

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242868
Site Address:	3 Byeways Close, Knowl Hill, Wokingham, RG10 9YL
Expiry Date:	7 February 2025
Site Visit Date:	9 January 2025
Proposal: Householder application for the proposed erection of a first floor extension, two storey side extension and single storey side and rear extension including replacement garage following demolition of existing single storey rear extension and garage.	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Countryside
Green Belt
Ground Water Zones
Landscape Character Assessment Area
Green Routes and Riverside Paths Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP12 – Green Belt
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB01 – Development within the Green Belt TB21 – Landscape Character TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Wargrave Parish Design Statement

PLANNING HISTORY		
Application No.	Description	Decision & Date
O/43/60	Outline application for residential development.	C/A 16/07/1960
105/60	Five detached bungalows each with garage.	C/A 14/07/1960
242132	Prior approval submission for the proposed enlargement of the existing bungalow through the erection of 1 no. additional storey to a maximum height of 7.8 metres.	Prior Approval Approval 08/10/2024
242133	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 8.00m, for which the maximum height would be 2.65m and the height of the eaves 2.65m.	Prior Approval not required 20/09/2024

CONSULTATION RESPONSES
Internal
WBC Highways – No objection WBC Landscape and Trees – No objection subject to conditions. <i>Officer comments: This will be assessed within the main report below.</i> WBC Ecology – No comments received
External
None

REPRESENTATIONS	
Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL
Site Description: The application site features a single storey detached bungalow with a pitched roof located within a small cul-de-sac of 5 dwellings in Knowl Hill. The site is within land defined as Green Belt and as countryside, but the surrounding area is predominantly residential. Description of Development: This application seeks permission to erect a first floor extension to provide 3no. bedrooms. Erection of a two storey side extension to provide a dressing room and ensuite bathroom at ground floor level, and 2 no. ensuite bathrooms at first floor level. Erection of a single storey rear and side extension to provide a dining area, kitchen,

utility room and a link to a new garage. This will follow the demolition of the existing rear extension and garage.

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.

Development within the Green Belt and Countryside

The application site is located within designated Green Belt and outside of settlement limits in the open Countryside. The government attaches great importance to Green Belts with national policies for the protection of Green Belt land covered by Chapter 13 of the NPPF. Paragraph 142 of the NPPF states that, "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes, the one most relevant to this proposal is, "(c) to assist in safeguarding the countryside from encroachment".

Paragraph 153 of the NPPF states that, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." When considering any planning application, LPAs must ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Paragraph 153 further states that, "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of eight exceptions applies. In this case, the most relevant exception is "c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

Paragraph 155 of the NPPF states that, "The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location;
- d) Where applicable the development proposed meets the 'Golden Rules' requirements"

In this case, it is considered that the proposal, comprising an extension to an existing residential dwelling, would not fall within the exceptions set out in paragraph 155 and therefore they are not relevant to this proposal.

In returning to the assessment of paragraph 154, similar principles over proportionate increases are reflected in Core Strategy policy CP12 and MDD Local Plan policy TB01. The NPPF does not define what can be considered a “disproportionate addition” in size. Policy TB01 defines a “limited” addition as one that is cumulatively 35% or less in volume compared to the original building, and as such could be viewed as not “disproportionate” in size. Although the supporting text to Policy TB01 is specifically directed towards proposal for residential extensions, it remains a useful comparative tool to assist in assessing harm to the Green Belt. Policy TB01 further clarifies that with regard to the construction, alteration or extension of buildings ancillary to a dwelling, changes should not result in disproportionate additions to the original building(s) or cause a detrimental to the scale of the dwelling or to the scale of development on the site.

In this case, the original building has already been enlarged through the erection of a single storey rear extension. Volume calculations for the original dwelling, existing dwelling, existing prior approvals, and proposed development have been submitted as part of this application (see Table 1 below). The proposed volume increase for this application is 97.4% above the size of the original dwelling, and this exceeds the 35% limit imposed under Policy TB01. It is therefore recognised that the proposal would amount to ‘inappropriate’ development in the Green Belt when assessed under Policy TB01, and therefore the proposal would only be found as acceptable if there are ‘very special circumstances’ or a genuine fallback position. The fallback position is considered below in more detail with particular reference to the two Prior Approvals granted in 2024.

The two Prior Approval permissions have established that the existing dwelling benefits from permitted development rights and that there are extensions/alterations that could be constructed to the rear/side of the property and at first floor level that are permitted under the General Permitted Development Order. These including planning reference numbers 242133 (rear extension) and 242132 (additional storey). Table 1 below provides a comparison between the original dwelling, existing dwelling, existing prior approvals, and the development proposed as part of this application.

Table 1 – Comparison between original, existing, prior approvals and the proposal.

	Original	Existing	Prior Approvals (combined)	Proposed
Footprint	141.5m ²	159.4m ² +12.65%	248.6m ² +75.7%	224.8m ² +58.9%
Volume	497.9m ³	581m ³ +16.7%	1095m ³ +120%	983m ³ +97.4%
Floorspace (GEA)	141.5m ²	159.4m ² +12.65%	353.8m ² +150%	306.4m ² +116.5%
Max Ridge Height	4.65m	4.65m	7.5m +61%	6.1m +31.2%

In terms of case law, various court cases have considered the concept of a fallback development as a material consideration. It is described in *Mansell v Tonbridge and Malling BC & Others* [2017] EWCA Civ 1314 as “familiar”. Paragraph 27 of that judgement by the Court of Appeal confirms that there should be a “real prospect” of a fallback development being implemented and that the decision maker should exercise their planning judgement as to whether that would be the case depending on the particular circumstance. There is no legal requirement for a landowner or developer to say precisely how any available permitted development rights would be utilised although on this occasion there is a relevant certificate of lawfulness which helpfully sets this out by confirming the location, scale and volume/floor space uplifts.

The proposed development has a lower volume increase than the fallback position (97.4% as opposed to 120%) and this is therefore less ‘inappropriate’ than the Prior Approval option. The maximum ridge height of the extended property as part of this application would be lower than the proposed ridge height of the Prior Approval (6.1m compared to 7.5m). Additionally, the proposed development provides a more consolidated form of development and avoids a higher finished building with a larger rear extension, and this is reflected in the lower footprint figures (224.8m² compared to 248.6m²).

Paragraph 143 of the NPPF states that, “Green Belt serves 5 purposes”. These 5 purposes are laid out below (in *italics*) and under each one it is demonstrated how the proposal would not be in conflict with that purpose.

“a) to check the unrestricted sprawl of large built-up areas”

The proposed extensions are relatively tight around the existing property and they would appear as subservient additions. Also, the extent of the footprint is below that of the PA fallback position that has already been established at the site.

“b) to prevent neighbouring towns merging into one another”

As stated above, the extent of the proposed footprint is below that of the PA alternative, and this is a measure of the spread of development. The proposal is also well contained within the residential curtilage of the site.

“c) to assist in safeguarding the countryside from encroachment”

The character of the site will remain intact. The extension respects the dwelling and its character, and additionally, the proposed height of the dwelling would be lower than that of the PA fallback position.

“d) to preserve the setting and special character of historic towns”

Neighbouring historic towns are relatively distant from the application site and their setting will not be affected. Additionally, the site is not within a conservation area or an area of special character.

“e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”

This purpose is not affected.

In summary, there is a relevant fallback position of the two Prior Approval applications that could be implemented. The fallback position would result in a greater volume, floorspace, footprint and height uplift than the proposal that forms part of this application. This is a relevant material consideration as it amounts to a 'very special circumstance'. The design of the current proposal would be less harmful to the character of the area and the openness of the Green Belt compared to the Prior Approval consents, and it would constitute a more appropriate outcome for the development of the site. As a result, the scheme would be acceptable in this particular instance given the robust fallback position on this site.

Character of the Area:

Byeways Close is largely characterised by single storey bungalows with little architectural significance in the street scene. However, the immediate neighbouring property, no. 2, has a contemporary appearance with timber cladding, red brick and a glazed front gable (see Image 1 below). Given that the proposed design of the first floor and two storey extensions picks up on many of the features consented at no. 2, and as this proposal largely retains the existing structure of the bungalow, it is deemed that the proposal results in a sympathetic form of development that reflects the surrounding area, in particular, the contemporary approach adopted at no. 2 Byeways Close.

Image 1 – No. 2 Byeways Close (left) & No. 3 Byeways Close (app. site) (right)



Neighbouring Amenity:

The proposed replacement garage would be right on the boundary where the old garage (to be demolished) is located. Whilst the replacement garage would be approximately 0.9 metres taller than the existing garage, the proposed garage would be aligned with the side of the neighbouring dwelling, no. 2, and it is not deemed that this would be overbearing or causing a significant loss of light. The proposed single storey side extension is the same height as the garage, but it is set 2 metres from the boundary with the neighbouring property, no. 2. It is therefore not deemed that the side extension would be overbearing or causing a loss of light. Given the orientation of the plot compared to no. 4, and the location of the extensions on the site, it is not deemed

that the proposal would have an overbearing impact or cause a loss of light to the neighbours at no. 4.

In terms of overlooking, no windows are proposed at first floor level on the side elevation facing no. 2. But two windows are proposed at first floor level on the side elevation facing no. 4. However, due to the angle of the application site compared with no. 4, these windows would be at an oblique angle, and they would likely not introduce any overlooking concerns. Additionally, these windows both serve bathrooms and are identified as being 'opaque windows' on the proposed drawings. A condition is recommended to ensure that these windows are obscured glazed and non-opening below a height of 1.7m above the finished floor level.

Overall, the proposal poses no harm to neighbouring amenities.

Residential Amenity Space:

The proposed extensions would not adversely harm the usability of the site's rear amenity space for current and future occupiers.

Landscape and Trees:

The Council's Trees and Landscape officer was consulted on this application. They have no objection to the proposed development, but they have requested a condition requiring a landscaping scheme to be submitted prior to the commencement of the development. Given that no trees or hedges are being removed in order to carry out the proposal, the request for a landscaping scheme is considered too onerous and unreasonable given the scale of the development proposed. Accordingly, the condition is not recommended.

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.

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.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Approve

Date:	13 February 2025
Earliest date for decision:	6 December 2024

Recommendation agreed by: (Authorised Officer)	
Date:	13/02/25