

**ITEM NO:**

Application No.  
**15/00763/FUL**  
Site Address:

Ward:  
Binfield With Warfield

Date Registered:  
18 August 2015

Target Decision Date:  
13 October 2015

**St Katherines Church Lane Warfield Bracknell  
Berkshire RG42 6EG**

Proposal: **Erection of a two storey front extension and single storey extension to detached garage (re-submission of withdrawn application 15/00055/FUL).**

Applicant: Mr B Norton

Agent: Mr Tony Grover

Case Officer: Matthew Miller, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)

**Site Location Plan** (for identification purposes only, not to scale)



## **OFFICER REPORT**

### **1. SUMMARY**

1.1 Erection of a two storey front extension following demolition of front porch and canopy, and single storey extension to detached garage. The application is an identical re-submission of withdrawn application 15/00055/FUL.

1.2 The proposed development, in combination with the existing enlargements to the original dwelling, would result in a disproportionate increase in the size of the dwellinghouse and garage outbuilding, over and above the size of the dwellinghouse and garage as originally constructed. It is therefore considered that the proposed development constitutes inappropriate development within the Green Belt which by definition is harmful. The implementation of permitted development rights as an alternative to the proposal are not considered to represent 'very special circumstances', for the reasons detailed in the full report.

<b>RECOMMENDATION</b>
Planning permission be refused for the reason given in Section 11 of this report

### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee by Cllr Leake in response to the case officer's recommendation of refusal, for consideration in view of the alternative permitted development rights of the property.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Outside defined settlement, and within Green Belt
TPO to northeast of property

3.1 'St Katherines', Church Lane is a two storey, four bedroom, detached dwellinghouse located in rural surroundings. The property contains a detached single garage to the northeast of the dwellinghouse, and an outbuilding to the north. The property contains a hardsurfaced frontage and benefits from landscaped side and rear gardens. The dwellinghouse has been previously extended through part single storey, part two storey front extensions, and through single storey side and rear extensions.

3.2 The property is accessed via an unadopted shingle track road which connects to the adopted highway of Church Lane to the south.

3.3 A tree subject to a Tree Preservation Order (TPO) reference: TPO 343 is sited to the northeast of the property.

### **4. RELEVANT SITE HISTORY**

4.1 The planning application history of the property can be summarised as follows:

19113

Application for renovations and alterations to dwelling [including single storey side extension] Approved (1973) [side extension demolished following planning approval 06/00063/FUL].

19746

Erection of new stables and storage sheds.  
Approved (1973)

612397

Part single, part two storey front extension forming study, hall and cloakroom with bedroom over. Construction of new chimneys, alterations to roof line and installation of new windows.  
Erection of detached garage.  
Approved (1987)

621976

Erection of single storey rear extension.  
Approved (1996)

06/00063/FUL

Erection of single storey side extension forming garden room.  
Approved (2006)

15/00055/FUL

Erection of a two storey front extension and single storey extension to detached garage.  
Withdrawn (2015)

*[Officer Comment: The above withdrawn application is identical to the proposed development, but was withdrawn at the request of the applicant following the case officer's recommendation of refusal].*

## **5. THE PROPOSAL**

5.1 The proposed development is for the erection of a two storey front extension to the host dwelling following the demolition of the front porch, canopy and first floor gable elements, and the erection of a single storey side extension to the detached garage.

5.2 The front extension to the dwelling would project a total of 4.2 metres in depth from the principal elevation, and project 4.5 metres in width from the side of the existing front-projecting two storey gable element. It would have a height of 7.1 metres, with a hip-to-gable roof, and would be set back 0.4 metres from the front elevation of the aforementioned gable element. It would form an enlargement to the hallway and a WC at ground floor level, and a bedroom with an en-suite bathroom at first floor level.

5.3 The extension to the garage would project 4.4 metres in width, and measure 6.0 metres in depth and 5.1 metres in total height, with a hipped dual-pitched roof. It would enlarge the garage from being single to triple.

## **6. REPRESENTATIONS RECEIVED**

### Warfield Parish Council:

6.1 Warfield Parish Council object to the proposal on the grounds that the substantial cumulative nature of the extension proposed when added to previous extensions to this dwelling, and representing an overall increase of greater than 40% on the original floorspace of the dwelling, would materially alter the scale and character of the dwelling within this Green Belt area and so would be inappropriate development in the Green Belt.

*[Officer Comment: This matter is assessed further in the report below].*

### Other representations:

6.2 No representations have been received from neighbouring properties.

## 7. SUMMARY OF CONSULTATION RESPONSES

### Thames Water:

7.1 Thames Water as the Water Authority have provided comments on the proposal. The applicant is to be advised of these by way of informative.

7.2 No further statutory or non-statutory consultations have been required.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Green Belt	CS9 of CSDPD, Saved policies EN8 & GB1 of BFBLP,	Mostly consistent (refer to section 9.i. of report)
Design	CS7 & CS9 of CSDPD, Saved policies EN8 & EN20 of BFBLP	Consistent
Trees	Saved policy EN1 of BFBLP	Consistent
Parking	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) Community Infrastructure Levy (CIL)		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on character and appearance of the area, including trees
- iii. Impact on residential amenity
- iv. Impact on highway safety
- v. Community Infrastructure Levy

### **i. PRINCIPLE OF DEVELOPMENT**

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12).

9.3 Site Allocations Local Plan (SALP) Policy CP1 refers to the presumption in favour of sustainable development as outlined in the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the Development Plan for Bracknell Forest Council shall be

approved without delay unless material considerations indicated otherwise. Where there are no policies relevant to the application or the relevant policies are considered to be out of date, then permission shall be granted unless material considerations indicate otherwise. It further states that where there are no policies relevant to the application or relevant policies are out-of-date at the time of making the decision, then permission will be granted unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate that development should be restricted.

9.4 The site is located on land outside of a defined settlement and within the Green Belt, as shown on the Bracknell Forest Borough Policies Map (2013).

9.5 CSDPD Policy CS1 sets out the sustainable development principles expected in new developments. It states that development should protect and enhance the character and quality of local landscapes and the wider countryside.

9.6 CSDPD Policy CS2 sets out that the LPA will allocate land for development sequentially (in the order of Bracknell Town Centre first, then previously developed land and buildings within defined settlements, then other land within defined settlements where this does not conflict with other policies, and lastly extensions to defined settlements with good public transport links to the rest of the urban area). It further states that development will be permitted within defined settlements and on allocated sites, where it is consistent with the character, accessibility and provision of infrastructure and services within that settlement.

9.7 CSDPD Policy CS9 refers to the development on land outside defined settlements, and states that the Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land, and will protect the Green Belt from inappropriate development. BFBLP 'Saved' Policy EN8 also states that the countryside will be protected for its own sake, and that development will be permitted outside the defined settlement boundaries only where it would not adversely affect the character, appearance or function of the land, would not damage its landscape quality and would not injure the visual amenities of the Green Belt.

9.8 BFBLP 'Saved' Policy GB1 states that approval will not be given, except in very special circumstances, for any new building within the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems, and is for one of a list of purposes. Sub-section (iv) of the policy makes provision for replacement, alteration or limited extension of existing dwellings. Para. 4.38 states that extensions to existing dwellings should be located sympathetically and designed so that they do not have an adverse impact on the rural character of the area. An extension would not be considered to be inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Any increase would be considered "disproportionate" if it exceeds 40% of the gross floor area of the original building. However an extension of 40% or less will not automatically be considered appropriate. Account will also be taken of the design and siting of the proposed extension, the visual character of the surrounding area, the prominence, visual and physical impact of the extension, the effect of the proposal on the open and rural character of the area in general, and of the overall scale of the development on the site.

9.9 Sub-section (v) of BFBLP 'Saved' Policy GB1 makes provision for the construction of domestic outbuildings incidental to the enjoyment of an existing dwelling, and states that consideration be provided to the scale, siting, design and materials employed in any new building to ensure that no harm is caused to the undeveloped character of the Green Belt.

The policy further states that account will be taken of the cumulative impact of any existing domestic outbuildings.

9.10 Para 4.39 of BFBLP 'Saved' Policy GB1 (iv) states that the term "original" shall mean in the context of this proposal the building as it existed on or before 12 May 1980.

9.11 However BFBLP 'Saved' Policy GB1 is not fully consistent with the NPPF in relation to the definition of an 'original building'. The NPPF states the term "original building" is as the building stood on 1 July 1948 (as stated in Annex 2: Glossary), as opposed to BFBLP 'Saved' Policy GB1 which provides a date of 12 May 1980.

9.12 Section 9 of the NPPF contains specific policies relating to development within the Green Belt. Para. 87-88 set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Local Planning Authority 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.

9.13 NPPF para. 89 clearly sets out that a local planning authority should regard the construction of new buildings (with no separate distinction made to domestic outbuildings) as inappropriate in Green Belt. However it sets out exceptions to this which includes, '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'. As per Annex 2: Glossary of the NPPF, this is the building as it stood in 1948.

9.14 As a result it must be demonstrated that the proposed development would not result in disproportionate additions over and above the original buildings, otherwise it would be considered inappropriate development, unless 'very special circumstances' have been demonstrated by the applicant.

9.15 The earliest recorded planning history for 'St Katherines' consists of an approval in 1973 for 'renovations and alterations' to the dwellinghouse (including a single storey side extension) (reference: 19113). The original dwellinghouse appears to have been erected prior to when Local Authority records began. As a result the dwellinghouse prior to the development undertaken as part of permission 19113, as shown on the submitted information for application 19113, is taken to be the original dwellinghouse.

9.16 The original dwellinghouse had a net floor space of approximately 163.8 square metres. As the side extension granted approval under 19113 has since been demolished it is not considered. The following extensions have been implemented and are present:

- A part single storey, part two storey front extension and first floor front dormer (under permission 612397), adding 45.5 square metres in net floor space.
- A single storey rear extension (under permission 621976), adding 7.9 square metres in net floor space.
- A single storey side extension (under permission 06/00063/FUL), adding 9.2 square metres in net floor space.

In total, the above extensions provide an additional floor space to the original dwelling of 62.6 square metres. This represents an enlargement to the dwellinghouse of 38.2%.

*[Officer Comment: these figures differ from the calculations made in assessing application 06/00063/FUL, as the definition of what constitutes the 'original dwellinghouse' has changed].*

9.17 The proposed front extension, taking account of the demolition of the existing front porch, canopy and front gable elements, would provide a further additional floor space of 22.0 square metres. This would therefore result in a cumulative enlargement of the dwellinghouse of 84.6 square metres, representing a 51.6% increase.

9.18 The existing garage (erected under permission 612397 in 1987) has a net floor space of 31.5 square metres. The proposed enlargement (with the associated alterations to the existing floor space) would add an additional 24.5 square metres in floor space. This would result in the outbuilding having a total floor space of 56.0 square metres, representing a 77.8% increase.

9.19 It is therefore clear that the proposed development would result in disproportionate additions over and above the size of the original dwellinghouse and outbuilding. However, the applicant states in their submitted Planning Statement that the 'fall-back' position of implementing the permitted development rights of the property would constitute 'very special circumstances'. The Planning Statement suggests that rear extensions could be implemented to the dwellinghouse, but does not provide explicit figures of the potential floor space that could be provided through permitted development rights.

9.20 The existing garage outbuilding could not be enlarged under permitted development rights as the height of the existing structure exceeds 4.0 metres. Therefore no 'very special circumstances' have been demonstrated in respect of the garage enlargement.

9.21 With respect to the proposed front extension, attention is drawn to appeal APP/R0335/D/15/3003567 for the erection of a single storey rear extension at 'Jasmine Cottage', Ascot Road, Warfield, which related to the erection of a single storey rear extension at a dwellinghouse within the Green Belt within the Local Authority. This appealed application was similar to the proposed development in that the applicant used their 'fall-back' position of a granted Notification of Prior Approval for a Larger Householder Extension which would have been larger than the extension subject to the application as 'very special circumstances'. The Inspector noted in their report that the suggested benefits of the fall-back position would be limited, and that as the extension under Prior Approval had not been implemented, and that there was no assurance that it would be, limited weight was given to the fall-back position.

9.22 Significant weight is attached to appeal decision APP/R0335/D/15/3003567 considering its publication in 2015 and that the appeal related to the same Local Authority, assessed under identical Development Plan Policies.

9.23 Further to the above, appeal decision reference APP/R0335/A/2198480 related to a replacement dwellinghouse in the Green Belt, within Bracknell Forest Borough. This appeal decision provided minimal weight to an extant planning permission for a two storey extension and Lawful Development Certificate for a detached outbuilding (both of which hadn't been implemented) relating to the existing dwellinghouse, in relation to justifying the increase in the size of the proposed replacement dwellinghouse, due to the loss of openness to the Green Belt that would result. Therefore the appeal was dismissed.

9.24 In addition appeal decision APP/R0335/A/14/2219044, also relating to a replacement dwelling in the Green Belt within Bracknell Forest Borough, was dismissed where the Planning Inspector provided little weight to a Certificate of Proposed Lawful Use of Development for a part two storey rear extension and single storey side extension, and a notification of prior approval for a single storey rear extension. The Inspector ruled that despite the size of these unimplemented extensions to the original dwelling compared to the proposed replacement dwelling, they would not outweigh the harm that would be produced

from the proposed development on the openness of the Green Belt, and the Inspector did not consider the granted certificate of lawfulness and prior approval notification to be 'very special circumstances' (para. 17 of the appeal decision). Weight must therefore be attached to the above appeal decisions.

9.25 Furthermore, the Local Planning Authority must operate a consistent approach to decision-making. The importance of consistency in determining planning applications has been acknowledged in court cases including 'North Wiltshire District Council vs. SOS and Glover (1992)', as case which was also upheld in the Court of Appeal. This need for consistency becomes apparent when considering the similarity of this planning application compared to the proposal at Jasmine Cottage, among other refusals issued by the Local Planning Authority relating to Green Belt extensions post-NPPF publication.

9.26 Para. 5.3 of the applicant's Planning Statement states that the permitted development rights of the property do not allow the dwellinghouse to be extended 'in the most organised or efficient of ways'. This provides strong indication that the applicant would not be prepared to realistically implement the permitted development rights of the property as an alternative to the proposal. This view taken by the Local Planning Authority is consistent with appeal decision APP/R0335/D/15/3003567 (Jasmine Cottage). Furthermore appeal decision APP/R0335/A/14/2219044 (referred to above) states that '...to construct an extension simply to achieve uplift in the floor area...would be illogical, economically unviable and unsustainable. It would not, therefore, represent a realistic fallback position in any event' (Para.15).

9.27 For the above reasons and on balance of the weight attached to the various appeal decisions and court case stated above, the principle of development is therefore not considered to be acceptable, and the proposal is contrary to SALP Policy CP1, CSDPD Policies CS1, CS2 and CS9, BFBLP 'Saved' Policies EN8 and GB1, and section 9 of the NPPF.

## **ii. IMPACT ON OPENNESS, CHARACTER AND APPEARANCE OF AREA (INCLUDING TREES)**

9.28 The proposed massing and form of the extensions, in conjunction with the previous enlargements to the original dwellinghouse, would form a significant addition to the host dwelling and garage outbuilding. Although the proposal would not be readily visible in the street scene of Church Lane, the cumulative development with the previous extensions would nonetheless have an impact on the wider character of the area and the openness of the Green Belt.

9.29 A tree subject to TPO 343 is sited to the northeast of the property. As the tree would have a separation distance of approximately 17 metres to the proposed extension of the garage, with a further separation distance to the host dwelling, it is not considered that the proposal would result in an adverse impact on the health of this tree.

9.30 The proposed development when considered cumulatively is therefore considered to be out of character with the countryside setting, and would form inappropriate development due to the impact of the size of the extension, in relation to the openness of the Green Belt. The proposal would therefore be contrary to CSDPD Policies CS7 and CS9, BFBLP 'Saved' Policies EN1, EN8, EN20 and GB1, and the NPPF.

## **iii. IMPACT ON RESIDENTIAL AMENITY**

9.31 As the proposed extension to the dwellinghouse and the garage would be sited to the front of the main dwelling, they would be obscured by the host dwelling when viewed from



the neighbouring residential properties of 'Glebe House' and 'The Willows', Church Lane to the south. As a result it is not considered that the proposal would result in an adverse impact on the amenity of the occupants of these properties in view of its massing and siting.

9.32 The host property is bordered by undeveloped open fields to the north, west and east, with a grave yard to the southwest.

9.33 It is therefore considered that the development would not result in an adverse impact on the amenity of occupiers of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF.

#### **iv. IMPACT ON HIGHWAY SAFETY**

9.34 The proposal would result in a net increase in bedrooms from four to five, and would also alter existing parking arrangements through enlarging the detached garage.

9.35 In accordance with the guidance contained within the Parking Standards SPD, a dwellinghouse that contains four or more bedrooms requires the provision of a minimum of three acceptable off-street parking spaces. Therefore the proposal does not give rise to additional parking requirements.

9.36 Although the existing garage is being enlarged, it would not provide additional allocated parking as the internal depth of the garage is substandard. The Parking Standards SPD requires a minimum internal depth of 6.0 metres, whereas the proposal would provide 5.1 metres.

9.37 In any case, the retained hardsurfaced driveway to the front of the dwelling provides capacity for at least three off-street parking spaces, as existing.

9.38 As a result it is not considered that the proposed development would result in an adverse impact on highway safety, in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9, the Parking Standards SPD, and the NPPF.

#### **v. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.39 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.40 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted), including extensions of 100 square metres of gross internal floor space, or more, or new build that involves the creation of additional dwellings. In this case the extension does not exceed 100m<sup>2</sup> and therefore is not CIL liable.

### **10. CONCLUSIONS**

10.1 The proposed development, in combination with the existing enlargements to the original dwelling, would result in a significant increase in the size of the dwellinghouse and garage outbuilding, over and above the size of the dwellinghouse and garage as originally constructed. The proposed development is therefore considered to be inappropriate development within the Green Belt which by definition is harmful, and is contrary to SALP Policy CP1, CSDPD Policies CS1, CS2 and CS9, BFBLP 'Saved' Policies EN8 and GB1, and section 9 of the NPPF. On balance of the weight attached to the various appeal

decisions and court cases stated above, it is not considered that the dwellinghouse's permitted development rights represent 'very special circumstances' that would outweigh the harm that would be produced from the proposed development.

10.2 Notwithstanding the above, the proposed development is not considered to result in an adverse impact on the amenities of the residents of the neighbouring properties, or on highway safety, in accordance with CSDPD Policies CS23, BFBLP 'Saved' Policies M9 and EN20, the Parking Standards SPD, and the NPPF. However this would not outweigh, or form 'very special circumstances' in relation to the potential harm to the Green Belt by reason of its inappropriateness. Therefore it is recommended that the application be refused as a matter of principle.

## 11. RECOMMENDATION

That the application be **REFUSED** for the following reason:

01. The proposed development by reason of its size and its cumulative increase when combined with existing enlargements would result in disproportionate additions to the original dwelling and garage outbuilding, which is by definition inappropriate development in the Green Belt, to the detriment of the open and rural character of the Green Belt, and the purposes of including land within it. The development would be contrary to the development plan and it is not considered that there are any 'very special circumstances' or other material considerations which indicate that planning permission should be granted for the development. The proposed development is therefore contrary to Policies CP1 of the Site Allocations Local Plan, CS1, CS2 and CS9 of the Core Strategy Development Plan Document, 'Saved' Policies EN8 and GB1 of the Bracknell Forest Borough Local Plan, and Section 9 of the National Planning Policy Framework.

### Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant, including during the course of the previously withdrawn application (reference: 15/00055/FUL), and also by giving due weight to the information provided within the applicant's Planning Statement. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

02. This refusal is in respect of the following plans and other submitted details received by the Local Planning Authority on 18 August 2015:

6361:14:1 'Plans & Elevations'  
Planning Statement (Prepared by Boyer)

03. Thames Water as the Water Authority have provided the following comments:

#### Waste Comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water would advise that with regard to sewerage infrastructure capacity, there is no objection to the above planning application.

**Water Comments:**

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200

**Doc. Ref: Uniform 7/DC/Agenda**

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)