

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242132
Site Address:	3 Byeways Close, Knowl Hill, Wokingham, RG10 9YL
Expiry Date:	15 October 2024
Site Visit Date:	10 September 2024
Proposal: 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.	

PLANNING CONSTRAINTS/STATUS

Scale and Location of Development Proposals - Countryside
Green Belt
Bat Roost Habitat Suitability
Ground Water Zones
Radon Affected Area
Landscape Character Assessment Area
SSSI Impact Risk Zones

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 1 Class AA grants planning permission for the enlargement of a dwelling house by the construction of additional storeys
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
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	Prior Approval Not Required – 20/09/2024

	2.65m.	
105/60	Five detached bungalows each with garage.	C/A 14/07/1960 –
O/43/60	Outline application for residential development.	C/A 16/07/1960 –

CONSULTATION RESPONSES

Internal

None consulted

External

None consulted

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	2 comments received objecting on the following grounds: - Loss of privacy – overlooking impact from first floor windows facing the garden and living room window of No.3 adjacent. - Loss of light impact from the additional storey on the garden, living room and kitchen windows of No.3 adjacent. - Impact on property value of No.3 adjacent. <i>Officer's Comment: This is not a material planning consideration.</i> - Increased noise impact from the additional storey on No.3 adjacent. - Two-storey building would be out of character with the existing bungalow design of Byeways Close. - Potential non-compliance with the NPPF, the Council's Local Plan and Class AD of the GPDO. <i>Officer's Comment: Relevant policies are referred to in the Council's assessment of the proposal. For clarity, this application is for prior approval under Part 1, Class AA of the GPDO, not Class AD.</i> - The appearance of the proposal could be improved to be more sympathetic to surrounding properties, missed opportunity to make an improvement to the frontage. <i>Officer's Comment: The external appearance of the enlarged dwelling is assessed within the report. However, under the Prior Approval application procedure amendments to the design can</i>

	<i>not be submitted for consideration.</i>
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PART AA.1 APPRAISAL

Town and Country Planning Act 1990 (as amended)			Yes	No
1	s.55	Does it constitute development?	✓	
2	s.191	Would it be contrary to an enforcement notice?		✓
3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)			Yes	No
4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful?	✓	
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?		✓
6	Sch.2 Pt. AA	Does it consist of the enlargement of a dwellinghouse consisting of the construction of— (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or, (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction?	✓	
7	AA.1 (a)	Has permission to use the dwelling house as a dwelling house only been granted by virtue of Class M, N, O, P, PA, or Q of Part 3 of Schedule 2?		✓
8	AA.1 (b)	Is the dwelling house located on: (a) article 2(3) land; or (b) a site of special scientific interest?		✓
9	AA.1 (c)	Was the dwellinghouse constructed before 1st July 1948 or after 28th October 2018;		✓
10	AA.1 (d)	Has the existing dwelling house been enlarged by the addition of one or more storeys above the original dwelling house, whether in reliance on the permission granted by Class AA or otherwise?		✓
11	AA.1 (e)	Following the development would the height of the highest part of the roof of the dwellinghouse exceed 18 metres?		✓
12	AA.1 (f)	Following the development would the height of the highest part of the roof of the dwellinghouse exceed the height of the highest part of the roof of the existing dwellinghouse by more than: (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey?		✓
13	AA.1 (g)	Where the dwellinghouse is not detached and following the development would the height of the highest part of its roof		N/A

PART AA.1 APPRAISAL

		exceed by more than 3.5 metres: (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated?		
14	AA.1 (h)	Would the floor to ceiling height of any additional storey, measured internally, exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse?		✓
15	AA.1 (i)	Would any additional storey that is constructed be on anything other than the principal part of the dwellinghouse?		✓
16	AA.1 (j)	Would the development include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development?		✓
17	AA.1 (k)	Would the development include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations?		✓

PART AA.2 APPRAISAL

Development under Class AA is permitted subject to the following conditions under part AA.2 (2):

The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

The submitted plans indicate that this would be the case.

The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house.

The submitted plans indicate that this would be the case.

The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse.

The submitted plans indicate that this would be the case.

Following the development, the dwellinghouse must be used as a dwelling house within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwelling house.

This is noted.

Development under Class AA is permitted subject to the following conditions under part AA.2 (3):

Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

3 (a) (i) Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light:

In terms of potential overlooking/loss of privacy impact, the site does not have a traditional back to back relationship with any neighbouring properties to the rear (south-west). An objection has been received from No.4 Byeways Close adjacent to the north-east, however as there are no additional windows proposed in the side elevations no harmful impact would occur in terms of overlooking or loss of privacy to both adjacent neighbours.

Proposed windows to the front and rear would enable similar views to existing, albeit from a higher angle than previously, but this would be typical of residential properties and is not considered harmful. Due to the site sitting forward of No.4's front building line, the proposed front facing fenestration would have an oblique outlook of the cul-de-sac, rather than looking directly out onto any front or side facing windows serving No.4.

The site sits centrally within a large residential plot and therefore benefits from an approximate 6m separation distance from No.2 Byeways Close adjacent to the south-west and 8.5m separation distance from No.4 adjacent to the north-east. In terms of potential loss of light impact, due to the existing separation distances being retained there would not be any adverse impact on any primary (front or rear facing) windows serving either adjacent neighbour.

An objection in terms of potential loss of daylight has been received from No.4 adjacent. Measurements taken on the submitted plans indicate that the proposal would marginally breach the 45 degree (horizontal) test taken from the large front facing window of No. 4 closest to the application site. However, any obstruction to the light received by this window would be minimal due to its separation distance (approx. 10m) to the proposed development. As such, it is likely that unrestricted daylight during most of the day would be available for all front facing habitable windows of No.4 Byeways Close.

Moreover, the proposal would retain the existing satisfactory separation distances from both adjacent neighbours and would not impact on amenity space to the front or rear due to respecting the existing building lines. Therefore, the proposal would not introduce any harmful impact in respect of loss of light or overbearing.

An objection has been received from No.4 adjacent regarding potential increased noise impact. However, the introduction of first floor windows would not introduce any additional noise over and above any noise heard when the ground floor windows are open, while the site would also remain in use as a single dwellinghouse.

3 (a) (ii) The external appearance of the dwelling house, including the design and architectural features of— (aa) the principal elevation of the dwelling house, and (bb) any side elevation of the dwellinghouse that fronts a highway:

The site forms part of a cul-de-sac of 5no. detached dwellings which are set well back from the highway and benefit from large residential plots. While there are similarities between the dwellings in terms of their form, there is a clear mix in terms of external materials, front gable protrusions and the siting of detached garages. Indeed, No.2 adjacent to the site has a clearly contrasting appearance to the neighbouring bungalows following a recent redevelopment including the raising of its roof and the erection of a first floor flat roofed extension to create first floor habitable accommodation. Within the wider surroundings, dwelling types are considerably more mixed including two storey dwellings.

The proposal would add an additional storey to the main part of the dwelling, taking the existing eaves height of approximately 2.65m to 5.6m and the existing ridge height of 4.9m to 7.95m. While a significant increase in height, the raised ridgeline would be viewed of the context of the part two storey dwelling adjacent (No.2 Byeways Close) which has already introduced a significantly different architectural style to Byeways Close. While the proposed raised ridgeline would be approximately 1.4m taller than No.2, and would be the highest roof form in Byeways Close, it would reflect the prevailing heights of neighbouring two storey dwellings on Knowl Hill Common to the west.

While the proposal would be highly visible when entering the cul-de-sac, the visual impact of the scheme would be mitigated by the proposed roof pitch, fenestration and external materials matching the existing dwelling. The increase in bulk is also mitigated by the two storey element being contained above the main dwelling, which is sited centrally within the plot and set well back from the site's frontage. Due to the width of the host dwelling, and the existing design and architectural features being retained, the raised ridge height would not be out of proportion with the width or create a 'top-heavy' appearance.

On the basis of the above, while the height of the raised ridgeline would be higher than the neighbouring dwellings on the cul-de-sac, it would not be significantly out of keeping with the prevailing character of the area to the extent that it would have a significantly harmful impact. It would not be an overly dominant change to the site or introduce adverse visual harm through retaining the existing architectural features and roof pitch of the dwelling. Overall, the external appearance of the extending dwelling would be acceptable and scheme complies with aspect (aa) of this part. Aspect (bb) is not relevant.

3 (a) (iii) Air traffic and defence asset impacts of the development:

Due to the scale of the development and the location of the site it is not considered any harmful impact would arise with regard to air traffic and defence assets.

3 (a) (iv) Whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁴⁴ issued by the Secretary of State:

The development would not impact the identified views.

3 (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated

This can be attached as a condition.

3 (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

This can be attached as a condition.

3 (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion

This is noted.

**3 (e) that notification must be in writing and include—
(i) the name of the developer;
(ii) the address of the dwellinghouse; and
(iii) the date of completion.**

This is noted.

PART AA.3 APPRAISAL

The provisions of paragraph AA.3 (prior approval process):

The application must be accompanied by-

- (a) a written description of the proposed development including details of any works proposed;*
- (b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and*
- (c) a plan which is drawn to an identified scale and shows;
 - (i) the existing and proposed elevations of the dwellinghouse*
 - (ii) the position and dimensions of the proposed windows and,**

A written description as contained in the application form and supporting statement along with the relevant plans have been submitted.

The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or*
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.*

As indicated above, satisfactory information has been submitted enabling the local

authority to determine the application.

The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which:

- (a) describes the proposed development, including the maximum height of the proposed additional storeys;*
- (b) provides the address of the proposed development; and*
- (c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.*

Letters were sent to neighbouring properties on 21 August 2024. No written representations being received. Two written responses objecting to the proposal were received, the contents of which are considered within this report.

Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

This is noted.

Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence

This is noted.

Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State

This is noted.

The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given

This is noted.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

This is noted.

The local planning authority must, when determining an application, a) take into account any representations made to them as a result of any consultation under subparagraphs (6) or (8); b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Case law has established that the local planning authority can only have regard to matters relevant to the subject matter of the prior approval.

The site is located circa. 350m away from the closest designated wildlife site (Knowl Hill Brick Pits). An informative is recommended relating to the site's location within an area where bat roosts have previously been identified.

There are no other particular aspects of the NPFF that would be able to be considered relevant to the subject matter of the prior notification application.

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:	Yes
Recommendation:	Prior Approval Approval
Date:	8 October 2024
Earliest date for decision:	12 September 2024

Recommendation agreed by: (Authorised Officer)	
Date:	08/10/24