

Our Ref: 1.09.op.tm

Royal Borough of Windsor & Maidenhead
Planning and Development
Town Hall
St. Ives Road
Maidenhead
Berkshire
SL6 1RF

9th November 2023

Dear RBWM

**RESUBMISSION HOUSEHOLDER APPLICATION FOR SIDE AND REAR EXTENSIONS
RELATING TO THE DWELLINGHOUSE KNOWN AS OLD OAK COTTAGE, SILL BRIDGE
LANE, WALTHAM ST LAWRENCE, BERKSHIRE, RG10 0NT**

We submit the following application as a resubmission of application 23/00950/FUL that was refused on 13th June 2023 for the following reasons:

1 The development is inappropriate development in the green belt. In addition to the development being inappropriate, the development causes harm on the openness of the green belt. It is considered there are no very special circumstances that would clearly outweigh the harm to the Green Belt which is afforded substantial weight, and the other harm identified.. As such, the proposal is contrary to Section 13 of the National Planning Policy Framework (NPPF) 2021 and Adopted Local Plan Policy QP5.

2 The proposed development (namely the part two storey element), by virtue of its roof design in relation to the existing dwelling, would result in an unsympathetic and incongruous element which would harm the appearance of the host dwelling. The proposal would be contrary to Section 12 of the National Planning Policy Framework, policy QP3 of the Adopted Local Plan, GEN 2 of the Hurley and the Walthams Neighbourhood Plan and Principle 10.1 of the Adopted Borough Wide Design Guide SPD.

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The refusal of application 23/00950/FUL has been referred to appeal along with an application for costs against the Local Authority for unreasonable behaviour by way of ignoring all factors relevant to the Appellant's fall back position. This resubmission is submitted, Without Prejudice to the ongoing Appeal.

This resubmission overcomes the two reasons for refusal for the following reasons:

Having regard to Para 8.16 of the Case Officer's report for 23/00950/FUL it states:

The planning statement contained within this application argues VSC exist in the form of a permitted development fallback position, recently determined under 22/02165/CPD. However, the proposal under this scheme was not considered to be permitted development (namely the 2-storey rear extension and front porch was not considered to be permitted development). The lawful development certificate was refused, and no appeal has been lodged to date. Whilst under this certificate the LPA considered the single storey side extensions to be permitted development, the two-storey rear extension was not considered to be. The LPA still maintains this view, and with no appeal decision to the contrary, there is nothing to change this opinion. The LPA can give weight to the single storey side extensions that could be built under permitted development, however, both extensions are small scale and only single storey (appearing subservient). The proposed two storey rear extension is noticeably larger in scale and bulk than the single storey side extensions that could be built under permitted development and would result in greater impact on the openness of the Green Belt.

The applicant submitted 23/01569/CPD on 27th June 2023 for the three side extensions and porch which was granted on 30th June 2023. It is pertinent to note that it took only 3 days for the LPA to grant the submission – as such this reinforces the unreasonable behaviour of the Council in previously disregarding the three side extensions and porch permissible under the GPDO.

The LPA's were of the opinion that they would prefer the now permitted single storey extensions as apposed to a well designed rear extension and small side extension. However in making such a conclusion the LPA failed to provide any consideration to 1) the CLUED resulting a greater extent of built volume over and above the proposed (and now re-proposed and reduced) built form volume, 2) the reduced width of the resultant building facing the

public realm, 3) the improved design of the proposed (and now re-proposed and further improved) design that results in a betterment in terms of character to the host dwelling and the locality and 4) the CLUED allowing for a greater built form being visible from the public realm as opposed to the proposed (and now re-proposed and reduced) built form being confined to the rear of the host dwelling. As such the LPA's opinion that '*The proposed two storey rear extension is noticeably larger in scale and bulk than the single storey side extensions that could be built under permitted development*' was and continues to be incorrect due to the fact that 23/01569/CPD permitted a built form volume of 192.64 cu.m. compared with the previously proposed 152 cu.m. volume and the now revised and reduced 142 cu.m. built form volume in addition to a reduction in built form width facing the highway/public realm. Clearly therefore, the LPA's conclusion that the previous proposal was 'noticeably larger' can easily be proved to be incorrect.

It was therefore unreasonable of the LPA to make such a conclusion and further to not consider the above mentioned factors but instead only refer to the CLEUD extensions being 'subservient' without any further consideration.

It should also be noted that the LPA's reference to a two storey rear extension should be clarified – none of the proposals include a full two storey extension. The first floor level extension is over the existing ground floor element of the dwelling.

The permitted development side extensions and porch permitted under 23/01569/CPD result in an increase in floor area of 52.00 sq.m. floor area, an increase in volume of 192.64 cu.m. and an increase in the width of the existing building from 6.94m to an overall width of 13.84m.

The previous application 23/00950/FUL (referred to Appeal) resulted in an increase in floor area of 57.46 sq.m. floor area, an increase in volume of 152 cu.m. and a reduction in the 13.84m width permitted under 23/01569/CPD to an overall width of 9.6m.

In comparison this proposal has reduced the previously proposed width of the rear extension and removed the porch (a total reduction of 6.7 sq.m.) thereby equating to this proposal providing an increase in floor area of 50.76 sq.m. (reduced from the previously proposed 57.46 sq.m. and less than that as permitted under 23/01569/CPD), a 139 cu.m. increase in volume (reduced from the previously proposed 152 cu.m. due to a reduction in the rear

extension roof ridge height) as well as a reduction in overall width, from 13.84m that could otherwise be achieved under 23/01569/CPD, down to 9.6m.

As such, this proposal represents 2% lesser floor area, 27.8% lesser volume and 30.6% lesser width than that permitted under 23/01569/CPD.

As is demonstrated above, by consideration of several factors, as opposed to just floor area, this proposal represents a net improvement to the openness of the Green Belt compared to the Applicant's fall back position as granted under 23/01569/CPD.

The Judgement made by Lord Justice Waller is of particular relevance, in the case of *Heath and Hampstead Society v Campden Borough Council*, [C1/2007/1041] attached, and in making reference to the 'Surrey Homes' Case, Lord Justice Waller states within paragraph 21 of his judgement:

But I entertain no doubt that the concept of whether the dwelling is 'materially larger' can be assessed by reference to matters such as bulk, height, mass and prominence.

These are all matters going to the openness of the Green Belt. They are plainly all material considerations relevant to deciding on the meaning of the term in the context in which it arises, namely Green Belt policy.

Indeed, were it otherwise, absurd results could arise. One could have equivalent or possibly even reduced floor space, but disposed within a tower-like structure, having far more impact on the Green Belt. It would give a strange result, in my judgment, if an inspector were debarred from concluding that the proposed structure harmed openness and was inappropriate development." (para 23-3)

As such, the following material considerations weigh in favour of the proposal:

- 1) A reduction in floor area compared to the floor area that could be constructed under the 23/01569/CPD permission should be afforded significant weight in favour of the proposal;

- 2) A more compact form of overall development compared to the side extension 'wings' that could be constructed under the 23/01569/CPD permission should be afforded significant weight in favour of the proposal;
- 3) A reduction in built form fronting the public highway/ visible from the public realm compared to the side extensions that could be constructed under the 23/01569/CPD should be afforded significant weight in favour of the proposal;
- 4) A reduction in the width of development facing the highway/public realm compared with the greater width that could be constructed under the 23/01569/CPD permission should be afforded significant weight in favour of the proposal;
- 5) A 27.8% reduction in overall built form/volume compared with the greater built form/volume that could be constructed under the 23/01569/CPD permission therefore having both a spatial and visual improvement to the openness of the Green Belt should be afforded significant weight in favour of the proposal;
- 6) The above calculations have excluded the previously proposed rear extension extending in total to 25.08 sq.m. and that the Applicant still maintains is permissible under the GPDO. The principal of this is subject to consideration as part of Appeal APP/T0355/D/23/3325825, due to the Council having incorrectly considered a side boundary to be a rear boundary. As such the opportunity for the Council to grant this proposal thereby bringing to an end the existing appeal (and costs application against them) and the risk of any additional 25.08 sq.m. being added to the applicant's current fall back position, which would have greater impact upon openness than is currently being proposed, should be afforded significant weight in favour of the proposal;
- 7) The main extent of built form of the proposal is over the existing single storey rear extension which is hidden from view from any public highways/public realm compared with that which could be constructed under the 23/01569/CPD permission hence has a considerably lesser visual impact upon openness which should be afforded significant weight in favour of the proposal;

- 8) The design of this proposal is far more complimentary and in character with the host dwelling and its setting compared with that which could be constructed, and would be in full view from the public realm, under the 23/01569/CPD and hence results in a benefit to character and appearance of both the dwelling and the locality of which this should be afforded significant weight in favour of the proposal;

- 9) It should be recognised that a proposal to demolish the existing dwelling, which extends to 204.94 sq.m. could be replaced with a 'not materially larger' dwelling which is generally considered to be up to a 30% increase in floor area, volume and height – This would result in a replacement dwelling that would have up to 30% increase in floor area, 30% increase in volume and up to 30% increase in height, far larger than what is being proposed under this proposal. Clearly, such an option is a realistic opportunity, as we note that an application has recently been submitted to replace the dwellinghouse immediately neighbouring Old Oak Cottage. Hence the very real option to replace the existing extent of built form with a replacement 'not materially larger' form of development, that would have a greater, but permissible, impact upon openness, is a valid fall back position of the applicant and this should be afforded significant weight in favour of the proposal.

As part of all of the above the Applicant will surrender their Class A permitted development rights.

As such the proposal will result in significantly lesser built form and a higher quality and more character appropriate form of development than that which could otherwise be achieved through the permitted application 23/23/01569/CPD which represents a very real fall back position for the applicant. For all of the reasons as set out above there are multiple considerations that should be afforded significant weight in favour of the proposal to demonstrate Very Special Circumstances to allow the proposal to be permitted.

DESIGN

In relation to the previous application's second reason for refusal, this proposal has amended the roof design in order that it has 1) a lower ridge height therefore increasing subserviency to the host dwelling, in addition to 2) incorporating a dual hipped roof structure to match the three existing dual hipped roof structures of the host dwelling.

This design has been prepared by Artichoke Architects, in particular by Chartered Architect Gabrio Pigo with over 24 years of experience. This lends considerable weight to the proposal being well designed and being complimentary to the host dwelling and far more complimentary to the host dwelling than the side extensions permitted under 23/23/01569/CPD.

FLOODING

As set out above the property is located within Flood Zones 2 and 3a of which specifically the proposal site is located within Flood Zone 2.

This application is submitted alongside a Flood Risk Assessment which confirms the application will not have a greater impact upon flood risk.

The previous application confirmed that no flood related issues existed.

ECOLOGY

This application is submitted alongside a Preliminary Ecological Appraisal which confirms there will be no impact upon protected species or habitats.

The previous application confirmed that no ecology issues existed.

ACCESS

The property benefits from an existing entrance and driveway off Sill Bridge Lane. The access will not be altered, nor will there be any increase in traffic as a result of the proposal.

The previous application confirmed that no highway related issues existed.

Should you require any further information please do not hesitate to contact me.

Yours faithfully

TOM MCARDLE BSc. Hons MRICS MNAEA
PIKE SMITH & KEMP RURAL