

# Notice of Meeting

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## Western Area Planning Committee Wednesday 3 February, 2021 at 6.30pm Update Report

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148  
Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 26 January 2021



**Agenda - Western Area Planning Committee to be held on Wednesday, 3 February 2021**  
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
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# Agenda

## Part I

**Page No.**

- |  |                |
|--|----------------|
| <p>(1) <b>Application No. and Parish: 20/01914/FUL, Tree Tops, Hampstead Norreys</b></p> <p><b>Proposal:</b> Two-storey front and side extension over basement to create granny annexe and carers room. Change of use of associated land to provide two additional ancillary parking spaces.</p> <p><b>Location:</b> Tree Tops, Hampstead Norreys, Thatcham, RG18 0TE</p> <p><b>Applicant:</b> Mrs &amp; Mr Humphreys</p> <p><b>Recommendation:</b> To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions'</p>        | <p>5 - 20</p>  |
| <p>(2) <b>Application No. and Parish: 20/02630/HOUSE, Gallants View, Lower Green, Inkpen</b></p> <p><b>Proposal:</b> Revised proposals for replacement entrance porch, internal alterations and extension to accommodate relocated kitchen with dining area with additional bedroom and family bathroom</p> <p><b>Location:</b> Gallants View, Lower Green, Inkpen, RG17 9DW</p> <p><b>Applicant:</b> Mr E and Mrs R Bennett</p> <p><b>Recommendation:</b> To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions'</p> | <p>21 - 22</p> |

## Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.



**West Berkshire**  
C O U N C I L

**Agenda - Western Area Planning Committee to be held on Wednesday, 3 February 2021**  
(continued)

- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke  
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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**WESTERN AREA PLANNING COMMITTEE  
DATED 03 FEBRUARY 2021**

**UPDATE REPORT**

This report sets out the running order for tonight's Committee meeting. It indicates the order in which the applications will be heard, the officer presenting and anyone who has made written submissions either in favour or against the application.

Any additional information that has been received since the main agenda was printed will be contained in this report. It may for instance make reference to further letters of support or objection. This report must therefore be read in conjunction with the main agenda [and the written submissions pack](#).

The report is divided into four main parts:

- Part 1 - relates to items not being considered at the meeting,
- Part 2 - any applications that have been deferred for a site visit,
- Part 3 - applications where members of the public have made written submissions,
- Part 4 - applications that have not attracted written submissions.

<b>Part 1</b>	N/A
<b>Part 2</b>	N/A
<b>Part 3</b>	Item (2) 20/02630/HOUSE - Gallants View, Lower Green, Inkpen Pages 101-126
<b>Part 4</b>	Item (1) 20/01914/FUL - Tree Tops, Forge Hill, Hampstead Norreys Pages 63-100

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**WESTERN AREA PLANNING COMMITTEE**  
**3<sup>RD</sup> FEBRUARY 2021**

**UPDATE REPORT**

**Item No:** (1)      **Application No:** 20/01914/FUL      **Page No.** 63-100

**Site:** Tree Tops, Forge Hill, Hampstead Norreys

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**Planning Officer Presenting:** Mr Simon Till

**Member Presenting:** N/A

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**Written submissions**

**Parish Council:** N/A

**Objector(s):** N/A

**Supporter(s):** N/A

**Applicant/Agent:** N/A

**Ward Member(s) speaking:** Councillor Carolyne Culver

**1. Additional Consultation Responses**

None received.

**2. Site history**

The appeal decision granting permission for the replacement dwelling in 2008 (reference 07/00248/FUL) is attached.

**3. Updated Recommendation**

The recommendation remains as set out in the agenda committee report, subject to the following amended conditions. The paragraphs below beginning with 'a pre-commencement' had been swapped in error, with tree protection being required to be agreed before any work on site including clearance. The function and content of the conditions below is otherwise unchanged.

10	<b>Tree protection scheme</b>
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	<p>No development (including site clearance and any other preparatory works) shall commence on site until an Arboricultural Survey and Impact Assessment in addition to a scheme for the protection of trees to be retained is submitted to, and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
11	<p><b>Arboricultural Method Statement</b></p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18, and CS19 of the West Berkshire Core Strategy 2006-2026.</p> <p>A pre-commencement condition is required as insufficient details of arboricultural methodology have been provided with the application and in order to ensure that all arboricultural works are carried out in an appropriate manner that does not result in undue impacts to trees and shrubs to be retained through the course of development.</p>





# Appeal Decisions

Hearing held on 29 May 2008

Site visit made on 29 May 2008

by **Alan Woolnough BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
19 June 2008

## Appeal A: APP/W0340/C/07/2062248

### Tree Tops, Forge Hill, Hampstead Norreys, Berkshire RG18 0TE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P Humphreys against an enforcement notice issued by West Berkshire District Council.
- The Council's reference is 06/00591.
- The notice was issued on 19 November 2007.
- The breach of planning control as alleged in the notice is: 'The carrying out of building operations on the land namely the erection of a new dwelling'.
- The requirements of the notice are:  
EITHER
  - (i) Demolish the new dwelling including all associated footings, foundations and timber decking.
  - (ii) Remove from the land all debris and materials arising from the demolition of the dwelling and associated footings, foundations and timber decking.OR
  - (iii) Carry out such works as may be necessary to ensure that the new dwelling is constructed strictly in accordance with approved Drawing Number 2039/1 dated the 19<sup>th</sup> October 2000 submitted with Application Number 157550.
  - (iv) Remove from the land all debris and materials arising from compliance with requirement (iii).
  - (v) Retain the existing car parking facility shown edged blue on the attached plan and keep it available for residential parking associated with the property known as Tree Tops.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed, the enforcement notice is corrected and quashed and planning permission is granted subject to conditions set out below in the formal decision.**

## Appeal B: APP/W0340/A/07/2056707

### Tree Tops, Forge Hill, Hampstead Norreys, Berkshire RG18 0TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs S A Humphreys against the decision of West Berkshire District Council.
- The application ref no 07/00248/FUL, dated 1 February 2007, was refused by notice dated 5 April 2007.
- The development is described in the planning application form as: 'Replacement dwelling (retrospective) in place of approved extended bungalow'.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out below in the formal decision.**

## **Procedural matters**

1. Following the Hearing, I sought further written representations from the main parties regarding a condition that might be attached to a grant of planning permission in the event that I allowed one or both of the appeals. Representations were received from both the Council and the Appellants and I have taken these into account in reaching my decision.
2. At the Hearing, it was agreed by the main parties that, in the event that Appeal B is allowed, and notwithstanding the description used on the planning application form, the development so permitted would best be described as 'the erection of a replacement dwelling'. It was further agreed that, for the sake of consistency, the alleged breach of planning control set out at section 3 of the enforcement notice should be corrected to read: 'Without planning permission, the carrying out of building operations on the land, namely the erection of a replacement dwelling'. There is no injustice to any party in making this correction.
3. Observations made on site together with measurements agreed between the main parties confirm that any variation between the size and position of the footprint of the original dwelling (now demolished) and the replacement scheme the subject of Appeal B, as depicted in drawing no 2639/1A, is marginal. They further demonstrate that differences in this regard between drawing no 2639/1A and the development as built are also immaterial. Nor am I aware of any significant discrepancies between the elevations and floor plans of the former, despite the concerns of some of those present at the Hearing.
4. Elevational departures from the Appeal B drawing are apparent in the completed development. However, I find that most of these, including variations in the design and proportions of certain ground floor windows, the positions of rooflights in the north-west and south-east facing roof slopes of the forward-projecting gable and a roof overhang at the south-western corner of the building, to be of little or no consequence. They are not therefore significant material considerations in determining the appeals.
5. The only discrepancy between plan and construction that merits particular attention concerns the depth of projection of the elevated terrace towards the property's south-western boundary. As built, this extends more than 1.5 metres further in this direction than shown on the drawing. Consequently, the maximum vertical span of the supporting structure beneath it is also greater than the drawing implies, as the land falls away steeply to the south-west. I shall take this difference into account when considering the main issues set out below.

## **The appeal on ground (a) and the section 78 appeal**

### ***Main issues***

6. The main issues in determining these appeals are the effect of the development on:
  - the character and appearance of the Hampstead Norreys Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB), within both of which designations the appeal site lies;

- the living conditions of neighbouring residents, with particular regard to privacy and noise; and
- highway safety, with particular regard to off-street parking provision.

### ***Planning policy***

7. The Development Plan includes the Berkshire Structure Plan 2001-2016 (SP), adopted in July 2005, and the West Berkshire District Local Plan 1991-2006 (LP), adopted in 2002. All the policies of the latter relevant to these appeals have been saved following a Direction issued by the Secretary of State under Paragraph 1(3) of Schedule 8 to the Planning and Compensation Act 2004, dated 24 September 2007, and thus continue to have effect.
8. SP Policy EN1 gives priority to the conservation of the natural beauty of the landscape in AONBs, whilst LP Policy ENV1 seeks to conserve and enhance the special features and diversity of different 'landscape character areas', reflecting the national aims of Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*. SP Policy EN4 and LP Policy ENV33 give effect to the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, in general accordance with national guidance in Planning Policy Guidance (PPG) Note 15: *Planning and the Historic Environment*.
9. SP Policy DP8 and LP Policies HSG1 and OVS2 seek preservation or enhancement of the environment generally, including in terms of visual impact, amenity and highway standards, in broad accordance with government policy in PPS1: *Delivering Sustainable Development* and PPS3: *Housing*. LP Policy TRANS1 records that levels of parking provision will depend on availability of alternative modes of transport, having regard to the Council's maximum parking standards, in line with national advice in PPG13: *Transport*.

### ***Reasoning***

#### *The fallback position*

10. On 22 November 2000 the Council granted planning permission for extensive works to the original bungalow on the appeal site, known as High View (ref no 157550). The description of the development thus approved is: 'Convert single storey bungalow with a loft conversion and brick walls on outside'. Drawing no 2039/1 dated 19 October 2000 depicts the approved scheme. This planning permission was never implemented and expired in November 2005. Instead, the original bungalow was demolished and replaced with the two storey dwelling now the subject of Appeal A, known as Tree Tops.
11. This is of very similar siting, footprint and ridge height to the approved conversion and shares many of its elevational features, including a large projecting gable and two dormer windows facing south-westwards. However, significant features that were not previously approved include two gabled dormers and a large chimney on the north-east facing elevation, a straight rather than hipped apex to the projecting gable, a more solid structure treatment to the north-western end of the building with a bulkier roof profile, a

smaller hip at the south-eastern end and a considerably deeper and longer elevated terrace.

12. The weight attached to an expired planning permission in determining an appeal relating the same site would usually be tempered significantly by the simple fact that it could not be implemented as an alternative unless a further permission was first obtained. It would not therefore amount to a fallback position. However, in this case, the Council has presented the Appellants with a very substantial fallback position that they would not otherwise have enjoyed.
13. The enforcement notice has been worded such that one of the options open to the Appellants should Appeal A be dismissed, as set out in requirements (iii) to (v), is to alter the dwelling as built so as to resemble the scheme approved in November 2000. Although these requirements do not fully comply with the 1990 Act, I am empowered to vary them to secure compliance in the event that I uphold the notice, as discussed at the Hearing. However, I am unable to delete this option completely, as to do so would be unjust to the Appellants and leave them in a more onerous position than had they not appealed.
14. The fact that, should I dismiss these appeals, the Appellants could in any event retain a three bedroom dwelling on the site which fully resembles that approved in 2000 and benefits from only one off-street parking space is a very significant material consideration. It is highly likely that, in such circumstances, they would pursue this option rather than demolish the existing building altogether in compliance with requirements (i) and (ii). This being so, assessing the redevelopment afresh in its entirety as suggested by the Council and others would be a fruitless exercise, despite the fact that it is new build rather than a conversion.
15. I shall therefore confine my reasoning to consideration of the differences between the 2000 approval and the current appeal schemes insofar as they are relevant to the main issues, and determine whether these alone give grounds for dismissal. These differences were agreed at the Hearing between the main parties and I shall take all of them into account.

#### *Character and appearance*

16. This part of the conservation area is characterised by particularly steep topography, such that there is considerable variation in the levels at which dwellings are set. Even so, Tree Tops is still the most prominent property in the vicinity of the appeal site by reason of its elevated hillside position. It draws the eye in views from the conservation area and is clearly visible at distance from the far side of the village. Photographic evidence suggests that its predecessor, High View, was less evident in the local townscape due to its lower ridge height, despite its white painted finish.
17. Traditional designs and materials predominate in the locality. Nevertheless, a wide range of different architectural styles are to be found. Whilst I note the Council's criticisms of the elevational treatment of the existing building, and notwithstanding the conservation officer's contrary view, I find nothing unacceptable in terms of form, materials or detailing, bearing in mind what was previously approved. Glazing within the building is not, in my opinion,

- excessive. Nor do I find the elevated terrace visually offensive or inappropriate for a steep hillside setting, irrespective of its extent.
18. The supporting structure below the terrace as built is more prominent in views from within the conservation area than would be the case with the Appeal B scheme or the Appellants' fallback position, and I am aware that screen landscaping must be less effective during the winter months. However, whilst this part of the development is clearly visible from the village, it does not strike me as excessively dominant or otherwise offensive. I therefore find that neither of the appeal schemes has implications for the character or appearance of the conservation area significantly more harmful than those of the development facilitated by the enforcement notice.
19. The building is also clearly visible from public rights of way which traverse the open countryside of the AONB. However, these views are either over such a distance that the detail of the building is not readily discernable, or confined to relatively close quarters along the footpath that extends north-eastward from the appeal site. In the latter, the additional bulk of the dwelling over and above that of the approved scheme, including the two north-eastward facing dormers and the chimney, reads for the most part against the backdrop of the main roof slope and in tandem with the built development of the village beyond.
20. None of these features are inappropriate in their detailing or proportions. Moreover, given the context in which they are seen, they are harmful neither to views into the conservation area or views across the open landscape of the AONB. I note that Hampstead Norreys lacks streetlights and do not doubt that, after dark, the lights of Tree Tops must be clearly and widely visible. However, the lights of other properties will be similarly prominent and I do not consider that any additional illumination arising from the differences between the appeal schemes and the fallback position is so significant as to give grounds for dismissal.
21. I conclude that the appeal schemes, irrespective of whether their components are considered individually or cumulatively, preserve the character and appearance of the Hampstead Norreys Conservation Area to a similar degree to that associated with the development enabled by the enforcement notice. I further conclude that, within the same parameters, the landscape quality of the North Wessex Downs AONB is not adversely affected by these differences. Accordingly, I find no significant conflict with the objectives of SP Policies DP8, EN1 or EN4, LP Policies ENV1, ENV33, HSG1 or OVS2 or national guidance in PPS1, PPS3, PPS7 or PPG15 insofar as these are relevant to this issue.

*Living conditions*

22. The south-westward facing ground and first floor windows of the dwelling as built provide views towards a landing window in the rear elevation of The Gables, over the sitting out area at the front of The Gables and into part of the garden of Folly Hill Cottage. However, although some of the existing first floor windows are larger than approved, their cill heights are the same. Nor are differences in the extent of ground floor glazing so marked as to lead to significantly greater overlooking.

23. Views from the windows in the completed development are no more invasive for any neighbouring residents than those that would be obtainable from the windows approved in 2000. In fact, some of the latter would cause considerably greater loss of privacy to the occupiers of Folly Hill Cottage than is currently the case. Windows in the north east elevation look towards the countryside and have no implications for the amenities of those living nearby. My only concern in this regard is the elevated terrace on the south-western side of the dwelling, which is considerably longer and wider than approved.
24. I find it improbable that the use of this terrace, despite its height above neighbouring properties and greater area, results in significant noise disturbance over and above that likely to be associated with the fallback position. Nor does its south-westward projection facilitate overlooking above and beyond what would stem from the fallback position to an unacceptable degree, irrespective of whether the high hedge on the boundary of Tree Tops and Folly Hill Cottage is retained. A limited degree of intervisibility between properties in a residential area such as this is not unreasonable, provided a significant element of privacy continues to be safeguarded. It follows that the lesser projection depicted in the Appeal B drawings is also acceptable.
25. However, I note that the section of terrace that currently projects south-eastwards beyond the south-western corner of the dwelling and the steps to the garden that adjoin it to provide clear and significant views into the otherwise secluded front garden of Folly Hill Cottage. A reduction in depth alone of this section to correspond with the Appeal B drawing would not be sufficient to overcome this concern. For this reason, any grant of planning permission pursuant to either of these appeals should be subject to a condition requiring an appropriate reduction in the length of the terrace and the relocation of the steps.
26. I give little credence to arguments concerning perceived, as opposed to actual, overlooking. Such perceptions are inevitably very subjective and this tempers the weight they carry. I therefore find that, subject to a reduction in the length of the terrace, neither appeal scheme impacts unacceptably on the living conditions of neighbouring residents over and above what would arise from the Appellants' fallback scheme. Accordingly, I find no significant conflict with the relevant objectives of LP Policy HSG1 or national guidance in PPS1.

#### *Highway safety*

27. Tree Tops has only one approved off-street car parking space. This takes the form of a single domestic garage set back and accessed from Forge Hill, between The Gables and Forge Cottage. Car parking standards set out in Appendix 5 to the UDP specify maximum parking provision for dwellings as 'an average of 1.5 spaces/dwelling across the District'. It is difficult to see how compliance with such a broad-based standard can be effectively monitored. However, I note that it is the highway authority's normal practice to recommend two spaces for new three bedroom dwellings, albeit that it did not do so in the case of the Appeal B application.
28. The Council contends that the unsustainable location of the appeal site is such that two spaces should be provided in this case, and that failure to do so results in the displacement of vehicles onto the public highway to the detriment

of road safety. Indeed, at the Hearing it went so far as to suggest that a residential redevelopment such as this offers a legitimate opportunity to increase on-site parking provision or, alternatively, to resist a scheme that provides less than two spaces. I agree that more parking facilities away from the road would be desirable in highway safety terms, not least as the Appellants own more than one vehicle. However, the Council's argument disregards the consequences of the fallback position.

29. This allows the Appellants to retain a three bedroom dwelling on the site, as approved in 2000, with only one off-street car parking space. Given that the highway authority's parking requirement for the approved scheme is exactly the same as for the appeal schemes, there is no reason to believe that the present situation creates greater parking pressures on the main road and thus greater detriment to highway safety than would compliance with the enforcement notice. Increased on-site parking provision cannot be insisted upon in such circumstances and a departure from LP Policies OVS2 and TRANS1 and national advice in PPG13 is therefore justified.

### ***Other matters***

30. I have taken into account all the other matters raised. SP Policy DP5 relates only to urban and suburban areas and SP Policy EN2 to the protection of agricultural land. Consequently, although both are cited by the Council, neither is a significant material consideration. Any continuing obstruction or diversion of the adjacent public right of way is clearly not a direct consequence of the appeal development and does not therefore influence my decisions.
31. Concerns relating to the access track, associated parking area and extended rear curtilage are being pursued separately by the Council and are not before me to consider. Any views expressed by various objectors relating to the positioning of the dwelling's main entrance in the north-east elevation are more pertinent to these separate proceedings rather than the current appeals.
32. Therefore neither these nor any of the other matters raised are of such significance as to outweigh the considerations that have led to my conclusions on the main issues. Accordingly, both the appeal on ground (a) and the section 78 appeal succeed.

### ***Conditions***

33. I have considered the conditions suggested by the main parties and discussed at the Hearing, having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. In some cases I have edited the suggested wording to reflect that advice. The following applies to both appeals unless otherwise indicated.
34. The removal of permitted development rights for alterations and extensions to the dwelling and for the erection of buildings and structures within its curtilage is appropriate in the interests of visual and residential amenity. Moreover, the retention of the existing garage space for vehicle parking associated with the residential occupation of Tree Tops is justified in highway safety terms, although the suggested preclusion of commercial uses within the garage is unnecessary.

35. However, I see no planning merit in a condition to secure fencing along the appeal site's north-eastern boundary. The sole reason put forward for this is to ensure containment of the site. Whilst I appreciate that the Council is concerned about what it regards as unauthorised encroachment of the garden of Tree Tops onto agricultural land, this is a matter more properly monitored and resolved by a separate planning enforcement process. In any event, a means of enclosure would not in itself effectively secure the Council's objective. Painting the decorative timbers applied to the elevation facing the village would not, in my opinion, be aesthetically desirable.
36. A condition seeking alteration of the dwelling to the form approved in 2000 would clearly be unreasonable, given that the enforcement notice would be quashed if the appeals were allowed. The prior approval of materials and restriction of construction times are both unnecessary where the development in question has already taken place. However, as I have already explained, a reduction in the length of the elevated terrace is essential to safeguard the privacy of neighbouring residents. I specifically sought the views of the main parties on such a condition.
37. As I do not find the terrace as built unacceptable in visual terms, this does not form part of the reason for the condition. I am also satisfied that the wording is sufficiently precise to provide a clear indication of what is required. A change in the height of the terrace as well as its length is unnecessary for reasons of either amenity or visual impact and need not therefore be referred to.
38. The requirement to meet the terms of the condition within six months reflects the period for compliance specified in the enforcement notice. Other timings reflect the process associated with any appeal against a possible failure by the Council to approve a submission pursuant to it. Moreover, the wording of the condition is carefully chosen so as not to impose any requirement on the Appellants that is outside their control. The condition is appropriate for both permissions. However, in the context of Appeal B it must necessarily require changes to the depth of the terrace as well as its length in order to comply with the drawing that must form the basis for my decision in that case.

### **Conclusions**

39. For the reasons given above I conclude that Appeal A should succeed on ground (a). I will therefore correct and quash the enforcement notice and grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. In these circumstances, there is no need for the appeals on grounds (f) and (g) to be considered. I further conclude that Appeal B should be allowed and planning permission granted on the application it relates to.

### **Formal decisions**

#### **Appeal A: APP/W0340/C/07/2062248**

40. I direct that the enforcement notice be corrected by the replacement of the wording of section 3 in its entirety with the words: 'Without planning



permission, the carrying out of building operations on the land, namely the erection of a replacement dwelling’.

41. Subject to this correction, I allow the appeal and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a replacement dwelling at Tree Tops, Forge Hill, Hampstead Norreys, Berkshire RG18 0TE, subject to the following conditions:
- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alterations or extensions shall be made to the dwelling and no outbuildings or structures shall be erected within its curtilage.
  - 2) The existing garage associated with Tree Tops, located between The Gables and Forge Cottage, shall be retained and made available at all times for vehicle parking associated with the residential occupation of Tree Tops.
  - 3) Such works as may be necessary to ensure that the existing dwelling is altered so as to accord with the terms (including conditions and limitations) of planning permission No 157550 dated 22 November 2000, insofar as these are capable of taking effect, including drawing no 2039/1 dated 19 October 2000, shall be carried out within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below: -
    - (i) Within 2 months of the date of this decision, details in drawing form of a scheme for the reduction in length of the elevated terrace on the south-western side of the existing dwelling shall have been submitted for the written approval of the local planning authority, together with a timetable for the implementation of the said scheme. The scheme shall provide for the removal of that section of the terrace that projects south-eastwards beyond the south-western corner of the dwelling (containing the living room as depicted on drawing no 2639/1A) and for the relocation further to the north-west of the associated steps.
    - (ii) Within 10 months of the date of this decision the details and timetable shall have been approved by the local planning authority or, if the local planning authority refuses to approve the details and timetable or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
    - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted details and timetable shall have been approved by the Secretary of State.
    - (iv) The approved details shall have been implemented in full in accordance with the approved timetable.

**Appeal B: APP/W0340/A/07/2056707**

42. I allow the appeal, and grant planning permission for the erection of a replacement dwelling at Tree Tops, Forge Hill, Hampstead Norreys, Berkshire

RG18 OTE, in accordance with the terms of the application no 07/00248/FUL dated 1 February 2007 and the plans submitted with it, subject to the following conditions:

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alterations or extensions shall be made to the dwelling and no outbuildings or structures shall be erected within its curtilage.
- 2) The existing garage associated with Tree Tops, located between The Gables and Forge Cottage, shall be retained and made available at all times for vehicle parking associated with the residential occupation of Tree Tops.
- 3) Such works as may be necessary to ensure that the existing dwelling is altered so as to accord with the terms (including conditions and limitations) of planning permission No 157550 dated 22 November 2000, insofar as these are capable of taking effect, including drawing no 2039/1 dated 19 October 2000, shall be carried out within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) Within 2 months of the date of this decision, details in drawing form of a scheme for the reduction in the length and depth of the elevated terrace on the south-western side of the existing dwelling and the relocation of the associated steps so as to comply with approved drawing no 2639/1A shall have been submitted for the written approval of the local planning authority, together with a timetable for the implementation of the said scheme.
  - (ii) Within 10 months of the date of this decision the details and timetable shall have been approved by the local planning authority or, if the local planning authority refuses to approve the details and timetable or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted details and timetable shall have been approved by the Secretary of State.
  - (iv) The approved details shall have been implemented in full in accordance with the approved timetable.

*Alan Woolnough*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANTS:

Mr C Strang BSc(Hons) MRTPI	Christopher Strang Associates, 36 Donnington Square, Newbury, Berkshire RG14 1PP
Mr P Humphreys	Tree Tops, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE
Mrs S A Humphreys	Tree Tops, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE

### FOR THE LOCAL PLANNING AUTHORITY:

Ms S C Atkins DipTP MRTPI	Bell Cornwell Partnership, Oakview House, Station Road, Hook, Hampshire RG27 4TP
Mr R Beech	Principal Planning Enforcement Officer, West Berkshire District Council
Mr C Easton	WSP, Mountbatten House, Basing View, Basingstoke, Hampshire RG21 4HJ
Councillor Ms B Alexander	Ward Councillor, West Berkshire District Council
Mr G Rayner	Planning Team Leader, West Berkshire District Council
Mr M Butler	Principal Planning Officer, West Berkshire District Council

### INTERESTED PERSONS:

Mr G Greenham	Hampstead Norreys Parish Council, Vine House, Yattenden Road, Hampstead Norreys, Berkshire RG18 OTF
Mr I Harry	Chairman, Hampstead Norreys Parish Council, 15 The Close, Hampstead Norreys, Berkshire RG18 ORY
Mr P Laver	The Gables, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE
Mr C Layton	The Well House, Hampstead Norreys, Berkshire RG18 OTB
Mrs K Layton	The Well House, Hampstead Norreys, Berkshire RG18 OTB
Mrs A Oliver	Gate Cottage, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE
Mr R Oliver	Gate Cottage, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE
Mr K Scully	Folly Hill Cottage, Forge Hill, Hampstead Norreys, Berkshire RG18 OTE

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Schedule of saved policies in the West Berkshire District Local Plan 1991-2006, supplied by the Council
- 2 Consultation responses from Rights of Way Officer, dated 19 December 2006 and 21 March 2007, submitted by the Appellants
- 3 List of suggested conditions, submitted by the Council

## **PLANS**

- A Plan attached to the enforcement notice
- B.1 to B.5 Application plans comprising location plans at 1:1250 and 1:500 scale, annotated version of drawing 2039/1 and drawings 2639/1A and T07/0015/P/0001
- C.1 & C.2 Options A2 & B2, depicting alternative requirements, submitted by the Appellants prior to the Hearing
- D.1 to D.3 Options A1, B1 & C, depicting alternative requirements, submitted by the Appellants prior to the Hearing but superseded by Options A2 & B2

## **PHOTOGRAPHS SUBMITTED AT THE HEARING**

- A.1 & A.2 Photographs of High View, submitted by the Appellants
- B Photograph of the appeal development, submitted by Mr Harry

## WESTERN AREA PLANNING COMMITTEE 3<sup>RD</sup> FEBRUARY 2021

### UPDATE REPORT

<b>Item No:</b>	(2)	<b>Application No:</b>	20/02630/HOUSE	<b>Page No.</b>	101-126
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**Site:** Gallants View, Lower Green, Inkpen, RG17 9DW

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**Planning Officer Presenting:** Simon Till

**Member Presenting:** N/A

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#### Written submissions:

**Parish Council:** N/A

**Objector(s):** Sam Peacock on behalf of residents of Hollytree Cottage

**Supporter(s):** N/A

**Applicant/Agent:** Mr and Mrs Bennett, The Applicant

**Ward Member(s) speaking:** Councillor Dennis Benneyworth  
Councillor Claire Rowles  
Councillor James Cole

#### 1. Additional Consultation Responses

<b>Public representations:</b>	An additional letters of objection and an additional letter of support have been received.
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#### 2. Additional Objection

In the main the additional objection states a differing position to the view taken and assessment made in the Case Officer Committee report. As this is a difference of opinion and interpretation of policy it does not require any additional assessment or repetition of existing arguments. However, paragraph 1.15 of the additional objection letter makes reference to a recent application for extensions submitted for the dwelling at Hollytree Cottage. The application at Hollytree Cottage is not a material consideration of any weight in the consideration of this application at Gallants View as it remains pending consideration. The Case Officer assessment in terms of the impact of the extensions proposed at Gallants View on the

neighbouring property at Hollytree Cottage, set out in paragraph 6.5, are therefore made on the basis of the existing relationship and not any future one.

### **3. Additional Support**

In response to the comments made in the additional support letter, the representations received and Parish Council comments have been given due weight and consideration. In this instance, on balance, having taken into account the relevant policy considerations and material considerations referred to in the Officer Committee report, it is considered that the development is acceptable subject to relevant planning conditions.

### **4. CIL calculation**

Paragraph 3.3 of the Committee report (p.103) makes reference to CIL. The floor area chargeable under the CIL is not a material planning consideration, and would be reviewed under a separate process.

### **5. Updated Recommendation**

The recommendation remains as set out in the agenda committee report.