

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                                                                                                                                                   |                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>Application Number:</b>                                                                                                                                                                                                                        | 242052                                                         |
| <b>Site Address:</b>                                                                                                                                                                                                                              | Misting Meadows, Park Lane, Finchampstead, Wokingham, RG40 4PT |
| <b>Expiry Date:</b>                                                                                                                                                                                                                               | 7 November 2024                                                |
| <b>Site Visit Date:</b>                                                                                                                                                                                                                           | 24 September 2024                                              |
| <b>Proposal:</b> Householder application for the proposed erection of three outbuildings forming residential annexe, garden room, and garage & store, following demolition of existing outbuilding and removal of existing ancillary mobile home. |                                                                |

### **PLANNING CONSTRAINTS/STATUS**

Water Utility Consultation Zones  
Local Authorities  
Affordable Housing Thresholds  
Bat Roost Habitat Suitability  
Borough Parishes  
Scale and Location of Development Proposals  
Farnborough Aerodrome Consultation Zone  
Great Crested Newt Consultation Zone  
Nuclear Consultation Zone  
Tree Preservation Orders  
Borough Wards  
Landscape Character Assessment Area  
SSSI Impact Risk Zones  
Thames Basin Heaths SPA Mitigation Zones  
Great Crested Newt Consultation Zone Minor

### **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>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP9 – Scale and location of development proposals<br>CP11 – Proposals Outside Development Limits                             |
| <b>MDD Local Plan (MDD)</b> | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits<br>CC03 – Green Infrastructure, Trees and Landscaping<br>CC04 – Sustainable Design and Construction<br>CC07 – Parking<br>TB06 – Development of Private Residential Gardens |

|              |                                                                                         |
|--------------|-----------------------------------------------------------------------------------------|
|              | TB21 – Landscape Character<br>TB23 – Biodiversity and Development<br>TB25 – Archaeology |
| <b>Other</b> | Borough Design Guide Supplementary Planning Document                                    |

## PLANNING HISTORY

| Application No. | Description                                                                                                                                        | Decision & Date     |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 080752          | Proposed single storey rear extension plus first floor rear dormer extension to enlarge first floor plus erection of first floor front gable roof. | Approve<br>30/08/08 |

## CONSULTATION RESPONSES

### Internal

WBC Highways: No objection

WBC Landscape and Trees: Object

WBC Ecology Householder: Object

### External

Berkshire Archaeology: No objection subject to conditions

## REPRESENTATIONS

|                     |                                            |
|---------------------|--------------------------------------------|
| Parish/Town Council | Finchampstead Parish Council: No objection |
| Ward Member(s)      | No comments received                       |
| Neighbours          | No comments received                       |

## APPRAISAL

### Site Description:

The site comprises a detached bungalow known as Misting Meadows. This dwelling is set in substantial grounds and set back approximately 65 metres from streetscene of Park Lane to the front (west), from which the site takes access. The site is open to the front and there is a woodland to the rear. The site is bordered by residential properties to the immediate north, south and east, with commercial properties in addition to residential within the wider surroundings.

### 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 outside settlement limits in the countryside and is therefore to be considered under policy CP11 of the adopted Core Strategy. This states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside development limits will not normally be permitted except where, in the case of residential extensions, it does not result in inappropriate increases in the scale, form or footprint of the original building.

The proposed development would conflict with policy CP11 as it would result in inappropriate increases in the scale of development across the site away from the original dwelling. This impact is set out in further detail throughout this report but in a nutshell, the development would result in large outbuildings that are not ancillary or subservient to the main dwelling and are outside of the lawful curtilage of the property. The outbuildings are located away from the dwelling and spread development across the site into areas of woodland protected by a Tree Preservation Order (TPO 1609/2017).

### **Impact upon character and appearance of the area:**

#### *Residential annexe:*

The annexe building would replace an existing mobile structure that was in a state of disrepair during the officer's site visit. The proposed building would be located further to the north than this mobile structure. The proposed building would have 2 storeys, comprising two-bedrooms, a study, WC, bathroom and a kitchen/living area.

The proposed development would have all the facilities required for independent living. The facilities associated within the development are far beyond what would be classed as ancillary to the main dwelling of Misting Meadows, and instead would have the ability to function as an independent residential property. The expansive size of the floor plan, integral facilities, and self-containment to the side of, and away from, the existing dwelling results in a development tantamount to a new separate dwelling in the countryside.

The proposed building will be located approximately 22m from the main dwelling and can be accessed independently. There is no physical connection to the main house and, whilst the same driveway would be used, the building could be accessed independently without any disturbance or inconvenience to the occupants of the main dwelling.

The building would also not be an ancillary or subservient in terms of scale, design and massing and it would appear as a new dwelling in the countryside. It would look like a separate dwelling and be the scale of a 2-bedroom property with accommodation across a second floor. This is emphasised by the low level of the existing bungalow on the site. The submitted planning statement also reference the large scale and accommodation within the building and states *'it is acknowledged that this annexe is of notable size and internal layout.'*

Overall, the 'annex' would have no physical or functional link to the main dwelling and would be independent from it, appearing as an inappropriate new and separate

dwelling in the countryside. Whilst the Planning Statement states that laundry and meals would take place in the main dwelling, the proposed structure would be capable of providing these facilities given its notable size, accommodation and amenities. It would also be some distance from the main dwelling making the use of facilities within the existing house both undesirable and impractical.

A condition is proposed in the Planning Statement limiting the use of the building as an annex. However, the physical and functional detachment from the main property would result in the natural use of the building tantamount to a new dwelling. Such a condition cannot override the physical and functional attributes of the building and the independent use that would ultimately flow from that. Notwithstanding this, the scale and design of the building and would still fail to be appropriately subordinate to the main dwelling and would have an urbanising impact on the character and appearance of the area.

The creation of a building tantamount to a new separate dwelling would result in an urbanising encroachment within the countryside. It would not appear as a subservient outbuilding and would appear as an anomalous building to the side of the property. Whilst set back from the main building line and to the side, it would have an intrusive visual impact on the street scene given the open nature of the site and the cumulative increase of development on the site would result in an urbanising effect and harmful impact to the surrounding rural character of the area.

#### Garden room:

The proposed garden room would follow the demolition of the existing garage & store outbuilding. It would internally form a single room, along with an outdoor terrace area. 6no. roof windows would provide a large level of light to this outbuilding. The structure does not contain the facilities required for day-to-day living, and thus could not be occupied as a separate dwelling. Thus, the circumstances indicate that the proposal would be ancillary to Misting Meadows.

The building would however be located in part of the site that does not appear to be within the lawful residential curtilage and is within an area that is protected by a woodland preservation order. The below aerial photograph from 2017 shows the building outside of the residential boundary demarcated by a clear fence line. The below photograph from 2013 also depicts the woodland to the rear of the site, which is protected by the woodland TPO. Whilst trees have been cleared to the rear of the site, the woodland TPO ensures the woodland would regenerate back. The woodland area where the building would be located is also a priority habitat (deciduous woodland) on the Defra Magic map – this is considered further in the ecology section of the report.



March 2017



August 2013

As stated, whilst trees have been cleared from the woodland, this does not represent the lawful state of the land: it is protected priority habitat woodland outside of the residential curtilage.

#### Garage & store:

Similar to the garden room, the garage & store would be located outside of the lawful curtilage and within the protected broadleaved and semi-natural woodland away from the immediate curtilage of the dwelling. This would result in an urbanising encroachment away from the existing bungalow into the countryside. The siting is also at odds with the proposed use given that garages are usually placed close to the buildings they serve, rather than 35m away.

The proposed building would have a utilitarian appearance with roller shutter doors akin to a commercial building rather than a domestic garage to a small bungalow and this contributes to the negative impact of the building within the countryside. Whilst not shown on the plans, there would also be a requirement for additional hard surfacing to provide access to the garage building, which would create another urbanising feature and sterilise parts of the TPO priority habitat woodland.

#### Conclusion:

Overall, the proposed buildings have an accumulatively negative impact on the countryside and would result in excessive urbanising encroachment away from the immediate curtilage of the existing bungalow. The development would encroach into areas of protected trees that include a woodland preservation order. The woodland is also a priority habitat on the Defra Magic Map. The annex building would be tantamount to a new dwelling in an inappropriate countryside location, and this would have a further urbanising impact on the character and appearance of the area.

The Landscape and Tree Officer has also objected, and this is set out in the following section.

#### **Landscape and Trees:**

As stated, the site is located in the countryside. It is a large site the whole of which is covered by TPO1609/2017 – an Area and Woodland order where the woodland part

of the TPO covers the eastern quarter of the site and the area part of the TPO covers the rest of the site. The northern and eastern quarter are within that part of the site designated an area of broadleaved and semi-natural woodland which is a priority habitat.

The woodland character on the site is typical of the landscape character area in which the site is located; 'Finchampstead Forested and Settled Sands', a high quality landscape of high sensitivity with a low capacity for change, and although the site is just outside the 'Forest and Rides' Valued Landscape (See Landscape Topic Paper 2020), the site displays some of the 'Valued Landscape Attributes' for the area which includes;

- *Large expanses of mixed woodland containing mature trees which are important ecological habitats and provide a sense of place and history as well as opportunities for recreation. Stands of Scots pine provide characteristic landmark features.*
- *Settlement pattern of low density post-war properties in large plots along long straight rides and notably the occasional wooded gaps between areas of settlement.*
- *Integration of development in the wooded landscape and absence of commercial, industrial buildings /large or tall built structures.*
- *The continuous network of woodland and forestry which helps to provide physical and visual separation between settlements and to filter and screen views to the settlements within the area, as well as provide an attractive setting to housing.*
- *Localised areas with a sense of tranquillity and even remoteness, removed from the roads and visual influence of settlement, which provide an escape in close proximity to the urban population.*

The Landscape Strategy for LCA M1 is to conserve and enhance existing character. The key aspects to be conserved and actively managed are the characteristic forestry and woodland; the rarer open landscapes of heath, mire lakes and pasture; important wildlife habitats; historic landscape features associated with the Royal Forest and recreational use. In particular, there is an opportunity to consider restoration of heathland within the woodland context. The aim should be to link and connect existing heathland areas.

In terms of development, the aim is to conserve and enhance the rural setting and gaps between settlements and maintain the low-density domestic character of development.

WBC Trees & Landscape have objected to the application for the following reason:

*'From the site visit photos, and that the site appears to have undergone some clearance of the ground area and there are protected trees present in the areas proposed for development which is contrary to Policy CC03d of the Local Plan that requires trees, hedges and other landscape features are retained and protected, which is not possible with the layout proposed. The proposals for the residential annexe is set far apart from the existing dwelling giving the appearance of a separate dwelling which is contrary to Policy CP11'.*

As stated, it would appear that the proposed buildings would be outside residential curtilage and also encroach into the protected woodland. Whilst there has been some clearance of the site this does represent the lawful fallback position of a protected woodland area.

The development cannot be considered to conserve or enhance the existing character of the area as required by the Landscape Character Assessment. The proposed development would also conflict with key attributes and the strategy for the area, which refers to characteristic woodland and low-density housing. The proposal would therefore conflict with policy CC03 and TB21 of the MDD local Plan, and CP1 and CP3 of the Core Strategy.

### **Neighbouring Amenity:**

Given the nature of the application site and significant separation distance, the proposal would not have an adverse impact upon neighbouring amenities.

### **Berkshire Archaeology:**

There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The site lies in an area where there is potential for widespread multi-period archaeological evidence of past activity, as demonstrated at Hogwood Farm industrial Estate, c.200m southwest, where geophysics has identified anomalies and evaluation found features relating to Iron Age and Roman activity; and by a crop mark at Finchampstead c.250m east of site.

Berkshire Archaeology have advised that the impact could be mitigated by an appropriate condition, which would have been recommended if the application was acceptable in all other respects.

### **Highway Access and Parking Provision:**

There are no highway safety objections based on the use of the buildings being ancillary to the main dwelling.

As the proposed annex is tantamount to a new dwelling in the countryside, there would be an objection based on the unsustainable location outside of settlement limits - there is no footpath outside of the site this section of Park Lane is a poorly lit rural road.

Policy CP6 states of the Core Strategy states:

*'Planning permission will be granted for schemes that:*

*a) Provide for sustainable forms of transport to allow choice;*

*b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to*

*travel;'*

The supporting text to Policy CP6 states:

*'Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development'*

*'To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.'*

The absence of any opportunities for walking conflicts with policy CP6 as the development would result in a building tantamount to a new dwelling that would have no opportunities for walking to and from the site. The occupants would be reliant on using private motor vehicles for day to needs.

### **Ecology:**

The Planning Statement identifies that the whole application site is subject to an area Tree Preservation Order. However, in terms of loss or degradation of biodiversity habitat and assessment against the requirements of Local Plan policies, the officer disagrees with the Planning Consultants statement in PS paragraph 5.33 that with "this oak removed there would be no protected trees within the vicinity of the proposed development".

The Planning Statement makes no reference to the clearance of trees which has been undertaken either since TPO-1609-2017 was confirmed of the application site was sold in January 2024. The site is protected TPO-1609-2017 which protects all the trees in woodland area W1 and area A1 which have been partially cleared, apparently in recent months. The Thames Valley Records Centre has identified that the habitats on the western and northern site as Seminalural Broadleaved Woodland which is a priority biodiversity habitat which is protected by the NPPF and Local Plan policies.

The site is in a Great Crested Newt District Licence Red High Risk Zone which is the most suitable habitat GCN. As no reference is made to the suitability of terrestrial habitat and the proximity to ponds or the legal protection which GCN receive, the council's Ecologist doesn't consider that the GCN Statement is comprehensive.

The council's Ecologist has advised that Bat Surveys must be submitted with householder or full planning applications if the site is within suitable bat roosting area and development includes works to roof or demolition. The officer is not satisfied with the Applicant's assessment that no bat survey is required for demolition of the outbuilding, and the officer considers the building has potential roosting features for crevice dwelling bats. A Preliminary Roost Bat Assessment as well as any further surveys recommended by the licensed bat ecologist must be submitted in order to

validate and favourably determine the application.

According to CP3, planning permission will be granted for proposals that c) Have no detrimental impact upon important ecological, heritage landscape (including river valley) or geological features or water courses. And (d) maintain or enhance the ability of the site to support fauna and flora including protected species. Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements, clear and informative plans, elevation and streetscenes. CP7 states that development which may harm habitats or, species of principle importance veteran trees or features of the landscape that are of major importance for wild flora and fauna whether directly or indirectly, will be only permitted if mitigation measures can be put in place to prevent damaging impacts. TB23 states Planning permission for development proposals will only be granted where they comply with CP7, and also demonstrate how they provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing.

No Ecological Assessment or survey and Ecological Impact Assessment has been submitted as part of the application. As a result, the application should be refused on grounds of lack of ecological information, loss of biodiversity habitat which are contrary to policies CP1, CP3 and CP7 of the Core Strategy and MDD policy TB23. The council's Ecologist has objected for these reasons.

#### **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, 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 proposal would result in material harm and is contrary to the development plan and the NPPF for the following reasons:

1. The proposed development would result in an inappropriate increase of development away from the existing dwelling and its lawful immediate curtilage resulting in an urbanising encroachment that would harm the countryside character and appearance of the area. The proposal is contrary to policy CP1,

CP3 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan and sections 12 and 15 of the NPPF.

2. The proposed building referred to as an Annex would not be ancillary to the main dwelling and would be tantamount to an inappropriate new dwelling in the countryside, by reason of its design, massing, bulk, level of facilities and separation from the main dwelling. The building would have no physical or functional link to the main house and would be independently accessed and used. The creation of a building tantamount to a new dwelling would result in an unsustainable form of development in a poorly accessible location in the countryside and would harm the character and appearance of the countryside by reason of an urbanising encroachment. The proposal would be contrary to Core Strategy policies CP1, CP3, CP6 & CP11, Policies CC01, CC02, CC03 and TB21 of Adopted Managing Development Delivery Local Plan, Section 9, 12 and 15 of the NPPF and the advice and guidance contained in section 4 of the Borough Design Guide.
3. The proposed development would encroach into areas of trees and woodland protected by tree preservation order TPO-1609-2017 and would have a detrimental impact by reason of sterilising the woodland for regeneration and detrimentally impacting future growth. The development would be contrary to Core Strategy policies CP1, CP3 & CP11, Policies CC03 and TB21 of Adopted Managing Development Delivery Local Plan and section 12 and 15 of the NPPF.
4. No Ecological Assessment or survey and Ecological Impact Assessment has been submitted as part of the application and therefore the development has failed to demonstrate an acceptable impact on biodiversity, including the priority habitat of the broadleaf woodland. The proposal is therefore contrary to policies CP1, CP3 and CP7 of the Core Strategy, MDD policy TB23 and section 15 of the NPPF.

## RECOMMENDATION

|                                    |                 |
|------------------------------------|-----------------|
| <b>Conditions agreed:</b>          | Not required    |
| <b>Recommendation:</b>             | Refuse          |
| <b>Date:</b>                       | 5 November 2024 |
| <b>Earliest date for decision:</b> | 7 October 2024  |

|                                                           |                   |
|-----------------------------------------------------------|-------------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> | <i>MC</i>         |
| <b>Date:</b>                                              | <b>07.11.2024</b> |

