



Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: 8543

Email: t.rumble@woolfbond.co.uk

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Planning Services
Royal Borough of Windsor and Maidenhead Council
Town Hall
St Ives Road
Maidenhead
SL6 1RF

Dear Sir / Madam,

Gresham House, Fireball Hill, Ascot, SL5 9PJ

Erection of a single storey outbuilding with linking corridor to the main house with associated hard & soft landscaping

We refer to the above and write on behalf of our client in relation to a householder planning application for the proposed erection of a single storey outbuilding (for use as a home office/club room), together with linking corridor to the main house with associated hard and soft landscaping.

This report is structured as follows:

- 1: Site Context
- 2: Planning History & Relevant Case Law
- 3: The Proposal & Planning Policy Assessment
- 4: Conclusion

The necessary information required to be submitted in order to enable the Local Planning Authority to assess this application for planning permission is set out in this statement and in the supporting documents listed below:

- Architectural drawings
- Tree Survey and Report
- CIL Form
- This Planning Statement

1: Site Context

The site is located on the western side of Fireball Hill, to the west of the A330 south of Ascot and to the west of Sunningdale. The site is irregular in shape, and together with the neighbouring dwelling was constructed following planning permission

granted at appeal¹ for the replacement of one dwelling with two in 2014. The dwelling is now known as Gresham House and is sited centrally within its plot, with a conventional layout forming a driveway and garaging to the front and private amenity space to the rear.

The rear boundary is screened by mature trees, including some which are protected by a TPO. Beyond the site's far southern boundary lies the Green Belt. The surrounding area comprises a quiet suburban road of similarly large dwellings set back from the road within substantial plots and generally displaying a mixture of house styles and designs. The closest neighbouring property to the east on the shared boundary, Inyanga, is set further eastwards in its plot, such that the proposals will not have an overbearing impact upon the existing property.

The area of the site which is proposed to accommodate the extension is situated to the rear of the main living space, and is effectively at semi basement level, being within a sunken area of the garden. This lower ground floor level already accommodates various leisure uses within the house (swimming pool, sauna, gym and cinema room).

A satellite view of the application site is provided below and demonstrates the spacious and verdant character of the site and surrounding residential properties.



Aerial Image of the site (approximate boundary outlined in red, star identifying location of proposed extension) (Source: Google Maps)

The site is enclosed by high boundary hedging along the eastern and western boundaries, with groups of mature trees along the access drive and to the south. In addition, the nearest neighbour to the east has trees in their garden at the point of the proposed extension. As can be seen from the image above, the dwelling and garden area is well contained from public views achievable in the immediate vicinity of the site.

The below planning policy map extract shows that the application site is located within a settlement boundary on the adopted Royal Borough of Windsor and Maidenhead Local Plan (2013 – 2033), with no planning policy constraints.

¹ Appeal Ref: APP/T0355/A/14/2218756, Fireball, Fireball Hill, Ascot, Berkshire, SL5 9PJ, decision date 27th August 2014

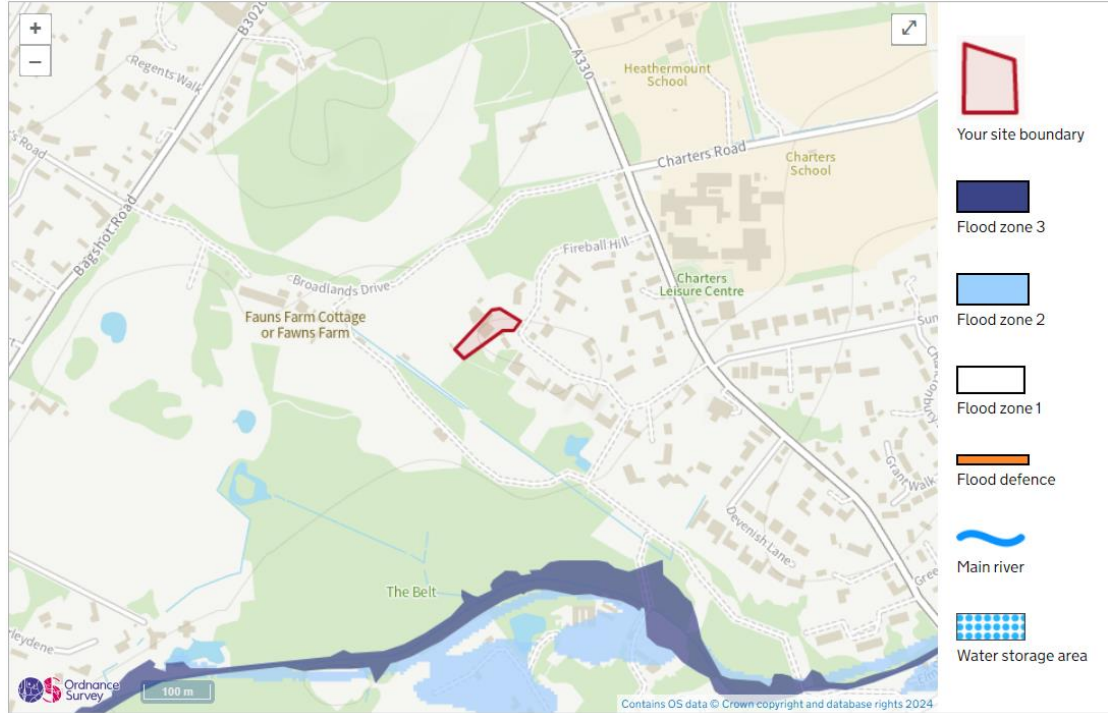


Extract from RBWM Online Proposals Map

The site is not constrained by listed buildings nor is it located within a Conservation Area. The site is not located within (but is adjacent to) the Green Belt.

A full understanding of the site’s existing layout can be ascertained from the Existing Block Plan which accompanies this submission.

Further, as evidenced by the below Environment Agency Flood Map, the site is entirely within flood zone 1. It is also identified as being at low risk for surface water flooding. There are therefore no flood risk constraints to the proposed development.



Extract from Environment Agency Flood Map

2: Planning History & Relevant Case Law

The site has been the subject to a number of previous applications. These are summarised below.

Application Ref	Proposal	Decision	Decision Date
90/01365/FULL	Two storey side extension at Fireball.	Granted	01/11/1990
13/03614/FULL	Two detached dwellings with basements, garages and roof accommodation following the demolition of existing dwelling and garage (Fireball). This was implemented to construct the two houses now known as Gresham House and Lancaster House.	Allowed at Appeal (2218756)	27/08/2014
14/03450/CONDIT	Details for conditions 3, 4ii, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 of planning permission 13/03614.	Approved	05/03/2015
19/00684/FULL	Erection of a hard surfaced sports court with perimeter fence (Gresham House). This has been implemented.	Granted	08/05/2019

Precedent for this type of application proposal has been established in the road, with a “*Single storey link extension between house and garages. Renewal of planning permission 10/00669*” at Altyn House (on the opposite side of Fireball Hill to the application site) being granted on 25th June 2018 (LPA Ref.: 18/01365/FULL) and implemented.

Importantly, the original planning permission granted at the site in 2014 (LPA Ref. 13/03614/FULL) for two dwellings (including the application subject dwelling) did not include a condition removing permitted development rights. In this regard, paragraph 46 of the Inspector’s appeal decision concluded:

“There also does not appear to be the particular justification necessary to warrant removal of Permitted Development Rights as suggested.”

As such, Class A (enlargement, improvement or alterations) and Class E (ancillary buildings) of the GPDO remain available to the applicant and the applicant benefits from full and unrestricted householder permitted development (‘PD’) rights. Development on the plot which could be constructed using these PD rights generates a relevant fallback position. In summary, a fallback position comprises an alternative course of action that may be taken if an original plan fails. The following points arise from the case law relating to this area:

- Whether there is a real prospect is matter of planning judgment but a ‘real prospect’ is one that is more than ‘**a mere legal or theoretical entitlement**’ (R (Ahern) Secretary of State for the Environment and Havering BC [1998] Env. L. R 189 at [196]);

- For a prospect to be a ‘real prospect’, it does not **‘need to be probable or likely: a possibility will suffice’** (Samuel Smith Old Brewery (Tadcaster) v SSCLG [2009] EWCA Civ 333 per Sullivan J at [21]); and
- A developer does not need to have **‘said precisely how he would make use of any permitted development rights available to him’** (Michael Mansell v Tonbridge and Malling BC [2017] EWCA 1314 at [27]). Where it was a **‘simple and obvious reality’** that the developer had the firm intention to redevelop a site in any event and to exercise permitted development rights to do so were planning permission refused, this is a consideration to which a local authority ought to have considered (see paragraphs [28] and [30] of Mansell).

In order to be a relevant material consideration, a suggested fallback position simply has to be beyond a **‘merely theoretical prospect’**. In respect of this proposal, the applicant could build an ancillary building (for use as a club room and study) under permitted development rights (class E). Further, they could build an up to 8 metre long single storey rear extension to the dwelling (subject to neighbour notification, class A). The fundamental parameters proposed within this submission (namely the linking corridor and outbuilding) could therefore be constructed separately using permitted development rights. It is the linking corridor between the two which necessitates planning permission to be sought.

The inclusion of an internal linking corridor will allow the applicant to make best use of the proposed additional accommodation, as the space created will then be comfortably accessible in all weather conditions. Further, it will enable a cohesive and well-designed new contemporary chapter in the dwelling’s evolution. However, and importantly, the ability to effectively construct the vast majority of the scheme using permitted development rights (with the exception of their formal link) acts as a real and realistic fallback position in this case. Consistent with the referenced case law, this fallback position must be accorded substantial weight as a material consideration accordingly.

3: The Proposal & Planning Policy Assessment

The scheme proposes the erection of a single storey rear extension at lower ground floor level. The dwelling as existing has 2 floors above ground (and rooms in the roof), and one below ground, although due to the different in site levels, the lower ground floor opens out onto the private garden area at the rear of the property. This is best demonstrated on the rear elevation drawings.



Extract from Proposed Rear Elevation (proposed extension outlined in red dashed line)

Planning Policy

The Borough Local Plan 2013 – 2033 was adopted in February 2022. It seeks to direct development to within settlement areas and adopts the presumption in favour of sustainable development in line with the NPPF. The Ascot, Sunninghill and Sunningdale Neighbourhood Plan (made in 2014) also forms part of the development plan in this area.

Detailed planning policy guidance for householder projects is set out in the Council's adopted Design Guide (June 2020). Chapter 10 sets out guidance on extensions. Of particular relevance to this application is Principle 10.4:

PRINCIPLE 10.4

1. Rear extensions should not materially erode neighbour amenities.
2. Proposals should be sympathetic and subservient to the design of the main building.
3. Eaves heights of single storey extensions should not exceed 3m within 2m of a side or rear boundary.

These principles (alongside others in the Design Guide) are considered in the analysis below.

Further to the adopted planning policy are the permitted development rights (that form a fallback position), set out in the General Permitted Development Order. Class E allows for:

E. The provision within the curtilage of the dwellinghouse of—
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure

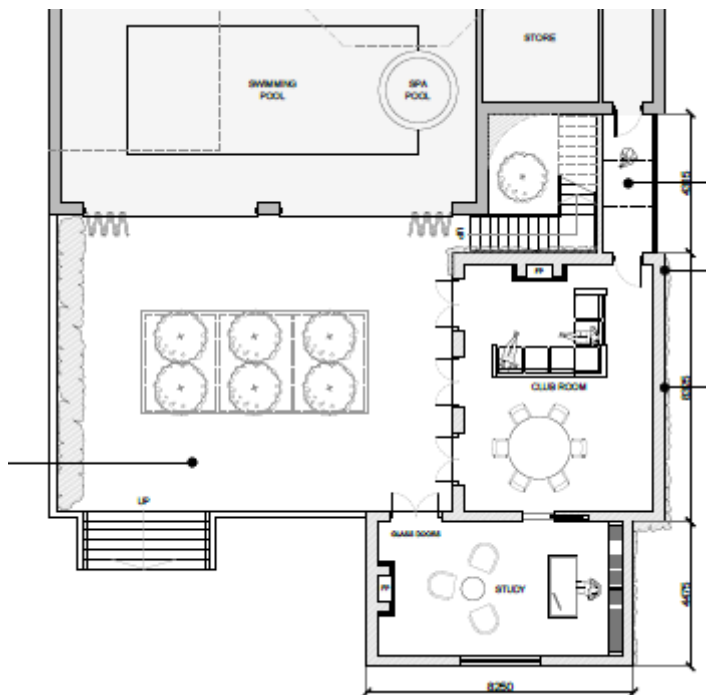
Further, Class A requires:

A. The enlargement, improvement or other alteration of a dwellinghouse.

The proposed extension building has been designed to broadly reflect the parameters allowed by class A and E PD rights.

Design / Character & Appearance

The proposed design approach is for a flat roofed extension in a contemporary design and that is of the same height as the existing lower ground floor level. The dwelling already has a full lower ground floor, accommodating a swimming pool, sauna, gym and cinema room as well as other supporting uses. An existing terrace provides outdoor space at ground floor level. Part of this application proposal includes the addition of steps down to the lower ground floor area, and large bi-folding doors to open out from the pool room onto a level patio space which would be used for sitting out. Adjacent to the external stairs would be a glass linking corridor, which would lead to the proposed club room and study. The new building has been designed as an elongated L shape, to extend to the end of the proposed lower ground floor terrace and wrap around the corner. This would enable an additional two sets of doors, from the new rooms to be sited to open out onto the lower terrace patio. The extension would be in part sunken into the ground to further ensure it remains wholly subservient to the main dwelling.



Extract from Proposed Lower Ground Floor Plan (new elements in white, existing house shaded grey)

The design has been carefully evolved to enable better use of the multi-levelled site. A minimum 3 metre buffer to the shared boundary has been maintained in order to protect privacy to the rear amenity of the neighbouring dwelling Inyanga, in line with Design Guide Principle 10.4 parts 1 and 3 (that require single storey extension eaves heights to not exceed 3 metres when within 2 metres of a side boundary).

The proposed extension has been designed to be clearly subservient to the house, and in an architectural style to match the existing dwelling. Materials will enable a new chapter in the design evolution of the property. These include the use of render and powder coated aluminium doors to match the existing building but then a green

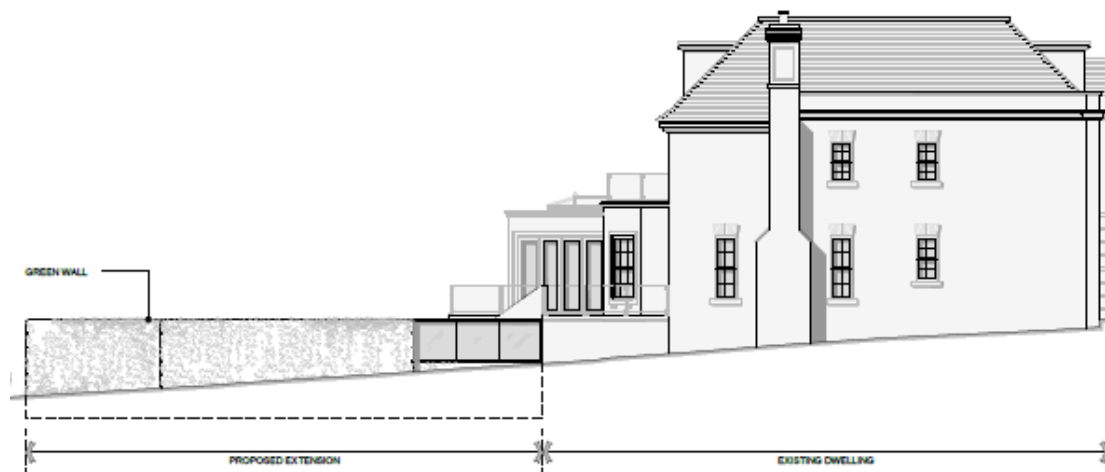
wall and roof so to encourage biodiversity enhancement through the proposals. The proposals will retain a high quality design, whilst adding some well designed articulation to the existing traditionally designed dwelling. The roofline will be at ground floor level and in turn will be visually unobtrusive from within and beyond the site. This complies with Principle 10.4 part 2.

The siting and extent of the proposed extension has taken into consideration the location of existing trees on site and has been designed to ensure that there will be no encroachment into root protection areas. As such, there is no negative impact upon trees arising from this proposal.

In assessing the most recent application at the property (for a hard surfaced sports court), the planning officer noted the following:

“Gresham House is a large detached property with a large rear garden located in the residential area of Sunningdale. Consideration should be given to the impact of the proposal on the character and appearance of the area. The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (requiring good design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.” (para. 4.1)

As illustrated in the submitted drawings, the proposed extension is subordinate to the main dwelling. With the main part of the proposal being located at lower ground level, very little change will be apparent from the front and side of the property. The retained dominance of the main dwelling is further reinforced by the inclusion of a flat roof to the extension. This ensures that the extension will further read as a small element of the overall dwellinghouse.



Extract from Proposed Side Elevation East Plan

The inclusion of a glass linking corridor will function in a number of ways. In practical terms it will keep occupants dry when moving between the main house and proposed extension/additional rooms. As a glass element, it will be transparent, and will serve in design terms to visually demonstrate where the original house ends and the extension begins. In terms of it being glass as opposed to an opaque material, this provides transparency, enables natural light to enter the building and reduces the visual bulk of the proposed extension on this side of the building. The glazed elements will be comfortably above a natural head height such that it will not result in any risk of overlooking towards the site’s neighbouring boundary.

This multi-functional element of the proposals serves to meet the requirements set out in paragraph 135, part (f) of the NPPF makes clear that planning decisions should ensure that developments provide a high standard of amenity for existing and future users. The proposal as designed would enable optimum use of the additional space, ensuring an improved standard of amenity. The club room will have an attractive west facing outlook towards the landscaped courtyard and the study will have north and south facing outlooks towards the courtyard and the rest of the dwelling's garden. The area retained for residential garden substantially exceeds the minimum standard of 70 square metres of outdoor amenity space for 4 plus bedroom dwellings and complies with Principle 8.4 of the Design Guide.

For the reasons detailed, the scheme responds to and respects the character and appearance of the area by proposing an extension which has been designed in keeping with the architectural style of the existing house, whilst being distinguished through its materials so that it reads honestly namely, an extension to the dwelling. The proposed extension is located at the lower ground floor level and will be minimally visible from all aspects save for from within the rear garden of the application property. The glass corridor to connect the proposed extension to the main house will provide a practical and visually unobtrusive element of the proposed development.

The scheme as presented also benefits from a realistic fall-back position under permitted development rights, were it not for the glass link corridor. This is a material consideration which should be taken into account by the decision maker when considering the application. Notwithstanding, the scheme complies with the Design Guide, Local Plan Policy QP 3 and Neighbourhood Plan Policy NP/DG3.

Parking Provision

Parking provision at the property remains unchanged.

Residential Amenity

The proposal has been sited 3 metres away from the neighbouring boundary and is circa 3 metres in height. This height is further mitigated by sinking the extension naturally into the contours of the site. The building's flank south east facing elevation does not include any windows and is finished in a green wall appropriate to the shared treed boundary. Further, the linked extension includes no glass below head height and is set yet further away from the shared boundary. Furthermore, the boundary is well vegetated with mature trees and landscaping on both sides of the property. It is anticipated that there will be minimal visual change, and no impact in terms of outlook and privacy for the neighbouring dwellings. This is further evidenced by the scheme broadly according with the type of outbuilding that could be approved under PD rights in any event.

Arboricultural Considerations

Care has been taken to avoid any root protection areas of existing trees, as demonstrated in the supporting Tree Report and accordingly no harm to existing trees arises.

Biodiversity Considerations

The scheme is not bound by the requirements of biodiversity net gain. However, it offers the opportunity for a substantive improvement in biodiversity quality on the site by virtue of the proposed green roof and wall. The planting to be included on these

parts of the scheme can be native and of a high biodiversity value so to ensure an overall improvement in the site's biodiversity contribution can be achieved consistent with Local Plan Policy Q P2.

4: Conclusion

The proposed development for a single storey rear extension with glass linking corridor is a highly appropriate form of development in this location within the settlement boundary and as such can be supported by the Council.

In summary, the proposal has an appropriate impact upon the local area and its character is entirely preserved through the proposals.

The scheme represents a well-designed, high-quality proposal in a sustainable location. There is policy support, both in the NPPF and the development plan for development which is in keeping with the character and that makes a positive contribution to its locality. The scheme responds appropriately to the characteristics and topography of the site. Permitted development rights offer a realistic fallback position which also represent a material consideration in the deliberation of this application.

As has been set out in this Planning Statement and supporting plans and documents, the proposed development has taken into consideration all relevant matters in terms of design, layout, access, parking, amenity space and trees. The proposals have been demonstrated to accord with the relevant Local Plan Policies as well as all relevant supporting guidance. As such, the scheme can be supported by the Council as one that complies with the development plan.

Yours faithfully

Woolf Bond Planning LLP

Woolf Bond Planning LLP
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