

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250141
Site Address:	91 Reading Road, Woodley, Wokingham, RG5 3AE
Expiry Date:	26 March 2025
Site Visit Date:	13/03/2025
Proposal: Householder application for the proposed erection of an annexe to rear for use ancillary to the main dwelling.	

PLANNING CONSTRAINTS/STATUS

Contaminated Land Consultation Zone
Local Authorities
Affordable Housing Thresholds
Borough Parishes
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Tree Preservation Orders
Borough Wards
Landscape Character Assessment Area
SSSI Impact Risk Zones

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 CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC06 – Noise CC07 – Parking
Other	Borough Design Guide Supplementary Planning Document CIL Guidance

PLANNING HISTORY

Application No.	Description	Decision & Date
241251	Householder application for proposed erection of a first floor rear extension plus installation of a porch canopy roof.	Approved – 16/5/24

152861	Householder application for the proposed erection of a new boundary wall to replace existing fence	Approved 14/11/15	–
150302	Application for a Certificate of Lawfulness for proposed replacement of the existing fence with the erection of a wall and railings.	Refused 04/9/15	–
150290	Householder application for proposed combining of two existing front dormers into one new dormer.	Approved 14/09/15	–
030130	Proposed single storey rear extension to dwelling.	Approved 14/1/04	–
032116	Proposed single storey rear extension to dwelling.	Withdrawn 04/11/03	–

CONSULTATION RESPONSES

Internal

WBC Drainage - No objection subject to conditions, addressed in officer report
WBC Highways - No objection subject to conditions, addressed in officer report
WBC Landscape and Trees – No objection subject to conditions, addressed in officer report
WBC CIL – CIL Liable

External

REPRESENTATIONS

Parish/Town Council	Woodley TC – No objection raised
Ward Member(s)	No comments received
Neighbours	Two Objection letters of similar nature covering the following points: - Concern about damage to tree roots - Concern about the work making the trees unstable and potentially falling, causing damage to property. <i>Officer comment: The impact on the trees will be considered in this report, WBC Trees and Landscape have provided their opinion</i>

APPRAISAL

Site Description:

This proposal relates to a detached two storey dwelling in an established residential area. It has amenity space to the rear, where this 'annexe' is proposed. There is an existing outbuilding in close proximity to the proposed location and the dwelling has benefitted from various extensions to the rear.

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.

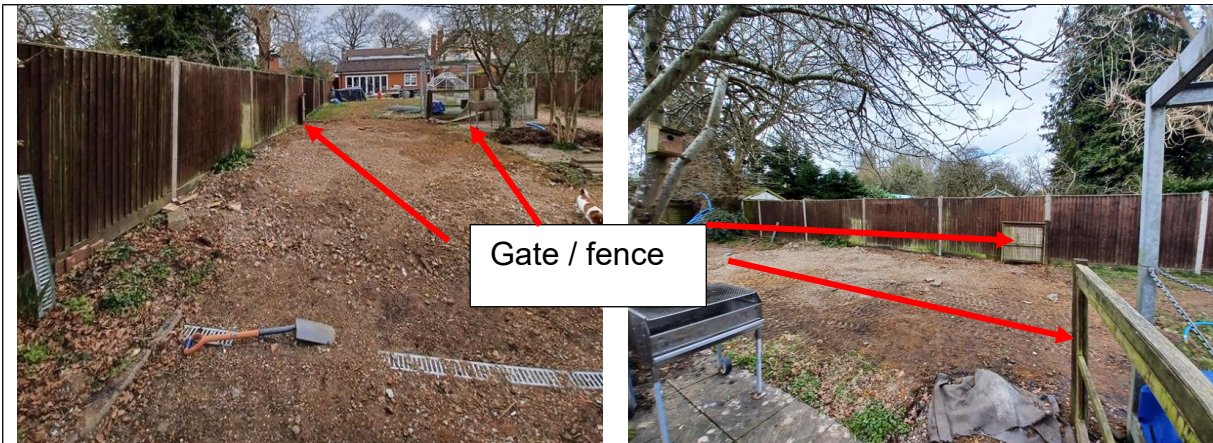
Whilst the building has been described as an ancillary annex to the main dwelling, it is necessary in this instance to consider whether the proposal would be a householder application or whether or not the development would be tantamount to creating a separate new dwelling.

This issue has been acknowledged by similar appeal decisions in the past, including an Inspector determining Planning Appeal Ref. APP/L3815/C/15/3141285 for the erection of an outbuilding, who stated that: *“Irrespective of whether the term “annex” is used to describe the building, the fact remains that if the building were to provide all the normal facilities for self-contained day to day living, , it would be a dwelling for the purposes of planning law.”*

Considering the proposal, the building would be physically separated from the main house and include all day-to-day living facilities required for independent living.

The building is physically detached from the main dwelling by 17m and this provides a substantive detachment from the main house. The distance separating the building to the dwelling would make it undesirable and impractical to share facilities on a frequent day-to-day basis, particularly in inclement weather conditions and during hours of darkness. It would also involve the requirement to either leave the main house doors unlocked or for the occupiers of the building to have a separate key to access the house.

From the officer's site visit, there would also be a degree of separation by reason of the garden layout, which comprises of different sections. The proposed building would be located in a section of the garden that is partially separated by fences and a gate from the main lawn serving the dwelling, as can be seen by the site photographs below. Due to the layout of the development, the occupants of the building and the dwelling could largely live in the respective buildings would little/no interaction or disturbance to the other. The proposed building would be positioned side-on so that there would be no direct overlooking between the rear windows of the proposal and the dwelling.



Site Visit photos 13.03.2025

The aerial photo below shows how the building would be located different section garden to the main lawn. As can be seen, the proposed building would also be connected directly to a side access track that circumvents the main garden space of the property.



Google Image copyright 2025.

The building could be accessed without entering the main property, through the gated driveway that runs under part of the first-floor area to the side of the main dwelling. As shown on the aerial photograph above, this access path links directly to the rear section of the site where the building would be located.

Taking the above points into consideration, the occupiers of the proposed building could live contained from the main dwelling and vice versa.

Moving onto consider the functional link to the main dwelling, the proposal would have a bathroom, kitchen, bedroom and living space – all the facilities required for separate day-to-day living. The building would have modern service connections. It would have a floor area of 48sqm which is akin to 1 bedroom property in the Nationally Described Space Standards. There is no functional reason for the occupiers of the building to enter the main dwelling as the building is self-contained and large enough to comfortably live in.

In *Gravesham Borough Council v Secretary of State for the Environment* (1982) P&CR 142, McCulloch J in the High Court was required to consider the definition of a dwelling house. He held that a distinctive characteristic of a dwelling house was its ability to afford to those who used the facilities required for day-to-day private domestic existence. This is the case with the proposals applied for under this application.

The council requested further details of the occupant's / applicant's circumstance to try and ascertain what functional link would be between the main dwelling and the proposed building. It's been described by the agent that the 'annexe' is proposed to provide accommodation for two parents of the applicants who are immediate family members. However, besides being related, there is no clear functional link that would tie the occupants of the building to the main dwelling.

It was described via email that the occupation of the building would not be for anyone that current lives at the property:

*'The main dwelling is currently occupied by the applicants, **Mr. Vaughn Fisher and Mrs. Gayle Fisher**. The proposed annexe will be used by **Mr. Fisher's parents, Mr. and Mrs. Danny Fisher**, who are immediate family members and will remain closely linked to the main household.'*

The proposed occupants therefore currently live as a separate household off site and there is no good reason why they would not continue living as an independent household. There is no dependency on the main dwelling or the occupiers within it.

In addition to the above, the building would be occupied by two persons, which also diminishes the ancillary nature of such accommodation. The two proposed occupants are married and there is no reason why they would not continue living as a codependent household. Their main dependency would be on each other rather than a single occupant whose only other dependants would be in the main house.

In summary, the building provides all necessary day-to-day facilities for full time living without reliance on the main house, nor is there any physical connection to the main dwelling. The agent has provided details of the situation, claiming that the 'annexe' will be reliant on the house for day to day living, citing shared utilities and postal address. However, the 'annexe' has connection to water and foul drainage, a kitchen, living space and driveway. Additionally, the 'annexe' is set well away from the main dwelling, which has a large rear garden, which there is potential to be split into separate private amenity spaces for the main dwelling and proposed 'annexe'. As a result, for the purposes of assessment, the Local Authority considers that the proposed building is tantamount to a separate dwelling and refused on the basis that this cannot fall within a householder planning application.

Character of the Area:

The impact of the development has been assessed in accordance with the conclusion reached above. Whilst the proposal cannot proceed under a householder application, The impact of the proposed fully self-contained unit is nevertheless considered below.

Policy CP1 of the Core Strategy requires proposals to maintain and enhance a high quality environment and Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. R1 and RD1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area and R11 requires a coherent street character, including in terms of scale, rhythm, proportion and height.

Policy TB06 states that *'the Council will resist inappropriate development of residential gardens where development would cause harm to the local area.'* It also sets out that the proposal makes a positive contribution to the character of the area in terms of a several key issues – theses will be referred to later in this section.

Para 75 of the NPPF States, plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The Borough Design Guide SPD states at 4.10 *'by its nature and location, it is difficult for 'backland' development to reflect existing character.'* It also sets out that individual back development on a piecemeal basis *'is unlikely to be able to take up opportunities to contribute to the character of the area,'*

Given the level of accommodation and degree of functional and physical separation from the main dwelling the proposed development would not be seen as an ancillary annex, but a separate independent dwelling located in the rear garden. This would create an uncharacteristically cramped form of tandem backland development that would not be in keeping with the surrounding character and appearance of the area.

The area is characterised by linear development along the street frontage. Whilst there are outbuildings in the rear gardens of the neighbouring properties, they are not development that is tantamount to a self-contained new dwelling. As stated, the building itself has a floor area akin to a one-bedroom property. The backland tandem location of the development would be contrary to the established layout and grain of development that characterises the area.

Considering the relevant policies and guidance above, the proposal cannot be considered to maintain or enhance the high quality environment. It would conflict with policy TB06 in that it would not integrate with the layout of the surrounding area and would be an un-uncharacteristically cramped form of tandem backland development.

Neighbouring Amenity:

Overlooking:

The proposal is single storey and therefore overlooking would similar to what occurs in the exiting rear garden, although there would an increased intensity given the unit would provide full time occupation at the top of the rear garden. Notwithstanding, Any view provided from proposed windows would be similar to that provided from standing in the garden as existing.

Loss of Light and Overbearing:

The annexe is proposed to run parallel to the boundary fence with number 93 for approximately 12 metres, and to a depth of 4 metres into the applicants garden. It will have a pitched roof sloping into the garden, away from the boundary wall. At its highest the eaves will be approximately 2.5 metres, which complies with the borough design guide. It will be situated approximately 0.4 metres from the boundary, which is contrary to borough design guidance. However, as it is so far into the garden, situated well away from the main amenity space of the neighbour at number 89, and mostly screened by solid boundary treatment, the impact on loss of light and overbearing is deemed to be acceptable.

Highway Access and Parking Provision:

The proposal has been reviewed by the WBC Highways officer and they have deemed the current parking available to be sufficient for the existing dwelling plus the 'annexe'. WBC highways requested a condition that retains the annex as ancillary to the main dwelling, this would have been imposed if the application was recommended for approval.

Flooding and Drainage:

The WBC Drainage officer has reviewed this application and suggested a condition that requires an extensive list of measures be taken prior to development. This development falls in flood zone 1, where the risk of flooding is low. Therefore, the condition requested, if the application was recommended for approval, would have been scaled back and simplified.

Landscape and Trees:

The building will be immediately next to two TPO trees (TPO-1955-2024) and within the respective Root Protection Areas (RPA). Due to the close proximity of the proposed development to two TPO Trees, the WBC Trees and Landscape officer has reviewed this application. If recommended for approval, a set of pre-commencement conditions that would have ensured work is carried out in accordance with the 'Arboricultural Impact Assessment and Method Statement' would have been put forward to the applicant.

Neighbour comments:

As above, the WBC Trees and Landscape officer has taken all surrounding outbuildings and properties into account when giving their assessment. The trees will continue to be protected under the Tree Protection Orders served on them.

Conclusion:

The proposed development would not be ancillary accommodation to the main dwelling by reason of being a fully self-contained unit that is physical separate from the main house and could be accessed without going through the main dwelling. Whilst the occupants would be related to those living in the main house, they currently live as

a codependent separate household and there is no indication why this would change. The level of accommodation by two occupants also significantly compromises the ability for the proposal to be considered as an ancillary feature to the main dwelling.

The proposal would have a detrimental impact on the character and appearance of the area and would result in inappropriate development in a residential garden by reason of the creation of an uncharacteristically cramped form of tandem back land development that would be out of keeping with the locality.

The application cannot be considered as householder development and the proposal would be contrary to policy CP1 and CP3 of the Core Strategy, TB06 of the MDD Local Plan, Section 4 of the Borough Design Guide and sections 5 and 12 of the NPPF.

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.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refuse
Date:	18/3/25
Earliest date for decision:	20 February 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	21.03.2025