

TOWN & COUNTRY PLANNING ACT 1990

MR & MRS BROADBENT

PLANNING STATEMENT

**3 BYEWAYS CLOSE
KNOWL HILL
BERKSHIRE
RG10 9YL**

**Erection of a first floor extension, two storey side extension
and single storey side and rear extension including replacement garage
following demolition of existing single storey rear extension and garage**

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1. INTRODUCTION

- 1.1 This statement is submitted in support of a planning application by Mr and Mrs Broadbent for the following:

'Erection of first floor extension, two storey side extension and single storey side and rear extension including link to replacement garage following demolition of existing single storey rear extension and garage'.

- 1.2 The application follows the submission and approval of the following extensions to the property:

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 2.65m. Determination: Prior Approval not required 20.09.2024.

242132 – Prior approval submission for the proposed enlargement of the existing bungalow through the erection of 1no. additional storey to a maximum height of 7.8 metres. Determination: Prior Approval is required and is given 09.10.2024.

- 1.3 Following these decisions, the applicants have established a fallback position in respect to the nature, scope and extent by which the property could be extended by. This planning application seeks a more constrained form of development with a lower overall floorspace and volume uplift than the combined inclusion of the two prior approvals which could be simultaneously implemented.

- 1.4 This planning statement is divided into the following sections:

- Site and Surrounding Area
- Planning History
- Planning Policy Context

- The Application Proposal
- Summary and Conclusions

1.5 The application submission is accompanied by the following:

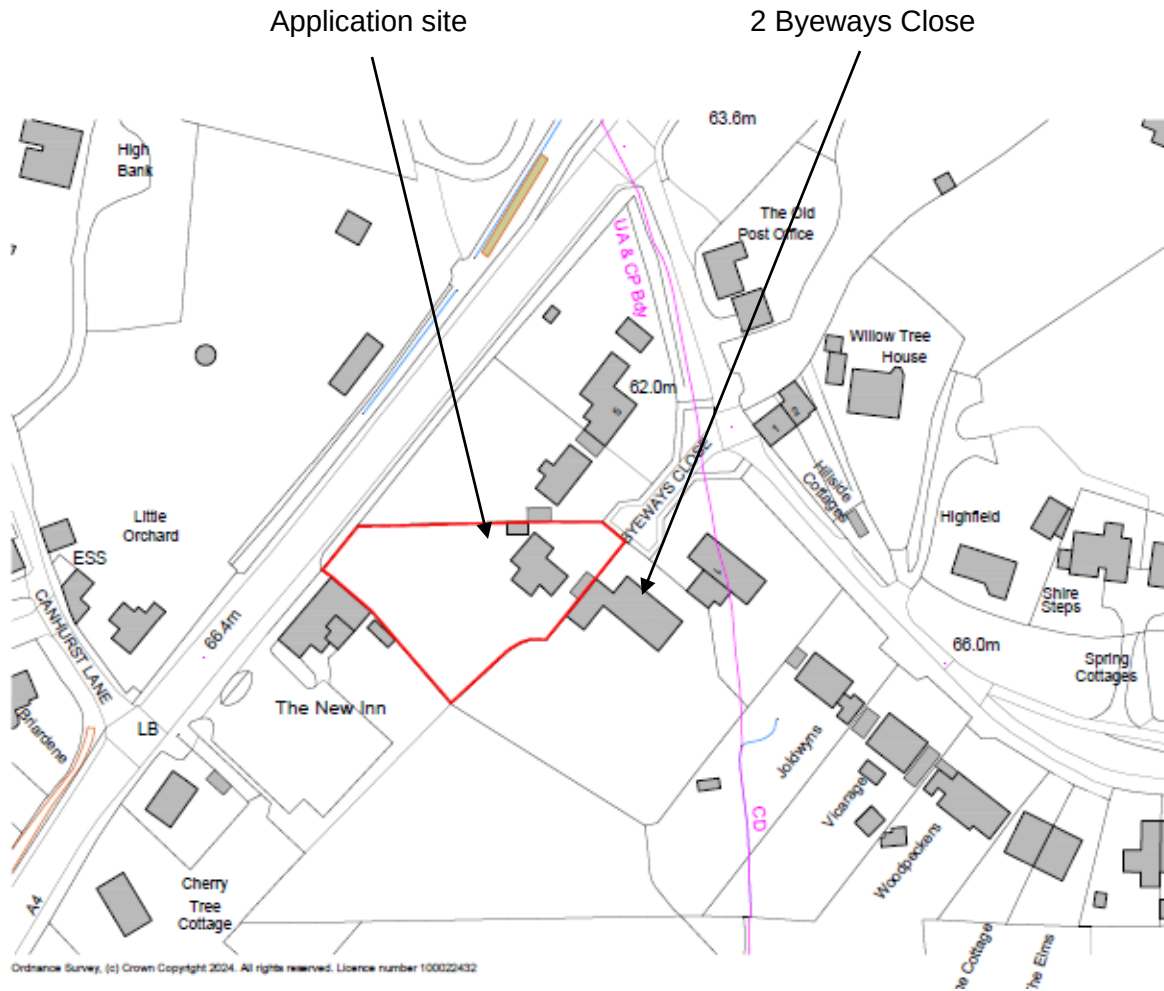
- Arboricultural Method Statement – GHA Trees
- Preliminary Roost Assessment – Plan Ecology Ltd

1.6 This statement will set out how the proposal is consistent with local and national planning policy. In particular, it will highlight the fact that the proposal is acceptable in terms of established Green Belt policy and also in respect to the ‘fallback’ position which the applicant now has which would result in a greater volume uplift.

2 SITE AND SURROUNDING AREA

- 2.1 The application site comprises of a single storey detached bungalow with a pitched roof located within a small cul-de-sac of 5 dwellings in Knowl Hill. The site is within the administrative area of Wokingham Borough Council although the nearby property at No 1 Byeways Close is split between Wokingham and the neighbouring authority, the Royal Borough of Windsor & Maidenhead.
- 2.2 The site and surrounding area is within land defined as Green Belt in the adopted Local Plan Proposals Map. The dwelling is not statutorily listed, and the site is not within a conservation area. The site is located within Flood Zone 1 and there are no protected trees on the application site.
- 2.3 There appears to be only one small previous extension to the property constructed to the rear, most likely under the property's permitted development rights many years ago. The applicant now has the benefit of two permissions under Prior Approval rights which are listed in chapter 3 of this statement (additional storey and 8m deep rear extension). Both of these were granted in 2024.
- 2.4 The adjacent property (No.2) was redeveloped in 2017 for a replacement dwelling (retrospective) having initially been granted substantial extension in 2013. Its appearance as a contemporary designed property was a major departure from the existing 1960s style bungalow development that forms Byeways Close.
- 2.5 The Byeways Close cul-de-sac development dates from approximately 1960 (see officer report accompanying the decision to grant planning permission at 2 Byeways Close under ref.173018:

'The immediate perceived area is formed by the Byeways Close cul-de-sac development of five bungalows, dating from approximately 1960. The street has an enclosed look and feel. The neighbouring area is characterised by a dense and mature landscaping, surrounding the existing dwellings'.

Site location

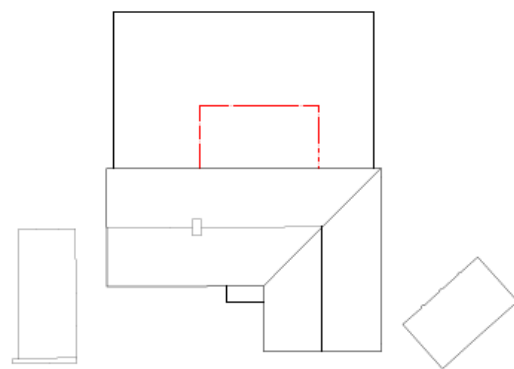
3 PLANNING HISTORY

3.1 The planning history of the site is set out below:

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 2.65m.

Determination: Prior Approval not required 20.09.2024.

Approved floor plan and elevations



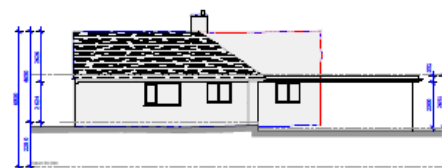
Roof Plan



Ground Floor Plan
11' 0" (3.05m) 11' 0" (3.05m)



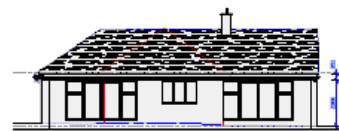
North East Elevation



North West Elevation



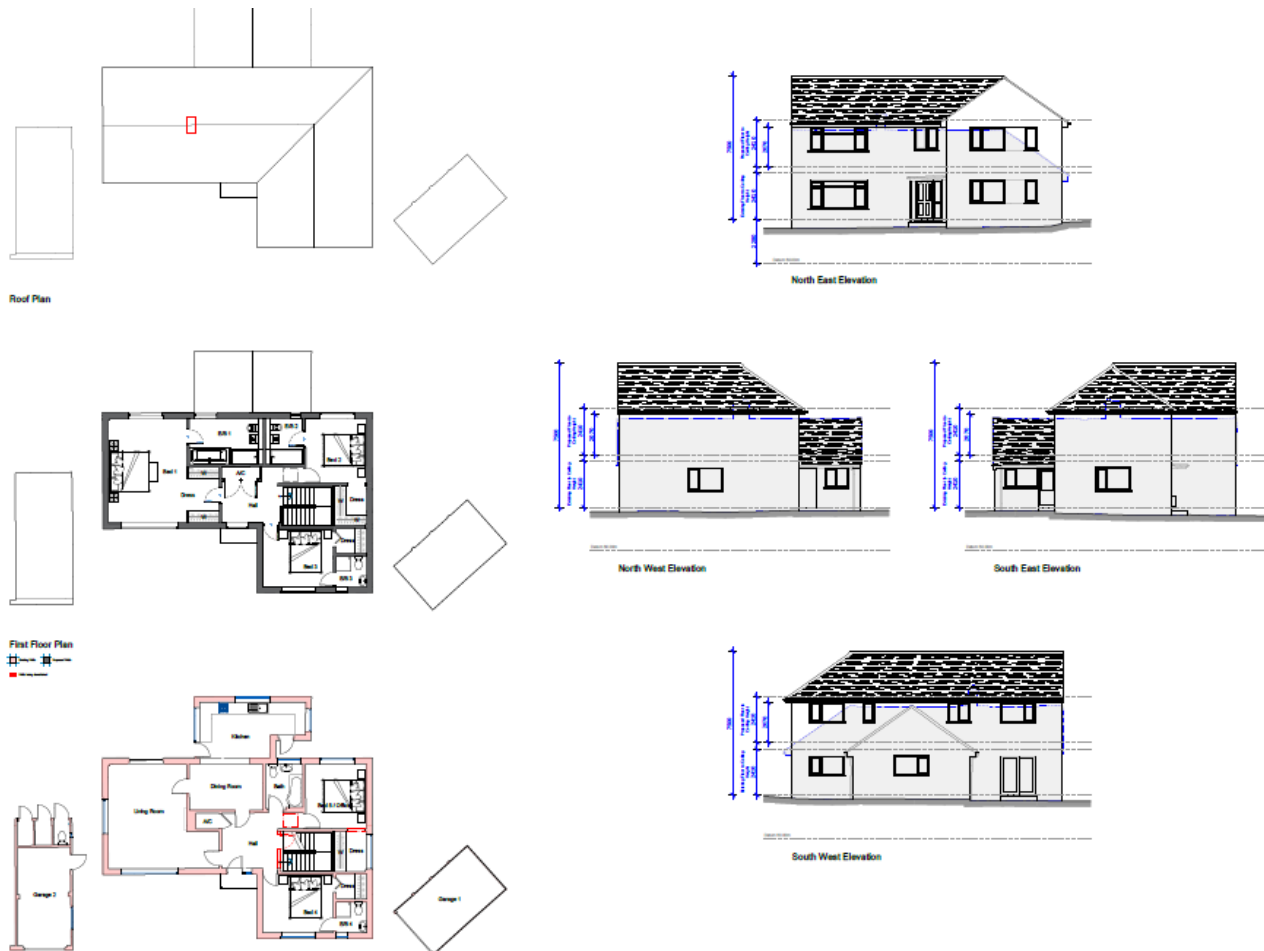
South East Elevation



South West Elevation

242132 – Prior approval submission for the proposed enlargement of the existing bungalow through the erection of 1no. additional storey to a maximum height of 7.8 metres. Determination: Prior Approval is required and is given 09.10.2024.

Approved plans and elevations



4 PLANNING POLICY CONTEXT

- 4.1 Relevant planning policy guidance falls within the National Planning Policy Framework and the Development Plan which comprises of the Core Strategy and the Managing Delivery Development LP.

i) National Planning Policy Framework (2023)

- 4.2 Paragraph 10 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development. In this respect, development proposals that accord with the development plan should be approved without delay (paragraph 11).
- 4.3 In relation to proposals affecting the Green Belt, Paragraph 142 states that the Government attaches great importance to Green Belts. 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 permanence.
- 4.4 Paragraph 143 confirms that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.5 Paragraph 152 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.6 Paragraph 153 states that 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, is clearly outweighed by other considerations.

4.7 Paragraph 154 confirms that new buildings should be regarded as being inappropriate in the Green Belt unless the buildings fall within certain criteria (i.e. exceptions). This includes under indent (d) the following exceptions:

'The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'

ii) The Development Plan

Core Strategy (2010)

4.8 Policy CP3 states that 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 design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
- Provide a functional, accessible, safe, secure and adaptable scheme;
- Have no detrimental impact upon important ecological, heritage, landscape or geological or water courses.

4.9 Policy CP11 Is concerned with proposals for development on sites located outside of the Development Limit (including Countryside). The policy sets a series of criteria which new developments are required to meet including the following:

- It does not lead to excessive encroachment or expansion of development away from the original buildings;

- It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvements;

4.10 Policy CP12 (Green Belt) states that permission will not be granted for inappropriate development within the Green Belt.

Managing Development Delivery Local Plan (2014)

- 4.11 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.
- 4.12 Policy CC03 is concerned with Green Infrastructure, trees and landscaping. It states that development proposals should protect and retain existing trees, hedges and other landscape features.
- 4.13 Policy TB01 states that proposals for development will only be permitted where they maintain the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Paragraph 3.4 confirms that 'limited' means a cumulative increase of generally no more than a 35% increase in volume over and above the original dwelling.

5 THE APPLICATION PROPOSAL

- 5.1 The application proposal is to erect a first floor extension, a two storey side extension and single storey side and rear extensions which will include a link to a replacement garage. An existing single storey rear extension and detached garage will be removed as part of these proposals.
- 5.2 Planning law and the NPPF (para 2 and para 11) requires development proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led. Therefore, the Development Plan should be the starting point for decision making and development that conflicts with the development plan should be refused unless material considerations indicate otherwise. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute towards the achievement of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.3 This chapter of the statement assesses the proposal against the following considerations:
- Whether the proposals amount to 'inappropriate' development in the Green Belt?
 - The impact on the character and appearance of the area.
 - Impact on trees and ecology.
 - Impact on neighbouring amenity.
 - Summary and conclusions.

i) Whether the proposals amount to 'inappropriate' development in the Green Belt?

- 5.4 Policy TB01 states that extensions/alterations to a dwelling in the Green Belt over and above the size of the original building shall be limited in scale. Supporting text at paragraph 3.4 states that 'limited' amounts to an uplift of generally no more than 35% volume.
- 5.5 Table 1 confirms that the proposed volume increase above the size of the original dwelling (97.4%) is above the 35% limit imposed under Policy TB01. Therefore, it is accepted that for the purposes of assessing this proposal under Policy TB01 and paragraph 149 of the NPPF, the proposals amount to 'inappropriate' development in the Green Belt and that as a result, proposals can generally only be acceptable if there are 'very special circumstances' or a genuine 'fallback' position. This is considered below in more detail with particular reference to the two Prior Approvals granted earlier this year.
- 5.6 There is a realistic 'fallback' position in this particular case which amounts to 'very special circumstances' sufficient to outweigh the harm by way of 'inappropriateness'. The two Prior Approval permissions has established that the existing dwelling continues to benefit from full permitted development rights and that there are various extensions / alterations that could still be constructed to the rear/side of the property and at first floor level that are permitted under the General Permitted Development Order. These include planning ref. Nos.242133(rear extension) and 242132 (additional storey). Table 1 below provides a comparison between the original dwelling, existing dwelling, consented permitted development and current application options.
- 5.7 In terms of case law, various court cases have considered the concept of a fallback development as a material consideration. It is described in *Mansell v Tonbridge and Malling BC & Others* [2017] EWCA Civ 1314 as "familiar". Paragraph 27 of that judgement by the Court of Appeal confirms that there should be a "real prospect" of a fallback development being implemented and that the decision maker should exercise their planning judgement as to whether that would be the case depending on the particular circumstance. There is no legal requirement for a landowner or

developer to say precisely how any available permitted development rights would be utilised although on this occasion there is a relevant certificate of lawfulness which helpfully sets this out by confirming the location, scale and volume/floor space uplifts.

Table 1 – Comparison between original, existing Prior Approvals (combined) and proposed

	Original	Existing	Prior Approvals (combined)	Proposed
Footprint	141.5m ²	159.4m ² +12.65%	248.6m ² +75.7%	224.8m ² +58.9%
Volume	497.9m ³	581m ³ +16.7%	1095m ³ +120%	983m ³ +97.4%
Floorspace (GEA)	141.5m ²	159.4m ² +12.65%	353.8m ² +150%	306.4m ² +116.5%
Max Ridge Height	4.65 metres	4.65 metres No change	7.5 metres +61%	6.1 metres +31.2%

- 5.8 The approved and built development at 2 Byeways Close also resulted in an increase substantially above the 35% limit. The enclosed nature of the Byeways Close development was clearly a factor that was taken into account in reaching this decision together with the fact that earlier extensions had already established a volume uplift well in excess of the TB01 policy:

‘As such, although the volume increase exceeds Borough policy guidelines, the proposals are considered to be acceptable and reasonable in terms of their mass and caused impact. They also respect the scale and context of the surrounding

Green Belt environment. The application therefore meets the key TB01 MDD Local Plan policy requirement to protect the open character of the Green Belt'.

- 5.9 Further afield, but within the same borough, the Council took permitted development right alternatives into account at 'Hurdlemakers' in Crazies Hill (ref.223648). The officer report confirmed that the volume increase would be below that of the PD alternative (75% as opposed to 81%) and that this was a relevant factor and a 'fallback' position. The officer report confirms this point:

'Notwithstanding the Council's position, the proposed scheme would be a lesser volume increase than the permitted development (PD) scheme approved under 222831. Additionally it can be assumed that there is as strong likelihood that the permitted development scheme is what was intended by the applicant. This is because both schemes involve a two-storey rear extension which would extend the kitchen and sitting room on the ground floor and a bedroom/bathroom on the first floor. This would create a similar use and internal layout of these proposed schemes. Therefore, it can be concluded that the PD scheme is the overall intention of the applicant and makes the argument for a 'fallback position' greater than is usually accepted'.

- 5.10 It should be noted that the PA permissions at 3 Byeways Close provide for a full first floor level with roof and an overall greater volume reduction when compared to the PD alternative than the 'Hurdlemakers' permission.

- 5.11 In terms of whether there is a realistic prospect of the alternative development being constructed, there are 3 tests to be applied:

- whether there is a fallback position (that is a lawful ability to implement a certain use or development);
- Whether there is a likelihood or real prospect of such use/development occurring;

- If there is a real prospect of such a use/development occurring, a comparison should be made between the proposed use/development and the fallback position.

5.12 The responses to each of these tests are set out below and clearly indicate that the fallback position is a significant material consideration in favour of granting planning permission:

- There is a fallback position for a similar development comprising of an additional storey and an extensive rear extension. It is likely that there are also permitted development rights for side extensions that could also be exploited. The main differences are that the additional storey will be lower than the Prior Approval (PA) equivalent whilst the rear extension will not extend as deep as the Prior Approval permission. Side extensions are proposed instead.
- The similarity between the two extensions in terms of floor space (albeit the application proposal is circa 50m² below the PA equivalent) coupled with the fact that the owner is committed to extending and renovating the property means that there is a real prospect of the fallback position occurring.
- The comparison above at Table 1 demonstrates the similarities between the two proposals although it should be noted that the application is circa 50m² below the floorspace of the PA equivalent.

5.13 In terms of whether the proposed development is more harmful to Green Belt openness and the five purposes of Green Belt, the following points are made:

- The Council's main consideration to determine whether an extension amounts to being 'limited' is an assessment of volume. The proposed development has a lower volume increase than the fallback position (97.4% as opposed to 120%) and is therefore less 'inappropriate' than the PA option;
- The maximum height of the extended property will be substantially below the proposed main ridge of the PA option (6.1m compared to 7.5m);

- The proposed development provides for a more consolidated form of development and avoids the higher finished building and rearward extension southwestwards. This reflected in the lower footprint figures (224.8m² compared to 248.6m²).

5.14 When considered against the five purposes of Green Belt (Paragraph 134 of the NPPF) the proposal would not be in conflict:

To check the unrestricted sprawl of large built-up areas: The proposed extensions are relatively tight around the existing property. The extent of footprint is below that of the PA fallback position already established.

To prevent neighbouring towns merging into one another: As above. The extent of built footprint is below that of the PA alternative which is a measure of the spread of development.

To assist in safeguarding the countryside from encroachment: The character of the site will remain intact. This is a modest domestic extension which respects the existing dwelling and its character. The height will be below that of the PA alternative.

To preserve the setting and special character of historic towns: Neighbouring historic towns are relatively distant from the application site and their setting are not affected. The site is not within a conservation area.

To assist in urban regeneration by encouraging the recycling of derelict and other urban land: This purpose is not affected.

5.15 In summary, there is a relevant fallback position which can be implemented with a greater volume, floorspace, footprint and height uplift than the application proposal. This is a highly relevant material consideration as it amounts to a 'very special circumstance'. When assessed against the 5 purposes of Green Belt, the application proposal would not be in conflict when compared to the PA development option.

ii) Impact on the character and appearance of the area

- 5.16 The proposed design is considered to be sympathetic to the existing host environment. Whilst it is acknowledged that Byeways Close is largely characterised by single storey, unremarkable bungalows, the immediately adjacent property at No.2 Byeways Close (to the south-east), has a contemporary appearance with timber cladding, red brick and a glazed front gable (see below). The more modern timber flat roofed element is directly adjacent to a more traditional built form reflecting the former bungalow on the site. As stated above, this was consented under application ref. 173018. The officer report confirmed that the Council welcomed this approach and considered that it would not be contentious within the enclosed cul-de-sac environment:

The design of the new dwellinghouse therefore has contrasting shape, roof forms and fenestration details. Despite that the proposed type of materials would be unusual in the established street scene of Byeways Close, the timber panels with the eastern part of the building seamlessly harmonise with dark grey UPVC windows/doors, red brickwork and dark red roof tiles. Given that this represents a positive addition to the appearance and layout of the new dwelling's frontage, the proposal appears well-designed and attractive, which does not result in any detrimental impact upon the character of the area. In addition, it is considered that the scale and bulk of the main dwelling would be acceptable and uncontentious in relation to the character of the area'

Front elevation to No. 2 Byeways Close

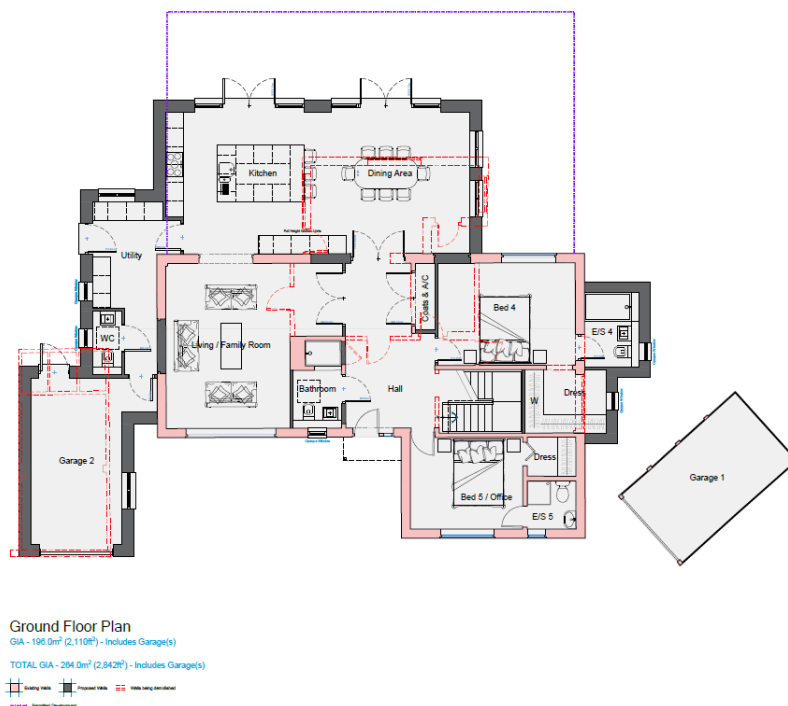


- 5.17 The proposed design will pick up on many of the features consented at No.2 including the use of timber cladding, red brick, and glazed elevations (see below). Rather than removing the existing bungalow in its entirety, this proposal will largely retain the existing structure (see walls to be retained below in red) and therefore this proposal is to extend the property as opposed to the retrospective application at No.2 which was eventually consented as a replacement dwelling.

Proposed front elevation to No.3 Byeways Close



Proposed ground floor plan showing walls to be retained



- 5.18 In summary, the proposals have resulted in a sympathetic form of development that will reflect the surrounding area and in particular the contemporary approach adopted at No.2 Byeways Close. The proposal is considered to be consistent with the aims and objectives of CS Policies CP1, CP3 and CP11, MDDL Policy TB26 and the BDG SPD.

iii) Impact on trees and ecology

- 5.19 The applicant is accompanied by an Arboricultural Impact Assessment (GHA) which confirms that provided the tree protection strategy is implemented as outlined in the method statement, the proposals are of a 'low' arboricultural impact and must therefore be considered acceptable. The proposal therefore meets CS Policies CP1 and CP3 and MDDL Policies CC01, CC03 and TB21.

- 5.20 A Preliminary Roost Assessment (July 2024) accompanies this submission. The conclusion was that the roof tiles are interlocking with no lifts and no gaps around the soffits. As such, the bat roosting potential was considered to be negligible. No bats or evidence of bats was found during the internal inspection. As no potential bat roosting features were identified, no further surveys were recommended. Biodiversity enhancements are suggested including bat and bird bricks.

iv) Impact on neighbouring amenity

- 5.21 The proposed extensions are designed to avoid any harm to both neighbouring properties. The main new first floor part of the proposal will be towards the site's northern footprint where the distance to neighbouring properties is at its greatest (i.e. as the site tapers, the proposed new two storey flank wall increases in its separation distance). No habitable flank windows are proposed above ground floor level on either flank elevation (i.e. they will serve bathroom windows only and therefore can be obscurely glazed). The ground floor flank windows to the proposed dining area are located 20m from the northern boundary with No.4 and as a result would not affect the amenity of that property.

- 5.22 Relevant to the consideration of the impact on neighbouring properties is the fact that this proposal is lower than the first floor PA permission which can still be implemented. The approved additional storey extended over the entire footprint unlike this proposal which extends a first floor over part of the footprint.
- 5.23 The proposal would therefore create a high-quality living environment for the new homes and existing surrounding properties in accordance with Policy CP3 of the CS, TB07 of the MDD as well as paragraph 135 of the NPPF (i.e. a high standard of amenity will be provided for existing and future users

v) Summary and conclusion

- 5.24 The proposal is inappropriate development in the Green Belt. However, the granting of two Prior Approvals provides a realistic 'fallback position' which meets the 3 legal tests normally applied and should therefore be taken into account as a material consideration and a 'very special circumstance' in the planning balance. Such factors have been considered by the Council elsewhere in the Green Belt as being relevant to the consideration of a planning application for extensions in the Green Belt.
- 5.25 The design reflects the contemporary approach taken at No.2 Byeways in terms of external appearance, materials, fenestration and scale. This resubmission is accompanied by a Arboricultural Assessment and Method Statement and a Bat Report which do not identify any issues.

6 SUMMARY AND CONCLUSIONS

6.1 The application for planning permission should be supported for the following reasons:

- i) The application site has the benefit of two Prior Approval permissions for rear and additional storey extensions, both of which are extant. Table 1 confirms that these permissions could be built with considerably greater volumes, floor areas, footprint and ridge height than this application resulting in a greater conflict with MDDL Policy TB01. The PA's provide for a realistic option that could be built and are therefore 'fallback positions' sufficient to be considered as 'very special circumstances'. The proposal is not in conflict with any of the five purposes of Green Belt.
- ii) The contemporary design includes a new first floor extension and side and rear extensions. The modern approach will ensure that the proposals balance and reflect the recently completed development at 2 Byeways Close immediately to the south-east. These designs were welcomed by the Council.
- iii) The proposals would not result in any loss of amenity to either of the adjoining properties.
- iv) The Arboricultural Assessment confirms that the proposals do not raise any arboricultural issues.
- v) The Roost Assessment has identified that there is no evidence of bats within the property and that the building has negligible potential. As a result, no further surveys are required.