

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	233117
Site Address:	Atlanta, Wargrave Road, Remenham, Wokingham, RG9 3JD
Expiry Date:	7 March 2024
Site Visit Date:	18 October 2023
Proposal: Full application for the part demolition of and alterations to an existing dwelling within a mixed use site of leisure/recreation and residential and demolition of an existing storage outbuilding.	

PLANNING CONSTRAINTS/STATUS

Flood Zones 2 and 3
Scale and Location of Development Proposals – Countryside
Green Belt
Green Route
Bat Roost Habitat Suitability
Ground Water Zones
Tree Preservation Order no. 2/1951
Radon Affected Area
Within 8m of River Thames
Landscape Character Assessment Area
SSSI Impact Risk Zones
Green Routes and Riverside Paths Consultation Zone
Main Rivers DRN 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 CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP12 – Green Belt
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB01 – Development within the Green Belt TB21 – Landscape Character TB23 – Biodiversity and Development
Joint	The JMWP does not apply due to the size of the site and the scale of

Minerals and Waste Plan (JMWP)	works proposed.
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY		
Application No.	Description	Decision & Date
233172	Full application for the construction of a replacement dwelling, following the demolition of the existing dwelling.	Yet to be determined
222376	Full application for the proposed erection of an infill front extension, timber decking, roof to storage area and installation of a replacement flue (retrospective).	Refused – 31/10/2022 Dismissed at Appeal – 23/11/2023
221304	Application for a certificate of existing lawful development for amenity building, storage and mooring.	Refused – 19/07/2022 Appeal allowed in part, otherwise dismissed – 23/11/2023
F/2002/6163	Proposed erection of wooden building for use as leisure store and changing room. Demolition of existing sheds.	Refused – 26/06/2002
32243	Change of use of land at River Thames slipway in order to moor a boat	Conditionally Approved – 23/02/1989
R/187/61	Slipway for boat	Refused – 05/10/1961
R/66/61	Erection of tool shed	Refused – 27/04/1961

CONSULTATION RESPONSES
Internal
WBC Landscape and Trees: No objection subject to condition WBC Drainage: Object on the basis that the previous application was not allowed as it was a new more vulnerable development within the functional flood plain. <i>Officer's Comment: This is discussed in the Flood Risk section of the report.</i> WBC Highways: No objection

External

The Environment Agency: Minor in flood risk, please refer to standing advice.

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	Two comments received in support of the application.

APPRAISAL**Site Description:**

The site is located on the southern side of Wargrave Road (A321) fronting the north eastern bank of the River Thames, and to the east of Henley-on-Thames. The north eastern bank of the river on which the site is located is lined with other small leisure plots, some of which have a boathouse, mooring and/or wet dock. There are also some residential properties along this stretch of the riverbank. The plot is roughly rectangular in shape of approximately 590 square metres.

Along this stretch of the River Thames the leisure plots vary in size, however the buildings in situ, predominantly wooden cabins, tend to be small in scale which allow a sufficient separation distance in between development and contribute to the spatial openness of the area. The plots are also characterised by mature vegetation, contributing to the verdant character of the area.

A 6 foot high fence and gate front Wargrave Road, restricting access. The fence includes a post box slot. The site is within designated Countryside and Green Belt. Wargrave Road is a Green Route designated under policy CC03 of the MDD Local Plan. The site is also fully located within Flood Zone 3 and to the north-east of the site lies the Grade II* listed Park Place and Temple Combe.

Proposal and Planning History:

This application proposes the part demolition and alterations to the existing dwelling plus the demolition of an ancillary storage building. No additions to the existing built form on site are proposed.

The site is subject to a complex planning history which is applicable to this proposal. On 6th December 2022 an Enforcement Notice was served by the LPA relating to the alleged unauthorised change of use of the Land to residential and the erection of a dwellinghouse, ancillary storage building and decking without planning permission. The Notice followed the refusal of a Lawful Development Certificate application and Full application relating to the development carried out on site (see Planning History Section above).

At the appeal Hearing held in October 2023, both refused applications and the served Enforcement Notice were considered and the decision was issued by The Planning Inspectorate on 23rd November 2023. The Enforcement Notice was upheld, but corrected in part to reflect the finding that the ancillary storage building has been in situ for more than 4 years and as such is immune from enforcement action. It was

also found that the site as a whole has a mixed use, as the historic leisure use (for mooring and recreation) remains in part alongside the new dwellinghouse.

It was found that the works carried out on site in 2021, subject to the Enforcement Notice, created a new dwellinghouse. However, the Inspector concluded that the building previously in situ was in use as a dwellinghouse, meaning that the new building erected constituted a replacement dwelling, rather than introducing any residential use:

“In this case, I have found that the 2016 building provided all the facilities required for day-to-day private domestic existence and itself constituted a dwellinghouse. The erection of a dwellinghouse (Building A) as alleged in the enforcement notice is a replacement building in the same use as the 2016 building. It therefore falls to be considered against the exception at paragraph 149(d) of the Framework...In the light of my conclusions above on the lawfulness of the various structures on the site, the baseline for my assessment on the effect on the openness of the Green Belt is the 2016 building, the ancillary storage building with roof and the original decking surrounding the tree.” (Paragraph 55)

As such, the previous building as it stood in 2016 was in use as a dwellinghouse, and a return to the built form on site prior to the unauthorised building works carried out in 2021 would be lawful. To reflect this, the Inspector varied the Enforcement Notice to allow two options for compliance: 1) Demolish Building A (the dwellinghouse) and the decking in its entirety, or 2) return Building A to the exact condition it was in upon substantial completion of the lean-to extension in 2016 (as shown on Drawing Nos. AT-0004A, AT-0005A and AT-0006A), including replacing/reinstalling the previous timber cladding, fenestration and internal layout, and demolish/remove the decking in its entirety.

Concerns were raised by the Council during the appeal process with regard the practicalities of reverting the building currently in situ to how it stood in 2016 due to its previous condition. The Inspector addressed this in the decision:

However, I recognise that the appellant has enjoyed the use of the appeal site for many years and, should it not prove practical to retain to the 2016 building in some form, he may wish to replace the existing building in order to continue that use. To do so would require planning permission. It will take several months to prepare and submit a planning application, and for the Council to determine that application. It is entirely reasonable to afford the appellant sufficient time to pursue that option, if he so chooses. I consider that a period of 12 months would be sufficient to obtain the requisite planning permission, and then to demolish Building A and remove the raised platform (decking). (Paragraph 97)

In short, the ability to propose an alternative form of development on site has been afforded by the appeal decision. The applicant can apply for permission to replace the existing dwelling with a new building, as long as the decking is removed in its entirety and the Local Planning Authority is satisfied that the proposed replacement building is acceptable in planning terms. This represents a robust fallback position for the

applicant. This application proposes alterations to the current building on site to reduce its size but allow its retention as a whole. If approved, this application would partly supersede the Enforcement Notice in respect of the requirement to either replace the current building or return to its condition in 2016.

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.

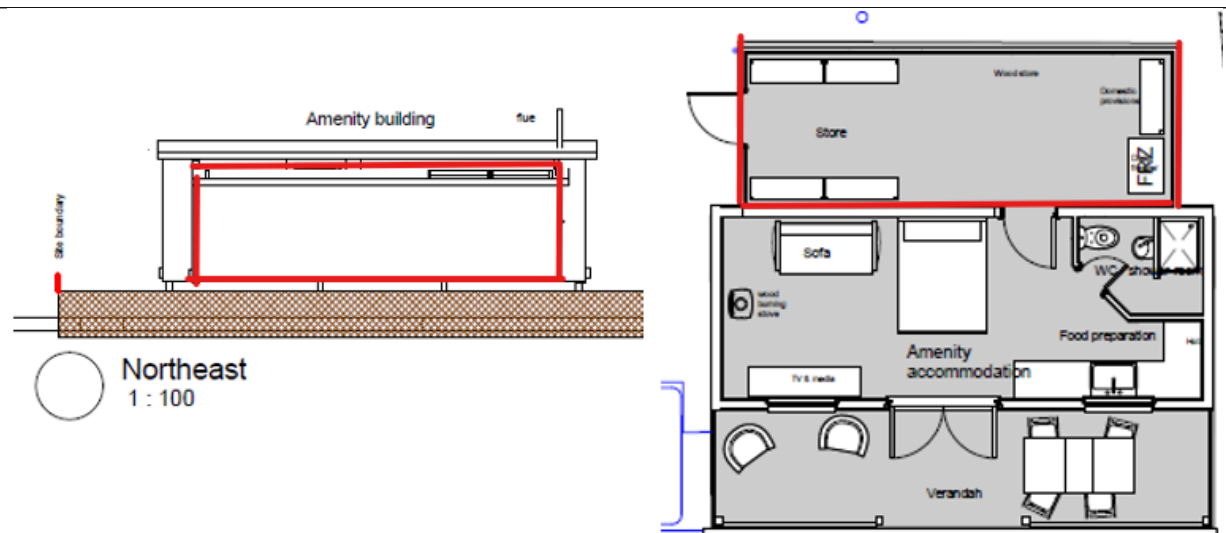
Development within the Green Belt and Countryside:

The application site is located within designated Green Belt and outside of settlement limits in the open Countryside. The Government attaches great importance to Green Belts with national policies for the protection of Green Belt land covered by Chapter 13 of the National Planning Policy Framework (NPPF). Paragraph 142 of the NPPF states that, “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes, the one most relevant to this proposal is, “(c) to assist in safeguarding the countryside from encroachment”.

Paragraphs 152-153 of the NPPF states that, “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Paragraph 154 of the NPPF states that the LPA should consider the construction of new buildings in the Green Belt as inappropriate, however exceptions to this include: “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”. This is reflected in Core Strategy Policy CP12 and MDD Local Plan Policy TB01. Policy TB01 defines a proportionate addition as one that is 35% or less in volume over and above the size of the original dwelling.

In this case, the development currently in situ has significantly expanded from the original development on site. The fallback position created by the appeal decision allows the applicant to reduce the scale of the current built form but retain the footprint of the dwelling as it stood in 2016 plus the detached storage outbuilding. The appeal decision has established that the original dwelling should be interpreted as how it stood in 2016, prior to the substantial completion of a lean-to extension to the rear. The Enforcement Notice refers to the below drawings, which show the ‘2016 building’, the highlighted part does not form part of the original dwelling:



To be considered a “not disproportionate” addition to the original dwelling, the scale of a proposed extension should not result in a cumulative increase of more than 35% in volume over and above the size of the original dwelling. This means that the combined volume of the proposed extension and the existing additions should not result in an increase in volume of more than 35% over and above the original dwelling. If the proposed development fails this test, it would not be considered acceptable in principle.

In this case, the original built form (the pre-2016 works dwelling) on site has already been enlarged through the erection of the lean-to extension at the rear, the raising of the roof profile, cladding and other alterations carried out in 2021 plus the erection of decking and the detached storage building. Volume calculations have been submitted as part of the application, following an assessment of these, the submitted plans and the site’s planning history including the appeal decision the agreed volume calculations are summarised in the table below:

	Volume (cubic metres)	Cumulative Increase (%)
Original Dwelling	119.2	
Existing Additions (including the decking and outbuilding)	109.7	92%
Existing Built Form (as it stands today including the decking and outbuilding)	228.9	
Total additional volume proposed to the dwelling*	-69.5	33.7%
Total Volume of Proposed Scheme	159.4	

*Note: Following the proposed part demolition of the dwelling and full demolition of the storage building and decking. Includes the proposed raised platform at the front (4.1m³).

The agreed volume calculations indicate that the existing built form on site well

exceeds the volume of the original dwelling. The proposal would result in the reduction of built form on the site to a total volume of **159.4m³**, concluding that the development would constitute approximately a **34%** increase in volume over and above the original dwelling. The proposal therefore falls within the tolerances of 35% of the original dwelling, as set out in policy TB01 of the MDD Local Plan.

In terms of impact on openness, the proposal would result in the removal of built form which considerably expands development of the site away from the footprint of the original dwelling, opening up the site to the front of the dwelling which is highly visible from the River Thames, plus to the side/rear of the dwelling which is in very close proximity to the highway (Wargrave Road). Indeed, the proposal represents a more favourable outcome from the fall-back position (the '2016 building' including the lean-to rear extension) due to the partial removal of this previous addition plus the removal of the detached storage outbuilding.

Due to the reduction in footprint of built form on the site plus the opening up of parts of the site, the proposal would have a clear positive impact on the spatial and visual openness of the Green Belt when compared to the fallback position. Taking this and the volume measurements into account, it is considered that the proposal would constitute a "not disproportionate" addition in relation to the original building and would not harm the openness of the Green Belt or constitute encroachment into the Countryside. Therefore, the proposal would not be harmful to the Green Belt and does not constitute inappropriate development by definition under Paragraph 152 of the NPPF.

The proposal therefore complies with the aforementioned policies and is acceptable in principle, subject to other material considerations.

Design and Character of the Area:

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 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.

While development along the riverbank is varied in terms of siting, bulk and massing, with a small number of exceptions existing buildings tend to be nestled in the corner of the site adjacent to the highway and set well back from the river front. In close vicinity to the application site, development on leisure plots has tended to be low in scale, for example adjacent 'Simpatica', contributing significantly to the spatial openness of the area. The area also has a verdant landscape character due to the mature trees and bushes bordering the highway as well as mature trees on the riverbank.

As discussed above, the proposal would significantly reduce the footprint of built form on site, largely returning the dwelling to its original footprint with exception of the retention of part of the alterations and improvements carried out in 2021. A significant improvement from the existing situation is the removal of the unauthorised decking, which the Inspector concluded is an incongruous feature that is out of scale with its surroundings.

The proposal would retain the metal cladding of the current dwelling, plus the raised roof profile at the rear and the infilled verandah at the front. Under the previous proposal, application ref 222376, it was considered that these elements contributed to a more prominent, visually intrusive building. Although the building following the proposed development would be more prominent than the previous timber building, the visual impact of the development would be sufficiently mitigated by the removal of the built form to be demolished.

The building would be well set back from the riverbank, and from public vantages on the opposite bank of the river, the cladding becomes imperceptible due to the intervening distance. Therefore, while the proposal would not be fully in keeping with the street scene in terms of the external materials, its siting and size is responsive of neighbouring development and the cladding would have a neutral impact on wider views. In terms of character and appearance, the proposal would have an acceptable impact and mark a significant improvement from the existing situation in accordance with Core Strategy policy CP3.

Neighbouring Amenity:

Due to the scale and siting of the development there are no concerns in respect of loss of light, overbearing or overlooking impact on neighbouring properties or land uses.

Flooding and Drainage:

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding and policy CC10 requires sustainable drainage methods and the minimisation of surface water flow. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 174 of the NPPF states that applications for some minor development (which this proposal is classed as) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

The Flood Risk Assessment (FRA) submitted in support of the application indicates that the development falls within Flood Zone 3B (functional flood plain). The Council's Flood Risk & Drainage Officer has reviewed the development and the FRA and objected on the basis that the previous application was refused partly on the basis that it introduces new more vulnerable development (a residential dwelling) within the functional flood plain. The betterment of the proposal is recognised by the Officer.

The status of the site has changed considerably since the previous planning application, ref 222376, following the outcome of the appeals. As discussed in the 'Proposal & Planning History' section of the report above, it has been established that the dwelling as it stood in 2016 constitutes lawful development due to the passage of time, meaning that no change of use has taken place. In this respect, the part residential use of the site within the functional flood plain has already been established and the proposal would not introduce a more vulnerable use, or replace an existing dwelling. The sequential and exception tests are therefore not required in accordance with NPPF paragraph 174.

In principle, the proposal represents an improvement to the site's flood risk management compared to the existing situation as partly regularised by the appeal decision, and would not increase flood risk elsewhere due to the significant reduction in built form. Within the appeal decision, the Inspector noted that the decking could potentially affect the displacement of floodwater on the site and thereby increase the risk of flooding elsewhere, and therefore its demolition is a clear benefit.

The Environment Agency has advised that the proposal should be treated as a minor development and referred to their standing advice in their comments. The submitted FRA and plans satisfies the requirements of the standing advice, including consideration of escape during an emergency and floor levels.

The proposal would result in the betterment of the site's flood risk management and reduces the potential for causing flood risk elsewhere through the removal of built form. The proposal therefore complies with the aforementioned policies and guidance.

Highway Access and Parking Provision:

The proposal would not affect the site's existing parking provision or highway access. Subsequently, the Council's Highways Officer has raised no objection.

Landscape, Trees and Biodiversity:

As discussed throughout the report, the proposal would result in the reduction of built form on site and would not introduce any new development. Due to the siting of the building, the demolition works would not impact the existing trees adjacent to the site's boundaries. The Council's Landscape and Trees Officer has recommended the submission of a landscaping plan to mitigate the visual impact of the raising of the structure, however the structure is not being raised and the proposal would not introduce any additional impact on the landscape character compared to the existing situation.

Given the nature of the proposal, there is no need for additional landscaping and no biodiversity issues to mitigate the development.

Conclusion:

The site benefits from a robust fallback position, following the appeal decision issued by The Planning Inspectorate. On balance, the proposal represents an acceptable outcome for the site, removing the harmful impact on the openness of the Green Belt and character through the reduction in footprint to a more proportionate scale in comparison to the fallback position. Due to its nature, there is no additional impact on flood risk, landscaping or biodiversity. The application is therefore recommended for **approval**, subject to conditions.

The consent granted will partly supersede the extant Enforcement Notice if it is implemented with respect to its requirements relating to the dwelling. However, the requirement for the decking (raised platform) to be demolished/removed entirely is unaffected by this consent. To ensure that the Enforcement Notice is complied with by the compliance date (23rd November 2024), a condition requiring that the approved consent is commenced by the compliance date is recommended.

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:	Approve
Date:	4 March 2024
Earliest date for decision:	25 January 2024

Recommendation agreed by:	
(Authorised Officer)	
Date:	06/03/24