

From: Frances and Neil Inglis, Copper Beech House, Hennerton, Wargrave RG10 8PD

To: Wokingham Borough Council, Planning Services Dept., Shute End, RG40 1WH

December 12th 2024

Objections to The Coppers planning application number 242951

We respectfully request that you refuse application 242951 and retrospectively refuse applications 232500 and 233178. Below are the reasons for this request.

We also request an extension to the consultation period due to waiting for release of relevant information applied for as Freedom of Information Request Ref No: 19142

1. Proposed house extensions.

a. Permitted development rights misuse.

This application, coupled with 232500 (indoor pool), 233178 (home office and orangery) and 231902 (triple garage) form an obvious misuse of the permitted development rights rules. Application 242951 house extension proposal is an attempt to manipulate the Wokingham department into approval of a very large extension to The Coppers which is at odds with the rules governing permitted Green Belt development.

b. Green Belt - inappropriate proposed scale, massing and location.

The very large extension proposed would form an obtrusive and incongruous feature to the detriment of the appearance of the existing dwelling and the open character of the green belt. These rules have been cited on numerous previous refusals for this property. They are copied here from F/2000/1218.

Location: The Coppers, Penny Lane, Wargrave, Reading.

Proposal: Proposed single storey and two storey extensions to dwelling

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council.

Reason

1. The proposed development by reason of its, scale, massing and location would result in an unacceptable cumulative change in the scale of development upon the site, to the detriment of the open character and amenity of the Green Belt. As such, the proposed development is contrary to Policy 9 of the Green Belt Local Plan for Berkshire and Policies WOS3, WGB1 and WGB3 of the Wokingham District Local Plan for Berkshire.

Reason

2. The proposed two storey, front development by reason of its scale, massing and location would form an obtrusive, incongruous feature to the detriment of the character and appearance of the existing dwelling and the open character and amenity of the Green Belt. As such, the proposed development is contrary to Policy 9 of the Green Belt Local Plan for Berkshire and Policies WOS9, WBE1, WGB1 and WGB3 of the Wokingham District Local Plan.

Specifically, these rules have been cited against the following refusals. F/2000/1218, 2196, 2198.

c. Green Belt - Cumulative volume increase ignored.

The application cites percentage increase in footprint and volume over the property's current existing footprint and volume. This basis for numbers carefully ignores the fact that green belt scale and massing relate to cumulative change over and above that of the original dwelling; with the extensions having taken place after the Green Belt implementation. In 2000, the property had already been increased to 138% of the original footprint.

d. Fall back option - Response to WBC manipulation attempt is needed.

The planning statement makes the case for manipulating Wokingham Planning department into approving the proposed house extension, on the grounds that it is better than the permitted development rights option. There needs to be a new way forward in such cases of deliberate tactics. It is suggested that there is a simple solution, which is to retrospectively withdraw permissions 232500 (indoor pool) and 233178 (home office and orangery). Indeed, given this example of misuse, we suggest that consideration be given to removing future permitted developments on this site.

e. Misrepresentation of the landscape value of the area.

The planning statement fails to note that The Coppers is sited within the Remenham Chalk Area of Significant Landscape Importance, specifically in the Valued Landscape area D1. As such every effort should be made to protect and enhance the landscape and scenic quality. Neither the proposal nor the fallback option does this. Indeed, the pool permission 232500 decidedly does not.

f. Unacceptable ridge height increase.

Requesting to raise the ridge height of the property by $\frac{3}{4}$ of a metre is at odds with Green Belt requirements and with landscape enhancement. This would be very noticeable from Penny Lane, Hennerton Drive and from a distance. We request that this be refused.

2. Annexe rebuild proposal

a. Previous approvals are for non-residential buildings

The existing building in the garden is not approved as a residential building, although the application implies that it is. The structure consists of a double garage - approved application 10591 (1979 20 ft x 20 ft = 37m²) and a double stable - approved application 16046 (1981 10 ft x 20 ft = 18 m²). The permitted use for these buildings is specifically non-residential.

b. Previous specified restrictions on use of the stables

The stable permission states in paragraph 3 below "The development hereby *permitted shall be used only for domestic purposes.... And it shall not be occupied separately from the existing dwelling as living accommodation.*"

To: Mr T R Tinson
Coppers
Pennys Lane
Wargrave
Berks

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No. 16064

Proposal Erection of two stables at Coppers, Penny Lane, Wargrave

The Wokingham District Council under the above Acts hereby PERMIT the above development to be carried out in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1. The development hereby permitted shall be commenced within five years from the date of this permission.

REASON This condition is deemed to be attached by virtue of Section 41(1) of the Town and Country Planning Act, 1971.

2. All the materials to be used in the elevations of the proposed development shall match those on the adjoining garage, to the satisfaction of the District Planning Authority, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.

REASON To ensure that the materials are in keeping with those existing. (6)

3. The development hereby permitted shall be used only for domestic purposes ancillary to the enjoyment of the existing dwelling as such on the site. No trade or business of any kind whatsoever shall be carried out in the building and it shall not be occupied separately from the existing dwelling as living accommodation.

REASON In the interests of amenity. (164)

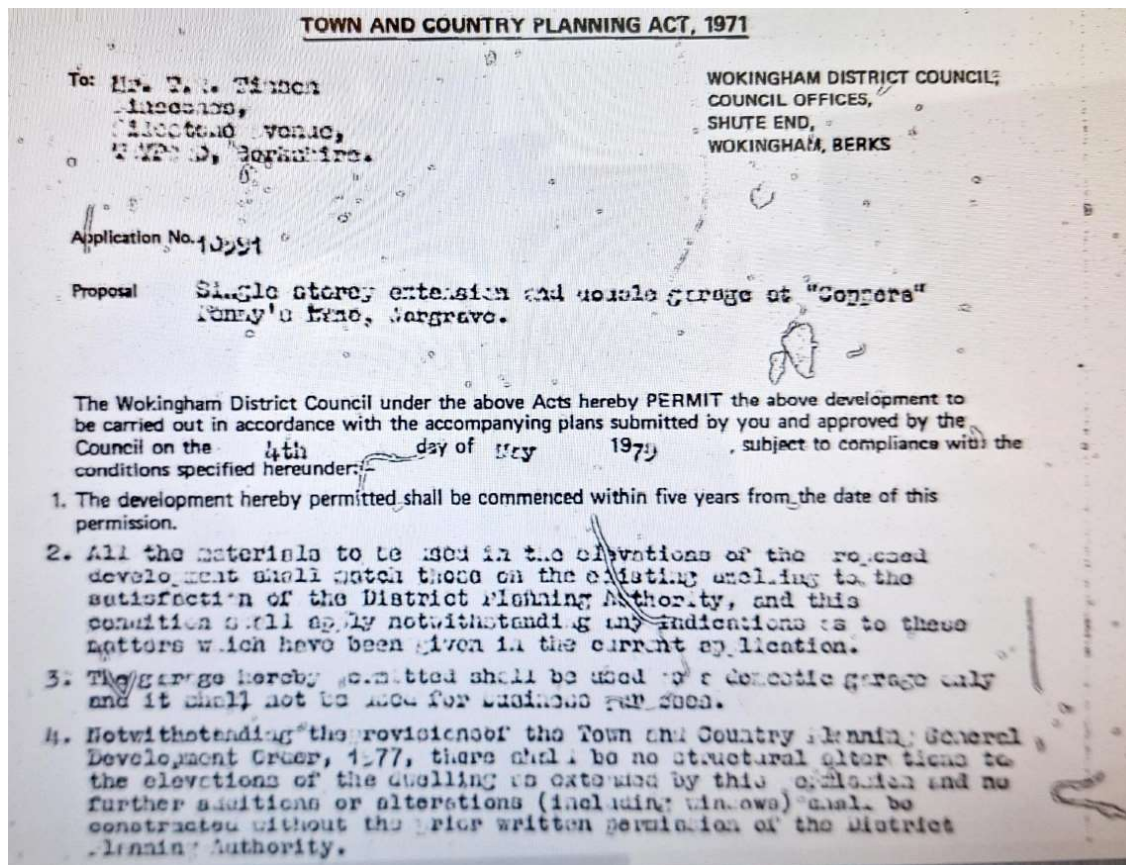
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It would appear from the planning statement that the stables are being used as living accommodation contrary to the WDC conditions of use.

c. Previous specified restrictions on use of the garage

The garage permission states (para 3) "The garage hereby *Shall be used as a concatic garage only*".

Para 4 states "*there shall be no structural alterations to the elevations of the building... and no further addition or alterations (including windows) ... without the prior written permission of the District Planning Authority*".



It is evident from the pictures of the garage, that windows have been added, contrary to the WDC conditions of use, and that the building is not being used as a garage, contrary to the WDC conditions of use.

d. Garage addition and alterations contrary to WDC conditions of use

The garage has more recently been added to without planning application or approval, increasing the footprint by a further 19m², contrary to the WDC conditions.

e. No buildings change of use

The planning statement says that these are residential buildings. The reality is that these are not poorly constructed residential buildings. They are specifically a stable, a garage, and an addition plus windows against written permissions. There has been no change of use application or approval.

f. Pre-planning 240083 – unaware of facts?

The planning statement cites *"In addition, 240083 relates to a pre-application enquiry for the replacement annexe. The response in summary is that the project accords with National and Local policy and therefore is likely to be acceptable, provided it is retained as ancillary accommodation to the host dwelling."*

It would appear that the pre-application conversation was unaware of the lack of residential permissions for these buildings. Freedom of Information Request Ref No: 19142 has been raised on 240083.)

g. Proposed separate 2nd house

The proposed building, which is clearly a 2 bedroom bungalow, is in fact a second house on the property. There have been many separate refused applications for an additional house in the garden of The Coppers. The application numbers are

0/254/61, 0/282/61, 0/16/62, 0/91/64, 0/2/69 including appeal refused 20.08.69 and 38684 (1992), as shown below.

ADDRESS		PARISH		
COPPERS Renny's lane		WARGRAVE		
PLOT No.		ORD. SHEET No.		
BUILDER		7881 N° 12		
Plan No.	Applicant	Description of Development	Date of Decision	Decision
540/56	Mrs. E. Morgan	erec bungalow	14.8.56	APP APP
0/254/61	Mrs. Morgan	App to erec 1 house	18.10.61	N/A REF
0/282/61	M. Morgan	App 2 dwellings	5.10.61	N/A REF
0/16/62	M. Morgan	1 dwelling	22.2.62	N/A REF
0/91/64	Mr. Brambles	App to erec house	25.3.64	N/A REF
* 0/2/69	Mrs. Morgan	App to erec house	27.1.69	N/A REF
0/64/62	Mr. M.S. Hartley	erec 2nd house in garden	withdrawn	
05887-2	MR. L. DABER	APPEAL 1.10.01/12	3.8.78	N/A C/A
BR 9444			26.9.78	APP N/A
DATE OF COMPLETION				
MINISTRY DECISION 00/2/69 Appeal dismissed 20.8.69				
SPECIAL ORDERS				
DRAINAGE				
091074				

These applications would have been refused on the grounds of not permitting additional properties to be built on a green belt site.

Details of the reasons for refusals are awaited (to follow after Planning Department appointment December 17th 2024).

h. Risk of Annexe use limitations being ignored

The pre-planning summary cites a condition "provided it is retained as ancillary accommodation to the host dwelling". Given the evidence of WDC conditions being ignored which have been presented in this application; we have no confidence that this condition would be followed if the annexe replacement were approved.

A second house would put the green belt at risk of additional traffic on the bridleway with possible rental / holiday let use adding to this problem. In addition, it would open the possibility of the land being divided and the second house being sold separately.

We request refusal of the proposed development; given that the “annexe” has been added to, changed and occupied against WDC written permissions and without change of use; and that the proposal is actually for a second house.

3. Misrepresentation of information and deliberate misuse of PDR

While we understand the wish of home owners to enhance their properties, this application evidences misrepresentation of information and deliberate tactical misuse of permitted development rights.

The application ignores Green Belt cumulative volume requirement.

The application and actions with respect to the current outbuildings (stable and garage) ignores WDC approval conditions, and instead misrepresents a non-residential building as residential.

The application evidences the clear wish to manipulate the use of PDR, and to place the WDC planners in an “impossible” situation.

It is not acceptable that this behaviour be condoned by approvals.

4. Conclusion

Thank you for reading this objection to planning application 242951 The Coppers.

For the reasons cited, we respectfully request refusal of application 242951, and retrospective refusal of applications 232500 and 233178.

Frances and Neil Inglis

JPPC ref: HV/9134

Planning Services
Wokingham Borough Council

20 November 2024

Dear Sirs

PLANNING STATEMENT

Proposed two-storey and single-storey extensions to existing dwellinghouse and replacement annexe

At: The Coppers, Penny Lane, Wargrave, RG10 8PB

Introduction

1. This Planning Statement has been prepared in support of a householder planning application for alterations and extensions at The Coppers, Penny Lane, comprised of two-storey and single-storey extensions to the eastern elevation, a single storey extension to the western elevation and a timber log store addition to the eastern elevation with the replacement of the detached annexe building.
2. This Statement should be read in conjunction with the full set of submitted plans and elevations prepared by Wargrave Design Consultancy; ecological appraisal and accompanying bat surveys; and tree survey.
3. The proposal is for householder extensions and therefore is exempt from the Biodiversity Net Gain requirements.

The Site and Relevant Planning History

4. The application site, approaching one hectare, lies north of Wargrave, broadly equidistant between Henley and Wargrave. Access to Penny Lane is via Kenton's Lane, off the Wargrave Road.
5. Penny Lane is a bridleway serving two dwellinghouses (including The Coppers). It is a densely vegetated and screened lane amongst a cluster of similarly large, detached residences. To the north-east is open countryside; to the south is a golf course- Hennerton Golf Club beyond a treed area.

6. The existing dwellinghouse is a part two-storey/part one-and-a-half-storey previously extended building. It is understood that the house was originally constructed in the mid-1950s, designed as a bungalow, and has been enlarged over time to its present scale and form.
7. The building is principally constructed of painted facing brickwork with a tiled roof.
8. An annexe lies on the East side of the plot, and to the South-East of the main residential dwelling. It is constructed of single-skin painted masonry & timber, with a tiled roof. It was originally constructed, we understand, some 40-50 years ago.
9. It is architecturally poor and by today's requirements a substandard building. It is poorly insulated and generates a high demand for energy. The building suffers from dampness and the main side walls are out of plumb (note photographs in Appendix A attached).
10. It is not practicable to renovate or refurbish, as its current condition does not lend itself to undertake this. It is therefore considered more appropriate to erect a new replacement annexe which would meet or exceed the current Building Regulation requirements for conservation of fuel and power and energy efficiency and would be structurally sound.
11. The site lies within the Metropolitan Green Belt but is not within an AONB or Conservation Area. The location of the site can be seen with reference to the aerial photo extract attached below:



Figure 1 Site Location: The Coppers, Penny Lane

12. The early planning history of the property is as follows:

549/56 – Proposed Bungalow.	Granted permission 14/08/1956
8887 – Alterations & Additions	Granted permission 21/09/1978
10591 – Single storey extension & garage.	Granted permission 01/06/1979
16064 – Outbuilding.	Granted permission 27/08/1981
19480 – Two storey extension.	Granted permission 30/06/1983
28213 – Two storey extension.	Granted permission 02/09/1987
F/2000/2198 – Dormer & Balcony.	Granted permission 10/11/2000

Table 1: early planning history

13. The original dwelling was a granted permission in August 1956. Subsequent alterations and extensions were made to the property during the 1970s and 80s, including two-storey extensions in 1983 (reference: 19480) and 1987 (reference: 28213).
14. The existing dwelling and outbuildings amount to 1,511 m³ of built volume.
15. More recently, the below Certificates of Lawful Development (CLOPUD) for Part 1 Class E domestic outbuildings as allowed by the GPDO have been granted:

231902 – Detached triple garage	LDC Granted 21/09/2023
232500 – Detached leisure building	LDC Granted 01/12/2023
233178 – Two Garden outbuildings	LDC Granted 20/02/2024

Table 2: recent planning history

16. In addition, 240083 relates to a pre-application enquiry for the replacement annexe. The response in summary is that the project accords with National and Local policy and therefore is likely to be acceptable, provided it is retained as ancillary accommodation to the host dwelling.
17. The development shown in Application 231902 for a detached garage has now been constructed.
18. The two other outbuilding certificates are yet to be built but remain extant and buildable. Extracts of the site location plans are provided overleaf, and further details are available with ease on the Council's website.

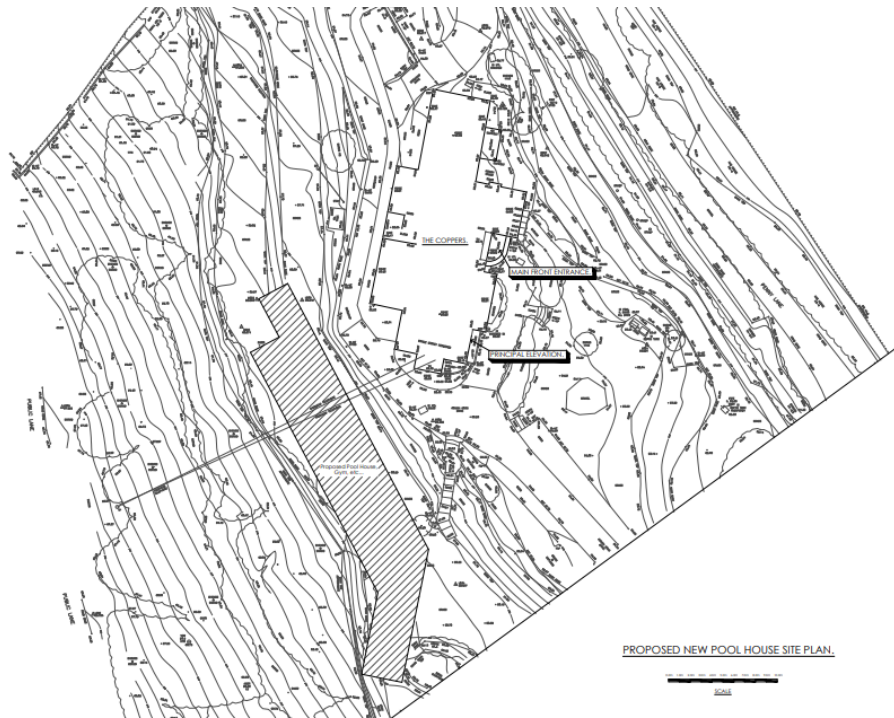


Figure 2: Application 232500; site location (hatched area) of permitted swimming pool, gym and games room in leisure building to west of dwelling (white)

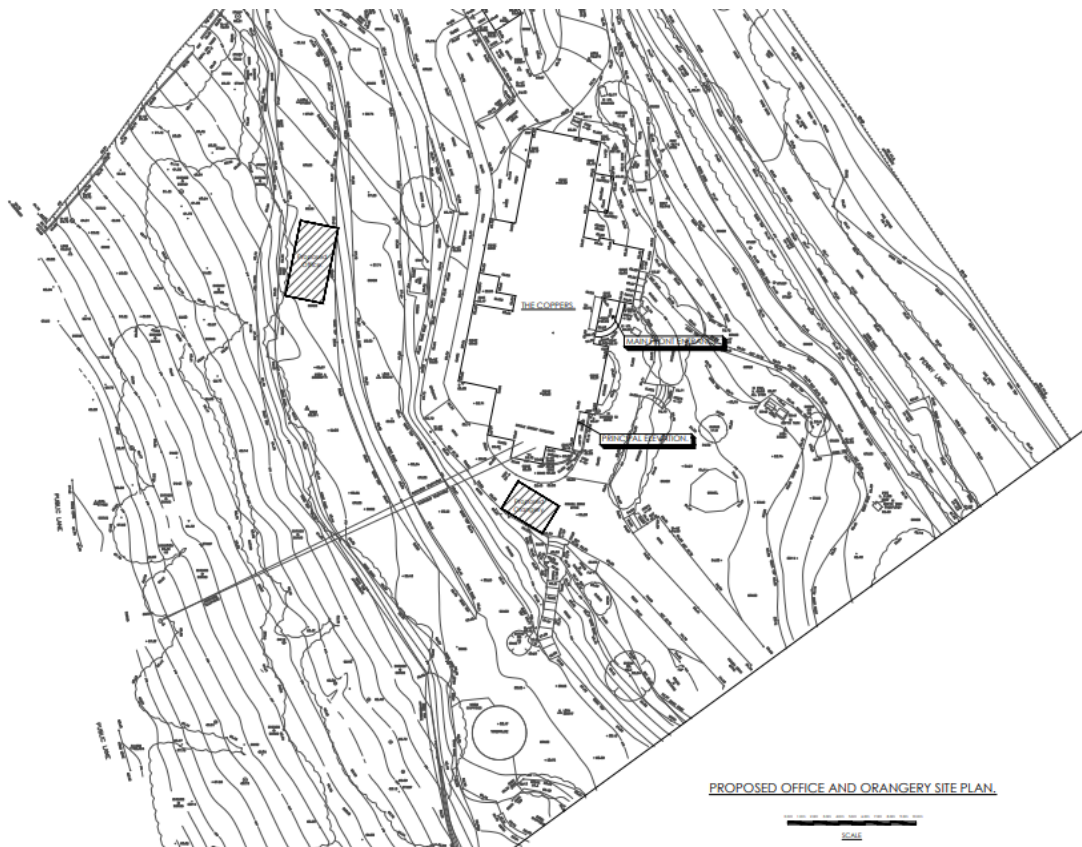


Figure 3: Application 233178; site location (hatched areas) of permitted office and orangery buildings south and west of dwelling (white area)

19. Having regard to the current on-site provision and confirmed permitted development allowed by Part 1 Class E, the applicant has the ability to provide a cumulative total of 2,381m³ of volume within the curtilage; this being a percentage increase of 58% upon existing.
20. The ability to increase the amount of accommodation by implementing applications 232500 and 233178 comprises a viable 'fallback' option for the applicants; the relevance of which will be discussed more fully in the 'Green Belt Issues' section below.

The Proposal

21. There are two proposals- house extension and replacement annexe.
22. The extension application essentially seeks to combine the facilities and accommodation of the Class E outbuildings approved by 232500 and 233178 by providing the amenities of these structures as attached extensions to the dwellinghouse, by means of the construction of a two-storey extension together with a single-storey extension located to the East elevation, a small single storey extension to the West elevation together with a timber log store, creating additional living space together with an internal swimming pool and gymnasium.
23. In addition, it is proposed to provide a replacement of the existing annexe.

Extension

24. In design terms, the proposed extensions to the building would be cohesive and would be constructed using matching materials.
25. Making use of the sloping ground the proposed, single storey swimming pool and gym extension would be set below the ground floor level of the existing house and much of the volume incorporated below existing ground level and built into the natural contours of the ground.
26. The house extensions are fill-in extensions with the roof height of the two-storey extension being only marginally increased relative to the existing.
27. In addition, the application proposes that the main entrance door, which is currently located to East elevation (which faces the garden), will be re-provided on the West elevation. The existing porch to the South would be demolished and a porch provided to the new main entrance door. The existing pedestrian and vehicular access from the Lane are to be maintained as they are at present.

Annexe

28. Regarding the annexe, the proposal is to demolish the existing substandard building and replace it with a new one. It is proposed that the annexe be relocated further from the boundary to Penny Lane and from protected trees, thus reducing any impact on rooting area. The single-storey building itself will have a timber clad finish, in keeping with the character of the area. With a 'T' shape plan, it will have a central ridged roof, with gables at the three arm ends of the same plan width. The roof finish to be tiled / profiled roof sheeting (see image B6).
29. The annexe is to remain ancillary to the main dwelling, for family and guests.

30. For reference, the current floor area of the annexe is 74m² whilst the proposed replacement floor area is 72m². The volume of the existing annexe is 232m³ whilst the proposed is 219m³. The overall height of the current annexe is 4.6m and the replacement is 3.5m.

Both

31. The proposal, with the consolidated form of the remodelled house, would provide a total on site volume of 1,963m³, compared to a volume of 2,381m³ in the fallback option. Thus the present proposal would reduce the increase by 418m³ (48%) or, put another way, the present proposal would increase building volume by 30% from the existing whereas the fallback scheme would increase building volume by some 58%. Thus the reduction is material- a 28% reduction.
32. In addition in terms of footprint, the implementation of all the works approved by applications 232500 and 233178 would result in the total footprint of the buildings on the site increasing by 227m². The works the subject of this application would be greatly consolidated, focused to a compact area around the main body of the house. This proposal would reduce the total extra built footprint by 52m², i.e. 23% compared to the fallback position. Moreover, due to the slope of the site, the highest ridge-height of the proposal would be almost 3m lower than that of the alternative, which is on land that is more elevated and much more prominent (see Figure 6 below).
33. The relevant figures are tabulated as below:

Development	Total Volume (m ³)	Footprint (sqm)
Current on-site buildings	1,511	334
Current on-site buildings + outbuildings approved by 232500 and 233178- the fallback	2,381	561
This Proposal Extended main house + replacement annexe + garage	1,963	509

Table 3: Volume and footprint comparisons

34. Appendix B attached provides computer generated images of the application development and also the fallback development.

Local Planning Policy

Core Strategy:

- CP1 – sustainable development
- CP3 – general principles for development
- CP5 – housing mix, density and affordability
- CP11 – proposals outside development limits (including countryside)
- CP12 – green belt
- CP15 – employment development

Managing Development Delivery Document:

Policy CC01 – presumption in favour of sustainable development
 Policy CC02 – development limits
 Policy CC09 – development and flood risk
 Policy TB01 – development within the green belt
 Policy TB05 – housing mix
 Policy TB21 – landscape character

Green Belt Considerations

35. At paragraph 152 the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved '*except in very special circumstances*'. NPPF, paragraph 154 identifies that in the Green Belt the extension of existing buildings would comprise '*inappropriate development*' if the extension would result in '*disproportionate additions over and above the size of the original building*'.
36. Core Strategy policy CP12 similarly identifies that planning permission will not be granted for inappropriate development in the Green Belt.
37. Managing Development Delivery Local Plan (MDDLDP) policy TB01 identifies that development in the Green Belt should accord with relevant NPPF guidance and the policy identifies that residential extensions that increase the volume of an original dwelling by no more than 35% may be permissible.
38. In this context, if compared to the volume of the original dwelling alone (rather than the volume of the existing dwelling plus the range of extensions already constructed, principally in the 1970/80s, as well as yet to be constructed sizeable outbuildings approved by applications 232500 and 233178), there would be no question that the proposed extensions would be disproportionately large relative to the existing and, as such, would comprise inappropriate development by definition.
39. As noted above, the ability to provide additional accommodation (as confirmed by the granting of Lawful Development Certificate applications 232500 and 233178) represents a feasible 'fallback' option for the applicants.
40. The weight to be attached to a fallback option has been relatively well-defined by court cases including, inter alia, *Spackman v SOS & Thamesdown BC*, *Snowden v SOS & City of Bradford MC*, *Gwinnell v SOS & LB Islington*, *Simpson v SOS and Medway Council* and *R on the application of Zurich Assurance (t/a Threadneedle Property Investments v North Lincolnshire Council*, and more latterly *Mansell vs Tonbridge & Malling*.
41. In short, these cases identify that the weight to be attached to a fallback option increases commensurately with the likelihood of that scheme being implemented if an alternative option, requiring planning permission, is refused. In addition, the caselaw also identifies that any alternative application option should result in no greater harm, from a planning perspective, than would result from the implementation of the fallback alternative.
42. These issues are encapsulated in the judgement of Mr George Bartlett QC with regard to the Simpson case, where he stated thus:

*‘The essence of any fallback position is that although the proposed development might have an adverse effect, if planning permission were withheld, other uses or operations with adverse effects but not requiring planning permission could also be carried out, so that in the final evaluation the proposed development ought to be judged acceptable in view of what might occur if permission for it was refused (see *Snowden v Secretary of State for the Environment*). A fallback position has two elements that need to be established before it can be brought into the evaluation and used to justify the grant of permission. The first is the nature and content of the alternative use or operation. The second is the degree of likelihood of the alternative being carried out’.*

43. The *Zurich* case (and the judgement of Justice Hickinbottom) has refined the second of these considerations – i.e. that relating to the likelihood of the alternative development taking place – and makes clear that such prospect only needs to more than ‘merely theoretical’ to be given weight as a material consideration, as demonstrated in Justice Hickinbottom’s summary below:

‘The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback happening is “very slight indeed”, or merely “an outside chance”, that is sufficient to make the proposition a material consideration...’

44. As far as the likelihood of the fallback developments being implemented is concerned, the applicants have an evident desire to create a home with more space and facilities than that which currently exists, all of which would be achievable through the implementation of the fallback works. In addition, there would be a fairly clear long-term benefit for them to implement the approved fallback works on the basis that the costs of implementing the works would be more than off-set by the enhanced value that would be derived.
45. In this regard, it is considered that the prospect of the fallback developments certified by applications 232500 and 233178 being undertaken if the current scheme is not approved is highly likely and, as such, ‘more than a merely theoretical prospect’. In support of this view, the applicants have already made clear their intent by undertaking the works to erect a detached garage as per LDC scheme 231902.

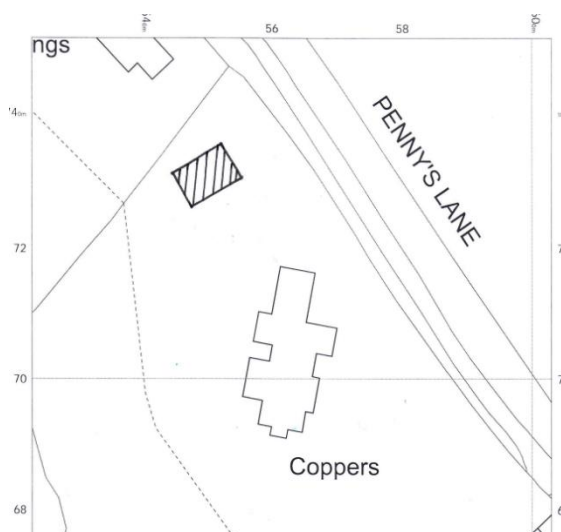


Figure 4: siting of constructed garage; WBC reference: 231902

46. Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
47. In this instance, the proposed development would have a much-reduced impact upon Green Belt openness than the fallback alternative. As shown in Table 3 above, the volume and footprint of built development on the site would be tangibly larger if the fallback extensions and outbuildings were constructed than if the current application was implemented. Buildings would also be spread over more of the site.
48. Although volume allowances within Local Plan policy are used as a guidance tool to contain above ground development, the sub-text commentary refers to openness and visual prominence as being the barometer of whether a new or extended building harms the green belt. Therefore, logically, if the development in this application is of lesser visual prominence and consolidated, rather than spread across the site curtilage, this must be seen as beneficial.
49. The Coppers sits within a wooded area as its backdrop but the land to the North-East opens out into fields with a rising topography. The house essentially sits in a minor valley, with the land to the South-West of its curtilage then rising upwards again. The house is not widely visible and cannot be seen from Kenton's Lane. Penny Lane is a bridleway and the experience of the house is relatively minor. The house is somewhat screened from Penny Lane by a hedge, parts of which have been recently replanted and have not yet reached their full height. Nevertheless provision of buildings at their lowest possible position as now proposed will ensure reduced impact versus the fall back position.
50. The application site is appreciable from the footpath to the North-East, approximately 300m away. From here, there is limited intervisibility of the house but clear visibility of the elevated bank behind the house on which the permitted development outbuildings would be located. The photograph overleaf, taken from the footpath, shows the existing house in its context. Whilst the house is visible - largely its first floor, with the lower parts set beneath the crown of the intervening land – the appreciation of change from any future enlargement at lower storey will be minimal, given works will either be set at a low level and thereby much more discrete.

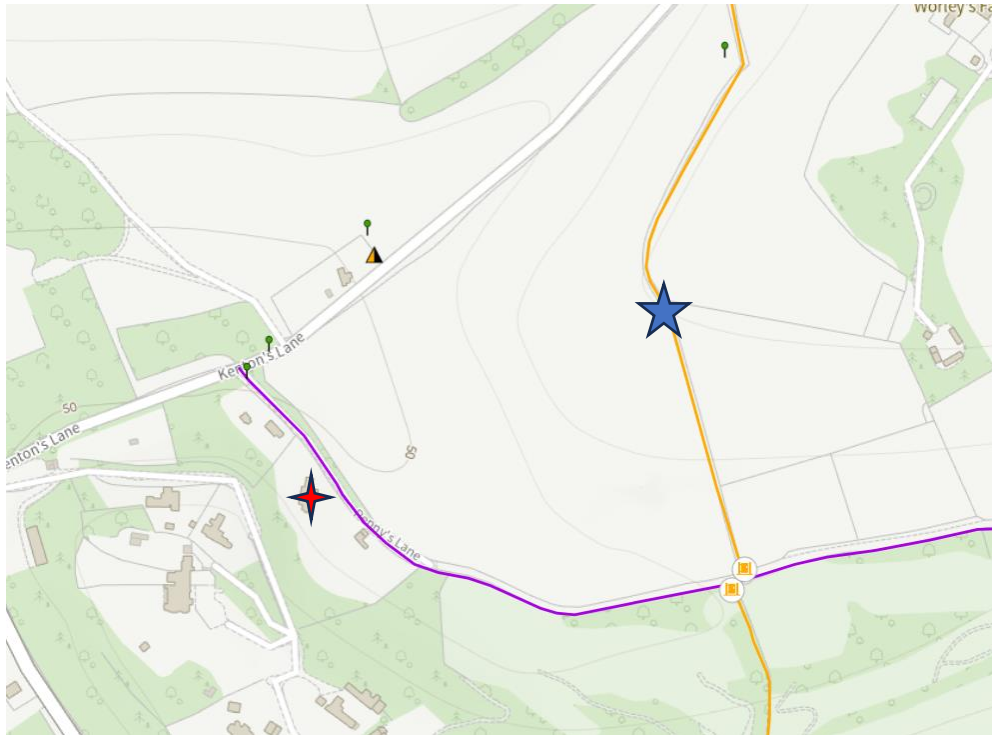


Figure 5: Local public rights of way in yellow and purple – blue star denoting main vantage point (bench seating) looking across field to application site at red star- View is shown in Figure 6 below



Figure 6: Photograph of the existing site (white colour dwelling to lower centre) and its surroundings (higher bare ground to the rear of dwelling being the location for the fallback swimming pool/gym and home office outbuildings). Taken approximately from blue star at Figure 5

51. In design terms, the current scheme would be more cohesive with the character and appearance of the existing dwelling than would result from the implementation of the works approved by applications 232500 and 233178. The proposal is integrated to the house and avoids the development of more widespread, multiple, non-contiguous areas of the site as would be the case with the fallback position.
52. Whilst the proposed extensions would result in a small increase in ridge height (of around 0.75m) of part of the house, the majority would be below current ground floor level and indeed much would be below the existing ground level. In contrast, the permitted development outbuildings would be on an elevated bank and significantly higher (by more than 3m) than the existing house, giving them a much greater visual prominence.
53. In terms of further assessment of visual and spatial aspects, the proposal would continue to read as a single dwelling within a single plot. The house would be larger than it is now, however relative to the plot (and developed to undeveloped ratio), as well as its local context, it would neither appear disproportionate/cramped or at odds with its setting. In relation to the spatial dimension of openness, the quantum and spread of development and urban sprawl are restricted in this instance, even if not readily seen, because the extensions are closely contained within the footprint and immediate rear garden of the house. Neither would the proposed dwelling alter the relationship with land within the Green Belt compared to the existing dwelling as it would be a remodelled house within an existing ribbon of development. The house also does not move from its established position within the site – meaning that the dwelling, regardless of its scale, will always be viewed as a physical presence/marker at this particular point along Penny Lane. In short, the proposal greatly reduces the impact on openness and visual prominence in comparison to the fallback position.



Figure 7: photo depicting Existing topography of the land and location of higher ground where outbuildings confirmed as being permitted development

54. The uses proposed as a result of the extensions are incidental. They could reasonably otherwise be contained within outbuildings which the applicant could install using existing Class E permitted development rights. As the proposal would add beneficially to the internal floor area of the existing house, it would remove any need or pressure for further above ground buildings. Nor is it likely to result in any material increase in traffic or external activity due to the incidental purposes indicated. The impact of construction traffic could be mitigated by a condition, if necessary but would not be in any way different to construction of the fallback position.
55. Finally, in terms of the nature of the accommodation within the extended house and its comparison to the accommodation as per the approved CLOPUDs, the nature and use of the outbuildings is evidently being repurposed within the extended house. This is most apparent in respect of the leisure facilities, which would become consolidated and integrated into the house instead. Additionally, there are almost no southerly window areas in the existing house; by demolishing the porch to the South and incorporating the sunroom into the main body of the house, this deficiency is addressed. Given the trend to working from home, the house would also benefit from improved study/office space, which would be more conducive to occupants' needs by being integrated into the house itself. Good design is a fundament of good planning. Good planning and design should ensure that places are comfortable and liveable and ensure that they lead to good and desirable health outcomes. Good housing is essential to good health and wellbeing and is socially desirable.
56. It is important to also point out that the Council has previously acknowledged the relevance of the *Zurich* judgement when approving applications for the

enlargement of Green Belt dwellings elsewhere in the close vicinity by more than 35% by volume, including at Crouch End, Crazies Hill and Youngs Cottage, Kenton's Lane.

57. It would, therefore, be inconsistent and unreasonable if the Council did not also assess the current application in the context of relevant caselaw relating to fallback development. Consistency in decision making is important to good planning.
58. Regarding size as the annexe is clearly smaller than the building it will replace it clearly benefits from the provision within paragraph 154d that allows for the replacement of a building provided its use is the same and the new building is not materially larger than the one it replaces.

Other Planning Considerations

59. In this instance, other planning issues of relevance relate to the 'neighbourliness' of the proposed development and the potential impact of the development upon biodiversity, as per Core Strategy policy CP3, MDDL policy TB23 and relevant advice contained within the adopted Borough Design Guide (BDG).
60. Having regard to the impact of the development upon other residential properties, it is relevant to note that the two-storey extensions would be at a comfortable distance away from the nearest adjoining dwellings such that no material harm would reasonably be caused from an over-looking or over-shadowing perspective. As such the proposal would not conflict with the amenity related criteria in CS policy CP3 and the guidance contained in section 4 of the BDG.
61. With reference to the ecological impact of the development (and in the context of MDDL policy TB23) the applicants have commissioned full ecological surveys, and the results find no impediment to this development taking place.
62. The proposal is predicated on the basis that larger structures of less sympathetic and perhaps more utilitarian aesthetic are foregone, together with surrounding concrete hardstanding. With regard to the proposed development, it is shown that the dwelling would be constructed on a consolidated and much reduced area of the site when compared to the fallback position, having both a significant reduction in footprint and volume. The site layout also demonstrates how a large area of the wider site can remain with more natural surfaces and significant uplifts in biodiversity net gain achieved.
63. The sizable reduction in the quantum of built development at the site is, however, only one of the potential significant benefits that we have identified. We would also emphasise (in accordance with NPPF and Local Plan policy guidance) that the extensions to the house, and the replacement annexe, will be of a high-quality design, form and materials and would reflect and respect the vernacular traditions of this part of the landscape. The new developments will also be highly energy efficient and sustainable, which is more achievable and cost effective in an integrated design than in sporadic outbuildings of a cheaper design specification, which may lead to greater carbon usage and energy usage.
64. The extensions to the house will seek to use flint at the lower level. Use of this material is highly locally desirable and reflects local building traditions in this edge of Chilterns location. The upper parts of the main building as altered would

be clad in timber to offer a pleasing softer materiality more in tune with the woodland backdrop in our view. Nonetheless if there are queries in relation to materials the applicants would be pleased to discuss this.

Conclusion

65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and s. 70(2) of the Town and Country Planning Act 1990 make clear that applications for planning permission 'must be determined in accordance with the development plan unless material considerations indicate otherwise'. (*our emphasis*)
66. Whilst the proposal would conflict with relevant Green Belt development plan policies and guidance, it is evident that the policy conflict is more than outweighed by the 'very special circumstances' that exist in this instance – namely the fallback ability that exists to erect new buildings of greater visual prominence, which are more widely spread and of a greater combined volume and footprint, by implementing lawful permitted development works.
67. The position and scale of the replacement annexe have been designed to have no adverse impact on the openness of the Green Belt but in fact will have a reduced impact than what is there at present, due to the overall reduction in footprint, volume and height.
68. In other regards, the proposed extensions and replacement annexe would have a suitable design and form that would respect and reflect the design, form and detailing of the existing house.
69. It is hoped, therefore, that Officers will support this application on the basis, in simple terms, that it would be less harmful than the identified fallback development in Green Belt terms. The applicants would have no objection to entering into an s106 planning obligation or agreement with the Council to forego the ability to undertake any of the works approved by applications 232500 and 233178 in the event that the current application is approved.
70. We trust the allocated case officer will not hesitate to contact the agent, applicant, or JPPC in the event that there are any queries regarding the application submission.

Yours sincerely

Henry Venners BSc(Hons) MA MRTPI

Principal

Director of Henry Venners Ltd, a Partner of JPPC

Email: henry.venners@jppc.co.uk

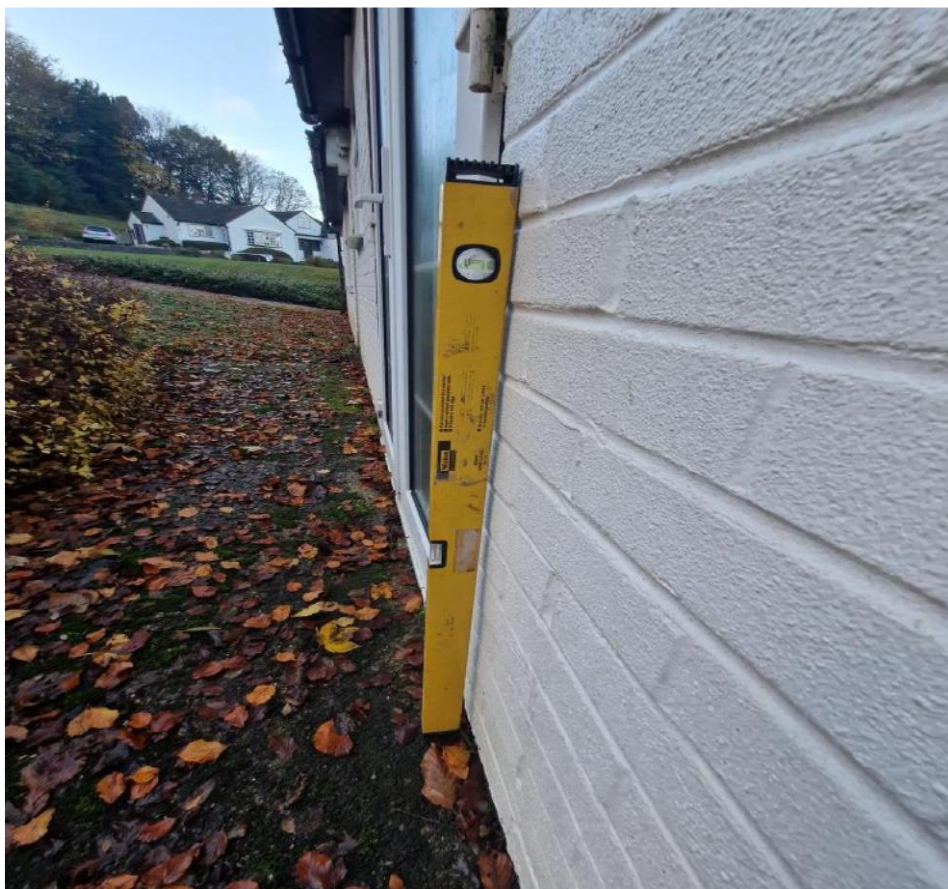
Appended

A: Attached existing annexe building images

B: comparative CGI images fallback versus proposed now

Appendix A - Existing annexe images





Appendix B- perspective images (for comparison purposes on three pages following there is a fallback image sitting above proposal image)



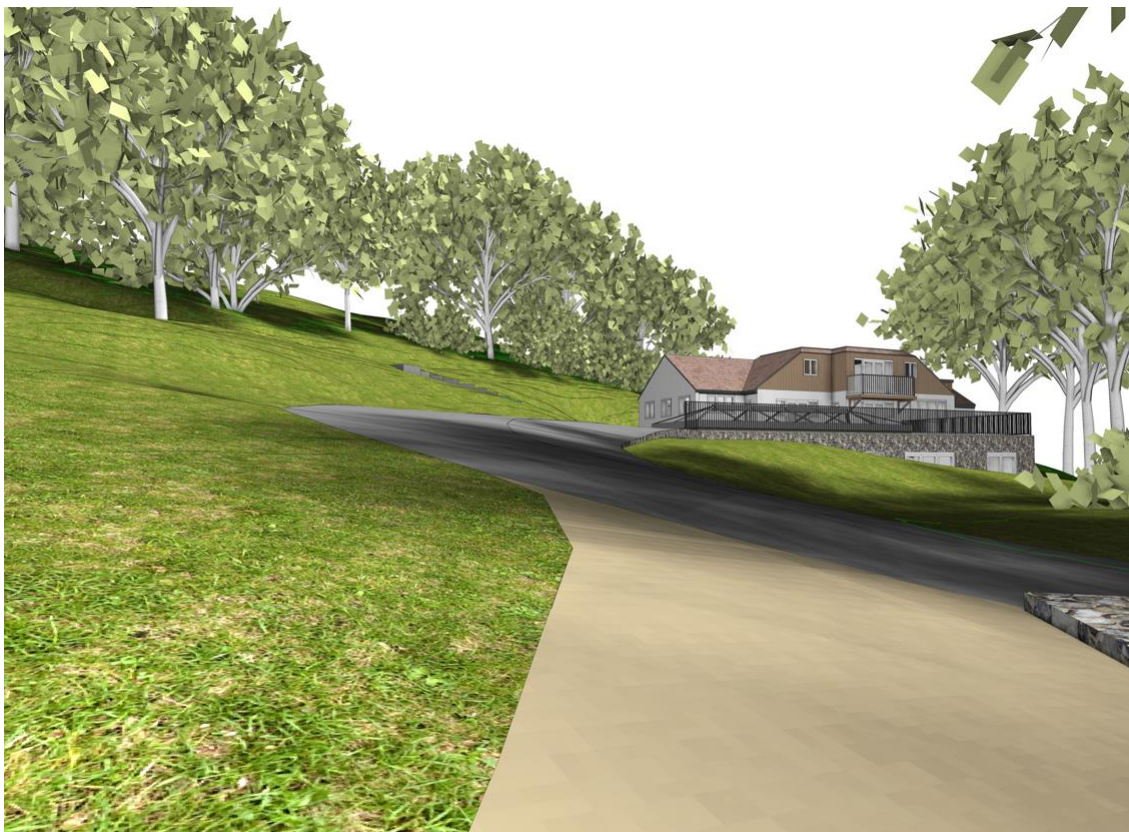
B1 above Existing Dwelling and Permitted Development (Fallback Option)



B2 Proposed Development



B3 Existing Dwelling and Permitted Development (Fallback)



B4 Proposed Development



B5 Existing Annexe



B6 Proposed Annexe