



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr Danny Fisher against the decision by Wokingham Borough Council to refuse planning permission for the erection of an annexe to the rear, for use ancillary to the main dwelling at 91 Reading Road, Woodley, RG5 3AE

Local Planning Authority Reference: 250141

Appellants Reference: JL4225

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1. **INTRODUCTION**

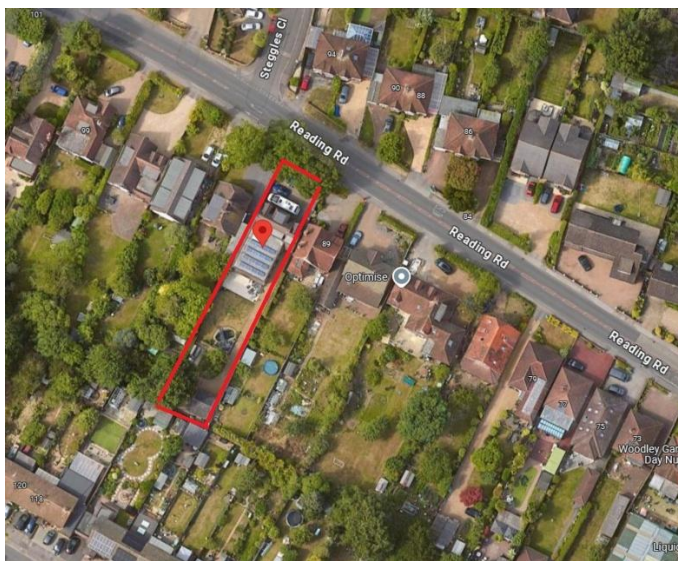
- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. **THE APPEAL**

- 2.1 The appeal concerns a refusal of planning permission for an annexe for use ancillary to the main dwelling. The Council's reason for refusal is as follows:

The proposed development would not be ancillary accommodation and would be tantamount to a new dwelling by reason of being a fully self-contained unit with day to-day living facilities that is physically separated from the main house and would be occupied by two persons that currently live as one self-contained household off the site. The proposal would have a detrimental impact on the character and appearance of the area and would result in inappropriate development in a residential garden by reason of the creation of an uncharacteristically cramped form of tandem back land development that would be out of keeping with the locality. The application cannot be considered as householder development and the proposal would be contrary to policy CP1 and CP3 of the Core Strategy, TB06 of the MDD Local Plan, Section 4 of the Borough Design Guide and sections 5 and 12 of the NPPF.

3. **SITE AND SURROUNDINGS**



- 3.1 The appeal site comprises a detached dwelling located on the south side of Reading Road, some 7 metres south east of the junction with Steggles Close. The surrounding area is predominantly residential in terms of both built form and land use.

4. **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in December 2023 outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed

beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people's quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.

4. Improving the conditions in which people live, work, travel and take leisure; and

5. Widening the choice of high-quality homes.

4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and

inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 The Borough Council have provided one reason for refusal which, in turn, has raised one primary issue, that is the proposal would be tantamount to creating a self-contained independent dwelling. In support of this concern, the Council have referred to provisions within the Core Strategy, the Local Plan and the Borough Design Guide. Within this context, the merits of the appeal will be assessed.

CP1

CP1 – Sustainable development

Planning permission will be granted for development proposals that:

- 1) Maintain or enhance the high quality of the environment;*
 - 2) Minimise the emission of pollutants into the wider environment;*
 - 3) Limit any adverse effects on water quality (including ground water);*
 - 4) Ensure the provision of adequate drainage;*
 - 5) Minimise the consumption and use of resources and provide for recycling;*
 - 6) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;*
 - 7) Avoid areas of best and most versatile agricultural land;*
 - 8) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;*
 - 9) Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);*
 - 10) Provide attractive, functional, accessible, safe, secure and adaptable schemes;*
-

11) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and

12) Contribute towards the goal of reaching zero-carbon developments⁴¹ as soon as possible by:

a) Including appropriate on-site renewable energy features; and

b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.

.....

⁴¹ The Department for Trade and Industry definition of a zero carbon development is one that achieves zero net carbon emissions from energy use on site, on an annual basis.

4.9 Criterion 1 of the policy seeks to enhance the high quality of the environment. The Council have concluded that the appeal proposal *would not be ancillary accommodation and would be tantamount to a new dwelling*. A fundamental factor at arriving to a decision is the development proposed. The description of development, as contained within the application form, refers to the proposal as *an annexe to rear for use ancillary to the main dwelling*. The description of development was accepted by the Council and the proposal advertised and subject of consultation, on this basis. Indeed, the decision notice also provides confirmation of the description of development. Accordingly, the appeal is evidently not for a separate dwelling and it is important and material, that the appeal is determined as a proposal concerning annexe accommodation and not the creation of a separate dwelling.

4.10 The Council's sole objection relates to the interpretation or perception that the proposal concerns an independent dwelling. Such a viewpoint is not supported by evidence. Consequently, the creation of annexe accommodation within the curtilage of the host dwelling, would have an inconsequential influence on the quality of the local environment, particularly as the Council have not raised concerns relating to residential amenity or car parking.

CP3

CP3 - General Principles for development

Planning permission will be granted for proposals that:

- a) Are 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;*
- b) Provide a functional, accessible, safe, secure and adaptable scheme;*
- c) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.*
- d) Maintain or enhance the ability of the site to support fauna and flora including protected species;*
- e) Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;*
- f) Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;*
- g) Provide for a framework of open space in secure community use achieving at least 4.65 ha/ 1,000 population provision together with recreational/ sporting facilities in addition to private amenity space;*
- h) Contribute towards the provision of an appropriate sustainable network of community facilities;*
- i) Do not lead to a net loss of dwellings and other residential accommodation or land; and*
- j) Do not lead to a loss of community or recreational facilities/ land or infrastructure unless suitable alternative provision is available.*

Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements, clear and informative plans, elevations and streetscenes and where required Masterplans, Development Briefs, Concept Statements and Design Codes.

4.11 The Council's starting point that the appeal proposal is tantamount to creating a separate dwelling is entirely flawed, due to the proposed siting and position of the proposed annexe, and the associated means of access.

4.12 The appeal site comprises a detached two storey dwelling and its associated curtilage. The host dwelling benefits from a lengthy garden, which is land locked, thereby not benefitting from a rearward access. The front elevation of the host dwelling spans the width of the appeal site, with the absence of side space and, consequently, access to the rear garden can only be obtained via the envelope of the host dwelling.

- 4.13 Accordingly, the proposed annexe cannot be accessed independently. As such, the future use of the annexe is significantly restricted, severely limiting its autonomous use. The autonomy of the use is central, when arriving at a balanced decision, as it avoids the creation of tandem backland development, as purported by the Council.
- 4.14 Essentially, the ancillary incidental nature of the development, together with the absence of an independent means of access, ensures that the appeal proposal complies with the principle of development and avoids the creation of an independent dwelling.

TB06

Policy TB06: Development of Private Residential gardens

1. The Council will resist inappropriate development of residential gardens where development would cause harm to the local area.

2. Proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens will only be granted planning permission where:

a) The proposal makes a positive contribution to the character of the area in terms of:

i. The relationship of the existing built form and spaces around buildings within the surrounding area;
ii. A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and

iii. Existing pattern of openings and boundary treatments on the site frontage

iv. Providing appropriate hard and soft landscaping, particularly at site boundaries.

v. Compatibility with the general building height within the surrounding area

vi. The materials and elevational detail are of high quality, and where appropriate distinctive and/ or complementary

b) The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking

c) The proposal includes access, which meets appropriate highway standards

d) The proposal does not lead to unacceptable tandem development

e) The design and layout minimises exposure of existing private boundaries to public areas and avoids the need for additional physical security measures.

- 4.15 This policy is concerned with development of private residential gardens. The Council's reason for refusal makes the claim that the appeal proposal would not be ancillary accommodation. Preceding submissions have demonstrated that the proposal, the subject of the appeal, is unequivocally not concerned with the creation of a separate independent dwelling. Moreover, the physical context of the siting and position of the proposed annexe would manifestly restrict, indeed prohibit, independent means of access.
- 4.16 Notwithstanding, the Council's reason for refusal refers to the self-contained nature of proposed accommodation with day to day living facilities that are physically separated from the host dwelling. Whilst the proposed annexe would comprise of facilities that might allow for independent day to day living, that does not necessarily imply that the accommodation would be occupied separately. Indeed, there is no evidence, for example, in the form of submitted drawings which indicate the creation of a separate planning unit from the main dwelling.
- 4.17 As a matter of fact and degree, the proposed accommodation would plainly be capable of being occupied as an annexe, due to the following factors:
- (i) The intended occupier would have close family links with the occupiers of the host dwelling;
 - (ii) Links to the household of the host dwelling would result in sharing living activities within the main dwelling, including the garden area; and
 - (iii) The entirety of the appeal site would remain as a single planning unit.

Borough Design Guide – Section 4

4 Residential

4.10 'Backland' development

R22: As back gardens are no longer classed as brown field proposals for such backland development, if appropriate, will need to be located and designed to the highest standards to ensure that they:

- do not harm the existing character of the local area;*
 - relate positively to the existing layout and urban form;*
 - maintain the quality of environment for existing residents; and*
 - create a satisfactory living environment for the new home or homes and existing surrounding properties.*
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- 4.18 Section 4 of the guide entitled 'Residential' is chiefly concerned with proposals concerned new housing development. Section 4.10 (page 54) is specifically concerned with 'Backland' development. Preceding submissions have categorically and evidently demonstrated that the appeal proposal does not concern the creation of an independent dwelling.

5. **OTHER MATERIAL CONSIDERATIONS**

- 5.1 The appeal proposal, in terms of the layout and its facilities, would enable it to be used independently. However, such a prospect is acutely restricted as there is no means to obtain an independent access from the public realm. The absence of an autonomous means of access severely impedes use as a separate dwelling.
- 5.2 Accordingly, the imposition of conditions restricting the proposed use as being incidental to the main dwelling is not appropriate, particularly as an independent residential use would, in itself, require planning permission.

- 5.3 Notwithstanding, on balance, should the imposition of a condition restricting the use of the annexe to being ancillary to host dwelling be thought necessary, this would be acceptable.

6. **CONCLUSIONS**

- 6.1 In reaching the view that the annexe is tantamount to a new dwelling, the Council has referred to *Gravesham BC v SSE* [1984] in which it was held that ‘*a distinctive characteristic of a dwelling house was its ability to afford to those who used the facilities required for day-to-day private domestic existence.*’ However, in the more recent and relevant case of *Uttlesford DC v SSE & White* [1992], it was emphasised that even if an annexe provided facilities for independent day-to-day living, it would not automatically be considered a separate planning unit from the main dwelling. Instead, this would depend on the specific facts and circumstances of each case. Indeed, this more recent and relevant case law demonstrates that the appeal development should rightly be treated as an annexe.
- 6.2 The Council’s supposition that the appeal proposal is tantamount to creating a new dwelling, is flawed. Such conjecture is supported by evidence, indeed, the description of development, which was the subject of consultation, and appears as part of the Council’s decision notice, is testimony of the flawed assumption made by the Council.
- 6.3 In the absence of compelling evidence to the contrary, the appellant respectfully requests that the Inspector upholds the appeal.

APPENDICES

APPENDIX A

PERSONAL STATEMENT

91 Reading Road
Woodley
RG5 3AE
4 April 2025

To Whom It May Concern,

We are writing to formally appeal the refusal of our planning application to build an annexe in the garden of our home at 91 Reading Road.

We purchased this property in June 2024 and moved in on 18 November 2025. Our family consists of two adults and two children. Our daughter is currently undertaking an apprenticeship at a local dental practice, and our son is a student at a nearby secondary school. Vaughn works a hybrid role as a Commercial Director in London, and Gail works from home as a Marketing Director in the toy industry.

In addition to our immediate family, we have our parents, aged 66 and 63, living with us. They have been residing with us since August 2024 after previously staying with other relatives. We specifically chose this home due to its large garden, which we envisioned as an ideal space for building a single-storey annexe for our parents. This would allow us to live together as a multi-generational family, providing the support our parents need as they age.

Our decision to purchase this property was also influenced by the fact that one of our new neighbours at Number 105A received planning approval for a similar project. Our mother suffers from severe mobility issues, having had multiple joint replacements. She is only able to walk short distances and is unable to climb stairs. Given these conditions, our current home is unsuitable for their needs, as all the washroom facilities are located on the first floor. Presently, our parents are living in a cordoned-off section of our living room, which is not ideal for their comfort or well-being.

Our father, who works locally, has recently been diagnosed with a condition that may soon limit his ability to continue working. As such, the need for a living arrangement that allows us to support them on a daily basis is increasingly urgent.

We have worked with an architect to design the annexe, ensuring that it will be aesthetically pleasing and in keeping with the character of the area. Additionally, our garden is situated at a lower level than our neighbours', meaning the annexe will be discreetly positioned below the level of their garden sheds. We have also consulted with an arborist to ensure that the two oak trees on the property, which are protected by TPOs, will not be affected by the development. The annexe will be built using ground screws, meaning there will be no permanent groundworks or foundations. The only preparation completed thus far has been the removal of two sheds and their extensive foundations, which were located within the proposed area.

When Ben from the council visited for the site inspection, he expressed no concerns and indicated that we should expect approval soon. Therefore, we were very surprised and disappointed to receive a refusal.

We would like to emphasise that as owners of this property, we have no intention of subdividing the land or making any permanent changes that would affect the character of the neighbourhood. In fact, we have already removed the dividing fence between the garden and the section with the garage and sheds, further demonstrating our commitment to maintaining the property as a cohesive whole. Furthermore, the annexe will not provide sufficient space for parking, as the existing over-croft structure is not able to accommodate a car.

We respectfully request that you reconsider our application in light of the information provided. The proposed annexe is essential to our ability to care for our parents and to provide a safe, comfortable living arrangement for our family.

Thank you for your attention to this matter. We look forward to your reconsideration of our application.

Kind regards,
Vaughn and Gail Fisher