

**TOWN & COUNTRY PLANNING ACT 1990**

**DARREN AND LAURA CLAYTON  
AND  
WOKINGHAM BOROUGH COUNCIL**

**APPEAL STATEMENT ON BEHALF OF THE APPELLANT**

An appeal under Section 78 of the Town and Country Planning Act 1990 (as amended)

by Darren and Laura Clayton

Against Wokingham Borough Council's refusal of a householder application  
for the proposed erection of a two storey side extension, single storey rear extension with 3  
rooflights, loft conversion with box dormer and rooflight, and porch

at  
95 Hyde End Lane  
Spencers Wood  
Wokingham  
RG7 1ES

**LPA Ref: 242085**

**DAVIS**  
**PLANNING LTD**  
Chartered Town Planners

19 Woodlands Avenue | Wokingham | Berkshire | RG41 3HL

t – 01189 787972  
e – mail@davis-planning.com

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## **Grounds of Appeal**

### **95 Hyde End Lane, Spencers Wood, Wokingham RG7 1ES**

#### **1. Introduction**

- 1.1 The appeal is made under the written representation's householder procedure against the refusal of permission for the '*erection of a two storey side extension, single storey rear extension with 3 rooflights, loft conversion with box dormer and rooflight, and porch.*' The application was submitted to the Council on 13 August 2024 and was given the reference 242085. The application was subsequently refused under Officer's delegated powers on 26 September 2024 for the following reason:

1. *By reason of the development's excessive width, scale, massing and incongruous and complicated design, the proposal would result in disproportionately large and contrived addition to the dwelling that would subsequently misbalance the symmetry of the semi-detached pair, and to the detriment of the dwellings' attractive and simple built form, which is a characteristic of the immediate area. The proposals are therefore contrary to Policies CP1, CP3, CP11 and CP19 of the Core Strategy, Policy CC01 of the MDD Local Plan, the Borough Design Guide SPD, the National Design Guide and sections 12 and 15 of the NPPF.*

- 1.2 This statement / grounds of appeal explains how the proposal complies with adopted Council policy and supporting Supplementary Planning Documents. It also clearly sets out how the proposal does not result in the harm alleged in the refusal reason set out above thereby indicating that this appeal should be allowed.
- 1.3 The appeal site and the surrounding area are located within the Countryside as defined by the Wokingham Borough Core Strategy (CS) and associated Proposals Map. Within these areas, Policy CP11 of the CS confirms that the principle of extending a residential property is acceptable subject to certain criteria, including that the extension does not result in inappropriate increases in the scale, form, or footprint of the original building. Further detailed design guidance is set out within the non-statutory Borough Design Guide (BDG) – see appendix 1. The purpose of CS Policy CP11 is to protect the separate identity of settlements.

1.4 Appendix 2 contains a recent domestic appeal decision for a detached garage. The reason for including this decision is due to the following:

- The Design Guide SPD does not have the same statutory status as policy. On this occasion, the Inspector considered that the garage was contrary to the SPD but did not result in 'unacceptable harm';
- The overarching aim of Policy CP11 is to protect the separate identity of settlements and maintain the quality of the environment.

1.5 The appeal site is located within a long run of residential properties that has the appearance of a suburban street frontage. These comprise of detached, semi-detached and terraced properties. Whilst these are overwhelmingly of an Edwardian or late Victorian architectural heritage, they have, almost without exception, undergone numerous alteration and extensions including to the side at two storey level. To the south, this includes properties at Nos.99 and 107. In the case of No.99, the Inspector will note at the site visit that the adjoining pair of semis to the south (97/99) display a totally different roof height and roof form. The Inspector will also note from the appellant's rear garden the various roof additions on the rear facing roof slopes in both directions.

1.6 To the north but still within the same run of properties, there are a considerably greater number of large two storey side and rear extensions to semi-detached dwellings, a number of which wrap around the host property. This includes Nos.43, 45, 47 and 51 Hyde End Lane.

1.7 Whilst the open land opposite gives the wider area a semi-rural character, the site is not isolated and could not be described as being one that has as 'open countryside' character. The site is also located in close proximity of the Council's major Strategic Development Location known as 'South of the M4'. This lies approximately 200m to the south of the appeal site.

Appeal site



No.99 Hyde End Lane



No.107 Hyde End Lane



1.8 Two points are particularly relevant in respect to the appeal site and the immediate street scene:

- The appeal site sits within a much wider plot than other properties with a substantial area lying to the south;
- There are a number of two storey side extensions which have been constructed and which have already imbalanced the relevant pairs of semi detached dwellings.

1.9 In terms of planning history, there are no recent applications at the property which are relevant to this appeal with all previous applications being pre-1998.

## **2. Relevant Planning Policies**

2.1 The Council have referred to Core Strategy Policies CP1, CP3 and CP11 and CP19 and Policy CC01 of the Managing Development Delivery Local Plan. Reference is also made to the National Planning Policy Framework, the National Design Guide and the Borough Design Guide. Relevant extracts are set out below:

**i) National Planning Policy Framework (2023)**

2.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to achieve sustainable development. There are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental objectives. So that sustainable development is pursued in a positive way, at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development (paragraph 10).

2.3 Paragraphs 131-141 are concerned with the creation of high-quality, sustainable buildings and places. It states that good design is a key aspect of sustainable development. Paragraph 135 states that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- Sympathetic to local character and history, including the surrounding built environment and landscape setting;
- Create places that are safe, inclusive and accessible;
- Are visually attractive as a result of good architecture layout and appropriate and effective landscaping.

**ii) The Development Plan****Wokingham Borough Core Strategy (2010)**

2.4 Policy CP1 (Sustainable Development) requires that a number of criteria are met. These include: maintaining or enhancing the high quality of the environment; providing attractive, functional, accessible, safe, secure and adaptable schemes; demonstrate how they support opportunities for reducing the need to travel particularly by the car; and contribute towards reaching zero – carbon development as soon as possible.

2.5 Policy CP3 requires the following under paragraph a): Planning permission will be granted for proposals that:

- Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.
- 2.6 Paragraphs c) and d) requires that proposals have no detriment upon important ecological, heritage, landscape, or geological features or water courses, and that proposals maintain or enhance the ability of the site to support fauna and flora including protected species.
- 2.7 Policy CP11 is concerned with proposals for development on sites located outside of the Development Limit (including Countryside). The policy states, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except in certain circumstances. These exceptions include:
- It does not lead to excessive encroachment or expansion of development away from the original buildings;
  - In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building.
- 2.8 Policy CP19 concerns the South of the M4 Strategic Development Location (SDL). Whilst the site falls within the SDL, the policy is not considered relevant to a proposal for a householder extension. Notwithstanding this, the policy requires development within the SDL to be well designed.

Managing Development Delivery Local Plan (MDD) (2014)

- 2.9 Policy CC01 states that there will be a presumption in favour of sustainable development. Planning applications that accord with policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant permission unless material considerations indicate otherwise.

**iii) Borough Design Guide Supplementary Planning Document (2012) (BDG)**

- 2.10 The Borough Design Guide is a Supplementary Planning Document and is therefore not part of the Development Plan. It provides detailed design advice on a number of matters, including those summarised below.
- 2.11 R23 of the BDG relates to alterations and extensions to buildings and requires such development to be: well designed; respond positively to the original building; contribute positively to the local character; and to relate well to neighbouring properties.
- 2.12 Side extensions: States that the primary consideration is the impact upon the neighbourhood, street scene and local character. For plots in formal 'suburbia' the rhythm of buildings and gaps between them is often important to the character of the area. Side extensions should be set back from the building line by at least 1m, preferably with a lower roof line and should be set at least 1m from the plot boundary.
- 2.13 Front extensions: Should generally be no more than 1 storey in height and should not project significantly forward of the building line. The overriding consideration will be the impact on the street scene and character.
- 2.14 Rear extensions: Rear extensions should not project more than 4m from the main rear wall where they are close to a side boundary (the BDG does not distinguish between single and two storey extensions in this respect). The eaves height of the single storey extensions should not exceed 3m within 2m of a side boundary.
- 2.15 Roof alterations: States that the eaves or ridge heights should not be raised in height unless buildings in the local context are significantly taller.
- 2.16 Dormer windows: It states that they should be positioned within the main roof, by being set back from both the eaves and sides of the roof. They should relate well to the design of the existing dwelling in terms of roof form, material, positioning and window proportions.
- 2.17 Paragraph 8.5.4 states that extensions may be permissible in rural areas '*....provided that the scale, form and footprint does not have an unacceptable impact upon the countryside.*'

#### **iv) National Design Guide**

- 2.18 The National Design Guide supports the design objectives of the NPPF and focuses on good design in the planning system. It identified that in a well-defined place and integrated design brings ten characteristics together in a mutually supporting way. These ten characteristics are identified as: context; identity; built form; movement; nature; public space; uses; homes and buildings; resources and lifespan.

### **3. The Case for the Appellant**

- 3.1 This appeal falls to be determined on one main issue – the effect of the proposed development on the character and appearance of the host dwelling, the semi-detached pair itself and the immediate surroundings. This statement therefore focuses on this issue.
- 3.2 It is, however, worthy of note that the Council's refusal reason and officer report confirm that there are no concerns in relation to the following:
- i) The impact on neighbouring properties in terms of loss of light and overlooking;
  - ii) Highways and parking;
  - iii) Amenity space;
  - iv) Trees and landscaping;
  - v) Biodiversity.

#### **Character and appearance**

- 3.3 The appeal property is a late Victorian two-storey, semi-detached dwelling located on the north-eastern side of Hyde End Lane. It has a narrow frontage with attractive brick dealing to its front elevation and a simple pitch roof form above. The dwelling forms a pair with 93 Hyde End Lane which is of a similar original built form and appearance. This part of Hyde End Lane is largely characterised by late Victorian semi-detached dwellings and short terraces which are mostly sited within narrow, deep plots. The appeal site is an anomaly in this respect as its frontage width is far wider than others in the immediate vicinity, resulting in a generous gap between No 95 and No 97 to the south-east. The only other semi-detached properties with a comparable plot width are Nos.99 and 107 Hyde End Lane which have both extension at two storey level to the

side of each property. Beyond the appeal site to the north, there are numerous semi detached properties that have extended all the way to the boundary which the Inspector will be able to view when they visit the appeal site.

3.4 A useful guide to domestic extensions can be found at page 55 of the BDG (appendix 1) which lists 8 'considerations'. These are set out below together with a response to each individual consideration. It should be noted that the BDG should be treated as a 'guide' as confirmed in the appeal decision attached at appendix 2:

- *Where there is a regular pattern to the built form, with a repeated building type on a consistent building line and with consistent gaps, then any alterations or extension that is visible from the street should not unbalance the rhythm of the frontage. Response:* There is a wide variety in building styles along this run of properties. The building line is also highly irregular and the extent of gaps to the side is highly varied. The proposal will reflect the existing front built form and will not unbalance any defined rhythm.
- *Where gaps between buildings allow views to a green backdrop that contributes to the established, positive character of the area, alterations or extensions should not close off such views. Response:* The Council have not alleged any loss of view to a green backdrop. In any event, the width of the plot is so substantial that it will allow for a separation distance of 2.5m to the southern boundary.
- *Where the pattern of gaps between buildings creates a regular rhythm along a street that contributes to local character, then alterations or extensions should not interrupt that rhythm. Response:* There is no established pattern. Whilst there are a small number of groups of properties with similar features, this does not extend along the entire run which is very mixed in character. Given the width of the plot, this proposal would not impact on any defined rhythm.
- *Alterations or extensions should be clearly subservient to the form and scale or the original building in most situations, although there may be exceptions where it is more appropriate to design a seamless continuation. Response:* The set down in ridge height (as recommended specifically within the BDG) and frontage set back will ensure that it will still be read as an extension.
- *The design of the proposed extension must be well considered and should complement the existing building, either by adopting its style, or by carefully*

*considered contrast.* Response: The proposed extension adopts the style of the existing property in terms of appearance and architectural style.

- *The roof form of the extension should take its form from the main building. In certain circumstances contrast may be desirable.* Response: The proposed roof form has taken the host property fully into account. The relatively simple existing form comprising of front hipped roof slope and side gables is maintained.
- *The materials selected for alterations, or an extension should match or improved upon the quality of those of the existing building.* Response: The Council's comments about the brick string course are noted and this can be provided on the front elevation by way of a planning condition.
- *The potential impact on neighbouring properties.* Response: The proposal would not materially impact on any neighbouring properties which is a point not in dispute with the Council. No objections were received.

3.5 In respect to specific guidance for side extensions (page 56, appendix 1), the BDG states that the following will be considerations:

- *A gap should be retained between the building and the site boundary and this should be a minimum of 1m in width.* Response: The proposal will maintain a separation distance of 2.5m which reflects the generous width of the existing plot.
- *Side extensions should not generally project forward of the building line on the street frontage(s).* Response: The side extension has purposefully been inset from the main building line to maintain subservience.

3.6 Finally, in respect to roof alterations and dormer windows, the follow considerations will be taken into account (page 57, appendix 1):

- *The eaves and/or ridge heights of a property should not be raised unless buildings in the local context are significantly taller.* Response: The existing eaves and ridge heights have not been raised. The minor increase in eaves height for the proposed extension is only at the rear and will barely be perceptible from the public domain.
- *Dormer windows should generally be positioned within the main roof, by being set back from both eaves line and the sides of the roof.* Response: The dormer

window will be set up from the existing and proposed rear eaves line. The side of the dormer will be inset by 0.5m from the main side gable.

- *Dormers should relate to the design of the existing building in terms of roof form, materials, positioning and window proportions.* Response: The proposed dormer window will be centrally sited on the rear elevation and will incorporate matching materials.
- *On some buildings gables may be acceptable if they are designed to become an integral part of the building.* Response: The proposed side gable reflects the existing built form.

3.7 Turning to the officer report (appendix 3), the Council have made a number of specific points in relation to the proposals which can be summarised as follows. Again, each point is addressed independently:

- *The character of Hyde End Lane is characterised by several Victorian dwelling pairs and small terraces. Extensions are modest and avoid misbalancing the symmetry of their original built form.* Response: It is acknowledged that the street scene is defined by several Victorian dwellings in pairs and terraces. However, the wider plots (Nos.91 and 107) have noticeably wider extensions than other properties which in both cases exceed the width of the original dwelling. The appeal site is of a similar width to both of these plots. The remaining properties are relatively narrow plots and therefore do not have the space to extend to a significant degree to the side. The character of Hyde End Lane can therefore be described as being highly mixed with the size of any side extension being related to the overall plot width.
- *Criterion 4 of CS Policy CP11 is relevant as the proposals more than double the original footprint as well as exceeding the width of the original dwelling, misbalancing the symmetry. Its width allows for undisturbed views of the excessive massing that does not relate to the host dwelling or the rural character of the area.* Response: As stated above, the appeal site is located within an existing run of residential properties that is akin to many suburban contexts. Views of the extension would not reveal the size of the volume/floorspace uplift. The side elevation would in many respects improve the street scene as the existing side elevation currently has a non-descript and unbalanced appearance (see below):



- *The BDG states under RD11 that a volume increase in excess of 50% for one-storey development is not acceptable. This relates to replacement dwellings. The officer report then acknowledges that the proposal is not for a replacement dwelling but maintains that the figure is relevant. Response: The 50% volume guidance relates to replacement dwellings where the property is currently only single storey. This is not relevant to the appeal which is to extend a two storey dwelling. In addition, page 103 of the BDG does not make it clear that the 50% uplift in volume is a limit and clearly is only meant as a guide.*
- *The proposed design is contrived and complicated with a variety of different ridge and eaves heights, building forms and a prominent stepped profile which would be visible from the public realm. Response: The stepped profile from the front elevation includes a lower ridge height and a setting back from the front elevation. Both of these features have been adopted to maintain a level of subservience for the proposed extension in a similar manner to the completed side extension at No.99 Hyde End Lane. The stepping down in ridge height is recommended in the BDG.*
- *The two storey side extension contains poorly designed architectural elements such as misbalanced rear eaves and no consideration for existing architectural features such as contrasting brick string courses and diaper patterns. The numerous additional roof forms give the dwelling an incoherent architectural*

*appearance.* Response: The proposed eaves from the front and side would be identical to the existing dwelling. The eaves at the rear will be marginally higher but this would not be perceptible from the public domain. The existing brick features on the existing property will be maintained. The brick string course can be extended into the extension and these details can be considered by way of a planning condition.

- *The flat roof dormer is of significant width and would be visible from the roadside contributing towards overdevelopment.* Response: The rear dormer extends across most of the width of the existing and proposed rear roof slope. It is acknowledged that the side of the dormer would be visible in the winter from the street scene. However, this would not indicate the dormers width and there are other side profiles of dormer windows along this stretch of Hyde End Lane which are visible from the public domain including at 91 Hyde End Lane. Such views are not uncommon in these scenarios. If they were, then it is likely that rear facing dormers would automatically require planning permission.
- *The new ground floor window on the front elevation does not match the proportions of the existing glazing. The single storey side extension (porch) would incongruously overlap the frontage of the original built form and the extension.* Response: The proposed windows on the front elevation are the same height as the existing windows. The main difference is that they are a glazing bar wider than the existing dwelling. The balance on the extension is maintained and the overall character of the property is not harmed by this minor difference. In terms of the front porch, this will serve as the main entrance into the extended property and has therefore been naturally centralised. The minor overlap on the existing property is minor in its extent as a result.

## **4 Summary and Conclusions**

- 4.1 In conclusion, the proposal is entirely consistent with the local area which already contains a number of extensions of a similar scale on wider than average plots. The design of the proposal is subservient to the host property due to the set down in ridge height and inset from the front elevation. It will be set back generously from the side boundary and will incorporate a brick string course (see above for suggested condition). It is therefore consistent with the aims of the BDG which the Inspector will

see has been treated and applied by decision makers with a degree of flexibility (see appendix 2). The reference to a 50% uplift has been misapplied by the Council. There is therefore no conflict with Policies CP1, CP3, CP11, CP19 and CC01. In respect to Policy CP11, the policy text and appendix 2 confirms that its intention is to protect the separate identity of settlements. Clearly the location of the extensions within an existing run of domestic properties would not be in conflict with these intentions.

4.2 For the above reasons, the appeal should be allowed.