shared with no.19 would still be 2.4 metres which is more than enough to ensure there would be no adverse overbearing impacts on the affected neighbour.

Noise:

31. Objections have been received regarding the noise impact of the Air Conditioning Units. This is not considered to be a material planning consideration and is instead a civil nuisance issue that would need to be investigated separate from the planning process. Even so, WBC Environmental Health raised no objections to the scheme anyway.

Residential Amenity:

32. The depth of the rear garden will remain at approx. 55 metres which clearly exceeds the 11 metre minimum recommendation outlined in the Borough Design Guide.

Highways:

33. Although there will be an increase of habitable rooms and loss of garage, a site assessment has been undertaken and there is sufficient parking on site.
34. The submitted drawing indicates 2 parking spaces, however, the remaining driveway has parking for at least 3 vehicles and this meets WBC parking standards. WBC Highways would have expected a parking plan to be submitted showing 3 parking spaces, however the application is still accepted from a Highways perspective.
35. No objections are therefore raised on these grounds.

Conclusion:

36. Overall, the changes to the previously approved schemes are negligible and would not cause any further adverse harm to the visual amenities of the area, nor the amenities of the adjoining neighbours. The elements of the scheme previously approved that are not subject to the changes proposed should not be subject to further assessment as their acceptability has already been confirmed by the Council.

The Public Sector Equality Duty (Equality Act 2010)
<i>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</i>

planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

APPENDIX 1 - Conditions and Informatives

APPROVAL subject to the following conditions and informatives:

Conditions:

1. Approved details - This permission is in respect of the submitted application plans and drawings numbered 01 P7, 06 P16, 07 P7, 08 P10 & 10 P1 received by the local planning authority on 14/12/2022. 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.
2. Restriction of permitted development rights - 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 or similar openings shall be constructed in the first floor level or above in the southern or northern elevations of the two storey side/rear 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.
3. Obscure glazing - The first floor ensuite and bathroom windows in the southern elevation of the development hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The windows shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the room in which the windows are installed and shall be permanently so-retained.
Reason: To safeguard the residential amenities of neighbouring properties. Relevant policy: Core Strategy policy CP3.

Informatives:

1. 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.
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. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:
 - amended plans being submitted by the applicant to overcome concerns relating to the inaccuracy of the proposed plans.

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.

APPENDIX 2 - Parish Council Comments (Where relevant)

PLANNING REF : 222170
PROPERTY ADDRESS : Radstock House
: Radstock Lane, Earley, Wokingham
: RG6 5UL
SUBMITTED BY : Earley Town Council
DATE SUBMITTED : 05/10/2022

COMMENTS:

Recommend Refusal - due to the bulk and mass and overbearing nature of the proposals, resulting in overshadowing of neighbouring properties, contrary to Policy CP3 and Design Policies R18 and R23. In addition ETC would raise their concerns that the submitted drawings do not accurately reflect the "as-built" situation.

If WBC are minded to approve this application the following condition is requested:

1: The side windows, facing towards the boundary with No.15 shall remain as obscured glazing, unless as otherwise agreed in writing by WBC, to protect the amenity of the neighbouring property, as supported by Policy CP3.