

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

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| <b>Application Number:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            | 252072                                         |
| <b>Site Address:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 75 Silverdale Road, Earley, Wokingham, RG6 7NF |
| <b>Expiry Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 28 October 2025                                |
| <b>Site Visit Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20 October 2025                                |
| <b>Proposal:</b> Variation to vary condition 2 of planning consent 250728 for the proposed erection of a single storey front, side and rear extension. Plus, a garage conversion into habitable accommodation, installation of one roof light and changes to fenestration. Following the demolition of the existing chimney. Condition 2 refers to approved details and variation is to allow changes to eaves height of a front and rear extensions (retrospective). |                                                |

### **PLANNING CONSTRAINTS/STATUS**

Scale and Location of Development Proposals – Major Development Location – Earley

### **PLANNING POLICY**

|                                                  |                                                                                                                                |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>                           | National Planning Policy Framework (NPPF)<br>National Planning Policy Guidance (NPPG)                                          |
| <b>Core Strategy (CS)</b>                        | CP1 – Sustainable Development<br>CP3 – General Principles for Development<br>CP9 – Scale and Location of Development Proposals |
| <b>MDD Local Plan (MDD)</b>                      | CC01 – Presumption in Favour of Sustainable Development<br>CC07 – Parking                                                      |
| <b>Wokingham Borough Local Plan Update (LPU)</b> | SS1 – Sustainable development principles<br>SS3 – Development within or adjacent to major and modest settlements               |
| <b>Other</b>                                     | Borough Design Guide Supplementary Planning Document<br>CIL Guidance + 123 List                                                |

### **PLANNING/ENFORCEMENT HISTORY**

| Application No. | Description                                                                                                                                                                      | Decision & Date                      |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 250728          | Householder application for the proposed erection of a single storey front, side and rear extension. Plus, a garage conversion into habitable accommodation, installation of one | Approve<br>29 <sup>th</sup> May 2025 |

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|                 | roof light and changes to fenestration. Following the demolition of the existing chimney. |  |
| RFS/2025/090656 | Extension is being built taller than shown on plan 250728                                 |  |

## CONSULTATION RESPONSES

### Internal

WBC Enforcement

### External

N/A

## REPRESENTATIONS

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Parish/Town Council | No objection raised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Ward Member(s)      | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Neighbours          | <p><b>Neighbour 1</b></p> <ol style="list-style-type: none"> <li><b>Boundary Overhang:</b> The extension initially had guttering overhanging our garage without prior consultation. Although our neighbour has agreed to resolve this, it underscores the need for the development to remain strictly within the applicant's boundary and follow approved plans.<br/><i>Officer comment: The Party Wall etc. Act 1996 provides a framework for resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. Furthermore, in this case, were planning permission to be granted, it would not authorise works on, over or under a neighbour's land or property without first obtaining their consent.</i></li> <li><b>Roof Height:</b> The extension's roof level appears inconsistent with neighbouring structures, making it more prominent and potentially affecting the area's character.<br/><i>Officer comment: The impact of the roof height on the character of the area is discussed in the main report.</i></li> <li><b>Unlisted Features:</b> A door and rooflights have been added to the East elevation but are not shown on the submitted plans, raising concerns about the application's accuracy and potential impact on neighbour privacy and amenity.<br/><i>Officer comment: The applicant has submitted amended plans to show the door and rooflight to the east elevation.</i></li> </ol> <p><b>Neighbour 2</b></p> <ol style="list-style-type: none"> <li>The applicant claims the rear eaves height is 2860mm (3000mm at the junction with the main house), but visual</li> </ol> |

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|  | <p>comparison suggests it may exceed this. Initially built to approx. 3200mm, the height was only reduced after objections.</p> <p><i>Officer comment: The roof height of the rear extension when measured on the proposed plans is approximately 3m where it joins the existing rear wall. It slopes down to be approximately 2.86m in height at the far end.</i></p> <p>2. During construction, the applicant extended the roof lip over my property without permission or consultation, physically projecting onto my roof. This posed risks to drainage and structural integrity, and it was later removed.</p> <p><i>Officer comment: The proposal does not indicate that there would be any encroachment of the roof onto a neighbouring property. The Party Wall etc. Act 1996 provides a framework for resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. Furthermore, in this case, were planning permission to be granted, it would not authorise works on, over or under a neighbour's land or property without first obtaining their consent.</i></p> <p>3. The increase in eaves height (up to 300mm at the rear and 325mm at the front) is not minor. It creates a visibly larger, more overbearing structure, reduces natural light, and disrupts the visual balance between our homes. The new roof height now sits above mine, raising concerns about water runoff and potential damage.</p> <p><i>Officer comment: The impact of the roof height on character of the area, surface water drainage and neighbour amenity is discussed in the main report.</i></p> <p>4. The applicant claims the changes were unavoidable due to construction methods. However, these are standard design considerations that should have been addressed at the planning stage. The initial 3200mm height and subsequent reduction show alternatives were possible, contradicting the claim.</p> <p><i>Officer comment: Building Regulations are separate from the planning process and avoidable changes due to construction method is a not a material planning consideration of this application. The applicant is within their rights to submit an application to vary the original planning permission.</i></p> <p>5. The applicant did not inform or consult neighbours about changes to the approved design.</p> <p><i>Officer comment: There is no legal requirement applicant to notify neighbours prior to submitting a planning application. Also, the Council routinely consult with immediate neighbours when an application is made valid.</i></p> <p>6. The increased scale, especially at the rear, has resulted</p> |
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|  | <p>in a more oppressive and prominent structure, significantly affecting light, openness, and outlook from my property.<br/> <i>Officer comment: The impact on neighbour amenity is discussed in the main report.</i></p> <p>7. The applicant continued building, including completing the roof, while the variation application was still under review, disregarding planning compliance.<br/> <i>Officer comment: Development that occurs prior to planning approval is at the owner's risk and liable to change. The applicant is within their rights to submit an application to vary the original planning permission.</i></p> <p>8. Retrospective approval would set a precedent allowing applicants to build first and seek permission later, undermining planning controls and public trust.<br/> <i>Officer comment: All planning applications are assessed without prejudice by the determining officer.</i></p> <p>9. This application misuses Section 73, which is intended for minor, prospective amendments. The changes are significant and were made without prior approval, making retrospective use of Section 73 inappropriate and damaging to planning enforcement integrity.<br/> <i>Officer comment: Planning applications are assessed without prejudice, including the application type. Furthermore, a Section 73 application allows the variation of conditions to an extant planning permission. In this case permission 250728 must be begun within three years of 29 May 2025.</i></p> |
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## APPRAISAL

**Site Description:** A semi-detached dwelling located in the residential area of Earley that benefits from an open plan front garden and driveway for off street parking.

**Principle of Development:** 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 site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

**Proposal:** The site has extant permission (250728) for a single storey front, side and rear extension, garage conversion, installation of one roof light and changes to

fenestration (following the demolition of the existing chimney. The proposal is varying condition 2 of planning consent 250728 to allow changes to the eaves height of a front and rear extensions (retrospective).

In this case, the height to the top of the front extension roof pitch is 3.3m and the eaves height is 2.5m, representing an increase in height to the top of the eaves of 0.35m compared to permission 250728.

The rear extension roof is approximately 3m in height where it cuts into the existing rear wall and slopes down to be approximately 2.85m in height at the far end. This represents an increase in height of approximately 0.15m compared to permission 250728.

### **Procedural Matters**

Revised Floor and Elevation plans were received by the Council on 23<sup>rd</sup> October 2025, and after the consultation date had ended. However, the revised proposed plans showed a minor amendment to add a skylight and door to the eastern elevation. Therefore, the amendment was not considered to have a significant impact on neighbour amenity to warrant extending the consultation period.

**Character of the Area:** Core Strategy Policy CP3 states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character, 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. Policy CP1 of the Core Strategy requires developments to maintain or enhance the high quality of the environment.

The street scene is a residential road comprising semi-detached houses of a similar age and varying designs. Properties have open front gardens and most have driveways for off street parking. Several properties have been altered over time. For example, single storey front/side extensions at no's 79 and 81; a two-storey side extension at no 95, and side dormer loft extensions at no's 85 and 87 Silverdale Road.

In this case, the maximum height to the top of the front single storey pitch roof will be in line with approval 250728. The eaves height of the existing dwelling will remain higher than that of the front extension. Therefore, the proposal will not cause significant harm to the character of the area.

Overall, the part retrospective proposal complies with policy CP1 and CP3 of the Core Strategy.

**Neighbouring Amenity:** Core Strategy Policy CP3 states that development proposals should not result in a detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.

**Overlooking:** The addition of a door to the east facing elevation would not overlook a habitable room at no. 73. Therefore, there would be no additional overlooking.

**Loss of Light:** The 45-degree angle test is advocated within the *British Research Establishment's (BRE) publication Site Layout Planning for Daylight and Sunlight: a guide to good practice*, to assess impact on daylight and sunlight levels to neighbours potentially impacted upon by adjacent developments.

Figure 1 shows that the horizontal 45-degree test was breached in relation to the nearest habitable rooms at no.'s 79 and 73 Silverdale Road for planning permission 250728. Furthermore, the extension will not protrude further back than the extant permission. Figures 2 & 3 show that there would be no significant additional loss of light to the immediate neighbour at no. 77 Silverdale Road when applying the vertical 45-degree angle test.



Figure 1 Horizontal 45-degree angle test for permission 250728

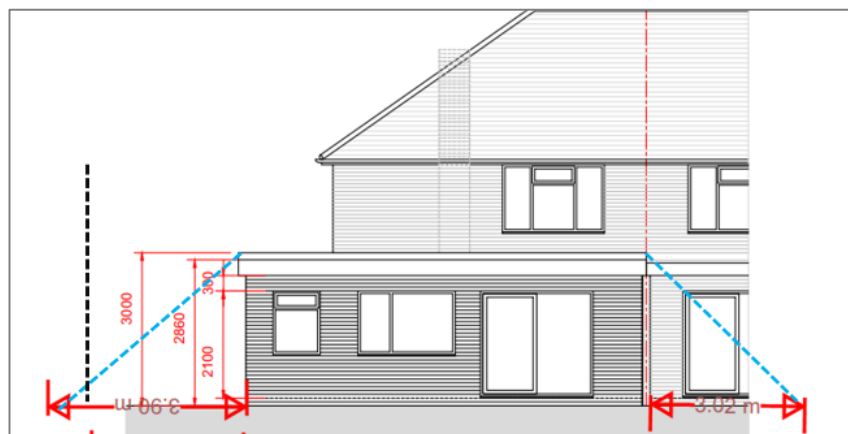


Figure 2 Proposed vertical 45-degree angle test

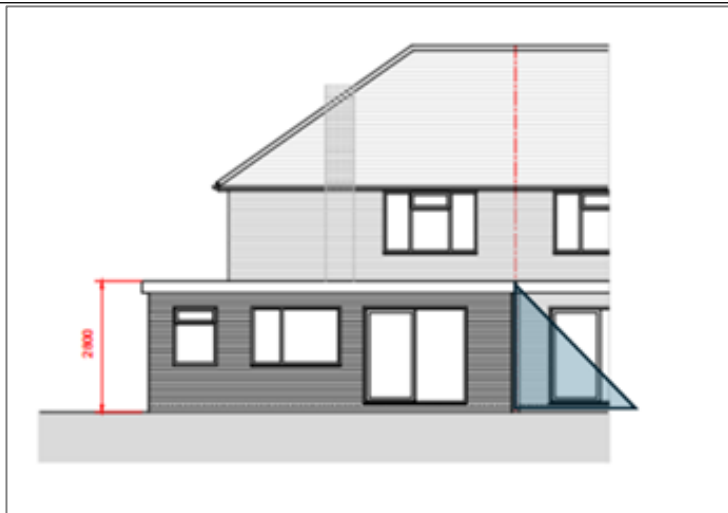


Figure 3 Vertical 45-degree angle test for permission 250728

Therefore, the increase in roof height adjacent to the rear wall would not result in a significant increase in overshadowing, or significant harm to neighbour amenity.

**Overbearing:** The Wokingham Borough Council Design Guide (BDG) provides some guidance on extensions which relate to visual impact and states that the layout and design must have a balanced response to the local context in terms of provision of external space. The increase in roof height to the front/side single storey extension would be approximately 0.35m, and the increase in height at the rear would be approximately 0.15m where it joins the rear wall of the dwelling. Therefore, the height and bulk of the dwelling will not significantly increase or harm the neighbouring occupiers given that they still have access to amenity space.

Overall, the proposal would comply with Policy CP3 in relation to neighbour amenity.

**Community Infrastructure Levy (CIL):** When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

**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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as 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 as a result of the development.

## RECOMMENDATION

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|---------------------------|-----|
| <b>Conditions agreed:</b> | Yes |
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|------------------------------------|-------------------|
| <b>Recommendation:</b>             |                   |
| <b>Date:</b>                       | 23 October 2025   |
| <b>Earliest date for decision:</b> | 24 September 2025 |

|                                                           |                                                                                   |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> |  |
| <b>Date:</b>                                              | 24/10/25                                                                          |