

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250347
Site Address:	5 Grove Close, Wokingham, RG40 3NA
Expiry Date:	26 March 2025
Site Visit Date:	N/A
Proposal: Application for the prior approval of the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.72m, for which the maximum height would be 3.30m and the height of the eaves 2.50m.	

PLANNING HISTORY

Application No.	Description	Decision & Date
121621	Proposed erection of a single storey front extension to dwelling, plus erection of a detached garage and store.	Approved – 22 June 2012
081743	Proposed erection of two storey detached garage with accommodation above and a gym/shower room.	Refused – 18 July 2008
041899	Proposed 2 storey rear extension to dwelling and first floor side extension.	Approved – 8 April 2005

REPRESENTATIONS

Neighbours	None received
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APPRAISAL

Site Description:

Semi-detached dwelling within a small cul-de-sac. The proposed has been previously extended to the side and the rear.

Land/ Property Designations:

There are no listed buildings at the site and the property is not within a Conservation Area or other 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015). The site is not subject to any wildlife or habitat designations.

Consultation:

All adjoining neighbouring properties were consulted on 13 February 2025 and given the statutory 21 days to respond. No objections have been received.

Permitted Development:

Planning History

A summary of the planning history is provided above but this is elaborated here as it affects compliance with permitted development rights and whether prior approval is available.

The original dwelling has an existing two storey rear and first floor side extension permitted under application 041899 - The existing and proposed plans are set out below and show the extent of the works approved under this previous application. These have been built out.



Ref: 041899 Existing



Ref: 041899 Proposed.

The plans show that the proposed development under consideration would link into existing extensions that were not part of the original building. The roof form of the proposal would adjoin parts of the existing first floor side extension and the structure would adjoin an existing two storey rear extension.

Caselaw

The 2021 High Court Judgment R (Smolas) v Herefordshire Council confirmed that when assessing a prior notification, the decision maker can determine whether a proposal falls outside the definition scope of the relevant part of the GPDO. This follows The Court of Appeal judgement in New World Payphones, which concluded that on an application to an authority for a determination as to whether its “prior approval” is required, then the authority is bound to consider and determine whether the development otherwise falls within the definitional scope of the particular class of permitted development.

Whilst these judgements refer to other parts of the GPDO, the principle is the same - that the decision maker can consider whether the proposal falls within the definitional scope of the relevant class of the GPDO.

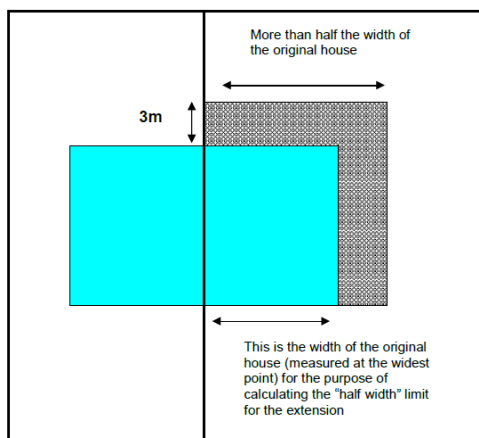
Assessment

Whilst no objections have been received, the proposed single storey rear extension would not meet the limitations set out in Schedule 2, Part 1, Class A of the General Permitted Development Order. Therefore, prior approval is not available.

The roof of the single storey extension would link into a previous first floor side extension and would result in an enlargement that includes a side extension being more than double the width of the original house – failing to comply with Class A (j) of the GPDO. In addition, the first-floor side extension required planning permission in its own right and because the roof of the development would link into this extension, it would make the proposal part of a total enlargement requiring planning permission.

Whilst the first-floor side extension is existing, Para (ja) of the GPDO clarifies that development is not permitted if *'any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)'*.

The Permitted Development Rights for Householders Technical Guidance also provides the below example of a rear extension not being permitted development as it links into a side extension, making the total enlargement more than half the width of the original dwelling house.



The Technical Guidance further elaborates upon the principle that the size of the total enlargement to the original dwelling must be considered holistically:

'In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account.'

A similar issue arises, with an existing two storey rear extension that the proposal development would link into. The property has an existing two storey rear extension, and the proposed development would make this total enlargement project more than

3 metres from the rear wall of the original dwellinghouse – failing to comply with A.1(h)(i) of Class A.

The development would also fail to comply with (i) as parts of the total enlargement would have an eaves over 3m in height and be within 2m of the side boundary. The Technical Guidance also reiterates for (i), *‘if the proposed extension is within these limitations, but is being joined to a previous enlargement which exceeds these limitations, it will not be permitted development.’*

For the above reasons prior approval under Class A is not available.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that 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.

Conclusion:

The proposed development would not meet the definitional requirements of Schedule 2, Part 1, Class A of the General Permitted Development Order by reason of the extension linking into previous extensions to the original dwelling, creating a total enlargement that would fail to comply with the limitations set out at A.1 (h, i, j and ja).

RECOMMENDATION

Recommendation:	Prior Approval Not Available
Date:	14/3/25
Earliest date for decision:	6 March 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	19.03.2025