

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242081
Site Address:	West Greylake, Part Lane, Riseley, Wokingham, RG7 1RU
Expiry Date:	16 October 2024
Site Visit Date:	1 October 2024
Proposal: Householder application for the proposed garage conversion to a residential annex with the erection of a single storey link extension following the demolition of the existing workshop.	

PLANNING CONSTRAINTS/STATUS

Countryside
Bat Roost Habitat Suitability
Scale and Location of Development Proposals
Great Crested Newt 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 CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC07 – Parking TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY

Application No.	Description	Decision & Date
081275	Proposed erection of single storey rear extension, plus insertion of window on rear elevation.	Approved: October 2008
041700	Proposed variation to condition 5 of consent 26344 to remove equestrian occupancy of dwelling.	Approved: February 2005

040992	Proposed single storey side extension to dwelling to form conservatory.	Approved: August 2004
002712	Proposed erection of detached double garage with homeworking room over.	Approved: June 2000

CONSULTATION RESPONSES

Internal

WBC Highways – No objection
WBC Landscape and Trees – No objection subject to a condition
WBC CIL – CIL liable development
WBC Ecology Householder – No comments
WBC Ecology Newts – No objection

External

None

REPRESENTATIONS

Swallowfield Parish Council	No comments
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Context: The application site is a plot of land located along Part Lane, Riseley, and is occupied by a two-storey dwelling and detached garage.

This application seeks permission for the conversion of the existing garage in order to create a residential annexe. Additional works include the erection of a single storey link extension, modification to the roof, installation of 2no. dormers, and the erection of a large two storey rear extension. The description of development provided by the Agent does not include all the development shown on the plans.

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.

Despite being described as an ‘annexe’, the proposal clearly contains all internal facilities (conservatory, boot room, bathroom, open plan kitchen, living & dining room, two ensuite bedrooms, a dressing room and a study and separate front door) for primary residential accommodation and appears to be a self-contained dwelling. This has been acknowledged by similar appeal decisions in the past, including the Inspector determining Planning Appeal Ref. APP/L3815/C/15/3141285 (Annexe, 47 Wellington Gardens, West Sussex, PO20 0RF, enforcement ref. SY/15/00074/CONHH) for 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.”

Likewise, 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 dwellinghouse. He held that a distinctive characteristic of a dwellinghouse was its ability to afford, to those who used it, the facilities required for day-to-day private domestic existence. This is the case with the proposal applied for under the current application.

In the submitted Planning Statement, the Agent makes reference to what they deem a similar case from 1992 (*Uttlesford District Council v Secretary of State for the Environment and White JPL 171*), which involved the conversion of a detached garage to a ‘granny’ annexe. The annexe contained all the facilities for day-to-day living (i.e. a bedroom, bathroom and small kitchen) but was to be occupied by a relative of the family who occupied the main dwelling at the site. The Judge considered that it amounted to no more than an elderly relative being accommodated within the main family home with their own bedroom, bathroom, and kitchen facilities.

Notwithstanding the above, the appeal case bares minimal similarities to the case at hand. The proposed annexe in this instance provides an excessive amount of both living space and residential facilities to be considered an ancillary building to the main dwelling. Furthermore, the use and occupation of the annexe significantly differs between the two cases. Within the current application, it is stated that the ‘annexe’ is to allow for the applicant’s daughter and son-in-law to have their own space as they are unable to afford their own property. The supporting information also states that the intention is to allow the daughter and son-in-law to live independently but nearby. Information has also been provided regarding the personal circumstances of the wider family. Whilst their personal difficulties are appreciated, these circumstances do not wholly relate to how the proposed annexe is to be used and is not justification to ignore the facts of how the proposed development would be occupied. The proposal would clearly amount to a significantly differing use with little dependence on the main dwelling when compared to an elderly relative being accommodated within the main family home. It displays a high level of independence in both use and nature of the built form, with a separate entrance and no requirement to enter the main dwelling. The applicant has submitted supporting evidence which indicates a separate household and use as a separate dwelling, rather than an annexe.

As a result of all the above, it is considered that the proposed scheme is tantamount to a new dwelling, which cannot be described as an annexe or applied for under a householder application such as this. Therefore, the proposal is unacceptable in this respect in principle, and this forms a reason for refusal.

Countryside

The site is located in the countryside and is therefore to be considered under Policy CP11 of the adopted Core Strategy, which seeks to control development outside defined settlement boundaries. Relevant to this scheme, CP11 not permit development outside of development limits unless it falls within the exemption criteria below:

- It does not result in inappropriate increases in the scale, form or footprint of the original building.

The proposal would result in the significant expansion of built form, outside the footprint of the original dwelling.

The existing house is a modest property, but the proposed extension would cumulatively result in the building having an uninterrupted width of approximately 31 metres, expanding across the site, which dominates the plot within this rural countryside location. Coupled with the significant size, bulk and height of the two-storey rear extension, this would be akin to the size of a separate dwelling attached to the side of the property.

No footprint or volume calculations were submitted with the application, but the footprint of the built form to the side of the dwelling would increase by approximately 147%. The footprint of the existing garage is approximately 42sqm, whereas the proposal would have a footprint of approximately 107sqm.

Whilst the harm identified does not rely on this fact, it should be noted that the existing garage is in itself a later addition to the site, approved through application 002712. At the time, this resulted in a significant increase in volume from the original building, being that of the host dwelling. The dwelling has also been extended twice since this, through applications 040992 & 081275. The current proposal adds substantially more built form on the site, over and above the already extended property, resulting in an appropriate increase in scale, form and footprint of the original dwelling

In consideration of the above, the proposed development, due to its excessive size and accumulative spread of development across the site, represents a disproportionate addition over and above the size and volume of the original building, which would harm the setting of this countryside location. As such, the proposal conflicts with Policy CP11.

Character of the Area: Policy CP1 of the Core Strategy states that planning permission will be granted for proposals that maintain and enhance the high quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues.

Section 8.5.4 of the Borough Design Guide relating to extensions and additions in the countryside states that *"extensions may be permissible provided that the scale, form and footprint does not have an unacceptable impact upon the countryside."*

As discussed above, the resultant dwelling would have an approximate 31-metre-wide front elevation. This continuation of built form across the site would result in an unacceptable form of massing and result in a disproportionate enlargement of the application property and would not maintain the pattern of development of development along Part Lane, where few properties are of such width within their plots. The extension would diminish the visual gap between the dwelling and garage which would result in a continuous block of development spreading significantly across the site that would urbanise the rural location.

Furthermore, the proposed structure would create an appreciably more built-up and enclosed feel within the application site, entirely at odds with the prevailing pattern of development in the vicinity.

Conclusion:

The key physical characteristics of the ancillary accommodation are:

- The size and scale are not considered to be physically ancillary.
- Level of facilities provided.
- Independent access is practically, attainable and desirable.
- Private amenity space by way of an enclosed patio is created as a result of the accommodation.

The key use characteristics are:

- The daughter and son-in law are to occupy the accommodation as an independent household.
- There is no supported living or additional accommodation to allow the occupiers to save for a separate dwelling.

It is noted that none of the above are overriding, however, they must be read in conjunction and the weight given to each factor is an indicator of the nature of the proposal. It is a matter of fact and degree as to whether the proposed development is ancillary in nature and use.

In addition to the above, the proposed development has a harmful impact on the character and appearance of the area due to its inappropriate scale and form compared to the original dwelling and the rural character of Part Lane.

Overall, the proposal would not be considered as a subservient feature and would be harmful for the appearance of the host dwelling and would result in harm to the character of the area and the intrinsic beauty of the countryside. It is therefore contrary to sections 12 and 15 of the NPPF, policies CP1, CP3 and CP11 of the Core Strategy, policy TB21 of the Managing Development Delivery Local Plan, and the Borough Design Guide.

Neighbouring Amenity: The significant distances present between the application site and neighbouring dwellings prevent any concerns on overlooking, overbearing, or loss of light grounds.

Highway Access and Parking Provision: No objection has been raised to the development by WBC Highways.

Landscape and Trees: Subject to the inclusion of a landscaping condition, no objection has been raised by WBC Landscape & Trees.

Ecology: The ecological appraisals submitted in support of this application demonstrate that the development would lead to the destruction of bat roosts if appropriate mitigation was not in place. Had the proposal been acceptable in other aspects, an EPSL would have been required to carry out the works, which would have been secured via condition.

Nature Space raised no objection to the development, subject to an informative advising what measures should be undertaken if Great Crested Newts were found during construction.

Conclusion: For the reasons detailed above, the proposal is unacceptable and therefore the application is recommended for refusal.

Other Matters: It should be noted that the description of development does not detail the full extent of the proposed works. As the application has been recommended for refusal, it was considered to be unnecessary and costly for all parties to discuss amending the description.

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:	N/A
Recommendation:	Refuse
Date:	15 October 2024
Earliest date for decision:	12 September 2024

Recommendation agreed by: (Authorised Officer)	<i>HMM</i>
Date:	15 October 2024