

Planning Application (part retrospective) **261414** at 28 Milton Road

Retrospective Application to take into account changes from Approved application 241588 and subsequent Refused application 252476.

Key Changes since Refusal of Application 252476

- Reinstatement of Brickwork finish to ground floor front elevations
- Paint rendering cream on first floor elevation
- Paint neighbours red tiles grey (instead of replacing grey tiles with red tiles)
- Remove brick wall and remaining shrubs in front garden and replace with grey paviours with ramp access on pavement, erect new walls both sides.

Outstanding changes from Approved Application 241588:

1. terracing effect due to lack of subservience of two storey side extension,
2. moved closer to the boundary of no26,
3. change to roof dormers losing roof character and increasing overlooking,
4. Increased height of rear extension
5. changing roof tiles from red to grey

Objection from ACER, The Whitegates Residents Association

The visual impact is radically different from that depicted in the approved plans in application 241588.

The submitted drawings and pictures **do not show the relationship to other properties in the area** and therefore do not show the encroachment and dominance over no 26 , the lack of terracing of similar side extensions on other properties, and the prevailing red tiles on all other properties in the street. This extended property stands out in Milton Road as both out of character and detrimental to the amenities of the neighbour at 26 and their quality of life.



Fig 1 Number 28 standing out due to Terracing and Grey Roof

It should be noted that the property directly opposite, no.19, also benefits from a two storey side extension, but complies with current policy and guidance, retaining the characteristics of the area, and does not adversely affect neighbours.



Fig 2 compliant two storey extension Fig3: Front as Approved

Approved Application 241588 showed:

- the side extension roofline lower than the main property,
- the side wall inset from the boundary by 800mm (instead of the 1m normally required).
- Red tiles, both matching the original tiles and that of the conjoined semi at no 30
- Three modest separated dormers with pitched roofs set back from the rear wall by 550mm which both retained the roof style in accordance with the Borough Design Guide and limited both overlooking and visual intrusion experienced by neighbours using their gardens

This current application 252476 has:

- The side extension roofline remaining the same as the main property i.e not lowered
- The side wall inset from the boundary *by only 400mm, i.e. half the approved 800mm and well short of the 1m MINIMUM normally required.
- Grey tiles contrasting with the red tiles of the rest of the street
- One very large flat-top dormer taking up most of the roof with Juliet balcony near the edge of the roof, plus a small adjacent dormer set back but taking up the rest of the roof width. These changes to the dormers both lose the roof character completely, in conflict with Borough Design Guide, and facilitate easy overlooking into neighbouring gardens as well as appearing intrusive and overbearing to the neighbours.
- Increased height of rear ground floor extension from 3.2 to 3.5m, well in excess of 3m maximum normally allowed.



**Fig 3: Three Pitch-Roof Dormers
As Approved**



**Fig 4: Two Obtrusive Dormers As-Built
Note stack pipe**

Four Significant Impacts of changes

There are four significant impacts of these unapproved changes, all of which detract from the character of the area and are contrary to strategic policy CP3 which requires development to be *“of an appropriate build form and character to the area....-without detriment to the amenities of adjoining land users and their quality of life”*.

1. The first significant impact is the introduction of terracing due to the roof of the extension not lower than the main property, emphasised by the swathe of grey tiles which differ from the red tiles of the neighbouring properties.
2. The second significant impact is the encroachment and domination of no 26, due to
 - a) the extension wall moving closer to the boundary, leaving a 400mm gap instead of 800mm as approved
 - b) The roofline of the extension not being lower than the main property contributes to this domination, and thereby emphasising the dominance, which would not be as severe if it was set back from the boundary
 - c) the lack of a sloping hip end roof on the extension in compliance with the Borough Design Guide.

NOTE: This latter requirement was originally negated by the planning officer as they considered the set back and lower roof of the extension to be sufficient to negate the terracing effect. **Only the set-back has been implemented.** The outcome is pronounced terracing in conflict with the Borough Design Guide. In hindsight, a hip

end has now also been shown to be required to both reduce domination and to fit in with the hip end character of the street.

It should be noted that no 28 is higher up and is forward of 26, thereby adding to the prominence of 28 now that the first floor of the side extension has been built even closer than approved.



Fig 5:and 6 Lack of inset from boundary plus lack of subservience resulting in Dominance and overbearing of the side extension with respect to 26

3. The third significant impact is the replacement of three spaced out and set back dormers with one exceptionally large dormer with a Juliet balcony virtually in line with the back wall, plus a smaller dormer set back but taking up the remainder of the roof width. The effect is twofold, both losing the character of the roof completely, and secondly, facilitating enhanced overlooking field of regard into neighbouring gardens. In addition the windows in the dormers appear intrusive to neighbours in their relatively secluded suburban garden recreational space.
4. The Fourth significant impact is the increase in average height of the sidewall of the rear extension from 3.2 to 3.5m. This further reduces the direct sunlight onto the patio area of the rear garden, as the sun comes from the direction of No28. This lack of direct sunlight to this recreational area will further result in shaded damp areas caused by the wall being 1.5 metres higher than the original fence. Although the Borough Design Guide requires rear extensions alongside boundaries to be inset by 1 metre with a maximum height of 3 metres i.e. out of consideration for neighbours, the wall was allowed to be against the boundary and 3.2m high. To allow the wall height to increase further to 3.5 metres above ground level increases the shadowing further and is totally unacceptable.

Terracing Affect

Prior to 2012 when the current Policies were being drafted, it was noted that the separated hip-end character of the area was changing, with a few neighbouring properties both adding gable end side extensions, giving rise to a terracing effect. This was considered unacceptable and two policies were incorporated into the current Policy and guidance

1. A minimum gap to the boundary of 1 metre for all new properties and development.
2. Making two storey extensions subservient to the main property by
 - a. Lowering the roof of the extension
 - b. Set back of the extension from the front elevation of the main property
 - c. Retention of sloping hip-end roofs when main property has hip-end roof

The above measures were incorporated into current Policy and Guidance which have been approved by full council

The terracing of 28 is accentuated by the grey tiles in place of approved red tiles, plus the prominent forward position in the street

Loft Conversion

The loft conversion as built, exceeds the size allowed under Permitted Development and therefore falls clearly under the Policy and Guidance of Wokingham Borough Council.

The Borough Design Guide requires dormers to be subservient to the existing roof form.

The dormers approved under Application 241588 are set back from the roof edge by 550mm and retain the majority of the original roof apart from losing the hip-end.

The two dormers as built completely lose the original sloping roof and therefore do not comply with WBC Policy and Guidance.

The as- built conversion also affords intrusive overlooking into previously private areas of neighbouring properties from the full height Juliet balcony in line with the rear wall of the house, as well as appearing intrusive and overbearing to neighbours.

Design

The location of the stack pipe down the middle of the gable end wall, as evident in Fig 4, appears to be an afterthought, looking both out of place and ungainly in the middle of a vast blank rendered wall. It is unsightly and contributes to the poor design of this development which is not in keeping with NPPF requirements for development to be of high-quality design.

Biodiversity Gain

The biodiversity gain from this development is negative, at minus 100%.

This is due to removal of all the trees and shrubs from both the front and back gardens. The back garden was previously densely wooded and full of wildlife. This is currently covered with piles of builder's rubble.

All the remaining shrubs, greenery and small wall in the front garden have been removed since the last Refusal, and replaced with hard standing. It is noted that a biodiversity statement is not required according to the architect.

Landscaping

The latest parking plan still omits any soft landscaping which is required in order to retain the character of the area in compliance with Policy CP3(f) *"The ability of the site to support Fauna and Flora"*, Policy TB06 a) iv) *"Soft Landscaping Particularly at site boundaries"*, and the Borough Design Guide which states that *"Parking spaces should include spaces for soft landscaping."* A barren car park devoid of foliage does not comply with the character of the area.

The latest drawing shows two trees. There is no indication where they exist, and indeed, the garden, which was full of trees and greenery has been stripped bare. The trees appear to be artistic licence not relating to any actual or planned trees.

Rainwater Management

Rainwater management is required to be dealt with within the property boundary to comply with Government building regulations as we understand it.

Hardstanding areas for vehicles must be porous. It was observed that a concrete substrate under the block pavements laid at no.28 which therefore does not comply with permeable hard standing requirements.

Overspill works onto public highway



An access ramp has been constructed on the pavement instead of the white edging paviours. This creates an uneven public pavement and constitutes a trip hazard.

Construction Overspill onto Neighbouring Property

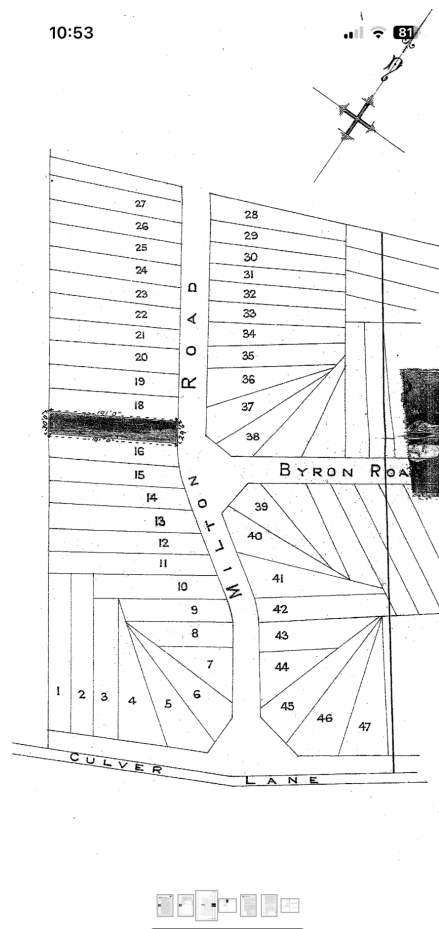
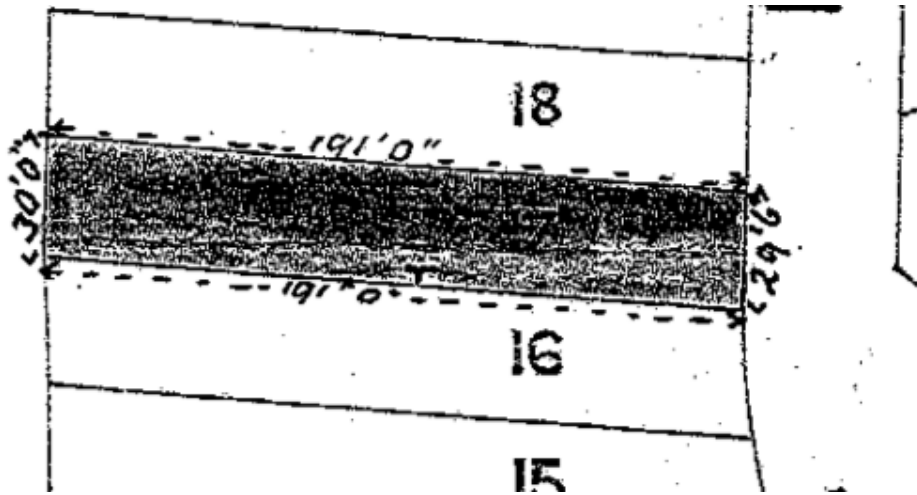
Subsequent to the latest Refusal, ACER has received evidence showing:

Land Registry plan (below) shows the width of the frontage of no 26 (built on plot 17) to be 29 feet 6 inches wide.

The Land Registry Plan shows the width of the rear boundary to be 30 feet wide, exactly where a shed build by the previous owner of 28 still stands

No 28 had permission to build a side extension 800mm from the boundary with no. 26. This side extension as built does in fact cross the straight boundary line shown on the land registry documents. The distance across the land at 26 to the extension of 28 is 28 feet 10 inches. It should be at least 29 feet 6 inches to the boundary. **This places the ground floor side extension of 28 at least 8 inches inside the boundary of the neighbouring property at 26.** Certainly; the inset second floor side extension is not 800mm from the boundary as approved. The new side extension at 28 is therefore too wide to fit on their land according to Land Registry documentation.

ACER understands that boundary disputes are not a matter for the Council, but ACER understands that when a construction crosses into a neighbouring property, Planning Approval has not been granted in the past. *This was the case at 31 Culver Lane RG6 1DX, where an outbuilding was built over the boundary into the garden of no 29 Culver Lane. In that particular case Application 122376 was only validated after some land was sold to 31 and formally recorded. There is an inferred risk that if approval was granted on land which was subsequently proven not to belong to the developer, then both the developer and the council could be held liable.*



SUMMARY

ACER requests refusal of this application as:

- a) it does not conform with Policy CP3 which requires development to be ***“of an appropriate build form and character to the area,... without detriment to the amenities of adjoining land users and their quality of life”*** due to
- i. lack of subservience of two storey side extension,
 - ii. proximity to the boundary of no.26,
 - iii. change to roof dormers losing the roof character and increasing overlooking,
 - iv. changing roof tiles from red to grey.
 - v. Excessive height of the sidewall of the rear extension.
- b) The lack of soft landscaping in the front garden, to comply with:
- Policy CP3(f) *“The ability of the site to support Fauna and Flora”*
 - Policy TB06 a) iv) *“Soft Landscaping Particularly at site boundaries”*.
 - The Borough Design Guide which states that *“Parking spaces should include spaces for soft landscaping.”*

Should it be minded to Approve this application, then we request a Landscaping condition particularly in order to reduce the barren frontage and conform with the street scene