

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 11th March 2020 at 6.30pm At the Calcot Centre, Highview (off Royal Avenue), Calcot

### 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.

Date of despatch of Agenda: Tuesday, 3 March 2020

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

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: [planapps@westberks.gov.uk](mailto:planapps@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)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 11 March 2020**  
*(continued)*

Any queries relating to the Committee should be directed to Jessica Bailiss on (01635) 503124  
Email: [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk)

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 11 March 2020**  
(continued)

- To:** Councillors Jeremy Cottam, Alan Law (Chairman), Royce Longton (Vice-Chairman), Ross Mackinnon, Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart and Andrew Williamson
- Substitutes:** Councillors Graham Bridgman, Gareth Hurley, Owen Jeffery, Nassar Kessell, Tony Linden and Keith Woodhams
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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 7 - 18  
To approve as a correct record the Minutes of the meeting of this Committee held on 19<sup>th</sup> February 2020.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
  - (1) **Application No. & Parish: 19/02333/FULD - Three Cliffs, Bere Court Road, Pangbourne, Reading, Berkshire** 19 - 42  
**Proposal:** Retention of existing house, demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and double garage. New double garage outbuilding for the existing house and associated works to the driveway.  
  
**Location:** Three Cliffs, Bere Court Road, Pangbourne, Reading, Berkshire, RG8 8JY  
  
**Applicant:** Mr Geoff Finch  
  
**Recommendation:** The Head of Development and Planning be authorised to GRANT planning permission.



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(continued)

- (2) **Application No. & Parish: 19/02947/FULD - Maple Corner, Maple Lane, Upper Basildon, Reading** 43 - 60
- Proposal:** New 4 bed dwelling to the side garden of Maple Corner including new access, hardstanding and landscaping.
- Location:** Maple Corner, Maple Lane, Upper Basildon, Reading, RG8 8PF
- Applicant:** Colony Architects Ltd
- Recommendation:** The Head of Development and Planning be authorised to GRANT planning permission.

**Items for Information**

5. **Appeal Decisions relating to Eastern Area Planning** 61 - 66  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.*

**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.
- (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  
Head of Legal and Strategic Support

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



## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### **EASTERN AREA PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 19 FEBRUARY 2020**

**Councillors Present:** Graham Bridgman (Substitute) (In place of Alan Law), Jeremy Cottam, Royce Longton (Vice-Chair, in the Chair), Ross Mackinnon, Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart and Andrew Williamson

**Also Present:** Alice Attwood (Senior Planning Officer), Stephen Chard (Principal Policy Officer), Bob Dray (Development Control Team Leader) and Kim Eccles (Solicitor)

**Apologies for inability to attend the meeting:** Councillor Alan Law

*(Councillor Royce Longton in the Chair)*

#### **PART I**

##### **37. Minutes**

The Minutes of the meeting held on 8 January 2020 were approved as a true and correct record and signed by the Vice-Chairman.

##### **38. Declarations of Interest**

Councillor Geoff Mayes declared an interest in Agenda Item 4(2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

##### **39. Schedule of Planning Applications**

###### **(1) Application No. & Parish: 19/02700/HOUSE - Clifton House, Upper Basildon**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02700/HOUSE. This was a retrospective application for four dormers with amendments.

In accordance with the Council's Constitution, Mr Geoff Couchman, Parish Council representative, and Mr Eamon Bradley, objector, addressed the Committee on this application. Councillor Graham Bridgman read out a statement on behalf of the Ward Member, Councillor Alan Law.

###### **Parish Council Representation**

Mr Couchman in addressing the Committee raised the following points:

- The Parish Council objected to the proposal. The amendments proposed did not correct the issues from previous unacceptable applications.
- It caused a loss of privacy to neighbouring properties. The privacy afforded by tree coverage only applied in the summer months.

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- Similar applications had been refused twice before and this application should also be refused.
- Mr Couchman referred to the statement in paragraph 6.16 of the Planning Officer's report 'the amended scheme is considered, on balance, to respect the character and appearance of the area and to conserve the character of the AONB (Area of Outstanding Natural Beauty).' The Parish Council disagreed with this statement. It was felt that the scheme upset the balance and symmetry of development in the area.
- The Parish Council believed that approval of the application would set a precedent for the future with the concern that other similar applications would come forward.

### **Member questions of the Parish Council**

Councillor Bridgman queried how the dormers for Clifton House compared to other dormers in Upper Basildon. Mr Couchman explained that the vast majority of properties with dormers were bungalows and the dormers in those cases had been added to provide an extra room.

Dormers for a large property such as Clifton House were not suitable. This would be an exception from existing properties in the area.

Councillor Jo Stewart asked if the photographs provided in the Planning Officer's presentation were taken during the summer. Bob Dray (Development Control Team Leader) confirmed they were, when the trees were in leaf. Members in attendance at the site visit would have observed the situation during winter.

### **Objector Representation**

Mr Bradley in addressing the Committee raised the following points:

- He moved to the area in 2018. In February 2019, he noted scaffolding on Clifton House and discussed plans with the applicant. The applicant informed him of plans for the four dormer windows. Mr Bradley asked the applicant if he had sought planning consent and was told that as a property developer he was aware of what he was doing.
- The dormers impacted on Mr Bradley's dwelling and he contacted the Council's Planning Service to advise of his concerns.
- Mr Bradley did not feel that the inclusion of the dormers aligned with the planning consent and original conditions four and eight as these stated that there should be no development above the roofline. These conditions had therefore been breached.
- Dormer windows constituted material alterations and therefore planning permission was required.
- The dormers were not in keeping with the area and they impacted on his privacy.
- He also commented that the proposal was not of a high quality design.

### **Member questions of the Objector**

In response to a query from Councillor Graham Pask, Mr Bradley confirmed that the dormers gave him no privacy. Both his front and back gardens were overlooked.

Councillor Geoff Mayes queried if there were already sky lights in Clifton House. Mr Bradley advised that this was the case. There were sky lights in the flat roof.

## **EASTERN AREA PLANNING COMMITTEE - 19 FEBRUARY 2020 - MINUTES**

### **Ward Member Representation**

Councillor Bridgman read out the following statement on behalf of the Ward Member, Councillor Alan Law:

- The two large houses on the green in Upper Basildon had a chequered history. Since they were approved and built back in 2005/2006 (with no objection at the time from the then Parish Council or the local Councillor or indeed from most residents) they had created much opposition from the local community. As could be clearly seen from the site visit they were large scale and they dominated the street scene at the green. Many residents had asked how such properties ever obtained planning permission as they contended they were completely out of character with the rest of the housing stock in the area.
- This was the ongoing background when the applicant proceeded two to three years ago to add four large dormer windows without any planning permission claiming they were permitted development. They caused much opposition and demands for enforcement to remove what many objectors claimed were four eyesores. There had been a number of ongoing attempts by Planning Enforcement to normalise the situation with the applicant and this planning application was the latest agreed process to do so.
- As could be seen from the plans, all four dormers would be substantially reduced and more appropriate materials would be used. Despite these proposals there remained a considerable level of opposition from residents who wanted nothing short of complete removal. In Councillor Law's opinion, the existing dormers were a clear breach of planning and were not at all in keeping with the character of the area or indeed the house itself. However, Councillor Law was also of the opinion that the proposals would go a long way to normalise the situation in planning terms and the Enforcement Team and Planning Officers should be commended for their continued efforts.

### **Member questions to officers**

Mr Dray clarified that conditions four and eight, referred to by Mr Bradley, were part of the original planning consent. Condition four removed permitted development rights for additions or extensions to the dwelling, ancillary buildings or structures, and material alterations made to the appearance. The dormers therefore required planning permission.

Condition eight stated that no additional openings should be inserted in the south western elevation of plot 1 or the north eastern elevation of plot 2 without the permission in writing of the Local Planning Authority.

Councillor Bridgman explained that while he did not attend the formal site visit, he had visited the site independently. Councillor Pask explained that he had done likewise. Councillor Bridgman then pointed out a typographical error in the planning history of the report (section 2.1). The application reference for the permission approved in April 2005 needed to be corrected.

It was noted that the dormers had replaced roof lights. Councillor Bridgman queried if velux roof lights required planning permission. Mr Dray explained that as per condition eight, skylights in the south westerly or north easterly elevations would require planning permission. Skylights/velux windows had been removed from these elevations to prevent overlooking.

Mr Dray further confirmed that the installation of skylights would have required a planning application as permitted development rights had been restricted.

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Councillor Andy Williamson queried if it was the intention to change the bright white colour of the dormers. The current colour exacerbated the visual impact of the dormers and it was the intention to change this to lead cheeks.

In response to a further question from Councillor Williamson, Mr Dray confirmed that the obscured glazing would have a privacy rating of 5.

### Debate

Councillor Alan Macro commented on the level of overlooking to the adjacent Morna property. It was not possible from Clifton House to look into the ground floor windows of Morna. The restricted window opening would limit the overlooking of Morna. Councillor Macro felt that overlooking in terms of Morna was acceptable.

Councillor Pask highlighted the fact that two applications had been refused for the dormers. The decision to be made by Committee was whether the reductions proposed for each dormer was sufficient to overcome concerns in terms of their visual appearance on this large property. Was it right for this location?

In response to a query from Councillor Jeremy Cottam, Mr Dray explained the relevance of the AONB designation, and confirmed that the North Wessex Downs AONB Management Plan provide guidance on its special qualities. The character of built form within villages of the AONB contributed to the wider character of the area.

Councillor Ross Mackinnon agreed that overlooking of Morna was not of particular concern, however he felt that overlooking of other properties and the village green was substantial. He also noted that permitted development rights had been removed, this was for a reason and he was concerned that this proposal amounted to 'planning by stealth'.

Councillor Mayes stated that he was not aware of other dormers in the area, with the potential exception of one on Morna. He felt the proposal for four dormers was out of character with the area and he proposal refusal of the application contrary to the officer recommendation.

Councillor Bridgman commented on the point made in the report that the roof lights that were in place on the second floor, although not shown on the plans for the previously approved applications, did not materially affect the appearance of the dwelling and planning permission would not have been required for them. However, this application for dormer windows in a third storey was not acceptable. He seconded the proposal to refuse planning permission.

Discussion then followed on the reasons to refuse the planning application. Councillor Mayes clarified that the dormers were detrimental to the street scene and remained too large; the cill levels of the north western and north eastern dormers were too close to the ridge tiles of the gables below; and overlooking was unacceptable from all but the front dormer. Councillor Bridgman agreed with these reasons as seconder to the proposal.

**RESOLVED that** the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

1. Clifton House is located in a prominent location within Upper Basildon, a small rural settlement within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This statutory designation and the prominence of the site increases the sensitivity of the area to inappropriate development which does not conserve the prevailing rural character.

The proposed dormers are large and imposing, and therefore detract from the character and appearance of the street scene. Moreover, by reason of their size, siting, and bulk, they represent overly dominant and disproportionate additions to



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the roof, which fail to respect or harmonise with the appearance of the existing property. The eave levels of the north-western and north-eastern dormers are sited too close to the ridge tiles of the gables below, and therefore give a cramped appearance. The dormers therefore detract from the character and appearance of the property.

Consequently the proposal fails to represent high quality design that responds to local character and as such fails to conserve or enhance the existing character of the area, and in turn the special qualities of the AONB, contrary to the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C3 of the Housing Site Allocations DPD 2006-2026, House Extensions SPG (2004), Quality Design SPD (Part 2, 2006), and the Basildon Village Design Statement (2001).

2. Owing to their elevated position, size, prominence, the proposed dormers would have unacceptable relationships with surrounding properties. Dormers 2 (north-east), 3 (north-west) and 4 (south-east) would cause both direct overlooking due to the angle and elevation of views across surrounding properties. The elevated position, prominence and siting of Dormers 2, 3 and 4 would also result in a harmful perception of overlooking from neighbouring houses and gardens. Overall, these relationships would have an adverse impact on the living conditions of surrounding dwellings.

Consequently the proposal fails to represent high quality design in terms of ensuring a high standard of amenity for existing occupants, and fails to make a positive contribution to quality of life in West Berkshire. As such, the application is contrary to the National Planning Policy Framework (particularly paragraph 127f), Policy CS14 of the West Berkshire Core Strategy 2006-2026, House Extensions SPG (2004), Quality Design SPD (Part 2, 2006), and the Basildon Village Design Statement (2001).

### **(2) Application No. & Parish: 19/02517/HOUSE - River Barn, Marlston, Hermitage, Thatcham**

*(Councillor Geoff Mayes declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of CPRE (Campaign to Protect Rural England). As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02517/HOUSE in respect of a part retrospective application for the distributory channel with foot bridge and in respect of an application for a two storey extension replacing single storey extension; restoration of Mill Barn and the Oak Framestore; and for partial demolition of outbuilding.

Alice Attwood, Senior Planning Officer, introduced the report and highlighted the following points:

- River Barn was located outside of, and remote from, any defined settlement boundary and was located within the open countryside. The site was also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- The officer recommendation was firmly for refusal of the proposal. Its scale would be out of keeping with the existing dwelling and would not be subservient. It would in fact give the appearance of a second dwelling. It would therefore be visually

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dominant within the AONB and therefore conflicted with Council planning policy. Views of the property from local footpaths was also a point of concern. A reduction in the scale of the proposal had been sought with the applicant but no amendments had been forthcoming.

- The partial demolition of the outbuilding would be a positive step, but this would not overcome the concerns raised.
- The proposed restoration of Mill Barn and the Oak framestore were considered acceptable by officers, but this was not linked to the extension to River Barn and the restoration could proceed separately to the extension. Again officers did not feel that this restoration justified the harm that would be caused by the extension.
- The Ecological Officer had objected to plans for the foot bridge as no phase one ecology survey had been presented. It was not possible to assess the ecological impact without the necessary evidence. Any potential ecological benefits could not therefore be considered to offset the harm from the proposed extension.

In accordance with the Council's Constitution, Mr John Brims, Parish Council representative, Mr David Fleming, supporter, Mr Ben Mitchell, applicant, and Councillor Graham Pask, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

Mr Brims in addressing the Committee raised the following points:

- Bucklebury Parish Council had deliberated this application in detail, most particularly the impact on the AONB and whether the extension would be subservient to the existing dwelling.
- The Parish Council felt the application should be approved as an exception to policy. This was a unique site within the parish. There had been an expectation, after the property was purchased, that it would be demolished. However, there were plans to restore two historic assets and this approach should be supported. The restoration work was a large undertaking for the applicant.
- Once completed, this would be the only working mill in the parish. It was the intention for the mill to generate electricity.
- Historically, the mill was much larger and occupied a similar footprint to that being proposed in the application.
- The site had been long overgrown and was in a poor condition. Approval of the application would result in benefits to the area.
- The existing dwelling was too small for modern day living.
- The level of glazing, which was previously of concern, was to be reduced. The scheme was sympathetically designed.
- The storage building was an eyesore and its removal should be a condition of approval.
- The Parish Council hoped that the application could be approved as an exception to policy. It was felt that the benefits the application would bring outweighed concerns of non-subservience.

### **Member questions of the Parish Council**

Councillor Graham Pask queried if the parish felt the site would be appropriately screened from the AONB etc. Mr Brims reiterated that the site had been overgrown in the

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past. It had been cleared which was a benefit. The existing buildings were in a poor condition and approval of the proposals would benefit the AONB. Views of the property would be enhanced.

Councillor Graham Bridgman followed this by querying the view from the road. This was how he viewed the site when he visited it independently. Was this view of concern? Mr Brims stated that, in the opinion of the Parish Council, this was not the primary view for consideration. The primary view was of the south east elevation. The removal of the asbestos roof shed would be a significant benefit to this view.

Councillor Ross Mackinnon queried whether the restoration works could take place without the incorporation of the large extension. Mr Brims reiterated the expectation that the entire site would have been demolished and a completely new property built. The restoration would be of great local benefit.

In response to a query from Councillor Geoff Mayes, Planning Officers confirmed that the water wheel did not apply to this application as it fell outside of the red line.

### **Supporter Representation**

Mr Fleming in addressing the Committee raised the following points:

- He was a neighbouring farmer and his land adjoined the application site.
- The application had received 15 letters of support and none of objection.
- There were clear views of the site from the footpath which formed part of the Pangbourne Valley Walk. The site was of considerable local interest and there was an overwhelming level of support from local residents who wanted the historic site to be retained and not demolished. If this application was refused then there was the risk of demolition as the existing property was not listed.
- Mr Fleming felt that concerns relating to subservience to be a narrow technical argument.
- Mr Fleming hoped that the Committee could consider this scheme as a whole. It was a good scheme that preserved heritage assets and removed poorer elements. It would become a property that enhanced views from the footpath and the AONB.

### **Applicant Representation**

Mr Mitchell in addressing the Committee raised the following points:

- The application was designed to restore the heritage value of the site. This included the restoration of Mill Barn, the oak framestore, the footbridge and the water wheel. This was a sustainable development.
- Existing eyesores on the site would be removed.
- Approval of the scheme would benefit the AONB.
- The proposed extension of River Barn would make it habitable to a modern standard.
- Mr Mitchell then referred to comments made in the report. The Conservation Officer had objected to the application but they had not attended the site. The CPRE were in support, they felt the proposals would have little impact on the landscape.
- He felt a comment made by the North Wessex Downs AONB needed to be corrected. The existing River Barn dwelling would be retained.

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- The Ecological Officer had objected as no phase one ecology survey had been submitted. However, this had been deemed unnecessary by the Environment Agency.
- Mr Mitchell referred to paragraph 6.39 of the report. This incorrectly stated that application 19/00907/HOUSE had been implemented. This was not the case.
- An intention of Policy C6 of the Housing Site Allocations Development Plan Document (HSA DPD) was to avoid overdevelopment of existing dwellings in the countryside. This proposal did not amount to overdevelopment. Mr Mitchell stated that the footprint of the proposal was a 10% reduction from the original farm buildings that were on the site and an increase of only 3% when compared to the existing site.

### **Member questions of the Applicant**

In response to a query from Councillor Pask, Mr Mitchell confirmed that two vehicular access points were in existence. He added that improvements had been made to these points with a considerable level of vegetation removed from the site access on Brocks Lane. Improvements had also been made to fencing and hedgerows would be strengthened.

Councillor Mackinnon queried the increase in footprint given by Mr Mitchell of 3% when the report stated that the footprint of the existing dwelling was 81m<sup>2</sup>, the proposed extension was 89m<sup>2</sup> which would bring the total new proposed footprint to approximately 170m<sup>2</sup>. Mr Mitchell explained that consideration had to be given to those buildings that would be removed as well as additions. However, Mr Mitchell did acknowledge that the overall footprint would increase to up to 170m<sup>2</sup>.

Councillor Mackinnon referred to the point made in the Planning Officer's presentation that contact had been made with Mr Mitchell to discuss potential amendments to the scheme but he had not come forward with any. Had this been considered? Mr Mitchell advised that this statement was incorrect, reductions had been made to the proposed length, width and height of the house.

Councillor Alan Macro understood that permission was already in place for the restoration of Mill Barn, he therefore queried why it was included in this application. Mr Mitchell explained that the extension, if considered alone, would have been refused. An earlier application had been withdrawn. This application included Mill Barn and other restoration work to benefit the overall planning balance.

Councillor Bridgman referred to the comments made by the North Wessex Downs AONB and their concerns that the proposed extension would more than triple the size of the original. He understood their concerns. They also pointed out that the extension would run parallel with the road frontage giving a bulky appearance.

Policy C6 of the HSA DPD stated that an extension would need to be subservient and this considered bulk as well as footprint. Paragraph 6.8 of the report highlighted that the original dwelling had a volume of 474m<sup>3</sup> and the proposed extension would increase the volume to 1003m<sup>3</sup> (an increase of 111%). It was therefore difficult to see this proposal as being subservient in accordance with Policy C6. Councillor Bridgman asked Mr Mitchell to comment on that.

Mr Mitchell felt that these figures were questionable as some of the existing volume would be demolished. The demolished outbuildings needed to be taken into consideration. Mr Mitchell felt that Policy C6 highlighted the scale of an extension rather than its size. He considered that concerns relating to subservience had been addressed and opinions differed on whether the extension would be subservient or not. He added

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that building regulation requirements limited the changes that could be made to ridge heights.

Mr Mitchell felt that views of the site from the south would become more balanced with a greater symmetry. He reiterated that existing eyesores would be removed/replaced.

### **Ward Member Representation**

Councillor Pask in addressing the Committee raised the following points:

- Councillor Pask had called the application in to Committee as it was a unique site.
- He highlighted the fact that planning applications were not determined on the level of objection or support they received. Decisions needed to be based on planning policy.
- It was for Committee to determine if the application complied with policy or, if not, whether it could be permitted as an exception to policy.
- The large extension had to be considered alongside the fact that the existing house was very small and obscured. There would be many difficulties to overcome in making the existing house into a home, it was currently uninhabitable. For example, it was not built to modern standards and adjustments had to be made to accord with modern building regulations. This was a factor to take into account when considering subservience.
- The application provided many positive benefits, including sustainability. Councillor Pask felt that the application, when considered as a package, worked. Views from across the Pangbourne Valley would be enhanced by the proposals.
- He commended the officer's report which was detailed and well written.

### **Member questions to officers**

Councillor Mackinnon asked officers to comment on the points that had been disputed by Mr Mitchell.

Mr Dray began by advising that a planning judgement needed to be made by Members on the impact on character and appearance that would be caused by the planning application. He also reminded Committee that each application had to be determined on its own merits.

In terms of the ecology surveys Mr Dray explained that, as with any development, it was necessary for the Local Planning Authority to be satisfied that no protected species were present. When considering the location of this application next to the river and close to woodland, a phase 1 assessment was clearly necessary, together with any further phase 2 detailed surveys identified by the phase 1. Mr Dray remained of the view that this was necessary. The surveys would evidence if protected species were present and what if any necessary measures could be taken to protect habitats and species. Any conclusions by the Environment Agency, referred to by Mr Mitchell, related to environmental permitting and so were of a narrower scope.

The report made reference to access and the fact that the Brocks Lane access had been opened up by the removal of vegetation.

Alice Attwood confirmed that the applicant had been e-mailed with a request that the extension be reduced. This request was refused. She clarified that while amendments had been made to the previously withdrawn application these were minimal and not felt to be material. The request for a reduction in size took account of these minimal changes, but as stated the request was refused and amended plans were not received.

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Councillor Bridgman pointed out that the site was located outside of any defined settlement boundary and none of the buildings were listed. He therefore queried if it was the case that permission would not be required to demolish the buildings. It could then be replaced by a new replacement dwelling and local residents had expressed concern should this happen.

Mr Dray clarified that Policy C6 concerned the extension of existing dwellings in the countryside. However, Policy C7 covered replacement of existing dwellings. Under Policy C6, an extension needed to be subservient to the existing dwelling. Under Policy C7, a replacement dwelling would also need to be proportionate in scale to the dwelling it would replace. Therefore the considerations given to an extension would be similar to those given to a replacement dwelling.

Mr Dray also made the point that Members could only consider the application before them and not a potential alternative scheme.

Councillor Andy Williamson queried what relevance could be given to the footprint of the original buildings. Mr Dray clarified that the consideration for Members was how this application would change what was in existence at the present time and not what was in place historically. The Planning Officer view was that the size of the proposed extension went too far.

### **Debate**

Councillor Pask agreed that there was a judgement to be made. Justification had been put forward that the application should be refused. However, in his opinion, there was much in favour of the proposal and based on these benefits it could proceed.

It was acknowledged that the existing small property needed to be modernised.

Councillor Jeremy Cottam felt that the proposed extension would not be subservient as required by Policy C6 and approval contrary to policy could set a concerning precedent regardless of the benefits it could bring.

Councillor Alan Macro stated that while he understood concerns of a loss of heritage, this would be a very dominating extension and he felt the application should be refused.

Councillor Jo Stewart also referred to Policy C6. This stated that an application should have no adverse impacts. The application was not of concern locally and local residents were supportive. She agreed that a precedent should be avoided but queried if this application could constitute an exception to policy.

Councillor Mackinnon agreed that the existing dwelling was very small but questioned if this justified such a large extension which would dwarf the original. He queried why a lesser extension could not have been proposed.

Councillor Williamson did not feel there would be a detrimental impact from the proposed development and it was supported locally. He felt the applicant was seeking to do the right thing for the site.

Councillor Bridgman commented that West Berkshire Council was a plan led Local Planning Authority and this was something to be proud of. There would need to be good reasons for departing from policy without creating an issue of precedent and these reasons would need to be carefully articulated. Point ii of Policy C6 stated that an extension would be permitted providing that it had no adverse impact on the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape. Councillor Bridgman felt that Policy C6 could be interpreted as supporting a scheme when considering positive

## EASTERN AREA PLANNING COMMITTEE - 19 FEBRUARY 2020 - MINUTES

benefits the proposal would bring to the setting etc and without undermining the existing character.

Councillor Bridgman accepted that the extension proposed could be smaller but the existing dwelling was very small. The site was adjacent to a minor road and he felt there was little in the way of other properties in the local area that would be impacted on by the development.

Councillor Bridgman would support a proposal to approve contrary to the officer recommendation subject to stringent conditions covering areas including ecology and removal of permitted development rights.

Councillor Mayes agreed that an ecology assessment would need to be a condition of approval if permission was granted.

Mr Dray commented that government planning guidance was clear that ecology surveys could not be a condition of approval as the outcome of such a survey was unclear and could have legal implications. The outcome of the surveys would also be need to inform the drafting of any conditions.

Councillor Macro proposed acceptance of officers' recommendation to refuse planning permission. This was seconded by Councillor Cottam. At the vote the proposal failed.

Councillor Pask understood the concern raised by Mr Dray in relation to the ecology survey being a condition when actions could be required by the applicant as a result. However, he queried if this was a concern in this instance when considering that much work had already been done on the site to date.

Councillor Williamson followed this point by querying if the ecology survey and any subsequent actions could be an informative.

Mr Dray suggested that Members had two options with regard to the ecology survey if they felt the proposal was otherwise acceptable. The application could be deferred to a later committee to allow for the surveys to take place, or the Committee could resolve to approve subject to the receipt of the surveys being delegated to officers within a set timeframe. If the timescale was not met then the application should be refused on ecology grounds.

Mr Dray felt that the Tree Officer's concerns could be covered by conditions.

Councillor Macro queried how the demolition of outbuildings would be conditioned. Mr Dray explained that a condition could be included for demolition to take place before the dwelling could be occupied.

Councillor Williamson proposed to delegate approval of conditional planning permission, contrary to the officer recommendation, subject to the ecology survey being submitted to officers and subject to conditions to be determined by officers. This was seconded by Councillor Bridgman.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission provided that the necessary ecology surveys are submitted to and agreed by officers within three months of the resolution (or a longer timescale agreed by the Head of Development and Planning in consultation with the Chairman), and subject to conditions to be determined by officers.

Or, if the necessary ecology surveys are not submitted and agreed as above, delegate to the Head of Development and Planning to refuse planning permission on ecology grounds.

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**40. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

*(The meeting commenced at 6.30 pm and closed at 8.58 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/02333/FULD Pangbourne	15 <sup>th</sup> November 2019	Retention of existing house, demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and double garage. New double garage outbuilding for the existing house and associated works to the driveway.  Three Cliffs, Bere Court Road, Pangbourne, Reading, Berkshire, RG8 8JY  Mr Geoff Finch

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02333/FULD>

**Recommendation Summary:** Grant planning permission

**Ward Member(s):** Councillor Gareth Hurley

**Reason for Committee Determination:** Referred by the Development Control Manager as the proposal is a departure from the development plan and is being recommended for approval.

**Committee Site Visit:** 22<sup>nd</sup> January 2020

## Contact Officer Details

**Name:** Alice Attwood  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Alice.Attwood1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the retention of the existing house, demolition of an existing barn building and greenhouse, division of the plot to allow for the construction of a new family dwelling and double garage, and new double garage outbuilding for the existing house and associated works to the driveway.
- 1.2 The new dwelling would share an access route with the existing property, in a similar manner to Claysmore and South Stonehams Cottage, albeit these two dwellings are within the settlement boundary.
- 1.3 The site lies within the North Wessex Downs Area of Outstanding Beauty (AONB). The site is located partly within the defined settlement boundary (closest to Bere Court Road) and partly outside the settlement boundary. The proposed location of the new dwelling is wholly outside the settlement boundary.
- 1.4 The north of the plot is characterised by sloping woodland, with a range of different trees. There are trees on the site which are the subject of Tree Preservation Orders. It is stated that all trees on the site are to be retained. The site includes a large barn structure adjacent to the north eastern boundary.
- 1.5 The existing barn building is proposed to be demolished. The existing barn footprint measures approximately 110sqm. The proposed dwelling is to be erected with living areas of the house having an internal floor area, over one floor, of 163sqm. Two car ports will also be erected on site. One would belong to the existing dwelling at Three Cliffs and the other belong to the proposed dwelling.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
APP/W0340/W/19/3224233	Appeal of Retention of existing house. Demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and garage. New double garage outbuilding for the existing house and associated works to the driveway. (18/02098/FULD)	Dismissed on 20.06.2019
18/02098/FULD	Retention of existing house. Demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and garage. New double garage outbuilding for the existing house and associated works to the driveway.	Refused on 19.10.2018
17/03438/FULD	Retention of existing house. Demolition of existing barn building and greenhouse. Division of plot to	Withdrawn on 06.03.2018

	allow for the construction of a new family dwelling and double garage outbuilding for the existing house.	
01/00962/HOUSE	Single storey extension to enlarge kitchen and form conservatory	Approved on 31.07.2001

### 3. Procedural Matters

- 3.1 **EIA:** A screening opinion has been issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, concluding that the proposal is not EIA development.
- 3.2 **Publicity:** A site notice was displayed on 04.10.2019 at entrance to Three Cliffs, Bere Court Road, Pangbourne. The deadline for representations expired on 25.10.2019. An advert in the Reading Chronicle under Planning Notices was displayed on 03.10.2019.
- 3.3 Amended Plans were received on 12.11.2019 and the application was publicised as a departure from the development plan. A departure site notice was displayed on 15.11.2019 at entrance to Three Cliffs, Bere Court Road, Pangbourne. The deadline for representations expired on 06.12.2019. An advert in the Reading Chronicle under Planning Notices was displayed on 21.11.2019.
- 3.4 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 4. Consultation

#### ***Statutory and non-statutory consultation***

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Pangbourne Parish Council:</b>	No objection.
<b>Highways Authority:</b>	No objection if conditions accepted.
<b>North Wessex Downs AONB:</b>	No comments received.
<b>Rights of Way Officer:</b>	No comments received.
<b>West Berks Ramblers:</b>	No comments received.
<b>Ecological Officer:</b>	No comments received.

<b>Natural England:</b>	No comments received.
<b>Lead Local Flood Authority:</b>	No objection.
<b>Waste Officer:</b>	No comments received.
<b>Tree Officer:</b>	No objection if conditions are accepted.

### ***Public representations***

4.2 Representations have been received from 3 contributors, 1 of which is in support, and 2 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- In support:
  - Proposed development is proportionate, quite modest, and in keeping with the character of Bere Court Road.
  - An opportunity to bring a balance to housing development in the community benefiting the small builder, the local supply chain and ultimately the wider community.
  - Neighbouring amenity would be unaffected.
- In objection:
  - Preference for the original proposal ref 17/03438/FULD, which was felt would cause the least impact on neighbouring property and require less screening.
  - The proposed development extends the existing barn footprint and is outside of the settlement boundary that may set negative future precedents.
  - Requested that it is only granted on the initial application as it causes the least impact to the immediate neighbours.
  - The Planning Inspector, in assessing the appeal, concluded that a proposal for a dwelling in this location only meets the policies on 'accessibility' (and nothing else).

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS4, CS13, CS14, CS15, CS16, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- WBC Planning Obligations SPD (2015)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance
- Neighbour amenity
- Highways matters
- Sustainable drainage
- Ecology and trees
- Removal of permitted development rights

### ***Principle of development***

- 6.2 According to Core Strategy Policy CS1, new homes will be primarily developed on land within settlement boundaries and land allocated for residential development. Under the spatial strategy, Pangbourne is designated as a “Rural Service Centre” which as a second tier settlement within the District Settlement Hierarchy attracts a commensurate level of development. However, within the “open countryside” (i.e. outside defined settlement boundaries), only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.3 The Pangbourne settlement boundary runs though the site. The existing dwelling at Three Cliffs is located within the settlement boundary but the part of the garden where the development is situated is located outside of the settlement boundary.
- 6.4 Policy C1 of the HSA DPD provides a presumption against new residential development outside of the settlement boundaries. There are limited exceptions to this presumption, listed in Policy C1, but the proposed development does not fall into any of them. Policy C1 further provides that planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.
- 6.5 The proposed development conflicts with the aforementioned policies in terms of its location outside of the defined settlement boundary, and ordinarily this conflict would attract substantial weight and likely result in the refusal of planning permission.
- 6.6 However, this is unusual case as the Inspector at appeal for the previous proposal concluded as follows: *“The appeal site is located outside of any settlement boundary and so is in the open countryside for policy purposes. The appeal site is though immediately adjacent to the settlement boundary for Pangbourne. As such, although the proposed development would not be in accordance with the Council’s settlement hierarchy, in practical terms, it would have almost exactly the same access to local services and facilities as houses adjacent which are in the settlement boundary. As such, I find that the proposed development would be in an accessible location. Although it would not comply with Policy ADDP1, ADPP5 and CS1 of the CS and Policy C1 of the*

*Housing Site Allocations Development Plan Document (2017), it would accord with the aims of these policies related to directing development to accessible locations.”*

- 6.7 The full appeal decision and key plans are provided with this report for ease of reference. This appeal decision provides very specifically applicable and directed guidance to this current application, and is a very significant material consideration that must be weighed against the conflict with the development plan policies.
- 6.8 As explained further in this report, the proposed development has been amended to address the inspector’s previous concerns on the detailed design. The curtilage of the proposed dwelling has been made smaller to not include the plantation trees which act as a nature barrier to the open countryside. The proposal has been carefully designed to respect the North Wessex Downs AONB (AONB) and neighbouring amenity. Consequently, aside from the conflict with the development plan in principle, there are no other technical objections to the proposal.
- 6.9 As recognised by the appeal Inspector, the application conflicts with Policies ADPP1, ADPP5, CS1 and C1. This conflict attracts substantial weight. However, this conflict is considered to be outweighed in this particular instance by the findings of the previous site-specific appeal proposal.

### ***Design, character and appearance***

- 6.10 The proposed dwelling would replace the barn and be of a similar scale with a small increase in footprint but no increase in height. The proposal would not be visible from the road because the height of the ridge has been dropped down by 4 m and a good quality landscaping scheme has been proposed.
- 6.11 The proposed dwelling has a reduced curtilage which does not include the plantation trees to the north of the site. The reduction in the curtilage will prevent domestic encroachment into the countryside. The plantation trees act a natural buffer between the proposed dwelling and the open countryside. The plantation trees may be secured through a landscaping condition and they also act as a natural buffer to encroachment.
- 6.12 The proposed garages were amended to become car ports which reduces the built form and visual massing, and aid the site in keeping a sense of openness. The proposed and existing dwelling would have good-sized gardens which provide more than the recommended private amenity space set out in the Quality Design SPD. The proposal would remain well screened from the wider AONB landscape.
- 6.13 As such it is considered these proposed measures would help the proposal to maintain a sense of spaciousness and rurality in this part of the AONB. It is considered the Inspector’s original concerns have been overcome in this regard.
- 6.14 The design of the proposed dwelling is reflective of the existing barn. In the local area the dwellings are all of individual design. It is considered the proposed design of the dwelling is respectful of the constraints on site. The palette of materials proposed for the development are made of three principle elements: wood and glass for the facades, and standing seam metal for the roof. It is considered that these materials will allow the house to sit well within the woodland setting and relate strongly to the barn building that is to be replaced.
- 6.15 It is considered that proposal has unique set of circumstances which would mean the proposal would not harm or undermine the existing relationship of the settlement within the open countryside. The design is reflective of the existing barn which is to be replaced and it is considered the proposal would contribute positively to the character and distinctiveness of a rural area, including the AONB.

6.16 It is considered that the design of the proposed dwelling would relate well to the local character and appearance of the area. It is considered a dwelling in this local would not look out of place in this location. The design is respectful of the sensitive AONB landscape. Therefore, it is considered that the proposal is considered compliant with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### ***Neighbouring amenity***

6.17 In the previous appeal, the Inspector raised concerns that the proposed house would be significantly taller than the existing barn building, with the height of its eaves meaning that there would be a good deal of massing above the level of the existing hedges. As such, given the height and bulk of the proposed dwelling, it would have an overbearing effect on the outlook from Clayesmore and South Stonehams Cottage.

6.18 The ridge height of the proposed dwelling has been dropped by 4 metres in comparison to the appeal scheme. The house would match the height of the existing barn and replicates the form of the barn on one side. The proposed house would be much lower than the height of the existing trees, although the tree canopy is such that plenty of light would be available for the dwelling. The building would be well screened by existing trees, shrubs and planting. It is considered the proposed dwelling, in terms of massing and scale, is similar to that of the existing barn. In addition, the dwelling is position in the same place as the existing barn. With the reduction in height it is considered that that proposal would not have an overbearing effect on the outlook from Clayesmore and South Stonehams Cottage, any more than the existing barn does.

6.19 The Quality Design SPD requires a minimum distance of 21 metres between directly facing windows. It is considered that no windows on the proposed dwelling will directly overlook any nearby neighbouring dwellings or their window. In addition, the dwelling would be situated approximately 29 metres from the Clayesmore's west elevation, approximately 40 metres from South Stonehams Cottage's north-west elevation, and approximately 36 metres from Two Oaks' eastern elevation. The dwelling is situated well over a distance of 21 metres from neighbouring dwellings. It is considered that neighbouring dwellings would therefore maintain a reasonable amount privacy if this proposal is allowed.

6.20 Due to the reduction in ridge height, plus the physical separation between the proposed dwelling and other neighbouring dwellings, it is considered the proposal would not lead to a loss of day or sun light to neighbouring dwellings. No material overshadowing will be caused by this proposal.

6.21 It is considered the proposal would not have a negative impact on the amenity of Three Cliffs because there is physical separation. There is approximately 34 metres between the proposal dwelling and Three Cliffs. Both dwellings would be sited in large plots and would be served by well over the recommended 70 sqm of outdoor private amenity space.

6.22 It is considered the proposed development would not lead to a harmful impact on neighbourhood amenity and is considered to be compliant with policy CS14 of the West Berkshire Core Strategy 2006-2026.

### ***Highways matters***

6.23 The Highways Authority raised no objections to this application provided a condition was accepted by the applicant; the applicant has accepted these conditions. It is considered that the correct number of parking have been proposed. Therefore, with the applicant's

acceptances of highways conditions, the proposal is considered compliant with policy P1 of the Housing Site Allocations Development Plan Document.

### ***Sustainable drainage***

- 6.24 The Lead Local Flood Authority raised no objection to this proposal. They provided the following comments: *“The applicant is proposing to place a soakaway within the external areas with the proposed house and garages draining into this area. We have noted from the BGS website that the site is understood to be underlain by Chalk with groundwater likely to be very deep (circa 29m below ground level based on an historic borehole). We are therefore satisfied with the principles and delighted that the applicant is proposing to utilise infiltration within green areas. We are also happy to see the proposed permeable paving within the driveway which could be allowed to discharge straight to ground, provided the base reaches the Chalk strata. Based on the above, we will not be providing any further response or Conditions as we are satisfied that the principles of the development are sound. We would however recommend that the applicant reviews our advice below with regards to the sizing and application of the proposed SuDS features.”*
- 6.25 It is considered that the sustainable drainage method the applicant is proposing are suitable and the proposal is considered to be compliant with policy CS16 of West Berkshire Core Strategy.

### ***Ecology and trees***

- 6.26 No ecology comments were received in regards to this application. The applicant did supply a bat survey which was carried out by a qualified ecologist. There was no notable ecology found on site.
- 6.27 The Council’s Tree Officer raises no objections providing conditions are accepted by the applicant; and the applicant has agreed the suggested tree conditions. The Tree Officer advises that the repositioning of the proposed soakaway further away from “T88 Field Maple”, which is covered by a TPO, is welcomed as it was a concern at the time of the previous application.
- 6.28 The application is accompanied by an Arboricultural Impact Assessment (AIA) by SJ Stephens Associates dated 11 November 2019. This includes an Arboricultural Method Statement (with foundation details to be used within the root protection areas of site trees) and a Tree Protection Plan. The AIA will be included in the list of approve documents. An Arboricultural Supervision condition will be required for the demolition and construction phases. This has been accepted by the applicant. It is therefore considered the proposal is compliant with Policies CS17 and CS18 of West Berkshire Core Strategy in these respects.

### ***Removal of permitted development rights***

- 6.29 As set out early in the body of this report, there are a unique set of planning circumstances to this case. Part of the development is considered to be outside the settlement boundary. It is noted the site is already partly domesticated because of its use as a residential garden. It is equally noted that careful design has been undertaken to reduce the impact of scale and massing on neighbouring amenity. Later additions onto the proposed dwelling could cause the site to become overly urbanised and cramped, and any extension to the rear could encroach into the plantation woodland. Extensions to the proposal dwelling are therefore likely to have a negative effect on the dwellings relationship with its plot if unregulated. Therefore, the removal of permitted development rights is proposed.



## ***Planning balance and conclusion***

- 6.30 The proposed house is located outside the settlement boundary of Pangbourne, and ordinarily this conflict with the development plan would attract substantial weight against granting permission in the planning balance. However, it was concluded by the Inspector on the previous appeal that the residential development on this site would accord with the aims of these policies related to directing development to accessible locations, and consequently the appeal was not dismissed on this ground. This directly related appeal conclusion is a very significant material consideration unique to this particular case and set of circumstances.
- 6.31 In weighing the conflict with the development plan, it is also recognised that the woodland to the rear has historically provided a well-defined buffer to the open countryside beyond, and the settlement boundary in this location does appear arbitrary on the ground. When considering the application as a whole it is considered the proposal would not give rise to any material planning harm, the proposal having successfully addressed the technical objections maintained by the Inspector at appeal. There is a small public benefit in terms of providing an additional dwelling to the housing stock.
- 6.32 Therefore, in the unique circumstances of this case, the application is considered to be a justifiable and acceptable departure from the development plan. As such, the application is recommended for conditional approval.

## **7. Full Recommendation**

- 7.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

1. **Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) Location Plan and Plot Division - 1713/02\_301 A received 11.11.2019
- (ii) Proposed Site / Roof Plan - 1713/02\_303 B received 13.10.2019
- (iii) Proposed Ground Plan - 1713/02\_304 A received 11.11.2019
- (iv) Proposed Elevations - 1713/02\_305 received 13.10.2019
- (v) Proposed Car Ports - 1713/02\_306 A received 11.11.2019
- (vi) Vehicular Access Visibility Splays - 1713/02\_307 received 13.10.2019
- (vii) Design and Access Statement - 1713/02\_602 received 13.10.2019
- (viii) Extended Phase 1 Habitat and Daytime Bat Survey by Sedgheill Ecology Services received 13.10.2019
- (ix) Arboricultural Impact Assessment – 1094 - received 11.11.2019

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Materials**

The construction of the dwelling shall not take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This information is required before construction because insufficient has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Pangbourne.

**4. Hours of work (construction)**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

**5. Domestic extensions/outbuildings PD removal**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out on land indicated in red on Location Plan and Plot Division - 1713/02\_301 A received 11.11.2019, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

**6. Tree protection**

Protective fencing and ground protection shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on the approved drawings, including drawing number 1094-04 Nov 2019 within the AIA by SJ Stephens Associates dated November 2019. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires except as stipulated within the AIA.

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.

**7. Arboricultural Method Statement**

The Arboricultural Method Statement and tree protection measures within the AIA report by SJ Stephens Associates dated 11th November 2019 shall be implemented

in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have first been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

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.

**8. Arboricultural supervision**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has first been submitted to and approved in writing by the Local Planning Authority.

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision 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.

**9. Hard landscaping**

No dwelling hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

**10. Soft landscaping**

No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

**11. Ecological mitigation**

The mitigation measures described in Extended Phase 1 Habitat and Daytime Bat Survey by Sedgehill Ecology Services received 13.10.2019 shall be implemented in full and the measures shall thereafter be retained.

Reason: To ensure the protection of bat species, which are subject to statutory protection. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**12. Visibility splays**

The new dwelling shall not be first occupied until the visibility splays at the site access have been provided in accordance with drawing number 1713/02\_307 received 13.10.2019. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**13. Parking and turning**

The new dwelling shall not be first occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**14. Electric charging points**

The new dwelling shall not be first occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**15. Residential curtilage**

The residential curtilage of the new dwelling shall be limited to the land outlined with an orange dashed line and labelled as "proposed curtilage for new house" on the

Proposed Site / Roof Plan - 1713/02\_303 B received 13.10.2019. The land outside of this orange dashed line shall not be used as residential curtilage for new dwelling.

Reason: To clarify the extension of residential curtilage to prevent encroachment into the countryside. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C8 of the Housing Site Allocations DPD 2006-2026.

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## Appeal Decision

Site visit made on 3 June 2019

**by V Bond LLB (Hons) Solicitor (Non-Practising)**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

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**Appeal Ref: APP/W0340/W/19/3224233**

**Three Cliffs, Bere Court Road, Pangbourne, Reading RG8 8JY**

- 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 Mr Geoff Finch against the decision of West Berkshire Council.
  - The application Ref 18/02098/FULD, dated 24 July 2018, was refused by notice dated 19 October 2018.
  - The development proposed is described as 'retention of existing house. Demolition of existing barn building and greenhouse. Division of the plot to allow for the construction of a new family dwelling and garage. New double garage outbuilding for the existing house and associated works to the driveway'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The Council does not take issue with the proposed garages and I have no reason to disagree with that assessment. The main issues are therefore the effect of the proposed dwelling on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and on the living conditions of neighbouring occupants, with particular regard to outlook; and whether the proposed development would be in an accessible location.

### Reasons

#### *Character and Appearance*

3. The appeal site falls within the ownership of the dwelling at Three Cliffs and is located within the AONB. Properties in the immediate area, though showing some variation in design, are generally characterised by their generous plot sizes, with a number being of relatively modest scale, or largely screened from the road. This contributes to a sense of an open and rural character. The proposed development would divide the existing plot and would replace the existing barn building with a dwelling of significantly greater scale. The positioning of the proposed dwelling to the rear of the existing access means that it would be clearly visible from the road. Although on a similar footprint to the existing building, it would be of greater height than the existing barn, with its high eaves resulting in a bulky appearance. As such, it would materially detract from the sense of spaciousness and rurality in this part of the AONB.
4. The design is intended to reflect the design of the existing building and to assimilate into the woodland setting as a stimulating alternative to the more

traditional buildings in the area. It would be fairly well screened from the north by the existing trees and both the proposed and existing dwelling would have good-sized gardens. These aspects do not overcome my fundamental concerns related to the harm that would result to the open character of the area, which would be apparent in views from the road. On this basis, the proposal does not represent an appropriate form of innovation in the terms of the revised National Planning Policy Framework (2019).

5. I therefore conclude on the first main issue that the proposed dwelling would harm the character and appearance of the AONB. It would conflict in this way with Policies CS14 and CS19 of the West Berkshire Core Strategy (2012) (CS) which seek to ensure respect for the character and appearance of the area and the conservation of local distinctiveness. Similar objectives contained within the West Berkshire Supplementary Planning Documents: Quality Design: Part 1 Achieving Quality Design and the West Berkshire Supplementary Planning Document: Quality Design: Part 2 Residential Development (2006), would also not be met.

*Living conditions*

6. The proposed house would sit very close to the boundaries with two existing dwellings known as Clayesmore and South Stonehams Cottage. Both of these properties have reasonably sized gardens and are presently screened by existing hedges along the boundary. However, the proposed house would be significantly taller than the existing barn building, with the height of its eaves meaning that there would be a good deal of massing above the level of the existing hedges. As such, given the height and bulk of the proposed dwelling, it would have an overbearing effect on the outlook from these dwellings.
7. I therefore find as regards the second main issue that the proposal would have a harmful effect on the living conditions of neighbouring occupants, with particular regard to outlook. In this respect, it would conflict with Policy CS14 of the CS which seeks good design, and with the aims of the revised Framework 2019 related to protecting residential amenity.

*Location*

8. The appeal site is located outside of any settlement boundary and so is in the open countryside for policy purposes. The appeal site is though immediately adjacent to the settlement boundary for Pangbourne. As such, although the proposed development would not be in accordance with the Council's settlement hierarchy, in practical terms, it would have almost exactly the same access to local services and facilities as houses adjacent which are in the settlement boundary.
9. As such, on the third main issue, I find that the proposed development would be in an accessible location. Although it would not comply with Policy ADDP1, ADPP5 and CS1 of the CS and Policy C1 of the Housing Site Allocations Development Plan Document (2017), it would accord with the aims of these policies related to directing development to accessible locations.

**Other Matters**

10. The proposal would offer an additional unit of windfall residential accommodation on garden land and in the context of local and national policy seeking to significantly boost the supply of housing. It seeks to make efficient



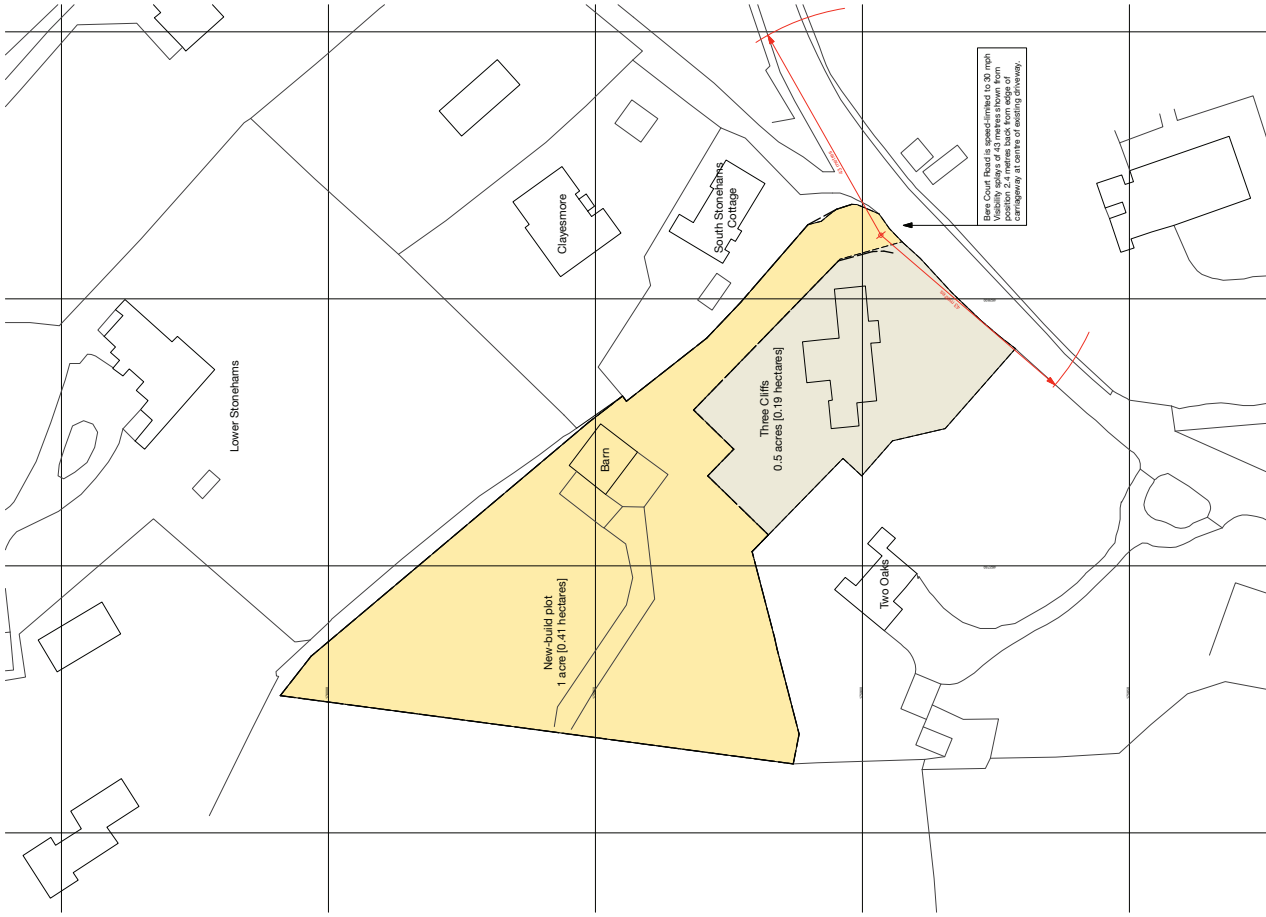
use of the existing site and would be individually designed and intended as a highly energy efficient home, with apparently high local demand for such properties. These factors weigh modestly in favour of the proposal. Full details have not been provided in respect of other permissions cited in order for me to form a detailed comparison with the present proposal, which I have considered on its merits.

### **Conclusion**

11. The proposal would offer some modest benefits as outlined and would be in a relatively accessible location. However, it would result in harm to the character and appearance of the AONB and to the living conditions of neighbouring occupants. The benefits offered would not outweigh the harm identified and I find that the proposal would not accord with the development plan, read as a whole and would not represent the sustainable development in respect of which the revised Framework creates a presumption in favour. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

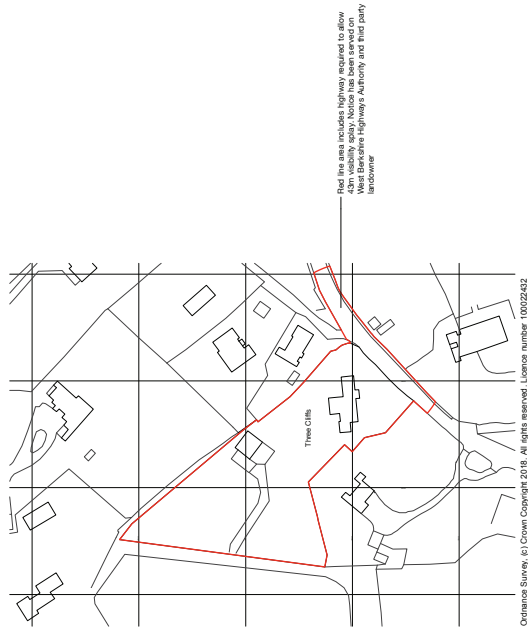
*V Bond*

INSPECTOR



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**Proposed plot division (also showing vehicular access visibility splays)**  
**Scale 1:500**



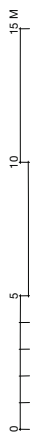
Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

**Location plan**  
**Scale 1:1250**

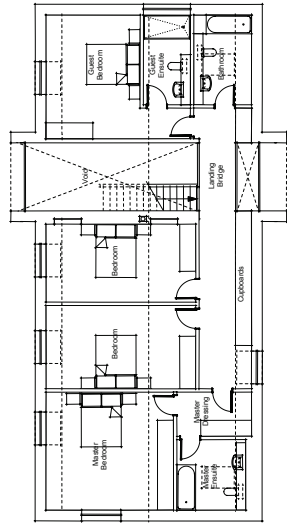




NOTE - this plan is based on information from Brunel Surveys Ltd, not OS Data



**Ground Floor Plan**  
NOTE - this plan is based on information from Brunel Surveys Ltd, not OS Data

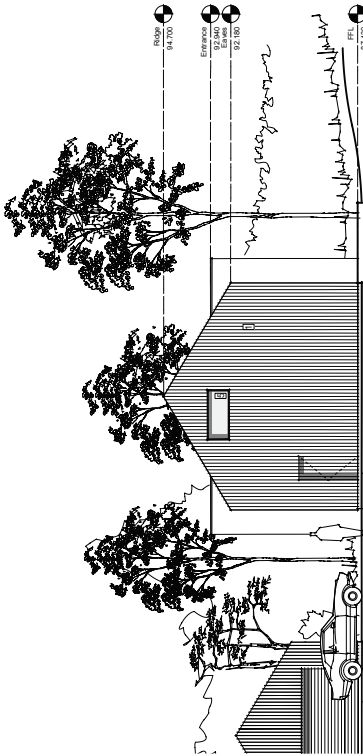


**First Floor Plan**

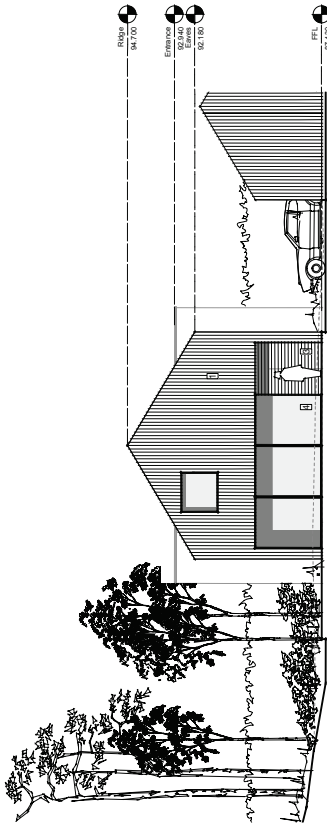
**Materials key**

1. Vertical timber slat cladding
2. Metal panelling
3. Horizontal timber cladding
4. Powder coated aluminium windows & doors with clear glazing
5. Powder coated aluminium window with obscured glazing
6. Standing seam metal roof

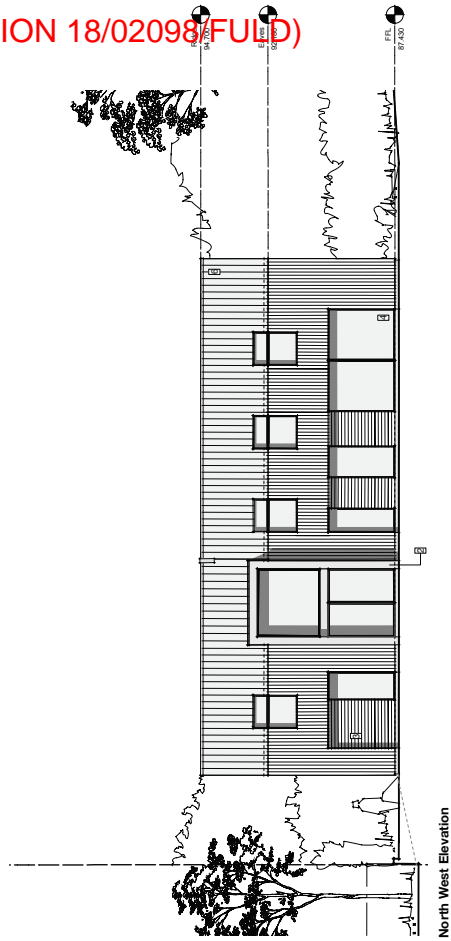
**PLANNING HISTORY (APPLICATION 18/02098/FULD)**



North East Elevation



South West Elevation



North West Elevation



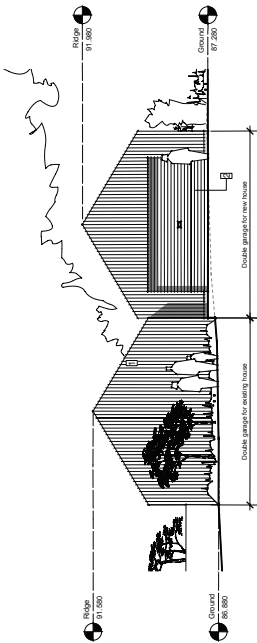
South East Elevation

**PLANNING HISTORY (APPLICATION 18/02098/FULD)**

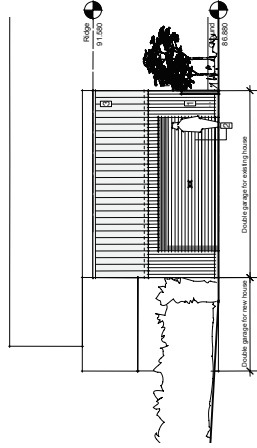


**Materials key**

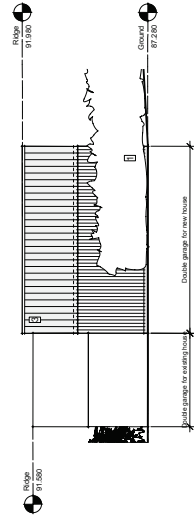
1. Vertical timber slat cladding
2. Horizontal timber cladding to garage doors
3. Standing seam metal roof



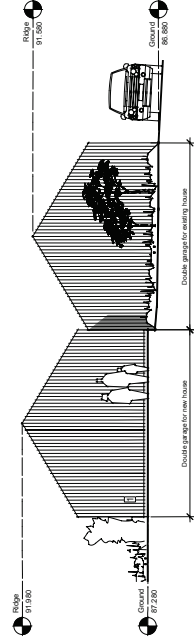
**North East Elevation**



**South East Elevation**



**North West Elevation**



**South West Elevation**



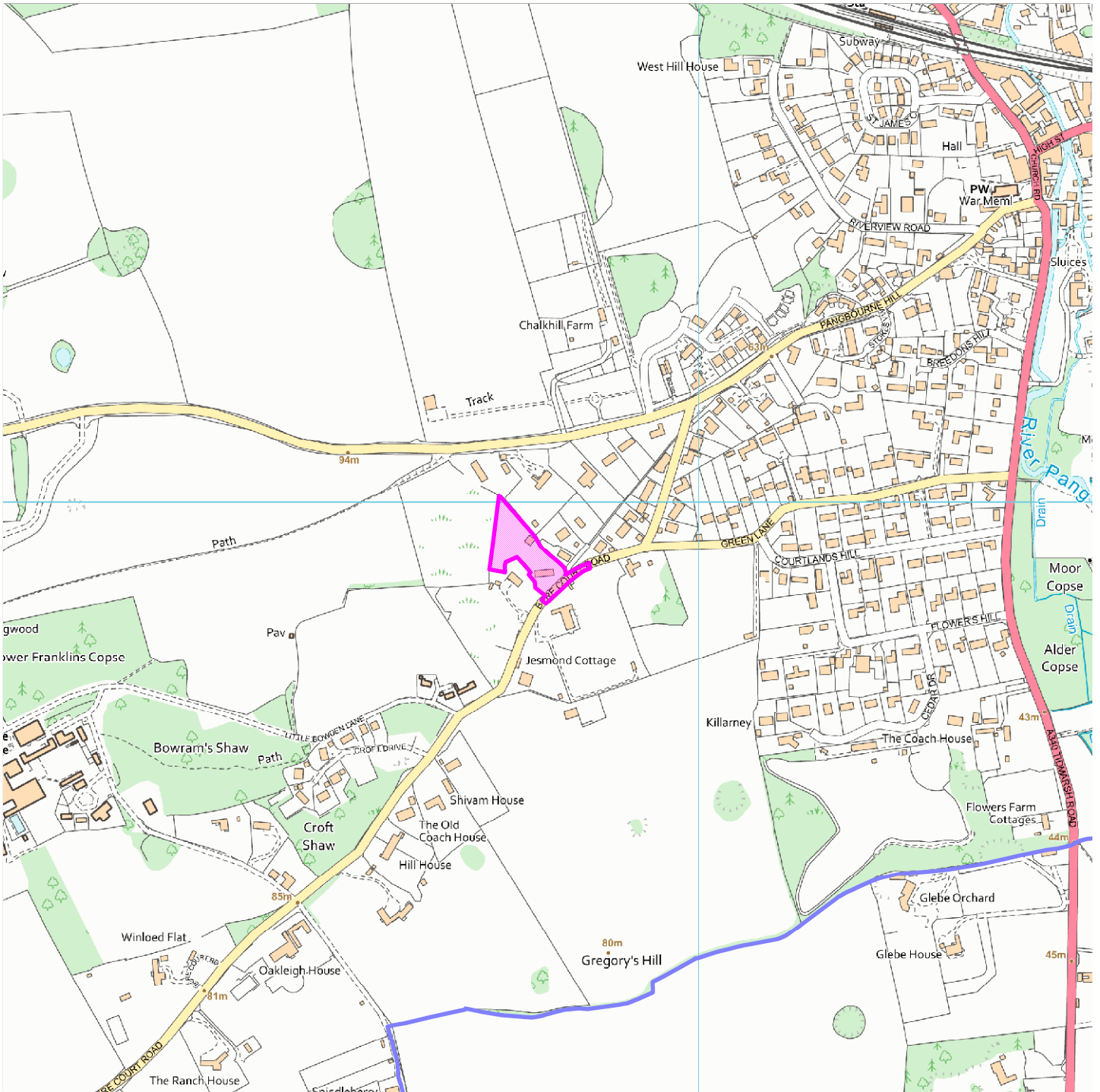
miton architects

Scale : 1:100 @ A1  
Date : July 2018  
Drawing: 1713/02\_206

Project : New house on land adjacent to Three Cliffs Bere Court Road, Pangbourne  
Contents : Proposed Garages

Miton Architects Limited  
Bere Court Road  
Pangbourne  
Reading RG8 7NE  
T: 01493 54564 M: 07788 414875  
mitonarchitects.co.uk



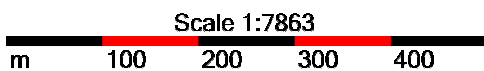


Map Centre Coordinates :

Scale : 1:7863

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	16 January 2020
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/02947/FULD Basildon	23 <sup>rd</sup> January 2020 <sup>1</sup>	New 4 bed dwelling to the side garden of Maple Corner including new access, hardstanding and landscaping.  Maple Corner, Maple Lane, Upper Basildon, Reading, RG8 8PF  Colony Architects Ltd

<sup>1</sup> Extension of time agreed with applicant until 18/03/2020

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02947/FULD>

**Recommendation Summary:** Grant planning permission

**Ward Member(s):** Councillor Alan Law

**Reason for Committee Determination:** Over ten representations objecting to the development

**Committee Site Visit:** 4<sup>th</sup> March 2020

## Contact Officer Details

**Name:** Sarah Melton  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Sarah.Melton1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the development of a new 4 bedroom detached dwelling, including a new access road, hardstanding and landscaping.
- 1.2 The site is located inside the settlement boundary of Upper Basildon, in the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site is within the residential curtilage of the existing dwelling Maple Corner.
- 1.3 The proposal site is located between two roads, Maple Lane to the north and Aldworth Road to the south. The donor dwelling, Maple Corner is accessed via Maple Lane, the proposed access for the new dwellings is from Aldworth Road.
- 1.4 Aldworth Road is a relatively narrow two lane road with a grass verge, trees and hedging to the north and south sides and mixed wooded fencing to the north. To the south of Aldworth Road is an open field, outside the settlement boundary of Upper Basildon. The north side of Aldworth Road consists of the proposal site and its donor dwelling (Maple Corner) and a number of other substantial dwellings.
- 1.5 The dwellings to the east of the proposal site are a cluster of five relatively new dwellings, Skyes Gardens approved on 27/12/2006 under 06/02344/FULD.
- 1.6 Maple Corner, located to the west of the site is a corner plot containing large single storey bungalow with associated garage, hard standing and garden.
- 1.7 The proposal site, currently in use as external amenity space for Maple Corner has three tree preservation orders (TPOs) within its boundary. There are also TPOs to the east of the site, within the curtilage of Sykes Gardens.
- 1.8 The proposal scheme is for a four bedroom, two storey dwelling with parking spaces for three cars. A new access road/drive is proposed from Aldworth Road.
- 1.9 The front elevation includes a low set dormer, detailed brick work and a stepped façade. The level of brick detailing is reduced to the rear elevation, which also includes a low set dormer window and glazed patio doors. The north-west elevation (adjacent to Maple Corner) contains a single roof light at first floor level, the south-east elevation (adjacent to Sykes Gardens) includes two roof lights at first floor level.
- 1.10 The proposed dwelling is sited circa 5.7m from the closest point of Maple Corner to the south-west, circa 4.8m from Sykes Gardens to the north-east and circa 34.2m from Wellesley Cottage to the rear.
- 1.11 The new dwelling would have a usable rear amenity area of approximately 173sq.m (excluding bin store, cycle store and electric car charging points). The introduction of the new dwelling would reduce the external amenity space of Maple Corner from 1,577sq.m to approximately 856sq.m.
- 1.12 In order to achieve the required visibility splays for the proposed dwelling, it will be necessary to remove trees and hedges to the west of Aldworth Road. The trees and hedges currently along this stretch of road make a positive contribution to the semi-rural area of Upper Basildon, the AONB and add to the soft boundary and transition between the settlement of Upper Basildon and the open countryside. The Council's Highways Service have raised no objections to the removal of these trees. It has been proposed by the agent that the loss of these trees will be mitigated by new planting within the site boundary.

## 2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/00102/FUL	New four-bedroom detached dwelling on garden land to side of existing dwelling, new access, hardstanding and landscaping	Refused 30.08.2019
93/43965/ADD	Extension and garage	Approved 16.02.1994
92/40669/ADD	Single storey extension at the rear	Approved 16.02.1992
88/32341/ADD	Proposed extension to existing garage	Approved 05.09.1988
81/16473/ADD	Bungalow extension private residence	Approved 02.02.1982

2.2 The application has been amended from previous application 19/00102/FULD which was refused under delegated authority for the reason below:

*The proposal will result in an unacceptable threat to the sustainability of trees the subject of Tree Preservation Order No. 201/21/0981 & 0777. The trees contribute to the landscape character of the area and damage that would lead to decline is unacceptable because loss of the trees would impact on local amenity.*

*The proposal is therefore contrary to policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 (adopted 2012) and advice contained within the NPPF.*

2.3 The differences of the current application and 19/00102/FULD are summarised as:

- Parking layout
- Cycle storage
- Turning space/driveway
- Proposed house has been moved and reduced to add a further metre off the tree and root protection area (RPA), coupled with the lopping this increases the separation distance to 1.5-2m.

## 3. Procedural Matters

3.1 A screening opinion has been issued pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It concluded that the proposal is not "EIA development" and therefore an Environmental Statement is not required.

- 3.2 A site notice was displayed on 03/12/2019 at the corner of Aldworth Road and Maple Corner; the deadline for representations expired on 24/12/2019. Representations have also been received and considered after this date.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Basildon Parish Council:</b>	Object - The Parish Council noted that the plans were broadly the same as those previously objected to and therefore continues to object to the application. The main areas of objection were as follows: The proposed house is too large for the plot and this new application is for a house which is essentially the same size as was previously submitted. It affects immediate neighbours in a detrimental way through its size and placement and is generally unsympathetic to the site on which it will sit.  Access is still a major concern given the traffic on the Aldworth Road and the proximity of the plot to a large blind corner.
<b>WBC Highways:</b>	No objections subject to planning conditions.
<b>Waste Management:</b>	No objections.
<b>Lead Local Flood Authority:</b>	No objections subject to planning conditions.
<b>Tree Officer:</b>	No objections subject to planning conditions.
<b>Environmental Health:</b>	No comments received.
<b>Thames Water:</b>	No comments received.
<b>AONB:</b>	No comments received.
<b>Environment Agency:</b>	No comments received.

## ***Public representations***

- 4.2 Representations have been received from 16 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Loss of privacy of habitable rooms (living room) of Wellesley House
  - A patio could be put in by new owners
  - How would the development be constructed
  - Aldworth Road is dangerous
  - Application is almost identical to previously refused scheme
  - Plot is too small
  - Endanger TPO trees
  - Vehicles speed along Aldworth Road
  - Overdevelopment
  - Dwelling is disproportionate to the site
  - Impact on light and privacy of neighbouring dwellings
  - Near woodlands and a historic building
  - Potential for the dwelling Maple Corner to be subject to further development
  - The turning space may be used for parking
  - Construction traffic
  - Will create high density urban environment
  - Reduce openness of village
  - Blind bend on Aldworth Road
  - Over-bearing
  - Within AONB
  - Loss of garden space
  - Eroding character of the village
  - Overlooking to the rear
  - Loss of light for neighbouring properties

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS1, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
  - Policies OVS.5, and OVS.6 and of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2019-24

- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development
- Impact on highway safety
- Impact on trees (TPO)
- Impact on neighbouring amenity
- Design, character and appearance)

### ***Principle of development***

6.2 According to Policy ADPP1, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. In terms of housing, Policy ADPP5 plans for appropriate and sustained growth within the AONB that conserves and enhances its special landscape qualities, and states that there will be opportunities for infill development. Policy CS1 states that new homes will be located in accordance with the above spatial strategy. New homes will be primarily developed on suitable land within settlement boundaries. In this context, Policy C1 gives a presumption in favour of development and redevelopment within the settlement boundary of Upper Basildon.

6.3 The settlement boundary for Upper Basildon runs along the northern side of Aldworth Road and the back of the verge. Thereby the proposal site (including the proposed house and its curtilage, is within the settlement boundary, although the bell mouth of the access and the visibility splays are outside the boundary.

6.4 The site is an infill development within Upper Basildon, filling a gap between Maple Corner and 1 Sykes Gardens, this form of development is acceptable under policy ADPP5.

6.5 The principle of residential development within and adjacent to settlement boundaries is acceptable under policies ADPP1, ADPP5, CS1 and C1.

### ***Impact on highway safety***

6.6 The proposed development would introduce a new access drive from Aldworth Road, this drive would serve the new dwelling only.

6.7 In accordance with policy P1, the proposal scheme provides three car parking spaces for the proposed four bedroom dwelling. It has been confirmed that the proposed parking layout is acceptable to the Highways Service.

6.8 It has been demonstrated that the proposal scheme can demonstrate the required visibility splays, albeit at the loss of existing trees along the highway and within Highways' ownership.

6.9 The Highways Service have confirmed that there is sufficient turning space within the site to allow cars to adequately turn and leave the site is a forward gear.

6.10 The Highways Service as a consultee have raised no objections to the proposal scheme.

### ***Impact on trees***

- 6.11 The site is currently in use as a well maintained residential garden for Maple Corner. The site consists of a large area of grass, a small pond, a garden shed, hedges and trees.
- 6.12 Three of the trees to the north of the site have recently received a Tree Preservation Order (TPO), these trees are; T1 Douglas Fir, T2 Monterey Cypress and T3 Oak. There is also a TPO on trees to the east of the site which spread into the access of the site (including root protection) from Sykes Gardens.
- 6.13 The proposal does include the retention of a number of trees on site, whilst good practice this may not be feasible for the long term as it affects a large amount of the usable garden space for the new dwelling.
- 6.14 Concerns have previously been raised regarding the usable external amenity space due to the canopy of the existing trees on site. The proposal scheme would have an external rear amenity space of approximately 173sq.m, this measurement excludes the areas covered by the tree canopies. The Council's Quality Design SPD provides a guidance of 100sq.m quality external amenities space for new 3+ bedroom dwellings.
- 6.15 The proposed new access from Aldworth Road, will require the removal of some highway trees. These works will reduce the current level of screening of the site. Replacement planting is proposed within the red line of the proposal scheme. There would be an immediate loss of screening which would take several years to re-establish were permission to be granted.
- 6.16 Due to the location of the trees under TPO and orientation of the garden and dwelling, the external amenity space would receive a limited amount of natural daylight which is a factor in determining the quality of external amenity space, this impact is weighed in the planning balance.
- 6.17 The footprint of the proposed dwelling has been reduced and the footprint slightly moved from the previous scheme. These alterations have addressed the tree officer's previous concerns to a satisfactory level.
- 6.18 The Tree Officer has raised no objections to the proposal scheme, on balance the application has been found as acceptable in terms of impact on trees.

### ***Impact on neighbouring amenity***

- 6.19 The proposed development has been assessed in terms of the impact on the neighbours to the north-east and south-west, including by way of any loss of daylight/sunlight. Other neighbouring properties are of a sufficient distance away so as not to be materially impacted by the proposed development in terms of daylight/sunlight. West Berkshire Councils House Extension SPG provides guidance for assessing the impact of new development on neighbours in terms of daylight/sunlight. In accordance with the SPG new two storey developments should not project beyond a line taken at 45 degrees from the middle of ground floor habitable rooms. The impact of the proposal scheme in terms of daylight/sunlight has been found to be acceptable.
- 6.20 The House Extension SPG also provides guidance relating to 'back to back' privacy distance of 21m, this relates to the distance between habitable rooms. The proposed dwelling is approximately 34m from Wellesley House to the rear of the site. This measurement is taken from the closest points of built form, the closest window to window distance is further.

- 6.21 The proposal scheme would result in a level of overlooking and loss of privacy for the external amenity space of neighbouring property at 1 Sykes Gardens, however given the nature of the properties and existing level of overlooking it is not considered that the impact of the proposal scheme would result in material harm in this respect that would warrant a reason for refusal. A limited level of overlooking between dwellings is not necessarily harmful in established residential areas.
- 6.22 Whilst the proposal scheme would result in new built form within relatively close proximity to existing dwellings it is not viewed as creating an unacceptable impact in terms of any overbearing impact, or undue sense of enclosure.
- 6.23 A number of representations have been received by neighbours regarding surrounding amenity. All comments have been taken into account and the proposal scheme assessed accordingly. The case officer has not found any issues with the proposal scheme relating to impact on neighbours that would warrant a reason for refusal of this planning application.

### ***Design, character and appearance***

- 6.24 The NPPF's paragraph 17 states that, in relation to design, councils should always seek to secure high quality design which respects and enhances the character and appearance of the area. The NPPF is clear that good design is indivisible from good planning and attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor, securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.25 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of the area, respond to local character and history, and be visually attractive as a result of good architecture and appropriate landscaping.
- 6.26 Core Strategy Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In this respect a holistic approach must be taken when assessing planning applications.
- 6.27 Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.28 The proposal scheme would create an additional dwelling along Aldworth Road which backs on to Maple Lane. The prevailing character of the area is one of a semi-rural residential nature.
- 6.29 The dwellings along Maple Lane and Aldworth Road are of a mixed character and design, this adds to the overall character of the area. All of the dwellings along Maple Corner are of a substantial footprint and plot size, however along Aldworth Road, the development 'Sykes Gardens' has introduced a different element in terms of character and appearance. 'Sykes Gardens' consist of much smaller plots and dwellings.



- 6.30 Due to the layout and location of the footprint of the proposal scheme, it would be read in conjunction with the smaller dwellings of Sykes Gardens, in this respect it would not be out of character with the existing street scene.
- 6.31 The design of the proposal scheme is somewhat cramped within the site, however the proposed distances between the proposal scheme and neighbouring properties is greater than that between 1 and 2 Sykes Gardens, and 2 and 3 Sykes Gardens.
- 6.32 The design of the proposal scheme is of a traditional two storey dwelling with pitched roof. The design of the proposal scheme includes brick detailing and front and rear pitched dormers. It is considered that the area of flat roof allows greater depth to the dwelling would be inconspicuous within the street scene.
- 6.33 On balance the design of the proposal scheme is assessed as acceptable.
- 6.34 The proposal scheme would result in the loss of trees and planting along Aldworth Road, these are proposed to be replaced within the red line of the development. As such, the immediate impact of development would mellow over the years as the site landscaping established.
- 6.35 The site is located within the North Wessex Downs Area of Outstanding Natural Beauty. Under the NPPF AONBs are afforded the highest level of protection in terms of natural and scenic beauty. Policy ADPP5 of the Core Strategy states that the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Whilst the local context of the area is generally one of larger dwellings within more substantial plots, the sites proximity to Sykes Gardens must be taken into consideration when assessing the impact on the character and appearance of the area.
- 6.36 The proposal scheme as a whole and its impact on the character and appearance of the surrounding area is considered to be at the absolute upper limit of what could be consider as acceptable. However, on balance, it is considered that the proposal complies with Policies ADPP1. ADPP5, CS14, CS19 and C1 in this respect.

## **7. Planning Balance and Conclusion**

- 7.1 The application would result in a new dwelling within the settlement boundary of Upper Basildon.
- 7.2 On balance, issues relating to the impact on TPO trees, neighbouring dwellings and the character and appearance of the area (including AONB) have not been found as causing demonstrable harm that would outweigh the benefits of the a new dwelling with a settlement boundary.

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

#### **1. Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

## 2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Proposed Block and Site Plan, reference 02-11 rev P14, received 13/02/2020
- Highways visibility splays for junction with Maple Lane, reference 02-12 rev P12, received 13/02/2020
- Proposed Roof Plan, reference 02-10 P12, received 13/02/2020
- Proposed Floor Plan, reference 03-10 P8, received 13/02/2020
- Proposed Elevations sheet 2 of 2, reference 05-11 P8, received 13/02/2020
- Proposed Elevations sheet 1 of 2, reference 05-10 P7, received 26/11/2019

Reason: For the avoidance of doubt and in the interest of proper planning.

## 3. **Landscaping (scheme submitted)**

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including on drawing number 438 02-11 (iteration P14 dated August 2018). Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

## 4. **Tree protection (scheme submitted)**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree protection and ground protection scheme identified on approved Tree Protection Plan Rev B Feb 2020. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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.

**5. Arboricultural supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision 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.

**6. Electric charging points (approved drawings)**

The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**7. Visibility splays before occupation**

The development shall not commence until the visibility splays at the proposed access have been provided in accordance with drawing number MLUB/19/02 received on November 26<sup>th</sup> 2019. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.9 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**8. Parking and turning**

The dwelling shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**9. Access construction**

The dwelling shall not be occupied until the proposed access has been completed in accordance with the approved drawings.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

#### 10. **Cycle parking**

The dwelling shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### 11. **Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.

The dwelling shall not be occupied until the sustainable drainage measures have been provided in accordance with the approved details. Thereafter the measures shall be managed and maintained in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary

Planning Document Quality Design (June 2006), and the Sustainable Drainage Measures SPD. A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**12. Construction times**

No demolition or construction works shall take place outside the following hours:

8:30am to 5:00pm Mondays to Fridays;  
9:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**13. Finished floor levels**

No development shall take place until details of the finished floor levels of the dwelling hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**14. Hard landscaping (prior approval)**

The dwelling hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

**15. Domestic extensions/outbuildings PD removal**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, outbuildings or other development which would otherwise be permitted by Schedule

2, Part 1, Classes A, B, C, E and F of that Order shall be constructed, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To prevent the overdevelopment or inappropriate development of the site and in the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**16. Samples of materials (to be submitted)**

No development above ground level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the North Wessex Downs AONB Management Plan 2019-24, Supplementary Planning Document Quality Design (June 2006).

**17. CMS**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## 18. **Architectural detailing**

The dwelling shall not first occupied until the detailing of its elevations has been completed in accordance with the approved plans. This includes (but is not necessarily limited to) the provision of any bargeboards, lintels (materials, keystone details), string/soldier courses, fenestration, quoins, porches, plinths, chimneys (corbelling), eaves detailing, cills, hanging tiles (varying tiles/detailing) shown on the approved plans.

Reason: The articulation of elevations with such detailing makes an important contribution to the design quality of the development. The completion of these features prior to first occupation is therefore necessary to ensure that the buildings respect the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C3 of the Housing Site Allocations DPD (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

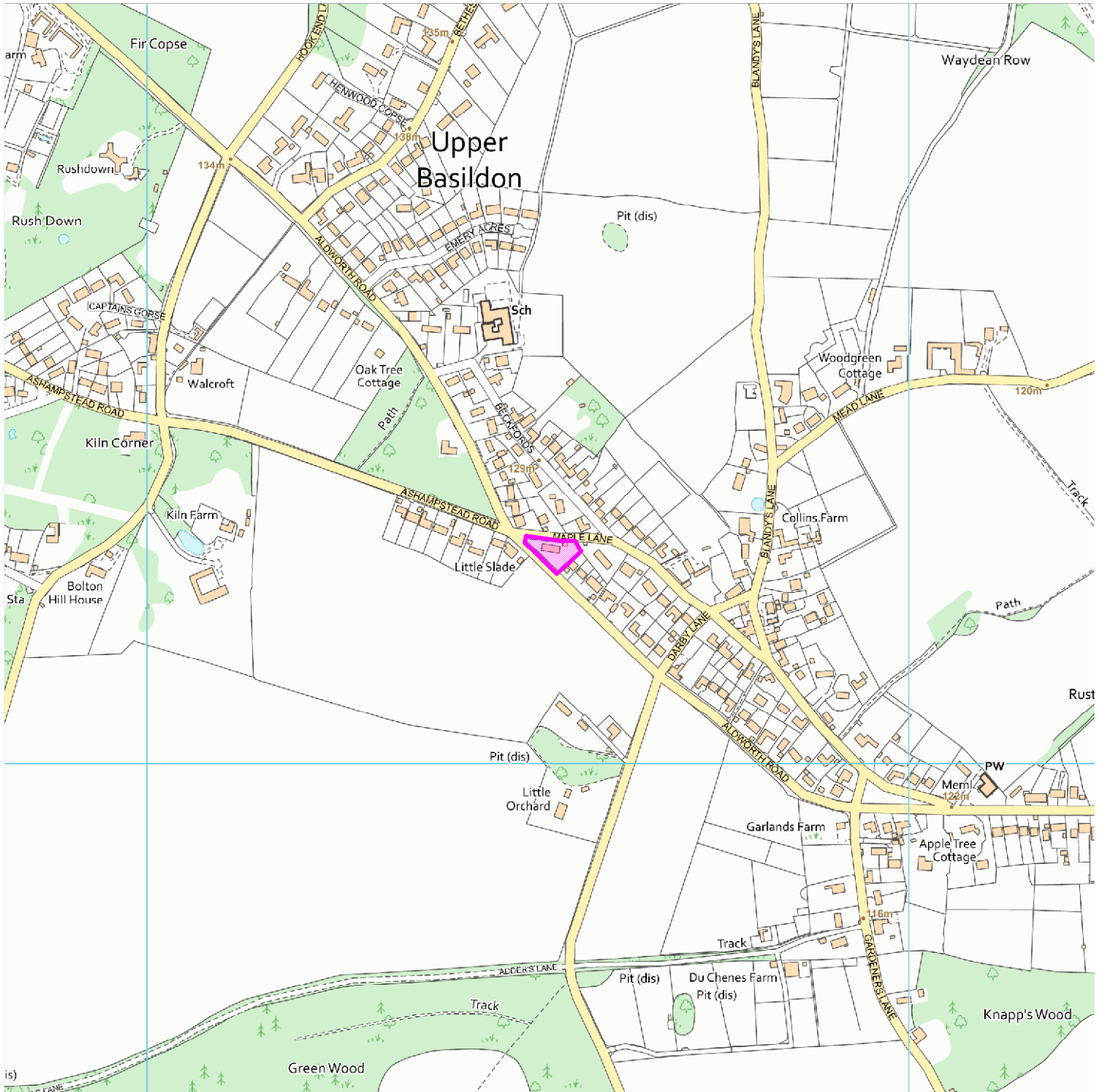
### ***Informatives***

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
3. The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicant's behalf.
4. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
5. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6. In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the

Highway Authority.

7. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.



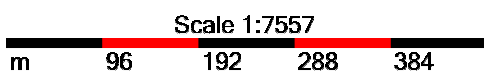


Map Centre Coordinates :

Scale : 1:7556

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	27 February 2020
<b>SLA Number</b>	0100024151

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## Planning Appeal Decisions

**Committee:** Eastern Area Planning Committee on 11<sup>th</sup> March 2020

**Officer:** Bob Dray, Team Leader (Development Control)

**Recommendation:** Note contents of this report

1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council's Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision	Decision Date
19/00778/OUTD Bradfield  Appeal: 3232761  Written Reps	<b>Burford, Stanford Road, Bradfield Southend</b> Construction of a one and a half storey dwelling with a detached garage at land to the rear of Burford Cottage (in outline with access and layout to be considered).	Delegated refusal	Dismissed	18/12/19
19/00518/HOUSE 19/00519/LBC2  Appeals: 3230985 3230982  Written Reps	<b>Old Thatch, Crookham Common Road, Brimpton</b> Demolition of a 1960's single storey extension and erection of a single storey extension to rear of property (planning and listed building consent).	Delegated refusal	Both appeals dismissed	18/12/19
19/01084/FULD  Appeal: 3237061  Written Reps	<b>60-62 Brook House, Northbrook Street, Newbury</b> Erection of a mansard style roof extension to facilitate the provision of 4no. self-contained dwelling houses comprising 2no. 1-bed flats and 2no. studios.	Delegated refusal	Dismissed – costs application against Council refused	19/12/19
18/03268/FULD  Appeal: 3234841  Written Reps	<b>Clairewood, Hampstead Norreys Road, Hermitage, Thatcham</b> Demolition of the existing single storey dwelling and garage and its replacement with two semi-detached dwellings. Included within the proposals are works to lift and thin the crown of TPO within the garden.	EAPC refusal (recommended for approval)	Allowed – costs application against the Council refused	02/01/20
19/00061/FUL  Appeal: 3236501  Written Reps	<b>Keepers Cottage, Mill Lane, Tidmarsh</b> Change of use of detached residential annexe to dwellinghouse and associated accommodation works.	Delegated refusal	Dismissed	03/01/20

18/02964/OUTD Appeal: 3232623 Written Reps	<b>Wisteria Cottage, Bath Road, Midgham</b> Erection of two detached dwellings on brownfield garden land surplus to requirements and less than half a hectare in size (in outline with access and scale to be considered).	Delegated refusal	Dismissed	08/01/20
18/02205/FUL Appeal: 3229421 Written Reps	<b>21 Woodside, Newbury</b> Change of use of a House in Multiple Occupation (Use Class C4) to a 7-bedroom Large House in Multiple Occupation (Sui Generis).	Delegated refusal	Allowed – costs awarded against Council	17/01/20
19/01436/ADV 19/01435/LBC2 Appeals: 3237766 3237764 Written Reps	<b>7-11 Northbrook Street (Camp Hopson), Newbury</b> New signage to rear elevation of store, including pvc hoarding and vinyl fascia signs (advertisement and listed building consents).	Delegated refusal	Both appeals dismissed	24/01/20
19/02116/FULD Appeal: 3239494 Written Reps	<b>7 Bradwell Road, Tilehurst</b> Erection of a new two storey 3-bed dwelling after demolition of rear and side single story extension and garage of the existing semi detached dwelling-house.	Delegated refusal	Dismissed	28/01/20
18/03014/OUTMAJ Appeal: 3234882 Public Inquiry	<b>Land at junction of Clayhill Road and Sulhamstead Road, Burghfield</b> The erection of 40 dwellings (24 market and 16 affordable), together with access (both vehicular and pedestrian) to Clayhill Road, provision of open space and landscaping (in outline with access to be considered).	Delegated refusal	Dismissed	05/02/20
Appeal against an Enforcement Notice 3228080 (Associated application 18/02087/FUL) Written Reps	<b>Land at 15 Battle Road, Newbury</b> Alleged breach: change of use from residential to mixed use of residential and use of land and outbuildings to hair and nail salon and beauty treatment rooms.	Delegated enforcement notice	Dismissed – enforcement notice upheld	05/02/20
19/00723/FULD Appeal: 3242051 Written Reps	<b>54 Victoria Arms, Victoria Road, Mortimer Common</b> Construction of new two-bedroom dwelling to the rear of 54 Victoria Road, Mortimer Common (Victoria Arms Public House).	Delegated refusal	Dismissed	18/02/20
19/01134/HOUSE Appeal: 3238006 Written Reps	<b>26 Clayhill Road, Burghfield Common</b> First and ground floor rear extension.	Delegated refusal	Dismissed	25/02/20

## Major housing developments

2. The **Clayhill Road** appeal is the latest appeal decision for a major housing site that is contrary to the Council's strategy for the location of new houses set out in the statutory development plan. This appeal decision follows a series of similar dismissed appeal decisions and reaffirms many of the points that have been made previously. This is a robust decision that fully supports the Council's continued position on housing provision. Headline points include:
  - a) Whilst the figure of 10,500 is out of date, this does not mean that the associated policies are out of date, as the figure was prefaced by the phrase "at least", building flexibility into the relevant policies. Moreover, even with a higher objectively assessed need figure of 665 dwellings per annum, policies for the supply of housing have been found up to date in previous appeals. In the context of a healthy five year housing land supply, the policies are not out of date.
  - b) Policy C1 of the Housing Site Allocations (HSA) DPD controls housing in the countryside and makes provision for exceptions. As such, it does not constitute blanket protection from development (and is thus not inconsistent with the NPPF).
  - c) Policies CS17 (Biodiversity) and CS19 (Landscape/Heritage) are consistent with the NPPF and not out of date.
  - d) The most important policies for determining this application are not out of date and paragraph 11(d) of the NPPF – the "tilted balance" was not engaged.
  - e) Burghfield Village and Burghfield Common are discreet settlements being separated by a significant distance and expanse of countryside. Moreover, Burghfield Common is characterised by estate-style built form whereas Burghfield Village sits in open countryside and has a linear settlement pattern. The proposal would have eroded the gap between settlements and cause significant harm to the character and appearance of the area.
  - f) Even if a site is not regarded as a 'valued landscape' for the purposes of paragraph 170(a) of the NPPF, paragraph 170(b) seeks that planning decisions should recognise the intrinsic character and beauty of the countryside. Whilst a site may be 'ordinary' countryside which may not justify the same level of protection as designated areas, this does not mean it is removed from protection altogether.
  - g) A traditional orchard comprising 'priority habitat' was felled in January 2016 prior to the submission of the planning application. In this context the Inspector concluded that at contribution toward off-site biodiversity improvements would be compensation and not a benefit of the scheme.

## Policies for housing in the countryside (infill and conversions)

3. The **Burford** and **Wisteria Cottage** decisions are further cases where the housing supply policies of the development plan, and in particular Policy C1 of the HSA DPD, have been strictly applied to individual developments. In **Burford** the appellant sought to use a nearby development (Poltava) as precedent to justify an exception, but the Inspector identified material differences as this other scheme was part of a linear pattern of development (compliant with Policy C1). In **Wisteria Cottage** the Inspector similarly dismissed precedents suggested by the appellant, as well as the site being previously developed land, focusing instead on the conflict with the criteria of Policy C1; the appeal was dismissed despite no harm to the character and appearance of the area.

4. The Inspector in the **Keepers Cottage** decision, also dismissed the appeal in part for not complying with the criteria of Policy C1. This proposed conversion of an annexe to a separate house was also dismissed for not being redundant for the purposes of Policy C4 of the HSA DPD – the barn was largely used for domestic storage, and in this respect still served a purpose.

### **Statutory duties for listed buildings and conservation areas**

5. The **Old Thatch**, **Wisteria Cottage** and **Camp Hopson** appeals all serve as reminders regarding the statutory duties imposed by the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended when considering proposals for planning permission and listed building consent:
  - Section 66(1) requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
  - Section 16(2) has the same requirement for proposals for listed building consent.
  - Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The failure of the *Old Thatch* proposals, in particular, to comply with these statutory duties was expressly central to the dismissal of the appeals. Even though the harm was judged to be “less than substantial”, it nevertheless “carried considerable weight”.

### **Committee overturns**

7. The **Clairewood** costs decision is an example of how a planning committee may overturn an officer recommendation for approval, and avoid an award of costs, by giving a reasoned justification with clear reasons. In this case, although the Inspector allowed the appeal based on their own judgement, they refused an application for costs and in doing so had regard to the following points:
  - Members are entitled to make a judgement based upon their own consideration of a development proposal.
  - The members had a detailed officer report setting out the main issues, representations, and development plan policies.
  - The Committee undertook a visit to the site where members would have been able to make their own assessment of the impact of the proposal.
  - Matters such as a proposal’s impact on the character and appearance of the area is largely a subjective matter.
  - The Council substantiated its concern about the proposal setting out, amongst other matters, the relationship of the new dwelling to its neighbours, in terms of its height and its appearance and effect on the character and appearance of the area.
  - The reasons for refusal were not vague, inaccurate, generalised or inaccurate assertions about the proposal’s impact, unsupported by any objective analysis. They were clear and unambiguous, so it was clear what the Council’s concerns were in respect of the proposal.

### **Consistency of decisions**

8. The **Brook House** appeal and costs decisions demonstrate how a council may occasionally come to a different conclusion to that reached under a previous application or appeal. In this case, new information regarding a car club (partly relied upon by the appellant to compensate for insufficient parking provision) was available that was not

before the previous Inspector. The Inspector was satisfied that this new evidence represented a material change in circumstances since the previous appeal, which in turn reasonably led the Council to come to a different conclusion than the previous Inspector on the effect on parking provision.

### **Parking provision and highway safety**

9. The **21 Woodside** appeal and costs decisions highlight the need to carry out an individual assessment of every application. The Council judged the parking requirement for 7 potential bedrooms within an House of Multiple Occupation (HMO) based on the parking standard for 7 one-bedroom flats. However, in the absence of any adopted parking standards for HMOs and any clear evidence of a local parking issue, the Inspector found against the Council. In the associated costs decision, applying the adopted parking standards, where there were none for HMOs, was considered unreasonable.
  
10. However, by contrast, the **Victoria Arms** decision is a case where site-specific evidence led an inspector to conclude that the loss of parking for a public house to facilitate a residential development would be likely to, at times, displace vehicles onto the surrounding road network. This posed a significant concern as the surrounding area features parking restrictions, bus stops and a substantial number of dropped kerbs, such that the ability of the surrounding road network to absorb the additional demand would be significantly diminished. In turn the Inspector found that this may encourage unsafe parking practices (parking on corners, junctions and within visibility splays), and so have an adverse effect on highway safety

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