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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 AUGUST 2019

Councillors Present: Phil Barnett, Hilary Cole, Carlyne Culver, Clive Hooker (Vice-Chairman), Alan Law (Chairman), Alan Macro, Geoff Mayes (Substitute) (In place of Royce Longton), Graham Pask, Tony Vickers and Andrew Williamson

Also Present: Derek Carnegie (Team Leader - Development Control), Dennis Greenway (Conservation Officer), Councillor James Cole, Linda Pye (Principal Policy Officer) and Councillor Claire Rowles

Apologies: Councillor Royce Longton

PART I

3. Minutes

The Minutes of the meetings held on 17 April 2019 and 21 May 2019 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillors Clive Hooker, Hilary Cole and Alan Law declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

5. Schedule of Planning Applications

(1) Application No. & Parish: 18/03398/HOUSE - Winterley House, Kintbury, Hungerford, RG17 9SY

(Councillor Clive Hooker declared a personal interest in Agenda Item 4(1) by virtue of the fact that he had received communications from Mr. McNally as Chair of Western Area Planning. 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.)

(Councillors Hilary Cole and Alan Law declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had received e-mails from the Ward Members. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/03398/HOUSE in respect of the extension of the existing property with part single and part two storey extension.

Councillor Alan Law introduced the application which had been approved by the Western Area Planning Committee on 10th July 2019. Officers felt that an approved application would have a detrimental impact on planning policy and in particular extensions to houses in the countryside (Policy C6) and this was the reason why it had been referenced up to the District Planning Committee for consideration.

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

The Planning Officer introduced the item and stated that on 10th July 2019, the Western Area Planning Committee had considered the full application for the extension of Winterley House, Kintbury following a previous Committee decision to delay a decision on the application until a Planning Appeal decision from the Planning Inspectorate had been issued. The report to the Committee and the Appeal Decision referred to had been attached to the agenda.

Members noted from both the Officers' report to the Western Area Planning Committee and the Appeal Inspector's clear decision to refuse the previous application, the adopted planning policy position both under national and local planning policies was quite clear. However, Members of the Western Area Planning Committee had been minded to approve the application contrary to the recommendation of the Officers and, given the significance of such a decision to approve the application following a recent Appeal decision, it was considered that the application should be determined by the District Planning Committee.

The Planning Officer stated that Winterley House was a former Grade III listed building until being delisted in the 1980s review. Whilst the building was no longer a designated heritage asset, nor did the works affect the setting of any designated heritage asset, the host property was regarded as a non-designated heritage asset to which paragraph 197 of the National Planning Policy Framework (NPPF) applied. The application site was located outside of any defined settlement boundary and was therefore regarded as 'open countryside' under the Core Strategy Policy ADPP1. The site was also located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving and enhancing landscape and scenic beauty. The status of the building and area increased the sensitivity of the building to inappropriate extensions.

Policy C6 of the HSA DPD gave a presumption in favour of proposals for the extension of existing permanent dwellings provided that the scale of the enlargement was subservient to the original dwelling and was designed to be in character with the existing dwelling. It should also have no adverse impact on the setting, the space occupied within the plot boundary, on local rural character and the historic interest of the building and its setting within the wider landscape.

The existing dwelling had had several historical additions over time which were detailed in the Design, Access and Heritage Statement, the most recent of which was a two storey extension in 2010 which had effectively squared-off the south-west corner of the dwelling.

It was felt that notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which was a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. The current scheme was a re-submission of the previously refused application with the amendment of a set-down in the ridge line by approximately 0.5 metre and additional information submitted as part of a heritage statement. The two storey element would add an additional hall, 4 metres wide, and add on to the existing kitchen at ground floor level. It would also provide an additional bedroom and bathroom at first floor level.

Overall, the extensions would result in a dominant and bulky addition to the host building, which failed to be subservient and significantly harmed the existing character and appearance of the building. The building was visible from public viewpoints and also from neighbouring dwellings to the east, which further exacerbated these impacts, and also thereby failed to conserve the special qualities of the AONB. The NPPF provided AONBs the highest level of protection in terms of landscape and scenic beauty.

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

Accordingly, the proposal conflicted with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2).

The Conservation Officer confirmed that he stood by his original comments of 24th August 2018, that notwithstanding any heritage issues, the proposals, particularly the two storey element, upset the basic symmetry of this albeit historically much altered building, and were not subservient to the main building. The Council's Archaeologist had commented that Winterley House should be considered as a non-designated heritage asset, and that further information should be provided in relation to its origins, development and existing fabric in order to justify this larger extension.

The Update Report stated that additional draft amended plans had been submitted and consisted of a reduction in the length of the orangery and office of two metres. Officers were of the opinion that the alteration was not considered to overcome the principle concerns outlined in the Officers' report or the fundamental objections and dismissal of the previous appeal by the Planning Inspectorate which set out a number of key elements which had not been addressed. The Conservation Officer confirmed his view that although the amendments reduced the length of the extensions from 19.4m to 17.4m it did not overcome his previously made building conservation objections.

Following the site visit the Chairman had asked for further clarification on two issues – the extent of the application site and the definition of whether or not the house was a designated or a non-designated heritage asset. In relation to the extent of the application site the attached plans indicated the application site outlined in 'red' and a plan attached to the original application indicated a line located much closer to the west of the actual building. It was felt that consideration of the pure planning policy aspects of the determination would be complicated if detailed enforcement investigations were commenced about the size of the plot indicated in the original plans. However, further investigations would commence with regard to the evidence which could be produced by the applicant in relation to the size of the residential curtilage. In respect of the designation of the asset, whilst not currently included in West Berkshire's Local List of Heritage Assets (which was currently in its early stages), the house was considered to be a non-designated heritage asset within the meaning and definition contained within the NPPF.

Councillor Alan Law noted that amended plans had been submitted and he asked which plans had been considered at the Western Area Planning Committee meeting on 10 July 2019. The Planning Officer confirmed that the Western Area Planning Committee had had sight of the amended plans. Councillor Law therefore queried why the amended plans had not been displayed at the District Planning Committee meeting that evening. He also confirmed that in relation to the residential curtilage the Committee should consider it to be the area outlined in red on the location plan as this could be pertinent to the decision. Councillor Graham Pask queried whether the original application which had been the subject of the appeal had also been considered with the same residential curtilage and it was confirmed that that was the case. The status of the building had been clarified as being a non-designated heritage asset. The property met the definition as such and the applicants could take that up separately if they were not in agreement with the designation.

In accordance with the Council's Constitution, Mr Marcus McNally (Applicant) and Mr Frank Dowling (Agent), addressed the Committee on this application.

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

Applicant/Agent Representation:

Mr McNally and Mr Dowling in addressing the Committee raised the following points:

- Mr Dowling referred to the curtilage of the site and the line delineating the historic garden which excluded the farm buildings. The existing buildings covered 2,595sq.m. (8.1% site coverage) and the extension was 865sq.m. (10.5% site coverage);
- Winterley House was a substantial building set in mature landscaped gardens. It was not a listed building but Officers had clarified that it was a non-designated heritage asset;
- The appeal decision on the previous application was a material consideration but it should not fetter the decision on the current application;
- This scheme was materially different from the previous application as the length of the single storey extension was now two metres further away from the Back Lane frontage;
- Winterley House had been much altered over time and now had two modern frontages;
- The current application set the extension down and back and was clearly subservient to the main building;
- Mr Dowling felt that the proposed extension would enhance the current building;
- Mr McNally advised that the new extension had been reduced in length by two metres and would replace a current unsightly garage which would therefore be an enhancement;
- Any changes made to the property over the years had been done with love and care and took into account the architectural elements of the house;
- Policy C6 of the HSA DPD gave a presumption in favour of proposals for the extension of any permanent dwelling in the countryside;
- The symmetry of the house had been created in the 1980's and was therefore not relevant to the original structure and any references to that were unhelpful;
- Mr McNally stated that Winterley House was his home and therefore it was in his interest to maintain the integrity of the house.

Member Questions:

Councillor Tony Vickers asked for clarification as to whether the demolition of the garage was part of the original application. It was confirmed that it had formed part of the original application and that it was an ugly structure built with newer bricks which was out of keeping with the house.

Councillor Graham Pask asked what was different about this application which would alter the view of the Inspector in his recent appeal decision. Mr Dowling responded that the original design had not made the extension subservient to the original dwelling. The current application had been amended so that there was a set-down in the ridge line of the second storey extensions and the wall plates had been moved down and set back by half a brick. The extension had also been reduced by two metres in length from the Back Lane boundary and it would not be visible as it would be the same height as the garage.

Ward Member Representations:

Councillors James Cole and Claire Rowles (Ward Members) in addressing the Committee raised the following points:

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

- Councillor Rowles referred to the Officers' view that the proposal would harm the existing character of the dwelling in the AONB but Winterley House had been listed in the past and was still a heritage asset;
- No objections had been received from nearby residents or from the Parish Council;
- Winterley House sat in a large plot of land and the proposed extensions would not be detrimental;
- Policy C6 of the HSA DPD gave a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside;
- Considering the size of the plot and the garden the proposed extension would not be over bearing on the current dwelling;
- Councillor Rowles confirmed that she had seen other examples of historic houses being extended;
- Councillor Rowles stated that the house was now not listed and the applicant owned adjacent properties therefore there would be no detriment to neighbours;
- Councillor James Cole noted that the dwelling was a non-designated heritage asset. The kitchen and cellar were Georgian, one side and the roof of the building was mid-Victorian and the other end was part Victorian with some remodelling. In his view this was a good fake built in a much older period. No doubt this was why it had dropped out of the listings;
- Councillor James Cole advised that he was the Council's Heritage Champion and he stated that he would not put this house forward as a heritage property but that it was a modern unlisted house;
- Councillor Rowles confirmed that the scheme had been revised and the extension had been brought back from the boundary. She felt that the proposal would enhance the AONB;
- Councillor James Cole noted that the majority of the Members at the Western Area Planning Committee had voted to delay a decision on the application for a second site visit;
- Councillor Rowles said that it seemed that the Council did not want to lose face and challenge the Planning Inspector's decision. She questioned whether the Planning Inspector had sufficient experience to make a decision on an appeal relating to a heritage asset. She referred to the minutes from the Western Area Planning Committee meeting on 10 July 2019 on which she had proposed a number of amendments which had not been accepted.

Member Questions:

Councillor Carlyne Culver noted that Councillor Rowles had mentioned that the Planning Inspector might not be qualified to make a decision in relation to heritage. Councillor Rowles explained that he could be qualified in a different area and consequently would have less experience around the heritage aspect. Councillor Alan Law felt that it was not for the Committee to question the Planning Inspector's qualifications. Councillor Tony Vickers disagreed as the appeal was largely around heritage and it was therefore relevant in this case. Councillor Alan Law said that this was only one piece of evidence which needed to be considered when making a decision on this case and should therefore be kept in proportion. He had had clear guidance from Officers in respect of the heritage designation. The Planning Officer stressed the fact that to question the qualifications or experience of the Planning Inspector was not something

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

for the Planning Committee to do. Equally, tinkering with the planning application and saying that the extension was subservient was wrong. This was a substantial property with a substantial extension proposed and as confirmed by the view of the Planning Inspector it conflicted with both national and local policies.

The Conservation Officer agreed that the building had history and yet it was a largely modern dwelling which had been extended on previous occasions. The issue was about relationships and whether the Committee felt that the proposal was subservient to the original dwelling.

Councillor Andrew Williamson noted that policy C6 gave a presumption in favour and he questioned whether the last extension to the property had been in 2010. It was confirmed that that was the case and that it had been approved as it squared off what was already there. This application was for a substantial extension. It was noted that the AONB had not commented on the application but the Planning Officer advised that this was often the case. Councillor Alan Law read out policy C6 in full which highlighted the point that although there was a presumption in favour it was a qualified presumption.

Councillor Caroline Culver queried why the property was no longer listed. The Planning Officer confirmed that a lot of Grade 3 buildings had been taken off the list in 1990 but he did not know the reason why.

Debate:

Councillor Alan Law advised the Committee that in considering the above application Members had two options – they could either refuse or approve the application. The proposal was in conflict with both national and local policies and if the Committee were minded to approve it then it would have to state why this was an exception to policy.

Councillor Tony Vickers had visited the site for the Western Area Planning Committee and therefore felt well informed even though he had not attended the meeting. He had looked at the Appeal decision and felt that the decision as to whether to approve the application or not was down to the scale of the extension and whether it was subservient or not to the main building. He felt that it was on the right side of the line and that there would be no adverse impact on the rural setting. It would not be visible from Back Lane and would not be detrimental to the AONB. No negative comments had been made in relation to the materials that it was proposed to use.

Councillor Graham Pask stated that he had been a Member on the Planning Committee for a number of years and over that period he had tried to look at the planning policies and to interpret them as positively as he could. He was proud to be a Member of a planned authority and the policies were in place to protect the heritage and character of the area. It was not for the District Planning Committee to change or amend policies and the question therefore was whether the Council's planning policies could be interpreted in a positive way – he did not feel that they could be and therefore he proposed the Officer recommendation to refuse the planning application. This was seconded by Councillor Hilary Cole.

Councillor Phil Barnett confirmed that his experience of sitting on a Planning Committee went back a while and a number of changes had been made to policy etc. since then. He had attended the site visit and had had an opportunity to look at the proposal in depth. When this application had been considered at the Western Area Planning Committee there had been a number of differing views and he had voted to approve the application at that meeting. His views had been strengthened during the discussion at this Committee and he felt that the concerns raised by the Planning Inspector had been taken on board and addressed.

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

Councillor Andrew Williamson referred to policy C6 and in particular whether the extension was subservient – he believed that it was and that it would enhance the area. The materials looked in keeping with the original dwelling and he felt that there would be no significant harm to the character of the area and he was therefore minded to approve the application.

Councillor Alan Macro advised that he was minded to support the Officer recommendation. He felt that the extension was very large and would change the appearance of the dwelling. There was still an historical interest in the site and the proposal did not respect that.

Councillor Hilary Cole appreciated what the applicant had done to amend the plans and to reduce the size but she felt that it was still a major extension and she could not see that any exceptional circumstances had been demonstrated to approve the application.

Councillor Clive Hooker advised that he was Chair of the Western Area Planning Committee and had attended two site visits. The plot size was large and therefore the proposal might be acceptable, however, if the plot size was reduced then it might be a different matter. He did not feel that the extension was subservient in nature and nor was it in proportion. It would therefore have an impact on the area. It was also necessary to look at the principles and policies that the local authority worked to when making a decision. The site was in the AONB and although the amendments were a gesture they were not significant enough to warrant approval of the application.

Councillor Geoff Mayes noted that some of the building on the eastern end was in a bad condition some of which would be covered by the extension to the kitchen. There was a fireplace in the corner which would be removed but he had concerns about the chimney above remaining. He also felt that the reduction in size was minimal and that the extension was not subservient to the original dwelling.

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

Winterley House is a former Grade III listed building until being delisted in the 1980s review. Whilst the building is no longer a designated heritage asset, nor do the works affect the setting of any designated heritage asset, the host property is regarded as a non-designated heritage asset to which paragraph 197 of the National Planning Policy Framework (NPPF) applies. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This status of the building and area increases the sensitivity of the building to inappropriate extensions.

Notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which is a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. Overall, the extensions would result in a dominant and bulky addition to the host building, which fails to be subservient and significantly harms the existing character and appearance of the building. The building is visible from public viewpoints and also from neighbouring dwellings to the east, which further exacerbates these impacts, and also thereby fails to conserve the special qualities of the AONB.

Accordingly, the proposal conflicts with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2).

DISTRICT PLANNING COMMITTEE - 21 AUGUST 2019 - MINUTES

(The meeting commenced at 6.30pm and closed at 7.36pm)

CHAIRMAN

Date of Signature