

# Notice of Meeting



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## Western Area Planning Committee Wednesday 12 June 2019 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

### Members Interests

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

### Further information for members of the public

**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 Council Chamber, Market Street, Newbury 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)

Any queries relating to the Committee should be directed to Jo Reeves on (01635) 519486 Email: [joanna.reeves@westberks.gov.uk](mailto:joanna.reeves@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 4 June 2019



**Agenda - Western Area Planning Committee to be held on Wednesday, 12 June 2019**  
(continued)

**To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers and Howard Woollaston

**Substitutes:** Councillors Jeff Beck, James Cole, Billy Drummond, David Marsh, Steve Masters, Andy Moore, Erik Pattenden and Garth Simpson

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Appointment of the Vice Chairman for the Municipal Year 2019/20**
  3. **Minutes** 7 - 20  
To approve as a correct record the Minutes of the meetings of this Committee held on 13 March 2019 and 21 May 2019.
  4. **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](#).
  5. **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. and Parish: 18/01441/HOUSE - Hayward Green Farm, West Woodhay, Newbury, Berkshire** 21 - 46
- Proposal:** Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- Location:** Hayward Green Farm, West Woodhay, Newbury, Berkshire
- Applicant:** Mr. Charles Brown
- Recommendation:** **The Head of Development and Planning be authorised to GRANT planning permission.**



**Agenda - Western Area Planning Committee to be held on Wednesday, 12 June 2019**  
(continued)

- (2) **Application No. and Parish: 19/00411/REM - Garden Land at 5 Normay Rise, Newbury** 47 - 64  
**Proposal:** Reserve matters application for a new dwelling with integral garage of appeal reference APP/W0340/W/17/3191372 (17/01808/OUTD).  
Matters to be considered: Appearance, Landscaping, Layout and Scale.  
**Location:** Garden Land at 5 Normay Rise, Newbury  
**Applicant:** Mr and Mrs W Power  
**Recommendation:** **To DELEGATE to the Head of Development & Planning to GRANT PLANNING PERMISSION subject to Conditions.**
- (3) **Application No. and Parish: 19/00806/HOUSE - 24 Donnington Square, Newbury** 65 - 74  
**Proposal:** Three storey side extension and new porch.  
**Location:** 24 Donnington Square, Newbury  
**Applicant:** Mr & Mrs Davies  
**Recommendation:** **To DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions**
- (4) **Application No. and Parish: 19/00108/FULD - Land North of 4 and South of 8 Edgecombe Lane, Newbury** 75 - 94  
**Proposal:** Demolition of outbuilding and construction of two semi-detached dwellings with highway improvements  
**Location:** Land North of 4 and South of 8 Edgecombe Lane, Newbury  
**Applicant:** Gary Marshall and Derek Howe  
**Recommendation:** **To DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions**
- (5) **Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury** 95 - 106  
**Proposal:** Two storey and single storey extensions  
**Location:** Winterley House, Kintbury  
**Applicant:** Mr and Mrs McNally  
**Recommendation:** **The Head of Development and Planning be authorised to REFUSE planning permission.**

**Items for Information**

6. **Appeal Decisions relating to Western Area Planning Committee** 107 - 114  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*



**Agenda - Western Area Planning Committee to be held on Wednesday, 12 June 2019**  
(continued)

**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

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 MARCH 2019

**Councillors Present:** Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Adrian Edwards, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

**Also Present:** Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Equalities)), Gareth Dowding (Senior Engineer (Developers Scheme)) and Matthew Shepherd (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond and Councillor Virginia von Celsing

**Councillor(s) Absent:** Councillor Paul Hewer

#### PART I

##### 41. Minutes

The Minutes of the meeting held on 30 January 2019 were approved as a true and correct record and signed by the Chairman, subject to the following:-

**Page 11, paragraph 58:** Councillor Jeff Beck noted that the requested informative regarding the use of traffic marshals had not been included in the conditions and Derek Carnegie agreed to check that this had occurred.

**Page 6, paragraph 3:** replace 'form' with 'from'.

**Page 8, paragraph 29, last line:** replace 'ion' with 'on'.

**Page 9, paragraph 32:** replace 'MRs' with 'Mrs'.

**Page 9, paragraph 36:** replace 'Here' with 'There'.

**Page 11, paragraph 56:** replace 'form' with 'from'.

**Page 60, paragraph 60:** replace 'uses' with 'using' and 'strong mandate' with 'strongly mandated'.

##### 42. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared in interest in Agenda Item 4(2), 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.

##### 43. Schedule of Planning Applications

(1) **Application No. and Parish: 18/03398/HOUSE - Kintbury**

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/03398/HOUSE in respect of a two storey and single storey extension at Winterley House, Kintbury.
2. Derek Carnegie introduced the report to members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unacceptable and consequently officers recommended the Committee to refuse planning permission. Derek Carnegie further added that a decision was currently awaited from the Planning Inspector on the earlier planning application and this was due very shortly.
3. In accordance with the Council's Constitution, Mr M McNally and Mr Ian Lasseter, applicant/agent, and Councillor Anthony Stansfeld, Ward Member addressed the Committee on this application.
4. Mr McNally and Mr Lasseter in addressing the Committee raised the following points:
  - They bought the house in 2008 because they had fallen in love with it, along with its setting and wanted to make it their family home for a long time.
  - At the time their three boys had been young children but they were now teenagers and consequently they needed more space, which was the reason for submitting the planning application.
  - The house was very pretty and dated back to the 1780s. It was an I-shape when they bought it and they had since squared it off with a new façade made of high quality materials, which gave the impression that this extension was part of the original house.
  - Therefore they wanted to retain the high quality build by using old bricks and they were also intending to replace the modern garage.
  - The house was extended twice during the Victorian era, delisted in the 1980s and squared off in 2010. Therefore it was not a symmetrical Georgian house and consequently a balanced judgement was required with regard to the harm this application would cause.
  - They considered that the extension was subservient to the existing dwelling.
  - There was no heritage imperative for the dwelling to be symmetrical.
  - The decision on the previous application was at appeal as stated by Derek Carnegie, but the decision was not expected for another three months, as they had only just received an acknowledgement from the Planning Inspector.
5. Councillor Hilary Cole asked why they had submitted this planning application when the earlier one was still awaiting the appeal decision. Mr Lasseter advised that as they had made some changes to the earlier application, they had hoped it would be acceptable to the Committee.
6. Councillor Anthony Pick enquired what evidence they possessed that showed the dwelling dated back to the 1780s. Mr McNally explained that they had been told this by the previous owners and it was also referenced in various documents, as well as on the heritage gateway site.
7. Councillor Pick further enquired whether a Heritage Impact Assessment had been undertaken and he was assured by Mr McNally that it had. Mr McNally added that the dwelling had originally been a small farmhouse, which had been extended in the

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

- eighteenth, nineteenth and twentieth centuries, which was evident from the chimneys on the north side of the building.
8. Councillor James Cole asked what percentage of the house was Georgian and was told that it was probably less than fifteen percent, with the rest being either Victorian or modern.
  9. Councillor Paul Bryant requested clarification as to which part of the house had comprised the I-shape when they had purchased it and Mr McNally pointed out on the plan that it had been the kitchen and dining room, with a single storey above the kitchen.
  10. Councillor Anthony Stansfeld in addressing the committee, as Ward Member, raised the following points:
    - No objections had been received from Kintbury Parish Council. However, the dwelling was actually situated in Inkpen and no objections had been received from Inkpen Parish Council either, which was unusual.
    - He had known the previous owners of the dwelling and considered that the house looked much better following the 2010 extension than it did previously.
    - There had been much discussion about the balance of the house and it was often the case with extensions that the roof sloped down on one side, which was often because applicants could not afford to extend both sides. He also believed that the need for subservient extensions often made the original dwelling look terrible.
    - This house was not visible from the road and might be seen from the woods.
    - He was not concerned about the Planning Inspector's decision and felt the Committee's decision was more important.
    - He felt it was extraordinary that planning permission had been granted for the extension to the large mansion in West Woodhay and in comparison the extension for this house was an improvement and he had no objections to it.
  11. The Committee had no questions for Councillor Stansfeld.
  12. Councillor Bryant enquired what the definition in planning legislation was for a non-designated heritage site. Derek Carnegie replied that Planning Officers had relied on the view of the Conservation Officer for both applications and she had outlined a number of concerns with them. As the dwelling was tucked away, it might appear that there would be no harm from approving the application, but planners had a duty to protect Areas of Natural Beauty (AONB) in their entirety. Consequently they would prefer to await the view of the Planning Inspector, who was an independent specialist and would evaluate the drawings before making a decision.
  13. Councillor Bryant noted that the non-subservience of the extension had been mentioned by officers and requested clarification on this. Derek Carnegie explained that the roof of the two storey extension should be half a metre lower than the original dwelling and it was only one brick lower, which they did not consider was sufficient. He added that this was why it would be beneficial to allow an independent expert to decide if it was acceptable.
  14. Councillor Pick asked if the requirement for appropriate materials to be used in the construction of the extension had been given sufficient weight in the officer's report. Derek Carnegie responded that in his view, the word of the applicant and the agent on this point were sufficient and the Council would also apply conditions to cover it.

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

15. Councillor Hilary Cole noted that reference was made to Grade 3 listed buildings in the Council's Core Strategy and that officers would have adhered to this.
16. Councillor Jeff Beck asked why the lack of a response from the Archaeological Officer during the consultation period had not been followed up. Derek Carnegie said that the comments received on the first application had been sufficient, so it had not been necessary to do so and nor did they have the resources for this.
17. Councillor James Cole enquired whether the planning applications would have been approved if the building had not previously been Grade 3 listed. Derek Carnegie assured him that they would still have taken advice from officers who had the knowledge and experience in this area.
18. In considering the application, Councillor Garth Simpson noted that during the site visit, he had been in agreement with the Conservation Officer's view that the extension was large and disruptive. However, he had been impressed by the presentation given by Mr McNally and Mr Lasseter and he now considered that it was only the orangery and the office that were the disruptive elements of the proposed extension. Consequently, this extension was no different to the way the house had been extended over the centuries,
19. Councillor Pick agreed with Councillor Simpson's sentiments as it was evident that the dwelling had originally been a small Georgian cottage, which had changed over the centuries and his view was that the application should be considered on its merits.
20. Councillor Beck said that he did not object to the application and he proposed that planning permission was granted. This was seconded by Councillor Simpson.
21. Councillor Pick added that the choice of materials would be critical.
22. Councillor Hilary Cole opined with Councillor Simpson and noted that it was a classic example of a building being extended over the centuries and therefore, it was already compromised. She understood the applicant's need to accommodate a growing family but she felt they should have considered this when they purchased the property. In addition, as the earlier application was currently at appeal, she felt it would be foolish to approve it prior to receiving the Planning Inspector's decision and if the Committee was minded to do so, she considered it should be referred up to the District Planning Committee.
23. Councillor Bryant conjectured that the building was either listed or not listed and he could see the arguments on both sides. The western side of the building was the most attractive and uncompromised and well screened. However, he too was aware that the earlier planning application was awaiting the appeal decision and therefore he would not be supporting approval of this application. He therefore proposed that it was deferred until the Planning Inspector's decision had been received, as it might include useful information for the Committee to base its decision upon.
24. Councillor James Cole remarked that he had also been going to propose a deferment and he agreed that a growing family was not the right reason to extend a building. He was surprised the application had come before the Committee. With the current building only compromising 15% of the original building, he would be minded to approve it, but in the current circumstance, it made more sense to defer it.



## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

25. Councillor Dennis Benneyworth agreed with Councillor Hilary Cole. He had been impressed by the extension undertaken by the applicant in 2010 but he was swayed by the Conservation Officer's argument and felt it was wise to defer it.
26. Councillor Adrian Edwards added that he had been impressed with the building during the site visit and noted there were a considerable number of buildings in Newbury that were historic, and although not listed, should be preserved. He therefore considered that this building should be preserved and he agreed with the Conservation Officer that the proposed extension would materially harm the building.
27. Councillor Beck said that having heard the views of other Committee Members he wished to withdraw his earlier proposal and agreed that the decision on the application should be deferred but he asked for the redlines to be reviewed. Derek Carnegie assured him that they would be.
28. Councillor Hilary Cole seconded the proposal to defer the decision until after the Planning Inspector's decision was received.
29. The Chairman noted that the Constitution allowed for a previous proposal to be withdrawn and he invited the Committee to vote on the proposal made by Councillor Bryant and seconded by Councillor Hilary Cole to defer the application. At the vote, six Members voted in favour of the proposal, one Member voted against it and there was one abstention.

**RESOLVED** that the Head of Development and Planning be authorised to defer the decision on the planning permission until the decision had been received from the Planning Inspector.

*The Chairman suspended the meeting at 7.30pm.*

### **(2) Application No. and Parish: 19/00019/HOUSE - Newbury Town Council**

*The Chairman reconvened the meeting at 7.35pm.*

*(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Items 4(2) by virtue of the fact that they were Members of Newbury Town Council and were present at the meeting when the application was discussed but said they would consider it afresh. 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. Councillor Pick also stated that he had been lobbied on the application.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/00019/HOUSE in respect of a single storey extension and basement at 19 Battery End, Newbury.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Consequently officers recommended the Committee to grant planning permission.
3. In accordance with the Council's Constitution, Mr Stephen Beck, objector, Mr Jack and Mrs Danielle Stacey, applicant, and Councillor Adrian Edwards, Ward Member addressed the Committee on this application.
4. Mr Stephen Beck in addressing the Committee raised the following points:

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

- He was one of a number of residents who had submitted objections to the application.
  - They had been surprised by the lack of consultation by the applicant with neighbours on the application.
  - The applicant had moved the eastern boundary fence that adjoined the track and installed a membrane without prior consultation and it was not possible to assume that the covenant allowed for this to occur. The track was privately owned and other residents also had rights of access. As a result there had been confusion at the recent site meeting as to where the boundary was situated.
  - The Deeds included a restrictive covenant that stated the front of the house should be set back no less than six feet from the footpath.
  - They wanted a dropped kerb to be installed in keeping with the rest of the street as this was also a safety issue.
  - They also wanted the boundary to be restored before the work commenced.
  - Parking would be accessed by driving across the shared track and they requested that the applicant provided a front and back access to the property instead.
  - They were pleased that conditions had been included on the storage of building materials and restrictions on the working hours. However, they would also like to see the inclusion of a deadline for completion of the building work, since the applicant would be undertaking the work himself.
5. Councillor Hilary Cole noted that Highways had commented on the dropped kerb in the report, but it was not something they could insist upon. She also questioned whether it was realistic to ask the applicant to restore the boundary prior to commencement of the work, as it would be more beneficial to do so after it had been completed.
  6. Mr Beck replied that the applicant had not undertaken any consultation with neighbours prior to the work and in his view the best way to move forward was to consult with them.
  7. Councillor Paul Bryant asked for clarification about the impact of the covenant and Mr Beck explained it stated that the house should be set back six feet from the track.
  8. Councillor Bryant observed that Mr Beck had raised a number of issues, however he asked if they were corrected, whether this would resolve the situation.
  9. Mr Beck responded that they were glad someone had moved into the house as it had been empty for some time, but they just wanted to be consulted on the changes and have their views taken into consideration. However, if conditions were included that would ensure the track was restored, a dropped kerb installed along with the other issues he had mentioned, many of their concerns would be addressed.
  10. The Chairman asked Derek Carnegie if he could explain the relationship between a covenant and planning. Derek Carnegie advised that as planning legislation was confined to ownership of land and the planning merits of a development, covenants were outside of the planning remit.
  11. Councillor Adrian Edwards asked Mr Beck when he had found out about the detail of the planned development. Mr Beck responded that this had been when the orange notice had been put up and he had spoken to the applicant when the work on the track started.

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

12. Councillor Edwards further enquired whether the track had been damaged and Mr Beck replied that it had been a grassy area with bats, but these had now disappeared as several trees had been removed.
13. Councillor Anthony Pick asked who was responsible for the track and whether it was used for access. Mr Beck replied that it was used by dog walkers and as a cut through, however as its ownership was unknown, residents would on occasions cut back the brambles.
14. Mr and Mrs Stacey in addressing the Committee raised the following points:
  - The application had been called to Committee because over ten objections had been received and it was unfortunate that the detail of the objections had not been included in the presentation, as a large number of them had either been fabricated or were irrelevant.
  - They had not discussed the application with all their neighbours but had spoken to those who would overlook the extension.
  - The dropped kerb had been mentioned but there was no requirement for one to be installed.
  - They had received a considerable number of positive comments from neighbours to the development and when concern was raised about the working hours, they had dealt with this immediately. However other objectors had not approached them to discuss their concerns and therefore, it was difficult to address them.
  - The development would be confined to within the red lines and the extension had been designed to avoid the need for a two storey extension, which would have made the dwelling look like a block of flats.
  - He questioned the conduct of some of the local Newbury Town Councillors who had asked family members from other parts of Newbury to submit objections to the application.
15. Councillor Beck asked if a condition was included setting a deadline for completion of the building works, what they would suggest. Mr Stacey advised that they were aiming to complete the work within 18 months but, as he would be undertaking the building work around his paid employment, he would not be able to commit to that timescale.
16. Derek Carnegie interjected that a completion deadline was not something that could be included within a planning condition.
17. Councillor Pick asked for an assurance that the border would be restored and Mr Stacey confirmed that the fence would be replaced when the extension had been completed, and it had only been removed because it was rotten.
18. Councillor Bryant wondered how the border would be restored and Mr Stacey replied that he was considering either planting cherry laurels or installing a short fence.
19. Councillor Edwards raised concerns about the removal of the soil following the excavation of the basement. Mr Stacey replied that the soil would be placed on the land in front of the orange notice to enable lorries to collect it from the highway, as they did not want lorries accessing their land or the track.
20. Councillor James Cole asked whether they currently parked on the track and Mr Stacey agreed that at times the rear of his van protruded slightly onto the track, but

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

this was because of the positioning of a tree, which would be resolved on completion of the extension.

21. Councillor Edwards noted the raised planted area on the plans and asked how it would be constructed. Mr Stacey advised that the plans had been superseded and the revised ones did not include any garden landscaping.
22. Councillor Edwards in addressing the Committee as Ward Member, raised the following points:
  - He knew the site well and had been pleased about the application as the dwelling had been unoccupied for five to six years and had deteriorated. However the fact the applicant had undertaken the work on the track was unhelpful.
  - He agreed that the plans for the extension were acceptable in design and size. However the basement was more contentious as the excavations were causing concern to neighbours. Consequently, if there had been earlier communication on the application, a number of the objections could have been resolved, which would have saved the application being brought before the Committee.
  - He suggested that a condition was included relating to the installation of a holding tank for the harvesting system.
  - He also suggested that the excavation of the soil was undertaken before building work started on the extension, to avoid any disruption along the track.
  - He agreed with the Archaeologist that there was no need for an archaeological investigation to be undertaken, but asked for any artefacts of interest to be passed over to the Council.
  - He noted that it would be helpful if part of the front hedge obscuring the entrance was removed.
23. Councillor Hilary Cole noted that she had concerns around the basement and its effect on the geology of the site, however the comments from the land drainage engineer were comforting. Nevertheless she enquired whether officers were confident that the building regulations were sufficiently robust to ensure it would be constructed appropriately. Matthew Shepherd assured her that the Council's Building Control officers had not raised any issues about the company undertaking the building control function.
24. Councillor Beck enquired whether it was possible to include a condition requiring the installation of a holding tank for the harvesting system, as suggested by Councillor Edwards. Matthew Shepherd replied that he was content the Building Control team would ensure the requirements were met.
25. Councillor Beck further enquired whether there was any protection that could be enforced to limit the term of the building work. Matthew Shepherd explained that whilst Environmental Health would be able to deal with any noise issues, planning practice guidance did not enable them to limit the term of the building work. Derek Carnegie added that in extreme circumstances it would be possible to serve a completion notice on the applicant requiring him to complete the work, but they would not recommend it for inclusion as a planning condition.
26. Councillor Pick asked where the parking plan was and was advised it was provided in the top left hand corner of the plans. Councillor Pick then drew attention to the comments made by the Sustainable Drainage Officer on page 32 of the report with regard to the Ordnance Survey mapping and expressed concern about unforeseen

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

problems coming to light during the construction. Matthew Shepherd assured him that it would be possible to include a condition covering this eventuality.

27. Councillor James Cole asked whether the Council would receive any feedback from the external company undertaking the building control function. Matthew Shepherd advised that the Council would receive a notice setting out the work that had been undertaken but they would not be provided with a report and any unforeseen events would be covered by building control insurance.
28. Councillor Dennis Benneyworth enquired whether it would be necessary to install a dropped kerb and Matthew Shepherd confirmed that it was not something the Council would insist upon, but the applicant was at liberty to implement it.
29. In considering the above application Councillor Bryant commented that he had no objections to the application in principle with regard to the design and the street scene. However the objections had been in relation to other aspects such as the dropped kerb, boundary treatment and disturbance of the peace and tranquillity of the neighbourhood, all of which could be overcome. Therefore he proposed that the Committee approved the planning permission.
30. This proposal was seconded by Councillor Hilary Cole who added that she thought it was a very acceptable scheme but it was unfortunate that the neighbours had not been consulted. The applicant did have access to the track and, as a result, it made sense not to extend the fence to the footpath. The track did appear to be overgrown and consequently she could not understand why neighbours were so concerned about it.
31. Councillor Pick said he also supported the application, however if any unforeseen problems arose, he hoped that Building Control officers would be able to respond quickly. Derek Carnegie advised that the building regulation legislation was precise and it was not a planning issue.
32. The Chairman invited the Committee to vote on Councillor Bryant's proposal to approve the planning permission, seconded by Councillor Hilary Cole and the motion was carried unanimously.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### **Conditions:**

#### **1. Full planning permission time limit**

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

- Drawing title "Overall Plan" including block and location plan. Drawing number not present. Date received 31st January 2019.
- Drawing title "Floor Plans". Drawing number not present. Date received 30th January 2019.
- Drawing title "Elevations". Drawing number not present. Date received 30th January 2019.

## WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES

- Drawing title "Basement Plan". Drawing number not present. Date received 30th January 2019.

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

### 3. Schedule of materials (optional samples)

The development shall be carried out in matching materials as stipulated within the application form and supporting documentation with this application.

**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 (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) AND Supplementary Planning Document Quality Design (June 2006).**

### 4. Landscaping

A detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.

The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

### 5. Construction method statement

The development shall take place in accordance with the Construction Method Statement document submitted to the council on the 23rd February 2019. The development shall be carried out in accordance with these approved details

**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 (2019), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).**

### 6. The Spoil shall be removed in accordance with the details submitted

All spoil arising from the development shall be used and/or disposed of in accordance with the details submitted to the Local Planning Authority on 18th February 2019 and 23rd February 2019.

**Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).**

## 7. Boundary treatment

Prior to the use of the side extension and basement details including a plan, indicating the positions, design, materials and type of boundary treatment to be erected are to be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme. The approved boundary treatments shall thereafter be retained.

**Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).**

## 8. Hours of Deliveries

All deliveries shall be made outside of school drop off times to the site. No deliveries shall be made before 0930 and after 1445 during construction.

**Reason: To safeguard the highway network from construction traffic congestion at peak times. This condition is imposed in accordance with the National Planning Policy Framework (2018) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).**

## 9. HIGH12 - Parking/turning in accord with plans (YHA24)

The development shall not be brought into use until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space 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 (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).**

## 10. Hours of work (construction)

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

8:00a.m. 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 (2019), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).**

Informatives:

### HI 3 Damage to footways, cycleways and verges

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.

### HI 4 Damage to the carriageway

**WESTERN AREA PLANNING COMMITTEE - 13 MARCH 2019 - MINUTES**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

**44. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.37 pm)*

**CHAIRMAN** .....

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



# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 21 MAY 2019

**Councillors Present:** Phil Barnett, Jeff Cant, Hilary Cole, James Cole (Substitute) (In place of Claire Rowles), Carolyne Culver, Clive Hooker, Erik Pattenden (In place of Adrian Abbs), Tony Vickers and Howard Woollaston

**Also Present:** Sarah Clarke (Head of Legal and Strategic support)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs and Councillor Claire Rowles

#### PART I

##### 1. Apologies

Apologies for inability to attend the meeting were received on behalf of Councillors Claire Rowles and Adrian Abbs.

##### 2. Election of Chairman

**RESOLVED that** Councillor Clive Hooker be elected Chairman of the Western Area Planning Committee for the 2019/20 Municipal Year.

##### 3. Appointment of Vice-Chairman

**RESOLVED that:**The appointment of the Vice Chairman would be made at the next Western Area Planning Committee.

*(The meeting commenced at 8.50 pm and closed at 8.53 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 5.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/01441/HOUSE West Woodhay Parish Council	8 <sup>th</sup> August 2018 E.O.T 14 <sup>th</sup> June 2019	Hayward Green Farm, West Woodhay, Newbury, Berkshire  Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.  Mr. Charles Brown

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01441/HOUSE>

**Ward Member(s):**

Councillor James Cole  
Councillor Claire Rowles  
Councillor Dennis Benneyworth

**Reason for Committee determination:**

The Council has received more than 10 letters of objection.

**Committee Site Visit:**

6<sup>th</sup> June 2019

**Recommendation.**

**The Head of Development and Planning be authorised to GRANT planning permission.**

**Contact Officer Details**

**Name:** Mr. Matthew Shepherd  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**E-mail Address:** [Matthew.Shepherd@westberks.gov.uk](mailto:Matthew.Shepherd@westberks.gov.uk)

## **1. Recent Relevant Site History**

- 1.1. 03/01329/FUL. Change of use of premises to mixed use of agricultural and stud farm, erection of an American Barn with 14 loose boxes and provision of a manege. Refused 18.09.2003
- 1.2. 04/00183/FUL. Change of use to mixed agricultural and equestrian use, erection of stables, barn, manege, lunge ring and retention of existing residential use of former egg store. Withdrawn 08.09.2004.
- 1.3. 04/02307/FUL. Change of use to agricultural / equestrian use, erection of stables manege and retention of existing residential use of former egg store. Approved 14.07.2005.
- 1.4. 06/01664/FUL. Replacement dwelling and stables. Withdrawn 07.09.2006.
- 1.5. 09/01887/FUL. Section 73 - Relaxation of Condition 7 - Existing agricultural and equine occupancy condition which cannot be complied with. Withdrawn 22.12.2009.
- 1.6. 09/02221/MDOPO. Modification of the obligation of approved application 04/02307/FUL. Withdrawn 23.12.2009.
- 1.7. 10/02100/FUL. Replacement of garden store/general purpose building to provide secure storage for machinery. Approved 14.10.2010.
- 1.8. 12/00408/CERTE. Use of the dwelling for occupancy. Approved 26.04.2012.
- 1.9. 12/02892/FUL Replacement dwelling and garage block. Approved 05.05 2013
- 1.10. 13/01560/COND1 Condition discharge details for permission ref 12102892/FUL- - Replacement dwelling and garage block. Approved 10.09.2013.
- 1.11. 13/01949/FUL Replacement dwelling (alternative) approved 27.09.2013
- 1.12. 13/03171/COND1- Application for approval of details reserved by Conditions 2 - Materials, 3 - Construction Method Statement, 4 - Landscaping, 5 - Tree Protection, 6 - Arb Report and Condition 7 - Spoil disposal statement of approved application – 13/01949/FUL - Replacement dwelling. Approved 14.03.2014
- 1.13. 13/02986/NONMAT Non Material amendment to planning permission 13/01949/FUL - Replacement dwelling - (Amendment) 2 no. additional dormers and adjustments to roof over bay projection. Refused 06.01.2014
- 1.14. 14/00590/FUL Replacement dwelling. Approved 27.05.2014
- 1.15. 14/02479/FUL Section 73: Variation of Condition 2 - Materials of planning permission reference 14/00590/FUL (Replacement dwelling). To allow use of Portland stone instead of lime render. Approved 21.11.2014
- 1.16. 14/03407/FUL Removal or variation of Condition 2 - Materials as specified in approved reference 14/00590/FUL (Replacement dwelling). Approved 18.02.2015
- 1.17. 15/00673/FUL Relocate Existing Drive. Approved 08.06.2015
- 1.18. 15/01729/FUL Section 73a - Variation of Condition 2 - Materials of approved reference 14/00590/FUL - Replacement dwelling. Approved 01.09.2015.

- 1.19. 15/01980/COND1 Details reserved by Conditions 4: Tree protection, 5: Arboricultural Method statement, 6: Landscaping, of planning permission 15/00673/FUL: Relocate existing drive. Approved 19.08.2015.
- 1.20. 15/03435/HOUSE Landscape scheme for new dwelling. Approved 18.03.2016.
- 1.21. 16/00193/COND1 Details reserved by Conditions (4) - Tree protection scheme and (5) - Arboricultural Method Statement of approved planning permission 14/00590/FUL. Approved 20.4.2016.
- 1.22. 16/02789/FUL Change of use from incidental to ancillary residential, together with inclusion within the curtilage (if required). Refused 10.01.2017.
- 1.23. Full planning history available on file.

**2. Publicity of Application**

2.1. This application was advertised by way of Site Notice placed on construction site boards adjacent to the entrance of the site which expired on 1<sup>st</sup> August 2018.

2.2. During the course of the application the red line of the application site was reduced to that of the previously accepted residential red line curtilage (14/00590/FUL and 15/03435/HOUSE). Notification for information as sent out to the Parish and objectors. Amended plans and documents were submitted during the course of the application to which Parish and Objectors were consulted upon.

**3. Consultations and Representations**

**Consultations**

<b>West Woodhay Parish Meeting.</b>	<p>The latest comments by the parish council are posted below. Previous comments are available on the Council's Website.</p> <p>Please see the following comments detailing our objections to the recent planning application no. 18/01441/HOUSE. Please note that West Woodhay Parish Meeting objects strongly to the application and would welcome the opportunity to speak at any future planning meeting or committee meeting held to consider this application.</p> <p>Blatant disregard for the Section 106 Agreement which firmly states the correct curtilage for this property. The agreement (drawn up and signed by the Applicant himself, the BVI company owning the property, and West Berkshire District Council in July 2005) was contained in Planning Application 09/01887/FUL on the Council website under the <u>second</u> application name of Haywood Green Farm. Things (lawyers) and the Council's own lawyers have confirmed that the correct curtilage is as shown in the Agreement.</p> <p><b>As such, the proposed Western Pavilion and proposed underground car park are outside the curtilage.</b></p> <p>The applicant and their agents give no justification or reasoning for their attempt to break of the Section 106 Agreement. And as noted by the lawyers, the historic planning documentation does not support the Applicant's assertion that residential curtilage exists to the extent indicated by the applicant's red line plan. It is also very difficult to increase curtilage in an AONB. In each of their previous applications,</p>
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the Applicant and his agents attempt to justify the current curtilage/red line area by referring to incorrect red lines drawn in previous applications. Even in this amended application, further/new misinformation regarding the curtilage/red line has been submitted by the Applicant in the amended 'Design and Access Statement' included within the amended application documentation. Seemingly, the red line area has been INCREASED AGAIN to conveniently include the old Machinery Store which is now being offered for demolition despite it being a building which was supposed to have been DEMOLISHED and REPLACED by the Garden Store under previous approved Application 10/02100/FUL in the second application name of Haywood Green Farm.

We are awaiting the North Wessex Downs AONB official response following their visit/onsite meeting with the Applicant, the Applicant's Agents and the Council Planning Officer in April 2019. West Woodhay Parish Meeting (WWPM) were excluded from this meeting DESPITE our request to attend. A previous email from Rebecca Davies of the AONB to the planning officer dated 31 January 2019, concurred with our views that the current application would be a gross 'overdevelopment of the site and its continued suburbanisation which is a result of the proliferation of outbuildings, loss of existing landscaping and the addition of hard and inappropriate landscaping that has occurred over the last 4 years'. She adds 'The continuous creep of development and extension of the residential curtilage will leave a permanent scar on the local landscape, there must be a point at which development is restricted in order to ensure the conservation of the natural beauty of the local landscape'. She goes further to say the development is out of keeping with property type and materials used to construct a building within the AONB; the application would potentially create another dwelling on the site.

Additionally, in Rebecca Davies's email dated 25 January 2019, she states 'In terms of the new application and underground car store to include multiple water pumps, the AONB would raise an objection. The cumulative impact of continued development would in my opinion represent overdevelopment of the residential curtilage, which in itself appears to have incrementally extended with each application into open countryside.'

The applicant and his agents have still made no attempt to engage or consult with the locals or the WWPM, even after this was remarked upon as unsatisfactory by the Councillors at the Committee Meeting on 21 November 2018. For the record, it should be noted that at no time during the continual development of this site has the Applicant EVER engaged or consulted with the locals or WWPM, nor made ANY attempt to do so. Interestingly, in her Pre-Application Advice letter to the Applicant dated 26th October 2017, the Senior Planning Officer Development Control at West Berkshire Council stated: "The NPPF strongly encourages applicants to engage with the local community before submitting their applications. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development may be looked at more favourably. You may wish to contact the local parish council (West Woodhay Parish Meeting) to present your proposals. It is also advisable to discuss the proposals

with any neighbours which may be affected by the development”. No engagement has been made whatsoever.

At the Committee Meeting held in November 2018, and with grave concerns over ground water levels at hand, Councillors asked the Applicant and the Applicant’s agents to supply a **full** hydrological report to show that neighbouring houses (in particular) upstream of Hayward Green Farm would not be affected by the further proposed development, and in particular from the proposed large underground car park and its associated water pumps to keep the area dry. The Councillors were concerned that this development will (i) not affect the local ground water levels generally; (ii) not lead to the cracking of foundations of neighbouring houses; (iii) not affect local residents’ boreholes; and (iv) not interfere with the water level in the natural ancient fishpond at (neighbouring) Fishponds Farm House which is already experiencing greatly reduced water flow and water levels, which is especially worrying given its interesting levels of natural pondlife. The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey produced focused upon the impact to Hayward Green Farm and not the neighbours’ properties. Therefore there is still a concern that the significant excavations and continual pumping required to stop both the main house and large underground car park (with a bigger footprint than the main house itself) from flooding, will affect the neighbours properties, boreholes, general surface water levels and the ancient pond situated at Fishponds Farm House. The surveys fall woefully short of the Councillors’ requirement and DO NOT provide reassurance to the neighbours.

In her email dated 25 January 2019, AONB representative Rebecca Davies stated ‘The proposed building and engineering works would significantly affect the natural drainage of this landscape which has already been unbalanced by the erection of the colonial manor style dwelling’.

The applicant continues to cut down mature trees on the site without seeking permission. When compared to the ‘bird’s eye’ Landscape Plan 15/03435/HOUSE approved by the Council in 2016, this amended current application shows where numerous mature trees have been felled – even though their continuing existence was approved by the Council. This continual reduction of mature trees around the property CONTINUES to increase the visual impact of the development site. Whilst the Applicant has proposed an “Estate Management Strategy” to plant trees to reduce the visual impact, this is just a proposal and on past experience, CANNOT be relied upon.

In her email dated 31 January 2019, AONB representative Rebecca Davies stated ‘The site had native trees and hedgerows that gave some degree of screening of the site, screening that the agent used to support the replacement dwelling application by stating there would be limited visibility of the property due to the extensive planting within and around the site. Since then the original landscape scheme proposed was not adhered to and trees and boundary planting have been purposefully removed from site. Unfortunately this gives no assurances that the proposed planting some of which is outside of the red line of the application will be planted or maintained.’

1. The tennis court surface area is missing from the calculation which quantifies the amount of hard surface the new/amended

application will create.

To justify the additional footprint created by the Western Pavilion the amended plans show the Applicant is offering to demolish the Garden Store which is partially within the curtilage (c.15% inside) and NOW also the Machinery Store which is OUTSIDE the curtilage although, as mentioned above, the Design and Access statement INCORRECTLY shows both within the curtilage. It should however be made clear that under approved planning 10/02100/FUL, planning was granted for the Machinery Store to be REPLACED by the larger Garden Store. The Machinery Store was never demolished. How therefore can this Machinery Store be used AGAIN for planning purposes to justify an increase in the number of buildings within the curtilage?

When this current planning application was first submitted, VERY WORRYINGLY and VERY DISGRACEFULLY the Applicant did NOT disclose that the underground car park was very dangerously close to the National Grid HST High Pressure underground pipeline. Very luckily, this was picked up as the application progressed. But SHOULD planning have been granted on the initial application (and it should be remembered here that the Council Planning Team advised the Councillors to approve this initial planning), the resultant building works could have catastrophically breached the pipeline itself with resultant large scale loss of life, loss of neighbouring property, and large-scale pollution of the wide local area. Furthermore, the Applicant's agents (Carter Jonas) attempted to get the Council Planning team to confirm to the National Grid TOTALLY INCORRECT actual distances from the proposed underground car park to the pipeline. Luckily this was picked up on (by both the Council Planners and WWPM) to avert possible catastrophic consequences to both life and neighbouring property.

The applicant cannot be relied upon to comply with conditions as he disregards approved plans or conditions, for example:

- Point number 7 above. The REPLACED Machinery Store was never demolished under approved planning application 10/02100/FUL.
- Planning approval for the new driveway (15/00673) stipulates 'the existing vehicular accesses at the site shall be stopped up and abandoned immediately after the new access(es) hereby approved has/have been brought into use'. The new driveway is now being used and the old one still exists and is also being used.
- The new gates have been constructed SO TOTALLY out of keeping with the approved plans; and the driveway is formed of tarmac whereas gravel was approved by the Council.
- The Eastern Pavillion has had windows/roof lights fitted without permission and now the Applicant is applying retrospectively within the current application.
- The 50 acres of grassland/fields are being mown as lawn and there is no distinction between the garden/curtilage and the fields.
- In addition to this, it should be noted that planning applications have been made under the TWO different names Hayward Green Farm and Haywood Green Farm. And when a planning application was made for the main



	<p>residence in the name of Hayward Green Farm, no mention was made of the planning already approved for a replacement barn in the name of Haywood Green Farm. As such, there is a strong argument that more planning has already been granted on this site than it should have ever been.</p>
<p><b>Hampstead Marshal Parish Council</b></p>	<p><b>Hamstead Marshall Parish Council</b> West Woodhay / Hayward Green Farm / Application; 18/01441/ House</p> <p><b>Objection</b></p> <p>The Parish Council wishes to register its objection to the further development of this site.</p> <p>1. The application is a further intrusion into the AONB and directly challenges their <i>raison d'être</i>.</p> <p>2. The development is contrary to West Berkshire Core Strategy: <u>AONB Management Plan 2.14</u> - 'is driven by the primary purpose of AONB designation – conservation and enhancement of natural beauty'. <u>Spatial Strategy 4.8/second bullet point</u>- 'in open countryside- only limited development in the countryside will be allowed focussed on identified needs and maintaining a strong rural economy.' <u>Spatial Strategy 4/North Wessex Downs/ Environment</u>-Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies..'</p> <p>3.The development is contrary to the National Planning Policy Framework: <u>11 Conserving and enhancing the natural environment:</u> 109 'The planning system should contribute to and enhance the natural and local environment- protecting and enhancing valued landscapes...' 115 'Great weight should be given to conserving landscape and scenic beauty in....AONBs which have the highest status of protection in relation to landscape and scenic beauty'.</p> <p><u>17 Core Planning principles.</u> The development does not take into account the views of local communities; because they must '...empower local people to shape their surroundings', and 'recognise the intrinsic character and beauty of the countryside and support thriving local communities'.</p> <p>4. As a Parish Council we regard this as over-development of the site and are concerned about the precedence this sets for other inappropriate schemes in the AONB.</p> <p>5. We are aware of the history of this site which involved setting up a small livestock unit, calling it a 'farm', then obtaining accommodation followed by enlargement etc. etc. Granting consent in this case will encourage ever more opportunist schemes such as this, which we can see already gestating in our parish.</p>
<p><b>Environmental Health</b></p>	<p>No objections. Recommended Consultation with Environments Agency in regards to bore hole information.</p>
<p><b>Environment Agency</b></p>	<p>Consulted on the 14/01/2019 and did not wish to respond. Email dated 08/02/2019.</p>

**North Wessex Downs  
AONB Board**

Although the North Wessex Downs initially objected to the application through amendments to the application they were able to raise no objections as follows

Thank you for the opportunity to comment on the revised scheme and arranging the meeting on site with yourself and the agents.

In light of the amendments made and your email relating to the issue of residential curtilage changes the AONB board would withdraw its objection to the proposed application, although we would still raise concerns over the extent of development on the site and the material proposed as it is alien to the AONB, however we recognise that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.

The accommodation above the garages has the potential to be lived in independently from the main house and therefore is tantamount to a new dwelling. The applicant/agent have expressed that this accommodation is for staff and visitors/guests only, we would therefore request that this be secured by a S106 agreement/condition to ensure that the accommodation is ancillary to the main dwelling and cannot be let or rented independently (short or long term).

The agents have taken on board comments and tried to amend the plans accordingly relating to the creep of development/overdevelopment on site by removing 2 of the existing outbuildings, which we welcome. It is imperative that the buildings highlighted for removal are conditioned and works carried out prior to the commencement of development on the pavilion building.

This locality falls within landscape character area 8E of the AONBs landscape character assessment which describes the locality as having a coherent character, with a consistent framework provided by the strong structure of woodlands, hedgerows and trees. This creates a small scale enclosed and even secretive character. The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.

The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.

Lighting has the potential to cause harm to dark skies a special quality of the AONB and therefore we would ask that a condition requesting details of any external lighting be submitted the LPA.

I discussed the issue of drainage with the agent of site and advised of our concerns over the pumps and water levels of the pond at Fishpond Farm. I am aware that a drainage assessment has been carried out in relation to the pond at Hayward Green Farm and the

	<p>surrounding landscape which demonstrates that the pumps are not causing any reason for concern. It is however the water level above the site that is of concern, I am aware that the drainage consultants tried to gain access to Fishponds Farm but were refused entry and with no objection being raised by the WB drainage team the AONB cannot substantiate an objection on the activity and effects of the pumps.</p> <p>The proposed development, subject to the removal of 2 outbuildings and implementation of landscaping measures would on balance conserve the natural and scenic beauty of the local AONB landscape.</p>
<b>Highways</b>	No highway objections.
<b>National Grid</b>	<p>Objected to the application as the development was within the easement of a mains gas pipeline running through the site. They noted that if the development was removed from the 12.2m easement they would raise no objection to the application. The development was amended and moved approx. 13.5 metres away from the pipeline outside the easement.</p> <p>Any other permissions or work permits required are to be sort between the relevant parties.</p>
<b>Sustainable Drainage Team</b>	<p>The Land Drainage Officers were consulted on the application after the previous committee and reviewed the Surface drainage strategy, the proposed drainage strategy and the Hydrology report produced by the British Geological Survey.</p> <p>The officers conversed with the consultants to discuss the fine details. They were content with the details supplied and recommended no objections subject to a condition.</p>
<b>Thames Water</b>	<p>Thames Waters Consultation response is as follows</p> <p><u>Waste Water Comments</u></p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will</p>

	<p>undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a></p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments: On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>Tree Officer</b>	<p>Observations.</p> <p>No trees are likely to be directly impacted by this proposed development</p> <p>No objection.</p>
<b>Natural England</b>	Natural England has no comments to make on this application.

#### 4. Representations

4.1. The Local Planning Authority has received 28 representations all of which were objections to the application.

4.2. The matters raised in the letters of objection (summarised by officers) are:

- Objections to overdevelopment of the site through this proposal
- The overall appearance and lighting of the proposed building situated in the AONB is considered out of keeping with the village of West Woodhay, as is the rest of the approved site
- Noise and light pollution from the proposed development
- The residents of West Woodhay views have not been considered at any stage by the planners or by the developers
- The external lighting which is being proposed, if it is similar to the existing lights, is neither discreet nor sympathetic and it is totally out of keeping for the area.
- The current security lighting on site is not discreet and causes light pollution
- The plans do not mention or consider the water table or the underground aquifers and the impact the proposed underground car park may have upon this.
- The intention of this application and the need for such a large underground car park is unclear
- Objection to the roof lights in the two outbuildings that face outwards to neighbours properties rather than into the courtyard could cause impact to neighbouring amenity
- Concern over previous permissions not being implemented in full and outbuildings that were meant to be demolished still standing on site.

- Concern raised over the 'end goal' of a number of applications across recent years.
- Issues raised in regards to further construction traffic, noise, dust.
- Concerns over where the official domestic curtilage of the dwelling is now
- Concerns over the accuracy of implementation of previous permissions for landscaping
- The house's scale is already not in keeping with the surrounding AONB and there are already quite enough substantial houses within the village. What is really needed is affordable homes and maybe the owner should be made to consider including some in his development plans.
- The local highways have already been considerably damaged, at great cost to council tax payers, by the heavy construction traffic that has been used.
- Previous permissions should be built out and finished before more permission is granted upon the site.
- The Planning Statement omits some historic planning applications.
- Objection to the creation of underground parking when the existing pavilion has ample parking.
- Objection to the residential curtilage not being in accordance with previous 106 agreements.
- The Portland stone that the original dwelling was built in was not appropriate.
- why is no consideration or consultation given to those who live and pay their taxes in the local community and all permissions given to somebody who has no regard for our planning laws, no regard for our country side, no regard for the historical context of our buildings and who does not even live in this country.
- The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey only focused on the impact of flooding to Hayward Green Farm and did not mention what effect it will have on neighbouring areas.
- Objections to the suggestion of an estate management plan
- The applicant is already meant to have demolished the Machinery Store and strangely is now trying to again use the promise of its demolition in order to justify further development.
- The deer fencing of the entire property boundary, destruction of trees, hedging & shrubs and mowing of all the agricultural land as if it were one large garden together with the already dramatic changes to the water flows and water levels have irreversibly damaged the fauna and flora over the entire site.
- The overall light pollution is completely unacceptable. Security lighting should only go on when activated by motion sensors yet the house, garage & gates are brightly lit - normally continuously throughout the hour of darkness.
- The previous application for the new driveway noted the old one should be stopped up which has not happened.
- Failure local to engage with the parish council or neighbours.
- The applicant is employing many tricks to get round planning issues
- The applicant initially asked for a great deal of development to start with only to reduce this amount in the expectation of receiving approval. Objectors raise that if this was all requested initially would it have been approved.
- Objection to the AONB changing their consultation response.
- Objection to the contents of the AONB's latest consultation response.

## **5. Planning Policy Considerations**

5.1. The statutory development plan comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

- 5.2. The following policies from the West Berkshire Core Strategy carry full weight and are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty.
  - CS 5: Infrastructure requirements and delivery
  - CS 13: Transport
  - CS 14: Design Principles
  - CS 16: Flooding
  - CS 17: Biodiversity and Geodiversity
  - CS 19: Historic Environment and Landscape Character
- 5.3. The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by future development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:
- TRANS1: Meeting the Transport Needs of New development.
  - OVS5: Environmental Nuisance and Pollution Control.
  - OVS.6: Noise Pollution
- 5.4. The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:
- C1: Location of New Housing in the Countryside
  - C6: Extensions to Existing Dwellings with the Countryside
  - P1: Residential Parking for New Development
- 5.5. Other material considerations for this application include:
- The National Planning Policy Framework (2018) (NPPF)
  - Planning Practice Guidance (PPG)
  - Quality Design Supplementary Planning Document (SPD)

## 6. **Proposal**

- 6.1. The application proposes the demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- 6.2. The site is located outside of defined settlement boundaries, within a biodiversity opportunity area, and within the North Wessex Downs Area of Outstanding Natural Beauty.
- 6.3. The proposed pavilion measures approximately as follows; eaves height of 3 metres, length of 19.5 metres, width of 7.5 metres and a height of 6.5 metres. The underground car park will be approximately 14m by 30 metres.
- 6.4. There has been objection to the development not being in accordance with previously signed legal agreements. However the development is in accordance with the approved curtilage of application 14/00590/FUL and subsequent application 15/03435/HOUSE for the landscaping of the approved house known as Hayward Green Farm. Given the strong local objection this issue needs to be addressed. Given that the LPA has already permitted the curtilage submitted here under this current application in application

14/00590/FUL and 15/03435/HOUSE the applicant is simply following what the LPA has accepted as the domestic curtilage previously for the replacement dwelling of 14/00590/FUL. It is recommended that the legal agreements be updated to reflect the red line as it is currently, to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line (Domestic Curtilage) under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

**7. Determining issues:**

- The Principle of Development and Impact on the Character and Appearance of the Area and Neighbouring Amenity;
- The Impact on Highway safety;
- Drainage and flooding;
- Ecology and Landscaping
- Utilities near the site

**8. The Principle of Development, Impact on the Character of the Area and Neighbouring Amenity**

8.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.

8.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

8.3. The proposed development at Hayward Green Farm, West Woodhay, Berkshire is outside the settlement boundaries as defined within The West Berkshire Core Strategy (2006-2026) and the West Berkshire Housing Site Allocations DPD (November 2015). Being outside of the settlement boundary development is restricted but there is a presumption in favour of extensions to existing permanent dwellings including new extensions to domestic outbuildings in the countryside under policy C6 of the Development Plan. This states that extensions to dwellings will be permitted provided that;

- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
- ii. it has 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; and
- iii. the use of materials is appropriate within the local architectural context; an
- iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties

8.4. The residential site, contained within the red line of the application site (domestic curtilage) contains the replacement dwelling, a section of the garden store outbuilding, and an existing pavilion outbuilding. The proposed pavilion building would have a ridge height that is the same as the existing pavilions ridge height on site. Both of these would be subservient in height to the replacement dwelling on site. Drawings showing the

existing and proposed site section display the subservience of the buildings heights. The proposed pavilion building would sit opposite the existing pavilion building on site, creating a U shaped configuration with a courtyard to the front leading to the entrance of the replacement dwelling on site. The design is considered to be in character with the existing dwelling mirroring the existing outbuilding on site and related to the existing dwelling on the site well. This would great a grouping of buildings reducing the isolation of the dwelling in the countryside. The rooflights proposed retrospectively within the original pavilion match that of the proposed pavilion and are conservation style roof lights. They do not detract from the proposed development and are an acceptable addition to the original pavilion on site. The whole development creates a symmetrical built form of development which is considered to be both well designed and attractive in this rural setting.

- 8.5. The development is accompanied by a substantial amount of evidence and documents to support the proposed developments acceptable impact. A Landscape Visual Appraisal (LVA) along with an impact statement was submitted with the application and has been reviewed. This LVA states it considers the impact on the landscape is not 'significant'. It states that the site was previously characterised by a cluster of built form, the proposed development considered here re-creates this cluster of built form ordering the site in a better manner, albeit in a different form. The removal of the existing garden store and garage building would assist in achieving this character by removing built form from the site. This amendment to the application can be secured via condition and results in a net decrease in floor space above ground within the AONB. This application reduces built form in the AONB to which the AONB board identifies as a positive aspect leading them to raise no objection. The case officer has reviewed the LVA and has visited the site. The case officer considers that the proposed development would not cause undue impact to the protected landscape and through keeping built form clustered closer together the proposed development would not be to the detriment of the character of the area or protected landscape. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB. The AONB Board raises no objection to the development and adds "*The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.*"
- 8.6. There is not considered to be any significant historic interest in the local area, the site is not contained within a Conservation Area and the proposed outbuilding would not harm the setting of any listed buildings.
- 8.7. The case officer does not consider the impact on the AONB to be unacceptable. The case officer agrees that the demolition of the garden store and the Garage in addition to the location of the proposed outbuilding would create a cluster of building in keeping with the previous built form on site. The replacement of the ramped access with a car lift to the basement of the development would have a lesser visual impact and is an amendment well received to the application. The underground car park would not be visible in the AONB neither would the car lift. A condition requiring details of spoil use and disposal is required to ensure the amount of evacuated material is dealt with acceptably. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB.



- 8.8. The proposed materials are considered to reflect the existing built form on site leading to support for the proposal. The proposed materials would be in keeping with the previously approved pavilion and replacement dwelling. This would benefit the “street scene” and character of the site, as the cluster of buildings would read as one site all associated with each other. This view is accepted by the NWD AONB board who comment “*that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.*”
- 8.9. In regards to neighbouring amenity securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact.
- 8.10. The impact on neighbouring amenity is considered to be minimal. The nearest neighbouring dwellings are Fishpond Farm and Hatch House Farm. Both of these dwellings benefit from a considerable separation distance between themselves and the proposed development. Fishpond farm dwelling is approx. 300 metres away from the proposed development. This is also true for other dwellings in the area. The development does not raise concern in regards to overlooking, overbearing, overshadowing or loss of sunlight to neighbouring amenity given the level of separation between the proposed development and neighbouring buildings. Any impact on neighbours from construction noise will accordingly be minimal and temporary until development is finished.
- 8.11. Concern has been raised in regards to light pollution from the Velux windows facing outwards. The Case Officer does not feel 4 rooflights will causes an undue impact on the neighbouring amenity given the level of separation. Rooflights are generally acceptable in the AONB to the point where many can be installed under Permitted Development Rights. Concern has been raised in regards to external lighting and the impact on the AONB’s dark night skies. Your officer has requested these details during the course of the application but a condition was agreed upon. This will required details of any external lighting to be submitted to the LPA prior to development commencing for the existing and proposed pavilion buildings. The condition is justified to be applied to the existing pavilion building given the retrospective elements proposed within this permission.
- 8.12. For these reasons, the proposal is in accordance with development plan policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) policy C6 of the West Berkshire Housing Site Allocations Development Plan Document.

## 9. **Highway safety**

- 9.1. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 9.2. The Highways Department has raised no objections to the application as ample parking is provided and there is not considered to be a detrimental impact upon the highway safety of the surrounding area. Although considerable parking is provided on site it is not considered that the actual traffic generation will be substantial or impact on the local highways network given the domestic nature of the dwelling.

- 9.3. Therefore the proposal is considered to be acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS1 and the NPPF (March 2018) subject to conditions.

## 10. **Drainage and Flooding**

- 10.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS 16 addresses issues regarding flood risk. This policy stipulates that sites require a flood risk assessment if they fall within Flood Zone 2 or 3. Representation letters have raised concern in regards to the impact the underground car parking area may have on issues such as the water table, aquifers and bore holes. As a result of the previous deferred committee the applicant was asked to review this aspect of the proposed development produce the relevant reports. The applicant submitted a Hydrology Report produced by the British Geological Survey and proposed drainage schemes produced by Cole Easdon. The LPA's land drainage team have reviewed the sustainable drainage information submitted which includes a geology investigation and are satisfied with the details supplied. The case officer has consulted the Environmental Health Officer in regards to bore holes and ground water impact. They indicated that they would have no concerns in regards to this application. The case officer has also consulted the Environments Agency who responded that they assessed the consultation as a "miss consultation", namely the development did not fall within the remit of applications the EA wishes to be consulted upon. Therefore any refusal reason in regards to ground water risk or sustainable drainage issues is not warranted as specific consulted officers and bodies have not raised issue in this area.
- 10.2. Thames Water have been consulted upon the application and have raised no objection to the development but offered informative information to the applicant. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 10.3. Given the domestic use of the proposed development with no objections from consultees and the site not falling within Flood Zone 2 or 3, the development is considered to accord with policy CS16 of the Core Strategy and advice contained within the NPPF. Although objectors are not satisfied with the Hydrology report produced the evidence submitted by the applicant and check by the LPA indicates the harm from this development in regards to the issues raised previously are not present. Only circumstantial evidence has been submitted by objectors.

## 11. **Ecology and Landscaping**

- 11.1. Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy. The application site is located within a biodiversity opportunity area and as such a preliminary ecology report has been submitted to the council this made several recommendations including:-

- No further protected species surveys were required
  - The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
  - Enhancements should be incorporated into the design of the development to benefit biodiversity. This could include installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
  - Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.
- 11.2. The Tree Officer visited the site and raised no objections to the proposed development. The proposed landscaping is in accordance with the existing landscaping adding to the quality of the development and mitigating the minimal change on the wider landscape that the proposed development brings.
- 11.3. The AONB officer welcomes the changes proposed to the landscaping and the removal of buildings on site will create the secretive landscape, the landscaping proposed will continue the symmetrical character associated within buildings whilst visually breaking views of the proposed development. The density and species annotated are considered appropriate and should be conditioned as part of the development.
- 11.4. The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.
- 11.5. It is considered the development complies with CS17 of the Core Strategy and provides mitigation and protection to the Ecology of the site and will not have a detrimental impact in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

## 12. **The Impact on Utilities near the site**

- 12.1. Through consultation with the relevant parties it was discovered during the course of the application that a mains gas pipeline runs near to the site and near to the proposed development. The national grid advised that this pipeline has a 12.2 metre easement restricting development. The development was amended so that it was moved outside of the easement. Although objectors have raised concerns it is clear that the protective easement is being observed as part of the development and any further permits or discussions during the course of construction need to be between the contractors and the national grid. The relevant insurance for the contractors will need to be observed to guarantee the safety of the pipeline, these are all issues beyond planning's control. The health and safety executive did not comment on the application.

## 13. **Conditions**

- 13.1. Paragraph 54 of the NPPF is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 55 that conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. It has been identified that works need to commence within two years as recommended by the ecology report conducted on site. This report recommends, due to the potential for the ecological interest of the site to change it should be re surveyed in two years if works have not begun. This re-survey could alter conditions and issues relating to Ecology of the site

which will need to be re assessed by the LPA if changes occur. Conditions are required in regards to identifying the approved plans and tying the materials to be that of those stated within the applications form to match the existing materials on site.

- 13.2. In response to the level of objection raised locally and in the interest of preserving the 'dark night skies' that is a strong characteristic of the AONB, a condition requiring the submission of details of external lighting is required. The details were requested during the course of the application but a condition was agreed upon.
- 13.3. A condition requiring the demolition of the garden store and the garage building prior to the implementation of the proposed pavilion building is required. This is because a key factor in the submitted LVA is its removal and the relocation of the buildings on site as a closer cluster of buildings.
- 13.4. A condition is also required to ensure the biodiversity enhancements are installed in accordance with the recommendations of the submitted report to ensure the biodiversity opportunity area is enhanced. A condition requiring the implementation of the landscaping treatments is also recommended given the recommendations of the LVA. This is required to mitigate the minimal change to the AONB landscape.
- 13.5. A condition is required to restrict the proposed pavilion to a use that is ancillary to the replacement dwelling on site, no separate curtilage shall be created and the building shall not be rented or sold as a separate dwelling. This condition is imposed as a new dwelling in this location would be inappropriate, unsustainably located, and not in accordance with the development plan policies.

#### 14. **The Planning Balance**

- 14.1. The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 14.2. Being a proposed domestic house extension as an outbuilding the scheme has limited economic considerations beyond the immediate construction period. The environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity. Having assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered to be acceptable sustainable development
- 14.3. The development has strong local objections to the development from both residents and from the Parish Council. It is considered that the objections have been satisfactorily addressed throughout this report.
- 14.4. The development has been carefully justified and designed to a high quality level reflective of the high quality of the site. The underground car park raises few concerns, the proposed outbuilding would reflect the design and character of the site and area and the retrospective elements of the development are considered acceptable. The demolition of both the garage and garden building would result in a net loss of built form above ground in the AONB. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form above ground in the AONB. The AONB board have raised no objection to the application, the domestic

curtilage has been previously agreed in applications, and the development outside of the easement of the mains gas pipeline. The applicants have listened to objectors and councillors at committee, produced the relevant documents and have overcome previous concerns of consultees and committee.

14.5. The application is therefore recommended for APPROVAL subject to conditions.

## 15. Recommendation

**The Head of Development and Planning be authorised to Grant Planning Permission subject to the following conditions:**

### CONDITIONS.

#### 1. Full planning permission time limit

The development hereby permitted shall be begun before the expiration of two 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. 106 Agreement

The use of the ancillary outbuilding hereby permitted shall not commence until the applicant has entered into a variation of the section 106 agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE.

It is recommended that the legal agreements be updated to reflect the red line as it is to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

#### 3. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Site Location Plan ". Drawing number 6038/PLO1 Rev. B.. Date received 14<sup>th</sup> May 2019.
- Drawing title "Site Block Plan as Proposed". Drawing number 6038/PLO3 Rev D. Dated received 14<sup>th</sup> May 2019.
- Drawing title "Existing and Proposed Site Section". Drawing number 6038/PLO4 Rev.C. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed West Pavilion- Staff, Home Officer & Garage". Drawing number 6038/13B. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment". Drawing number 6038/05A. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment, Roof Alterations". Drawing number 6038/06A. Date received 13<sup>th</sup> June 2018.
- Drawing title "Proposed Floor Plans". Drawing number 6038/PL12 Rev. D. Date stamped 14<sup>th</sup> May 2019.

- Drawing title “Proposed Basement Garage and Link Plan”. Drawing number 5643/PL08 Rev D. Date received 14<sup>th</sup> May 2019.
- Drawing title “Proposed Roof Alteration”. Drawing number 6038/06a. Date received 14<sup>th</sup> May 2019.
- Document title “Design & access statement”. Document reference 6038 04s. Date received 14<sup>th</sup> May 2019.
- Drawing title “Proposed drainage strategy plan”. Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title “Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- Drawing title Landscape and Planting Plan. Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

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

#### **4. Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

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 (2019), Policies ADPP 1, ADPP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

#### **5. Ancillary Residential Use restriction**

The outbuilding hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Hayward Green Farm. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).

#### **6. Demolition of Garden Store and Garage Building**

No development shall commence until the garden store and Garage building has been fully demolished and all waste removed from site.

Reason- The demolition of the two buildings is used to justify the approved development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

## **7. Landscaping**

Prior to occupation of the pavilion the landscaping scheme shall be implemented in accordance with Drawing titled "Landscape and Planting Plan". Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

## **8. External lighting (details required)**

No development shall take place until details of the external lighting to be used on the site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining land users and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

## **9. Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP5, CS14, CS19 of the West Berkshire Core Strategy (2006-2026).

## **10. Ecology Mitigation (implement)**

The mitigation measures described in the Preliminary Ecological Appraisal created by Ecologybydesign shall be implemented in full before the proposed development is commenced and the measures shall thereafter be retained. This measures are as follows;

- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- The installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **11. SUDS condition**

The Land Drainage and Surface water of the development is to be managed in accordance with the documentation submitted during this application; namely;

- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- a Hydrology Report (prepared by the British Geological Survey) received 22/05/2018.

This shall include the outfall from the pond at the downstream end of the SW network into the existing watercourse to be restricted by Hydrobrake to no more than 4 litres/second.

Reason: To ensure the protection of land and surface water drainage and ensure it is dealt. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **Informatives**

### **HI 3 Damage to footways, cycleways and verges**

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.

### **HI 4 Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### **HI 8 Excavation in close proximity to the highway**

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.

### **Thames Water Informative 1**

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>



## **Thames Water Informative 2**

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

## **Thames Water Informative 3**

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **Landscape Management Plan**

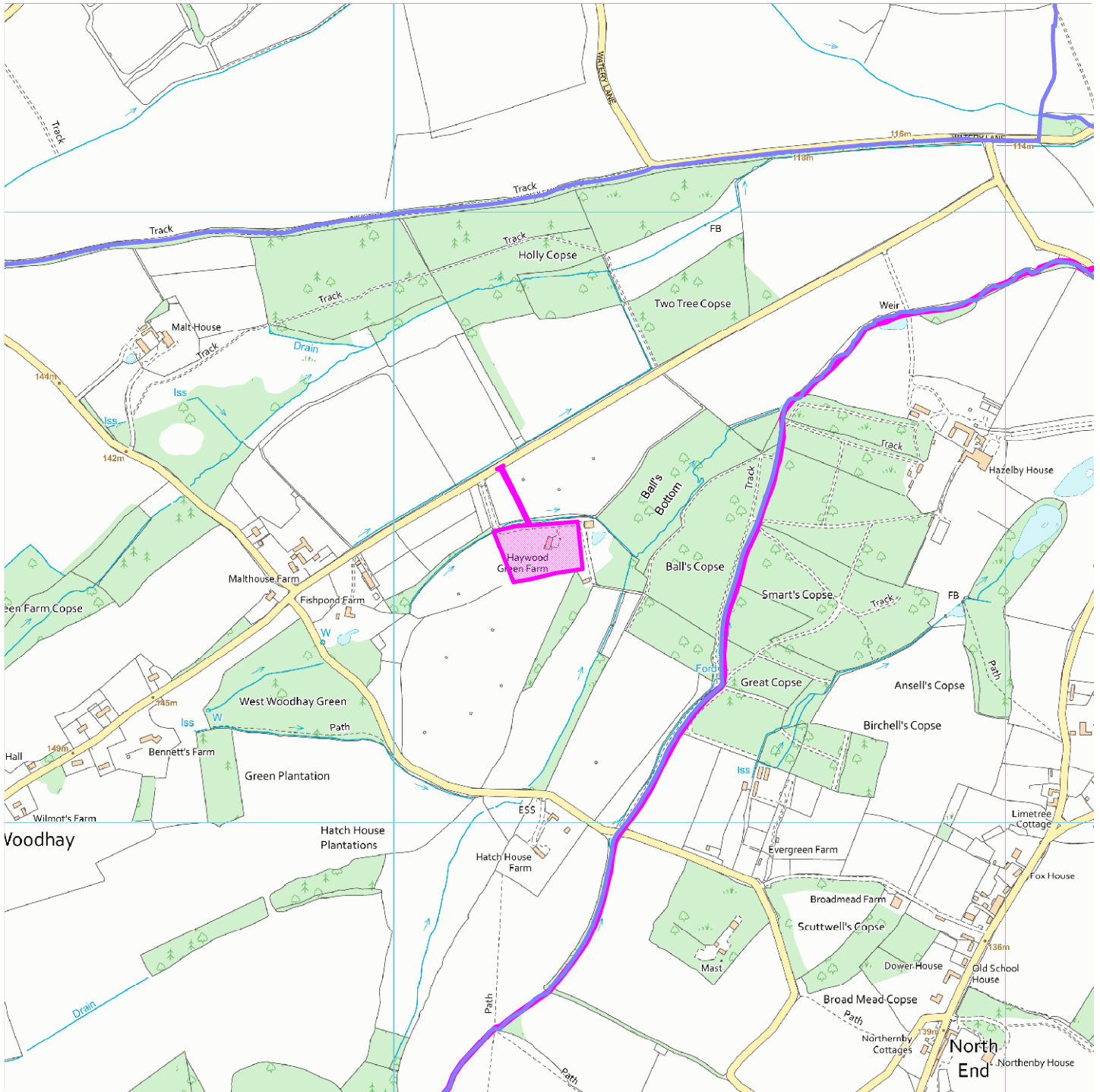
The applicant is encourage to engage with the North Wessex Downs AONB board and other relevant stakeholders to produce a estate management plan for the extensive landownership associated with the development to ensure conservation of the AONB landscape into the future.

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# 18/01441/HOUSE

Haywood Green Farm, West Woodhay RG20 0BJ

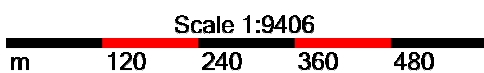


Map Centre Coordinates :

Scale : 1:9405

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	30 May 2019
<b>SLA Number</b>	0100024151

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# Agenda Item 5.(2)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	19/00411/REM  Newbury Town Council	12 <sup>th</sup> April 2019  Extension of time until 12 <sup>th</sup> June 2019	Reserve matters application for a new dwelling with integral garage of appeal reference APP/W0340/W/17/3191372 (17/01808/OUTD). Matters to be considered: Appearance, Landscaping, Layout and Scale.  Garden Land at 5 Normay Rise, Newbury  Mr and Mrs W Power

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00411/REM>

**Recommendation Summary:** To **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to Conditions.

**Ward Members:** Councillor Adrian Abbs  
Councillor David Marsh  
Councillor Tony Vickers

**Reason for Committee Determination:** 10 or more objections to a recommendation determination of Approval.

**Committee Site Visit:** 6th June 2019

## Contact Officer Details

**Name:** Jeffrey Ng  
**Job Title:** Planning Officer  
**Tel No:** (01635) 519111  
**E-mail Address:** jeffrey.ng1@westberks.gov.uk

## 1. SITE HISTORY

Garden Land at 5 Normay Rise has been subject to a number of planning applications. The most recent of which is:

Outline planning application (17/01808/OUTD) was REFUSED for the erection of dwelling with integral garage. Matters to be considered: Access. The Appeal Decision (APP/W0340/W17/3191372) was made under Section 78 of the Town and Country Planning Act 1990 against the refusal and the Appeal was allowed and outline planning permission (17/01808/OUTD) was granted, subject to conditions.

## 2. PUBLICITY

Site Notice Expired: 19 March 2019

## 3. CONSULTATIONS AND REPRESENTATIONS

**Newbury Town Council** The Council has raised no objection to the proposed development.

**Highways** Highways Authority has raised no objection to the proposed development subject to conditions.

Access was determined on the outline planning application (17/01808/OUTD). The level of car parking proposed complies with parking standards for new residential development under Policy P1 of West Berkshire Housing Site Allocations Development Plan Document (2006 – 2026) Adopted May 2017.

**Tree Officer** Tree Officer has raised no objection to the proposed development and considers that the submitted details are adequate to cover the Reserved Matters relating to Landscaping.

A separate discharge of condition application is however required to discharge conditions 6 and 7 imposed by the Planning Inspector relating to landscaping and tree protection under the Appeal Decision APP/W0340/W/17/31913732).

**Thames Water** No comments received by the date of writing.

## **Representations**

15 letters of representation have been received. 14 Objections registered to the application and 1 Letter was for comments only. Issues raised are summarised below:-

### **Character of the Area**

Concerns raised in regards to the character of the proposed development as it is not in keeping with the character of the area and it is significantly different from the neighbouring properties which are Georgian style design.

Questions raised over the additional negative impact on the local environment, including less green space.

The proposed development extends across the full width of the plot and it is not in line with the other houses on Willowmead Close, which are positioned centrally on their plots with clear passage on both sides of at least of 1 to 2 metres.

The proposed development is not keeping with the character of Willowmead Close as it is the first visible house in the street.

### **Scale and Layout**

Concerns raised in regards to the scale of the proposed development as it is larger than the proposed one shown on the previously appealed application and the plot is too small for a property. The new rear elevation creates an overbearing and highly dominant impression from both the front and rear elevation aspects.

Issue raised in regards to the scale of the 3-bedroom proposed property as the current properties are all 4-bedroom plus.

Concerns raised in regards to the area of the proposed outdoor amenity space as it is too small and it is not in line with the outdoor gardens within the Conifer Crescent, Willowmead Close and Normay Rise.

The Appeal confirmed that the proposed garden area was allowed to be under 100 square metres and considered that it was to be acceptable

Permitted development rights are recommended to be removed to prevent further extensions.

## **Appearance**

Concerns raised in regards to the design and materials used in the proposed development including over hangs host property, garage, bi-fold doors, patio to the front, timber cladding and slate roof, building footings and metal/aluminium frames.

The west wing element of the structure is at least 2 metres in front of the established building line and this will result in additional overshadowing of the front of 2 Willowmead Close which is not acceptable.

The plans lack an appropriate level of detail on position of vents, height and position of chimney, landscaping planting schemes including species and location.

Issue raised in regards to the set back of the proposed development as it should be pushed back so the front line can be in line with 2 Willowmead Close.

A smaller scale dwelling would be appropriate such as a single storey dwelling or chalet style bungalow.

The proposed development does not represent good design and is a material consideration for refusal of planning permission.

Questions raised over the negative impact to the privacy of 7 Normay Rise and 2 Willowmead Close given its location and elevation.

Windows on the first floor allow an unrestricted view of the private amenity space to the rear of 2 Willowmead Close at a distance of approximately of 3 metres. Windows on the rear of the property also give an unrestricted view of the rear windows and private amenity area of 7 Normay Rise.

The new first floor rear facing windows to the habitable rooms look directly to the garden area of 7 Normay Rise. They also look directly into the rear facing habitable room windows of 7 Normay Rise and have only about 20 metres in between.

## **Landscaping**

Concerns raised in regards to the trees with Preservation Orders as they have been removed.



The types of vegetation are deciduous and it is not in line with the Supplementary Planning Document, which states that fast growing species should be avoided.

The plan do not include details of the height of the proposed iron fence or hedge.

Concerns raised in regards to the access as there is no access to the rear to the rear of the proposed development towards one side and very limited access on the other side to the rear of the proposed development.

### **Flood Prevention and Drainage**

Concerns raised in regards to the drainage as there have been several drainage issues and an extensive investigation is therefore required prior to the commencement of the proposed development.

### **Traffic and Highways**

Questions raised over the additional negative impact on the local environment, including increasing traffic.

### **Planning Policy**

The proposed development is contrary to ADPP1 and Policy CS14 of the Core Strategy.

The proposed development is contrary to West Berkshire Council Supplementary Planning Document June 2006.

One of the principles of the Newbury Town Council Design Statement is to "conserve the 'garden suburb' character of the area" (Andover Road) - building a house in a back garden does not conserve the character, and is a clear example of garden grabbing - again something that Newbury Town Council is against.

### **Other Issues**

Question raised over the planning application as it will legitimatise the right to build a property in the rear garden if this application is approved.

The current application ignored all the advice put forward in the previous appeal meeting.

Concerns raised in regards to the proposed dormer windows as they were rejected on the previous application but are on the current application. The

proposed dormer window on the west side of the property was not on the original plan.

Question raised over the capacity of the infrastructure in Wash Common and the area will be over-developed.

Question raised over the 5 year housing supply as the National Planning Policy Framework 2012 (NPPF) states that Development on residential gardens cannot be included as part of the 5 year housing supply.

The proposed development is based on personal financial gain and with no consideration for the impact to the area.

#### **4. PLANNING POLICY**

4.1. The planning system is plan-led, which means that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the following policies of the Development Plans are considered relevant to the proposal:

4.2. West Berkshire Core Strategy (2006 – 2026) Adopted July 2012 (WBCS 2012)

Policy ADPP1	Spatial Strategy
Policy ADPP2	Newbury
Policy CS1	Delivering New Homes and Retaining the Housing Stock
Policy CS4	Housing Type and Mix
Policy CS 13	Transport
Policy CS14	Design Principles
Policy CS16	Flooding
Policy CS 17	Biodiversity and Geodiversity
Policy CS19	Historic Environment and Landscape Character

4.3. West Berkshire Housing Site Allocations Development Plan Document (2006 – 2026) Adopted May 2017 (HSA DPD 2017)

Policy C1	Location of New Housing in the Countryside
Policy C3	Design of Housing in the Countryside
Policy P1	Residential Parking for New Development

4.4. West Berkshire District Local Plan 1991-2006 (Saved Policies) 2007 (WBLP 2007)

TRANS 1 Meeting the Transport Needs of New Development  
OVS.5 Environmental Nuisance and Pollution Control  
OVS.6 Noise Pollution

4.5. The National Planning Policy Framework (February 2019) (NPPF) and the Planning Practice Guidance (PPG) set out the Government's planning policies for England, and they are material consideration in planning decisions. NPPF sets out a presumption in favour of sustainable development and it does not change the statutory status of the development plan as the starting point for decision making.

4.6. The following Supplementary Planning Guidance and Supplementary Planning Documents are material planning considerations in the planning process, and are considered relevant to this planning application:

- Quality Design West Berkshire Council Supplementary Planning Document June 2006
- Housing Extensions Supplementary Planning Guidance July 2004
- Newbury Town Council Design Statement July 2017

## **5. DESCRIPTION OF DEVELOPMENT**

5.1. Garden Land at 5 Normay Rise is free from many constraints, notably it is not within any Flood Zone, not within the AONB, or a Conservation Area. It is a well-established residential area of Newbury Town that is within Settlement Boundary as defined by West Berkshire Core Strategy Policies. It is within Wash Common area.

5.2. An Outline Planning Permission (17/01808/OUTD) was granted under the Appeal Decision (APP/W0340/W17/3191372), which Access is the only matter to be determined.

5.3. The proposed development is a reserved matters application for the erection of a dwelling with integral garage. Matters to be considered: Appearance, Scale, Layout and Landscaping.

## **6. PLANNING CONSIDERATIONS**

In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the main planning considerations are:

- Principle of Development
- Character of the Area
- Scale and Layout
- Appearance
- Landscaping
- Flood Prevention and Drainage
- Traffic and Highways
- Community Infrastructure Levy

## **7. PRINCIPLE OF DEVELOPMENT**

7.1. The Spatial Strategy policies in the West Berkshire Core Strategy 2012 (WBCS 2012) provide the overarching strategy for development in West Berkshire. They provide for where new housing should go in the District as set out in the Area Delivery Plan Policies (ADPP). The ADPP guide development but should be read in conjunction with Policy CS1 and Policy C1. West Berkshire Housing Site Allocations Development Plan Document 2017 (HSADPD 2017) which makes clear where new residential development is suitable in the opinion of the Council.

- 7.2. WBCS 2012 Policy ADPP1 sets out a spatial strategy for the distribution of housing throughout the District. The policy seeks to accommodate development in the most sustainable way, focusing the majority of development in settlements with existing facilities and services. HSADPD 2017 Policy C1 states that there is a presumption in favour of development and redevelopment within the settlement boundaries and Newbury is one of the identified settlements.
- 7.3. In this case, the principle of development of this site for the erection of a dwelling with integral garage has been accepted through the Outline Planning Permission (17/01808/OUTD), which was granted under the Appeal Decision (APP/W0340/W17/3191372).

## **8. CHARACTER OF THE AREA**

- 8.1. Achieving well-designed places is one of the core planning principles of the NPPF. WBCS 2012 Policy CS14 clearly sets out 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. Policy CS19 seeks to ensure development is appropriate in terms of location, scale and design.
- 8.2. According to the Newbury Town Council Design Statement July 2017 (Statement), there is a mixture of types of housing in Wash Common. The application site is located along Willowmead Close and at the garden land of 5 Normay Rise in Wash Common. Willowmead Close consists of a mixture of post war suburban detached dwellings. Though the Statement does not mention Willowmead Close, it states that Normay Rise is made of individually designed houses built in the 1960s. A list of principles are also suggested for any new development within the area:
- Any future development should respect and enhance the architectural quality and variety in the street scene.
  - The design of future development should take into account the current lack of off-street parking in some streets and the subsequent access problems and congestions.
  - New development should, wherever possible, incorporate surrounding open countryside as part of the landscape and open space network of the area.
  - Opportunities should be taken to retain established landscape features which can give a sense of place and definition to the area.
  - The existing open spaces and more formal recreation area form an essential part of its character. Any new development should respect this role and ensure that these spaces are conserved and, where possible enhanced.
- 8.3. Concerns have been raised regarding the character of the proposed development as it is significantly different from the neighbouring dwellings along Willowmead Close and it is not in keeping with the character of the area. Some comments also point out that the proposed development is contrary to Policy ADPP1 and CS14 of the WBCS 2012 and the Newbury Town Council Design Statement July 2017.
- 8.4. Paragraph 9 of the Appeal Decision (APP/W0340/W17/3191372) however sets out that the plot as a whole would satisfactorily accommodate a new dwelling and its plot width would be consistent with those along Willowmead Close. Paragraph 13 continues to state that the proposal would therefore not be harmful to the character

or appearance of the surrounding area, and there would be no material conflict with the aims and requirements of Policy ADDP1 and CS14 of WBCS 2012, Policy C1 of HSA DPD 2017 and design guidance within the Quality Design West Berkshire Council Supplementary Planning Document June 2006, the Newbury Town Council Design Statement July 2017 and the National Planning Policy Framework (NPPF).

- 8.5. Newbury Town Council has raised no objection to the proposed development. The application site is within Wash Common Estate and the Statement sets out a list of recommended design guidelines for this area and identifies that it is a residential area with a variety of house styles and street scenes.
- 8.6. Officers also do not consider that the proposed development would lead to a material conflict with the guidelines set out in the Statement or have an adverse impact on the character of the area, given that it is in line with the character of this residential area and it is considered in accordance with Policy CS14 of the WBCS 2012 and Policy C3 of HSA DPD 2017.

## **9. SCALE AND LAYOUT**

- 9.1. Scale refers to the height, width and length of each building proposed within the development in relation to its surroundings.
- 9.2. Layout refers to the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 9.3. Concern has been raised in regards to the scale of the proposed development as it is considerably larger than the proposed one shown on the outline application and permitted development rights should be removed to prevent further extensions.
- 9.4. Concerns have also been raised in regards to the area of the proposed amenity space as it is too small and it is not in line with the gardens within the area. The proposed amenity space is also contrary to the Quality Design West Berkshire Council Supplementary Planning Document June 2006 Part 2 Residential Development. Issue raised in regards to the set back of the proposed development as it should be pushed back so the front line can be in line with 2 Willowmead Close.
- 9.5. The applicant states that the total floor area of the proposed 2-storey dwelling would be approximately 188 square metres, while the footprint of the dwelling is approximately 94 square metres. The proposed rear amenity space is about 114 square metres and it is above the standard, which is 100 square metres for a 3-bedroom property, set out under the Quality Design West Berkshire Council Supplementary Planning Document June 2006 Part 2 Residential Development.
- 9.6. Given that the application site rises in level up to its common boundary with 2 Willowmead Close, the applicant states that the proposed development has been designed with the contours of the surrounding area. The highest ridge point of the proposed development projects towards the boundary with 2 Willowmead Close, while the highest lower wing is furthest away from the boundary with 5 Normay Rise.

- 9.7. Newbury Town Council Design Statement July 2017 sets out a list of recommended design guidelines for this area and the guidelines also point out the local topography producing some steep slopes adding to the visual interest.
- 9.8. The footprint on the submitted plans during an outline planning application stage is illustrative. However, Officers do not consider that the scale or size of the proposed dwelling is significantly larger than the proposed one during an outline planning application stage.
- 9.9. Paragraph 1.9.4 of the West Berkshire Council Supplementary Planning Document June 2006 Part 2 Residential Development sets out that the scale and design of front and rear gardens should be considered to ensure that they are in keeping with the character of the street.
- 9.10. The proposed development is considered to subdivide an existing garden area and erect a new dwelling at the land adjacent to 5 Normay Rise and it would result in cramped overdevelopment of the plot and fail to respect the character of the locality. It is one of the reasons to refuse the outline planning application by this Committee. There is also a discussion about the adequacy and the size of the proposed amenity space during an outline planning application stage.
- 9.11. Both Planning Practice Guidance (PPG) and the NPPF emphasise conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.
- 9.12. One of the concerns have been raised to remove the permitted development rights on any further extensions of the proposed development. Although the application site is free from many constraints and there is already a condition imposed by the Planning Inspector during an outline planning application stage to remove the permitted development rights for erecting any dormer windows to protect the privacy and amenity of neighbouring properties, Officers still consider that it is necessary and reasonable to impose a condition to remove further permitted development rights in this case.
- 9.13. Officers consider that the removal of permitted development rights is necessary for Local Planning Authority to impose planning control prevent the overdevelopment of the site, in the interests of respecting the character and appearance of the surrounding area. Officers also note that the proposed development has made a design to be in line with the local topography of the area. As such, it is considered to be acceptable in terms of scale and layout.

## **10. APPEARANCE**

- 10.1. Appearance refers to the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 10.2. Concern has been raised in regards to the design and materials used in the proposed development. The west wing element of the structure is at least 2 metres in front of the established building line and this will result in additional

overshadowing of the front of 2 Willowmead Close which is not acceptable. Overlooking issue also has been raised over the negative impact to the privacy of 7 Normay Rise and 2 Willowmead Close.

- 10.3. The applicant states that proposed doors and windows will be aluminium framed and the roof will be constructed in a slate type tile. The applicant also sets out that the details of materials submitted in this application only give an indication of the expected materials to be used. The design of the proposed dwelling also attempts to reduce the shadowing of the new dwelling and minimise any overshadowing off neighbouring properties, by being sited centrally. The applicant also points out that further details of the proposed integral garage will be provided.
- 10.4. Officers consider that further details of the proposed integral garage are required prior to the commencement of the development hereby permitted. Officers also consider that the submitted details are not sufficient to discharge Conditions 5 of Outline Planning Permission (17/01808/OUTD) granted by the Appeal Decision (APP/W0340/W17/3191372).
- 10.5. Officers consider that the ground floor kitchen/living room and living room are both habitable rooms with good level of natural lights. Housing Extensions Supplementary Planning Guidance July 2004 states that it may be necessary to keep the 2-storey extensions away from boundaries in order to avoid loss of light to neighbours. Windows that directly overlook a nearby neighbouring dwelling should also be avoided. A minimum distance of 21 metres is required between directly facing windows.
- 10.6. In this case, it has a distance of approximately 21 metres between the proposed dwelling and 2 Willowmead Close. Officers do not consider that there is a material harm to privacy and outlook of neighbours. The central siting also helps reduce the overshadowing of neighbouring properties. As such, Officers consider that it is acceptable in terms of appearance.

## **11. LANDSCAPING**

- 11.1. Landscaping refers to the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- 11.2. Concerns have been raised in regards to the removal of trees with Tree Preservation Order. Officers consider that a Tree Preservation Order No. 201/21/90 was approved on 27 November 2018 to allow the removal of T1 Oak as it appears to be heavily affected by honey fungus and is in a poor condition. The applicant has completed the removal but is not replacing yet with appropriate alternatives. Officers also do not consider that the concerns regarding the removal are valid as T2 and T3 are identified on the submitted plans and there is no evidence in the submitted documents to show that the applicant will removal such trees.
- 11.3. Tree Officer has raised no objection to the proposed development. The proposed development is therefore considered in accordance with Policy CS14, CS17 and

CS19 of the WBCS 2012. As such, it is considered to be acceptable in terms of landscaping. However, Tree Officer considers that the current submitted details are not sufficient to discharge Conditions 6 and 7 of Outline Planning Permission (17/01808/OUTD) granted by the Appeal Decision (APP/W0340/W17/3191372).

## **12. FLOOD PREVENTION AND DRAINAGE**

- 12.1. WBCS 2012 Policy CS16 states that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity on all development sites.
- 12.2. Concern has been raised in regards to the drainage as there have been several drainage issues in the area. Officers consider that Condition 14 of Outline Planning Permission (17/01808/OUTD) granted under the Appeal Decision (APP/W0340/W17/3191372) requires the applicant to submit surface water drainage details prior to the commencement of the development hereby permitted. Given that no such details are submitted in this application, Officers consider that Condition 14 on the Outline Planning Permission (17/01808/OUTD) granted under the Appeal Decision (APP/W0340/W17/3191372) is still applicable.

## **13. COMMUNITY INFRASTRUCTURE LEVY**

- 13.1. Officers are aware of the concern raised to the capacity of the local infrastructure. WBC SPD, Part 2 Residential Development states that the impact of a development on the local infrastructure and existing services of the neighbourhood should be considered.
- 13.2. Community Infrastructure Levy (CIL) was implemented in West Berkshire on 1 April 2015 and it is a levy charged on most new development within the local authority area. The money is used to pay for new infrastructure required as a result of the new development. This infrastructure can be wide-ranging, including schools, road schemes, health facilities and sports and leisure facilities.
- 13.3. Although the applicant states that it is the intention of the applicants to live in the proposed development and it would be permitted to be exempt from the CIL, Officers consider that an informative shall be imposed to remind the applicant to contact the CIL team for the arrangement.

## **14. TRAFFIC AND HIGHWAYS**

- 14.1. Access is the only matter determined to be acceptable under the Outline Planning Permission (17/01808/OUTD) granted by the Appeal Decision (APP/W0340/W17/3191372). Highways Authority has raised no objection to the proposed development subject to conditions as Access was Outline Planning Permission (17/01808/OUTD) granted by the Appeal Decision (APP/W0340/W17/3191372). The level of car parking proposed also complies with parking standards for new residential development under Policy P1 of HSADPD 2017.



14.2. Highways Authority has also raised no objection to the submitted details of cycle storage facilities requested under Condition 12 of the Appeal Decision (APP/W0340/W17/3191372).

## **15. OTHER MATTERS**

15.1. Issues raised by objection letters will be addressed in this section.

- This planning application will not legitimatise the right to build a property in the rear garden if it is approved as each case as its own particular circumstances and is dealt with on its individual merits and/or resultant impacts. This issue was also addressed under the Appeal Decision (APP/W0340/W17/3191372).
- A condition was already imposed by the Planning Inspector to remove the permitted development rights to erect any dormer windows.
- Value of surrounding area is not a planning consideration.

## **16. CONCLUSION**

16.1. Garden Land at 5 Normay Rise is within Settlement Boundary of Newbury as defined by West Berkshire Core Strategy Policies and it is within Wash Common area. An Outline Planning Permission (17/01808/OUTD) was granted by the Appeal Decision (APP/W0340/W17/3191372), which Access is the only matter to be determined. Therefore, the principle of development is considered to be acceptable and this reserved matters application is to consider the details of Appearance, Scale, Layout and Landscaping.

16.2. Both statutory and non-statutory consultees have raised no objection to the proposed development. Officers also consider that the proposed development is acceptable in terms of Appearance, Scale, Layout and Landscaping. Officers consider that it is necessary and reasonable to impose planning control to remove the permitted development rights on any further extensions to the proposed dwelling, given that the size of the plot and the scale of the proposed development.

16.3. Although a number of objections have been submitted, Officers consider that issues have been addressed in the proposal. Furthermore, adequate planning control has also been imposed and the applicant has to submit further details requested by conditions attached to the Appeal Decision.

16.4. The proposal is therefore considered in accordance with Policy ADPP1, Policy ADPP2, Policy CS1, Policy CS4, Policy CS 13, Policy CS14, Policy CS16, Policy CS 17 and Policy CS19 of WBCS 2012, Policy C1, Policy C3 and Policy P1 of HSA DPD 2017.

## **17. FULL RECOMMENDATION**

17.1. The Head of Development and Planning be authorised to **GRANT** conditional planning permission.

## **CONDITIONS**

### **Approved Documents**

1. The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:
  - Drawing Ref R837.01 Location Plan dated October 2018
  - Drawing Ref. R837.02 Existing Plans & Elevations dated January 2019
  - Drawing Ref. R837.03 Site Plan, Existing and Proposed Street Elevation (Rev. D) dated January 2019
  - Drawing Ref. R837.04 Plans, Existing and Proposed Block Plan (Rev. D) dated January 2019
  - Drawing Ref. R837.11 Proposed Elevations dated December 2018
  - Submission of Reserved Matters Supporting Statement dated 1 February 2019

Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

### **Commencement**

2. The development hereby permitted shall be begun before the expiration of two years from the date of this permission as the final approval of the reserved matters.

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

### **Details of Integral Garage**

3. Prior to the commencement of the development hereby permitted, details of integral garage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

Reason: The integral garage is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **Removal of Permitted Development Rights**

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no enlargements or extensions which would otherwise be permitted by Schedule 2, Part 1, Class A, E and F of that Order shall be constructed in the curtilage of the dwelling hereby permitted, without planning permission being granted by the Local Planning Authority.

Reason: This condition is imposed to prevent the overdevelopment of the site, in the interests of respecting the character and appearance of the surrounding area and is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **Parking/turning in accord with plans**

5. The dwelling shall not be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space 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 (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Cycle parking**

6. 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 (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

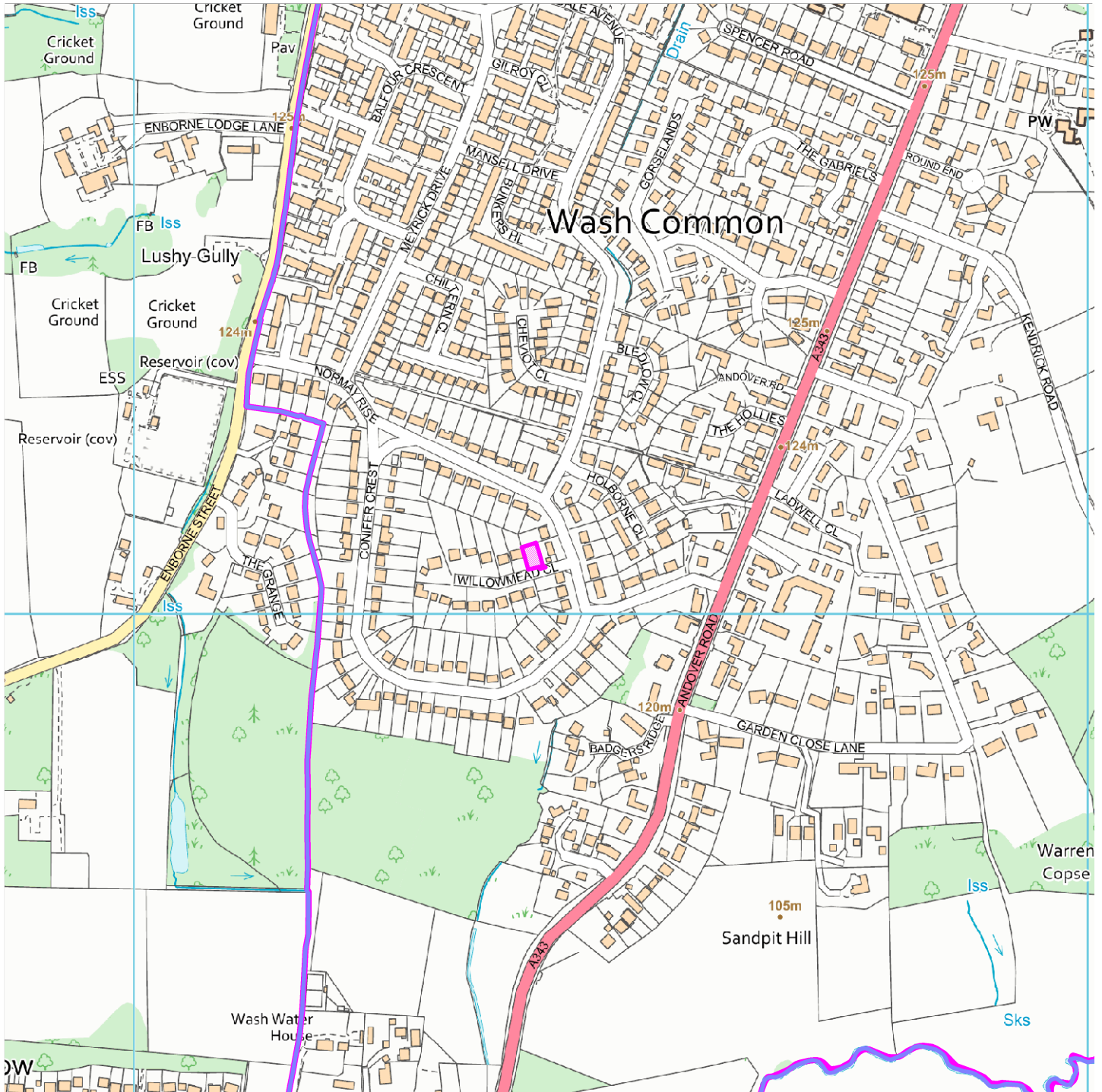
### **INFORMATIVE**

1. The applicant is reminded that this decision is an approval of reserved matters pursuant to an Outline Planning Permission (17/01808/OUTD) granted under the Appeal Decision (APP/W0340/W17/3191372) on 22 May 2018 and that the conditions attached to the Outline Planning Permission also have to be complied with.
2. The applicant is reminded that the Conditions 12 (Details of cycle storage facilities ) and 13 (Details of both existing and proposed floor levels of the dwelling in relation to nearby datum points) attached to the Outline Planning Permission (17/01808/OUTD) granted under the Appeal Decision (APP/W0340/W17/3191372) on 22 May 2018 are fully discharged. The applicant is reminded to carry out the development hereby permitted in accordance with such approved details.
3. The applicant is reminded to contact the Community Infrastructure Levy team on 01635 519111 regarding the Community Infrastructure Levy arrangement.
4. The applicant is reminded to comply with Tree Preservation Order No. 201/21/90 and contact Tree Officer on 01635 519349 for any enquiries regarding the Order or other matters related to tree preservation.

5. 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.
6. 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.
7. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
8. 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.
9. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

DC

Garden Land at 5 Normay Rise, Newbury RG14 6RY



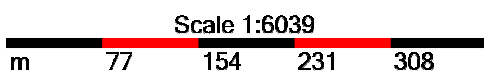
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	30 May 2019
<b>SLA Number</b>	0100024151



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# Agenda Item 5.(3)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(3)	19/00806/HOUSE  Newbury Town Council	23/05/2019	Three storey side extension and new porch.  24 Donnington Square, Newbury  Mr & Mrs Davies

<sup>1</sup> Extension of time agreed with applicant until 30/05/19

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00806/HOUSE>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

**Ward Member:** Councillor Lynne Doherty  
Councillor Steve Masters

**Reason for Committee Determination:** More than 10 objections received.

**Committee Site Visit:** 6<sup>th</sup> June 2019

Contact Officer Details	
<b>Name:</b>	Scott Houston
<b>Job Title:</b>	Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Scott.houston1@westberks.gov.uk

## 1. INTRODUCTION

- 1.1 Planning permission is sought at 24 Donnington Square for the three storey side extension and new front porch.

## 2. PLANNING HISTORY

- 2.1 No relevant planning history.

## 3. PROCEDURAL MATTERS

- 3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed: 15/04/19, expired 06/05/19. Published in Newbury Weekly News 11/04/19.
- 3.3 Proposal would create less than 100 square meters of additional floor space and as such is not CIL liable.

## 4. CONSULTATION

### 4.1 Statutory and Non-Statutory Consultations

Town Council: Objection. The proposed extension will be overbearing towards the neighbouring two-storey property (23 Donnington Square) and will obstruct light from it. It will not be symmetric with the extension to the adjoining 25 Donnington Square. It will conflict with the street scene of the Donnington Square Area. These difficulties could have been foreseen and perhaps dealt with if the applicants had consulted their neighbours, which we understand has not occurred.

Trees: The site has been visited and the scheme assessed. There is a mature Yew Tree within the rear garden which is protected as it is within the designated conservation area.  
The proposal shows no change to the existing retaining wall and patio area in close proximity to this tree.  
Conclusion: No objections to the proposal, however any construction works must be avoided close to the tree, therefore a tree protection condition is recommended.

Highways: No objection, request for informatives.

Conservation: There is some variety in the design of the extensions to this part of Donnington Square referred to in my original comments, and with a not a strict duality between the pairs of houses here, including numbers 24 and 25. The key issue here appears to be the unique relationship and impact between the application property and number 23, and whether the amendments will address their concerns.

Notwithstanding any other Development Control Case Officer considerations, I confirm that the comments made here shift the balance in building conservation terms in favour of the (amended) proposals.



The Newbury No response.  
Society:

## 4.2 Public representations

Original consultation:	Total: 16	Support: 0	Object: 16
Amendments consultation:	Total: 2	Support: 0	Object: 2

### Summary of support

- No representations were received in support of this proposal.

### Summary of objection

- Neighbouring Amenity/Overbearing/Dominance – many of the objections purport that this proposal will be overshadowing on 23 Donnington Square, and possibly 22 as well, and would be a dominating wall close to their boundary and be dominating in general, and that the extension does not respect their scale and proportions.
- Design – the proposed roof design is not in keeping for the area, and could also impact upon neighbouring amenity.
- Balance – that this proposal is going to make this pair of dwellings (24 & 25) look asymmetrical.
- Views – this proposal will block the view of trees in the square.
- Street scene/prominence– the proposition that the gaps between the dwellings are important and that this proposal changes that relation to too great a degree, and that as this is a conservation area, the street scene should be preserved. Also asserted in several representations that this proposal will fully block the gap between 24 and 23.
- Building line - that the prominent nature of the proposal cuts the square's building line between 24 and 23.
- Trees – one representation claimed that tree roots would be impacted. This has been addressed in consultation with the tree officer and a recommended condition, although the retaining wall does not change near to the yew tree.

## 5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies: ADPP1, ADPP2, CS14, CS19

5.2 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- House Extensions SPG (2004)
- Quality Design: West Berkshire Supplementary Planning Document (2006)

## 6. APPRAISAL

### 6.1 Principle of development

6.1.1 The application site is located within the Newbury settlement boundary, where the principle of extending an existing dwelling is generally in accordance with the development plan policies, subject to detailed policies on design, impact on the character of the area and neighbouring amenity which are discussed below.

## **6.2 The impact on the character and appearance of the conservation area**

- 6.2.1 24 Donnington Square is an unlisted building within a designated conservation area. This designation increases the sensitivity of the area to inappropriate change; any development should respect the high architectural standard and unique character of the area. The prevailing character of the area is comprised of the late Georgian and early Victorian large manorhouses, with low-density infill development in the centre of the square.
- 6.2.2 The existing dwelling is a part four storey, part three storey, late Georgian white rendered manorhouse.
- 6.2.3 It is necessary to assess the particular character of this corner of the square. This is an unusual corner of the square as, on the neighbouring plot to 24, is a pair of semidetached cottages that were built in the space vacated by the original manorhouse when it burnt down in 1851. To avoid the original foundations, the two were set back quite a way from the original building line. Today, 22 and 23 Donnington stand as having a very different character to the buildings nearby, especially when compared to 24.
- 6.2.4 The original proposal had several issues with it that caused it to be considered out of character. Although the proposal was sympathetic in choice of materials and not dissimilar to other three storey side extensions in the area, several aspects were not considered to be acceptable.
- 6.2.5 The three aspects that caused the original proposal to be out of character were the double gable roof, the step halfway along the side elevation, and finally the size of the proposal in relation to 25's extension. The roof was considered problematic as it introduced a non-native roof form into the area that also had additional potential for overshadowing neighbouring amenity. It was not considered to respect the special character of the conservation area, existing dwelling or existing precedent for roofing in this area.
- 6.2.6 It also created a step halfway along the side wall, which, given the prominence of this proposal in the street scene, was considered to be an out-of-character addition as it was not present in any other side wall of any other manor. The size of the proposal was also of concern as it came out further than the extension of 25 and was also further forward.
- 6.2.7 Amendments were submitted that were considered to rectify these three issues. The proposal was amended to be set further back, and was reduced in size as a result, on both the front and side elevation, which resulted in having the step removed from the side elevation and having this proposal better balanced size wise with 25 Donnington. The roof form was also changed to an L-shaped hipped roof.
- 6.2.8 The latter of these amendments was made in the consideration of not only character but neighbouring amenity. In Donnington Square, three storey side extensions are not of a unified character, and as such some minor variations in design can be accommodated without undermining the prevailing character. Some of these manors have front facing hipped roofs e.g. 26 Donnington Square, where others have a front-facing gable, such as 25 Donnington Square.
- 6.2.9 The design for the front facing roof here, therefore, is not entirely out of character for this area, and is hipped in order to reduce the potential impact on neighbouring amenity through overshadowing, which also results in it being less visible when viewed from the street. The resulting design is of a high quality and is not considered to be out of character, and thus strikes an acceptable compromise between the pair of considerations.
- 6.2.10 The following additional objections have also been raised in public representations in relation to the impact on the character and appearance of the area.

- 6.2.11 Balance was raised in several representations as an issue. It is considered that the amended scheme has sufficiently addressed this issue, and taking into account the available public views of the extension, the proposal is not considered to harm local character through an unbalanced frontage.
- 6.2.12 Views were also raised as an issue. Private views are not a material planning consideration. Public views of the proposal have been taken into account in the above assessment, and the impact on the street scene is considered acceptable.
- 6.2.13 Breaching of the building line was another raised issue. Objections have stated that as the proposal is in the transition zone between Nos. 24 and 23 that it cuts into the building line of the square. Nos. 23 and 22 are located some way behind the original building line for the manor that burnt down in 1851. As a result the proposition of any harmful undermining of the existing building line between the two is difficult to substantiate, and the unusual relation between them results, at the least, in an unclear building line that is hard to clearly define as being breached by this proposal.
- 6.2.14 The street scene has also been raised. It is considered that the amended proposal will be a positive addition to the street scene through the rebalancing of this manorhouse. The amended scheme is respectful of the character of the dwelling and the square for the reasons already given.
- 6.2.15 The lower density of this corner of the square is not a part of the character of the rest of the outer square, and is such already out of character to a degree, and due to lower density, has the capacity for a reasonably sized extension, and would potentially not be as obvious as it would be elsewhere in the square where it could cause a closing up on the street scene.
- 6.2.16 Taking into account all of the above points, it is concluded that the proposal demonstrates a high standard of design that respects the character and appearance of the area. Similarly, it is concluded that it would not harm the significant of the conservation area as a designated heritage asset.

### **6.3 The impact on neighbouring amenity**

- 6.3.1 Neighbouring amenity has been one of the primary objections to this proposal, especially in regards to the amenity of 23 Donnington Square, but also in regard to the relation between 24 and 23.
- 6.3.2 The original impact of this proposal was considered to be higher due to the larger size and taller roof form. After amended plans were submitted, it was considered that the amended scheme secured a quality of development that would reduce the potential impact of the proposal on the neighbouring amenity of 23 and 22.
- 6.3.3 It was, however, considered necessary due to the scale of the objections, for the applicant to produce additional information in the form of shadow diagrams to prove that this proposal would not have an adverse impact on the amenity of 23.
- 6.3.4 The shadow diagrams created were based on the amended plans and demonstrated the location of the amended proposal more-or-less within the shadow of the existing 4-storey portion.
- 6.3.5 The information submitted was considered to adequately demonstrate that this proposal would not have an adverse impact on neighbouring amenity, as light would only be reduced on a small part of the neighbouring dwelling's wall in the morning, and as such, is

concluded to result in a minor loss of light restricted to the early morning that is considered to be acceptable.

- 6.3.6 The location of these dwellings relative to each other also results in sufficient distance that overlooking should not be an issue.
- 6.3.7 Representations also highlighted that the proposed extension is going to be dominant over 22 and 23. Whilst the proposal would be visible, taking into account the precise relationship it is not considered that the impact would be sufficient overbearing to warrant the refusal of planning permission. They are already dominated and overshadowed to a large degree by the surrounding dwellings, which is an aspect of the now existing character of this corner of the square, and it is therefore considered that 23's amenity will not be dominated to any greater degree than it already is.

#### **6.4 The impact on highway safety**

- 6.4.1 The Highways Authority were consulted on this proposal and considered the current parking arrangements to be sufficient. It is therefore considered that, as parking and access remain unaffected by this proposal, that the impact of this proposal on highway safety is acceptable.

#### **6.5 The impact on protected trees**

- 6.5.1 On the site of this proposal is a large mature yew tree that is protected as a result of being in the conservation area.
- 6.5.2 It is considered that, as construction work is taking place away from the tree, that there should be little to no impact on the tree provided sufficient tree protection measures are undertaken.
- 6.5.3 This is conditioned in accordance with the recommendation of the Tree Officer.

### **7. CONCLUSION**

- 7.1 After careful consideration of the issues surrounding this proposal, and having taken account of all relevant policies and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable. It is not considered that this proposal would demonstrably harm the character of the area nor the amenity of adjoining residential properties, and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **8. FULL RECOMMENDATION**

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following 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:

- 2929-02E-A1 received 17/05/19
- 2929-02E-A3 received 21/05/19
- 2929-01 received 25/03/19
- Location Plan received 25/03/19

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

## **3. Materials as specified and to match**

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

## **4. Tree protection**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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 may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

## **INFORMATIVES**

### **1. Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and

proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

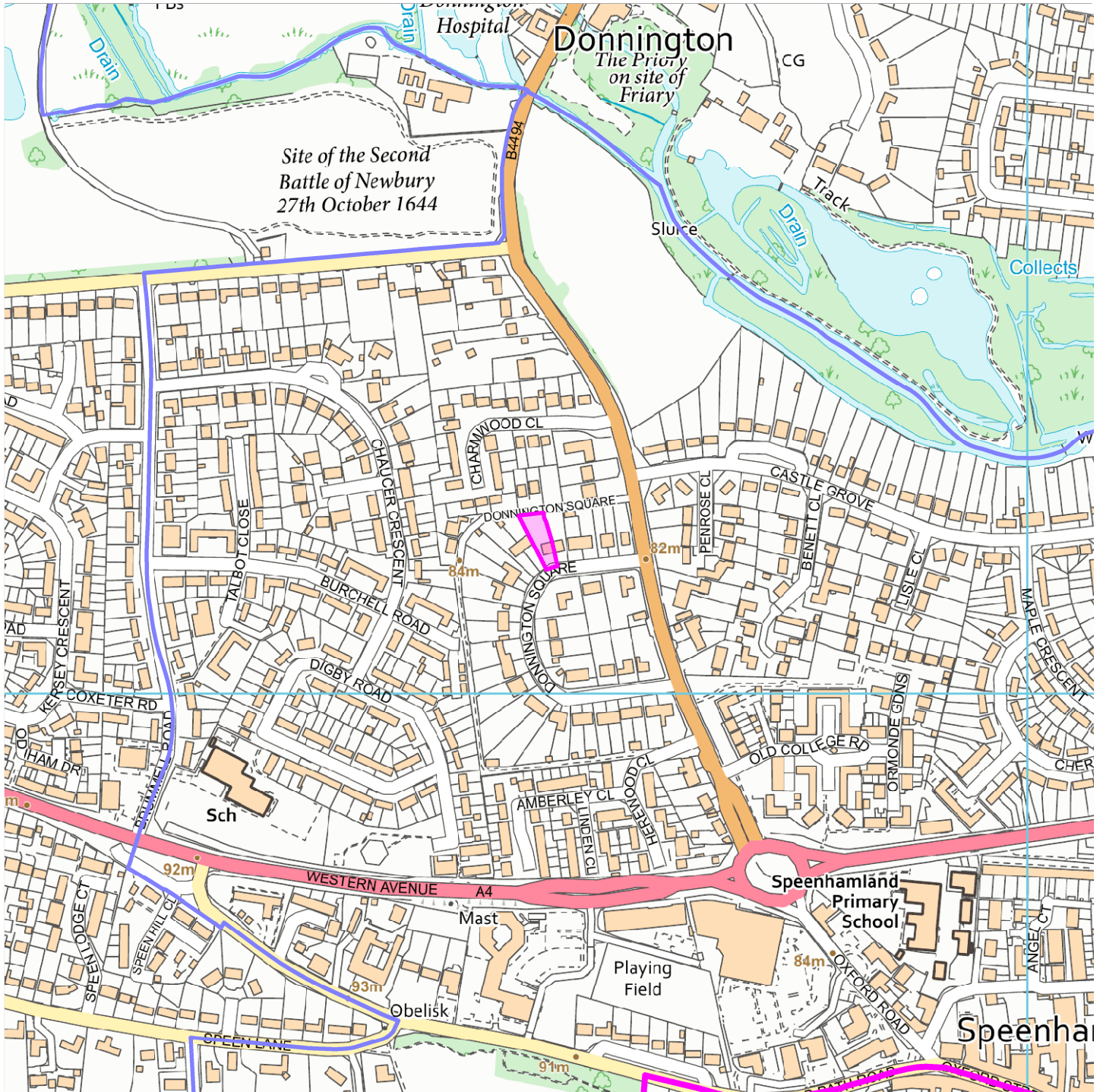
- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

## **2. Damage to footways, cycleways and verges**

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.

## **3. Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.



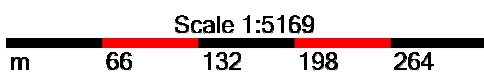
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	30 May 2019
<b>SLA Number</b>	0100024151



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# Agenda Item 5.(4)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(4)	19/00108/FULD  Newbury Town Council	15 <sup>th</sup> March 2019 <sup>1</sup>	Demolition of outbuilding and construction of two semi-detached dwellings with highway improvements  Land North of 4 and South of 8 Edgecombe Lane, Newbury  Gary Marshall and Derek Howe

<sup>1</sup> Extension of time agreed with applicant until 14<sup>th</sup> June 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00108/FULD>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

**Ward Members:** Councillor Jeff Beck  
Councillor Jeff Cant

**Reason for Committee Determination:** The application is being recommended for conditional approval and 10+ objections have been received.

**Committee Site Visit:** 6<sup>th</sup> June 2019

## Contact Officer Details

**Name:** Gemma Kirk  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** Gemma.Kirk@westberks.gov.uk

## **1. INTRODUCTION**

- 1.1 This application is for the construction of one pair of semi-detached properties following the demolition of an existing garage. The pair will be positioned over land that is used as private amenity space owned by the applicant. An outbuilding is presently positioned at the front of this plot.
- 1.2 The application also seeks to improve the access from Kiln Road to Edgecombe Lane by extending the dropped kerb on Kiln Road, laying a 6 metre bonded surface at the entrance of Edgecombe Lane and re-locating a signpost at the entrance subject to the agreement of the Highways Authority.
- 1.3 The proposed dwellings will be two storey, 3 bed dwellings. Each dwelling will have 2 gable ends on the front elevation to reflect the design of the neighbouring short terrace. Amendments have been received during the course of the application which reduce the size of the windows on the north and south elevations of the proposed dwellings.
- 1.4 The application site is located on a private street, Edgecombe Lane, which is accessed via Kiln Road. The site is within the established settlement boundary of Newbury and whilst the lane is a low density lane the surrounding area is predominately a high density residential area.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 16/00439/FULD: Demolition of outbuilding and construction of two semi-detached dwellings. Cannot be determined. 27.05.2016.
- 2.2 135275: Erection of one detached bungalow with retention of existing garage. Refused. 10.08.1989. (Appeal Dismissed)
- 2.3 132573: Erection of two linked detached dwellings. Refused. 14.09.1988.

## **3. PROCEDURAL MATTERS**

- 3.1 Environmental Impact Assessment (EIA): The development falls within the description of development in column 1 of Schedule 2 (11d) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however the development is not located within an environmentally sensitive area, and is below the given thresholds as defined by the regulations. As such, EIA screening is not required.
- 3.2 Publicity: Site notice displayed on 6<sup>th</sup> February 2019 on a street sign at the access to Edgecombe Lane, expired on 27<sup>th</sup> February 2019.
- 3.3 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 of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it less than 100 square

metres). The proposal will create two new dwellings and therefore the development is CIL liable. CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission.

- 3.4 Ownership: During the course of the application a number of letters challenging the ownership of the land within the red line have been received. Following a meeting with the Council's Solicitor it is considered there is no definitive evidence to demonstrate the ownership certificates submitted with this application are incorrect and that the application is invalid. Irrespective of any such conclusions on the validity of the application, it should be noted that the granting of any planning permission would not affect proprietary rights and a developer cannot do any work on someone else's land without their consent. This would remain a civil matter between the affected parties and the Council would not be party. An informative is recommended to be applied to this effect if this application is granted planning permission.

## 4. CONSULTATION

### 4.1 Statutory and Non-Statutory Consultations

**Town Council:** No objection. Fire Service should be consulted on access.

**Highways:** Full comments provided under heading 6.4 of this report.

Recommendation: The proposed access amendments as shown on drawing number 127 014 D dated 08.01.2019 are acceptable (and are an improvement since the previous application at this site 16/00439). The highway recommendation is therefore for conditional approval.

**Waste Management:** Edgecombe Lane is a private road that is not suitable for waste collection vehicles. I understand that there are no plans to offer the improved road to the local authority for adoption. As such the current arrangement where residents bring their bins and recycling containers to the public highway at Kiln Road on collection days must continue.

The addition of two further properties may cause an issue with space, however no problems have to date been reported in this location.

Potential residents should be aware of the arrangement as the distance from the property to the public highway may cause a problem for elderly or disabled residents who may struggle to place their bins on the highway for collection, this can be mitigated by ensuring there is flat level access with a path free of gravel or grass as wheeled bins are difficult to manoeuvre over these surfaces.

**Environmental Health:**

Identified Environmental Health issues relevant to Planning are the noise and dust from demolition and construction.

The proposed development site is located within close proximity to residential area, thus noise and dust during demolition and construction activities is likely to affect the neighbouring residents.

Should the planning application be granted, the following conditions should be included: hours of work and minimise the effect of dust. An informative for construction and demolition noise is recommended.

**Royal Berkshire Fire and Rescue Service:**

No comments received at time of writing the report.

**Land Drainage Engineer:**

No comments received at time of writing the report.

**Ecological Officer:**

No comments received at time of writing the report.

**Thames Water:**

With regard to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water no objection is raised. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water advise that with regard to the waste water network and waste water process infrastructure capacity, no objections are raised.

Thames Water advise that with regards to water network and water treatment infrastructure capacity, there are no objections.

Informatives are requested if planning permission is granted.

**Natural England:**

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Lambourn Special Area of Conservation and has no objection. To meet the requirements of the Habitat Regulations,

we advise you to record your decision that a likely significant effect can be ruled out.

Based on the plans submitted, Natural England considers the proposed development will not damage or destroy the interest features in the River Lambourn SSSI for which the site has been notified and has no objections.

**Archaeological Officer:** The evidence suggests that this proposal will have no major impact on any features of archaeological significance.

## 4.2 Public representations

Original consultation: Total: 14 Support: 0 Object: 14

The following material planning considerations have been raised:

- The impact on highway safety including achieving the visibility splays, increased parking on Kiln Road, manoeuvring in the lane, safety during construction and emergency vehicle access.
- Achieving the recommended parking and the deficit in Edgecombe Lane.
- Planning applications in 1980s for similar proposals refused due to impact on highway safety.
- Waste collection will be made worse and will have an adverse impact on visibility splays.
- Unacceptable impact on privacy for dwellings on Cromwell Road, Kiln Road, dwellings opposite the application site. Concerns raised over proposed large side elevation windows.
- Loss of light for the surrounding properties.
- Loss of amenity space for 2, 3 and 4 Edgecombe Lane.
- Overdevelopment in the area.
- Plans not representative of the area surrounding the application site.
- Drainage: soakaways insufficient, increase in surface water flooding.
- Development out of character with dwellings in Edgecombe Lane and does not conform to the building line.

## 5. PLANNING POLICY

5.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).

5.2 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies- ADPP1: Spatial Strategy, ADPP2: Newbury, CS1: Delivering New Homes and Retaining the Housing Stock, CS13: Transport, CS14: Design Principles, CS16: Flooding, CS17: Biodiversity and Geodiversity, CS18: Green Infrastructure, CS19: Historic Environment and Landscape Character

- 5.3 Housing Site Allocations Development Plan Document (HSA DPD):  
Policies- C1: Location of New Housing in the Countryside, P1: Residential Parking for New Development
- 5.4 West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):  
Policies- OVS.5: Environmental Nuisance and Pollution Control, OVS.6: Noise Pollution, TRANS.1: Meeting the Transport Needs of New Development
- 5.5 Material considerations:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - Quality Design SPD (2006)
  - Newbury Town Design Statement (2018)

## **6. APPRAISAL**

The main considerations in the determination of this application are:

- Principle of the development
- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on highway safety
- Drainage
- Other matters (waste and ecology)

### **6.1 Principle of the development**

- 6.1.1 The application site is within the defined settlement boundary of Newbury. Policy ADPP1 of the Core Strategy identifies Newbury as an Urban Area where the focus for the majority of the development is. This is echoed in Policy ADPP2 which advises that Newbury will be the main focus for housing growth with 'significant development potential on previously developed land, particularly in the town centre and periphery'.
- 6.1.2 Policy CS1 of the Core Strategy states that new houses will be primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. The site currently has an outbuilding on area of private amenity space and therefore is considered to be at least in part previously developed land. According to Policy C1 of the HSA DPD, there is a presumption in favour of development and redevelopment within the settlement boundary of Newbury.
- 6.1.3 The principle of development is considered to be acceptable in accordance with Policies ADPP1, ADPP2 and CS1 of the Core Strategy, and Policy C1 of the HSA DPD. The development plan also includes general development management policies which seek to ensure that the impacts of any development are acceptable and the impacts of the scheme in this regard are considered below.

### **6.2 The impact on the character of the area**

- 6.2.1 The NPPF outlines the importance of good design in the built environment. Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and

built environment. It states that particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

- 6.2.2 Edgecombe Lane is a private street formed of nine dwellings. There is a mixture of detached and short terrace red brick properties. Dwellings to the south of the application site are smaller in size located in small plots. To the north of the application site dwellings are larger positioned in more sizeable plots. The lane does not have a strong building line due to the position of the groups of dwellings in the lane and in their respective plots. The application site is currently used as garden space and a small outbuilding is positioned adjacent to the lane.
- 6.2.3 The proposed two storey semi-detached pair are considered to be commensurate to the scale, mass and bulk of the surrounding dwellings in the lane. It is also considered that the size of the plots will be in character with the area.
- 6.2.4 The position of the proposed dwellings and the design, as a semi-detached pair, is considered to maintain the existing spacing in Edgecombe Lane. By maintaining the spacing it retains the low density appearance of the lane and therefore will not appear as over development.
- 6.2.5 The design of the semi-detached pair will reflect the architectural detailing of the surrounding dwellings for example the gable ends on the front and rear elevations. The materials chosen will also best match the neighbouring properties. Whilst, the principle of the materials are considered acceptable to guarantee the materials are in-keeping with Edgecombe Lane a condition for a schedule of materials is considered necessary. The design and materials assist in ensuring the proposal will not be incongruous to the lane.
- 6.2.6 Some details of landscaping are shown on the plans; the landscaping is similar to that of other domestic properties. A condition for details for both hard and soft landscaping is recommended to secure an acceptable landscaping scheme that will be in character with the area.
- 6.2.7 Overall the impact on the character of the area is considered to be acceptable and in accordance with the aforementioned policies.

### **6.3 The impact on neighbouring amenity**

- 6.3.1 Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The NPPF also seeks to protect the amenity of neighbouring land users.
- 6.3.2 The proposed dwellings will be positioned centrally within their proposed plots. The dwellings be positioned approximately 4.7 metres from the boundary shared with 4 Edgecombe Lane and 2.7 metres from the boundary shared with 8 Edgecombe Lane. Furthermore, the neighbouring dwellings are positioned away from the communal boundaries creating a separation of approximately 12 metres between the proposal and the dwelling at 4 Edgecombe Lane and 7.5 metres between the proposal and the dwelling at 8 Edgecombe Lane. This separation distance mitigates the impact on neighbouring amenity for both 4 and 8 Edgecombe Lane.

- 6.3.3 During the course of the application the size of the north and south elevation first floor windows were reduced and will be fixed with obscure glass at lower level. It is considered that these amendments will help to protect privacy for both 4 and 8 Edgecombe Lane. It is recommended that permitted development rights are removed for the insertion of additional first floor elevations in the north and south elevations to protect privacy for the two adjoining dwellings.
- 6.3.4 Letters of objection raised concerns with regards to the impact on privacy for the dwellings on Cromwell Road, to the rear of the application site. The Quality Design SPD advises that a distance of approximately 21 metres is sufficient to maintain privacy for houses backing onto each other. It is acknowledged the guidance advises that those with longer gardens are expected to have higher levels of privacy. However, between the rear elevation of the proposed semi-detached pair and the rear elevations of dwellings on Cromwell Road there is a distance which exceeds double the recommended 21 metres. It is considered that due to this distance, privacy is maintained for dwellings on Cromwell Road.
- 6.3.5 Objection letters also considered the development would increase overlooking and create a loss of light for the dwellings opposite to the proposed development. 5, 6 and 7 Edgecombe Lane these are over 20 metres from the proposed development; this distance is considered sufficient to mitigate the concerns raised above.
- 6.3.6 The proposed dwellings will be provided with gardens that comply with the recommended guidelines for private amenity space in the Quality Design SPD. However, the proposal will result in the loss of the garden space for 2 and 3 Edgecombe Lane and a significant reduction in the amenity space for 4 Edgecombe Lane. This amenity space falls under the control of the application, although it is existing residents that would be affected by the loss of gardens. The net effect is therefore two new dwellings with good gardens, two existing dwellings losing their gardens, and one further existing garden being reduced. As a whole the proposal is therefore substandard in terms of its overall provision of private outdoor amenity space. Due to the central location of the site in Newbury residents can access public outdoor space, for example approximately 0.3 miles from the site there is a playing field. This provides some mitigation in this respect. The insufficient garden spaces is a shortcoming of the proposal that must be balanced against the benefits of the proposal. The benefits in this instance are two additional dwellings in a sustainable location. It is not out of character with such urban areas for dwellings to be provided with small or even no gardens. On balance it is considered that the benefits of the proposal outweigh the below standard provision of amenity space.
- 6.3.7 The Environmental Health Officer identified that dust and noise during construction is likely to have impact on neighbouring residents due to the close proximity of the neighbouring properties. The Environmental Health Officer considered that these issues could be overcome by way of condition. It is recommended that conditions are applied which limits the hours of work during construction and requires the applicant to submit and for the Local Planning Authority to agree a scheme of works to minimise the effects of dust.
- 6.3.8 Overall it is considered that whilst there will be a loss of private amenity space for the neighbouring dwellings, the impact on residential amenity will not be sufficiently



detrimental to warrant refusal. The proposal complies with Policy CS14 of the Core Strategy and the guidance within the NPPF

#### **6.4 The impact on highway safety**

6.4.1 Policies CS13 of the Core Strategy and TRANS.1 in the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the HSA DPD sets out residential car parking levels for the district.

6.4.2 A number of letters of objection have been received with regards to the impact on highway safety for Edgecombe Lane this includes the lack of turning space, the vehicular access and parking.

6.4.3 The Highway Officer's consultation response on the 28<sup>th</sup> January 2019 is as follows:

a. *"Drawing number 127 014 D dated 08.01.2019 details the amendments proposed at the access.*

b. *The access/drop kerb is proposed to be widened, with a bonded surfacing provided into the driveway. The re-surfacing will ensure the full driveway width depicted on the plans is achieved. Therefore, although the parking space outside number 1 is narrower than 2.4 metres (width of a standard parking space), even with a slight protrusion into the access drive, the remaining width is acceptable.*

c. *The existing signpost to the east of the access is annotated that it will be relocated to a location to be agreed. This is required. A highway access licence would be required for the access works and the Council's Traffic Management Team have stated the following with regards to the road sign:*

*"I have no objections providing visibility to the sign is not compromised, that the sign is no lower than 2100mm above the footway and the concrete foundation is a minimum of 600mm<sup>3</sup> they will need to do utility searches prior to works commencing."*

d. *Pedestrian visibility splays are proposed (2.4 metres x 2.4 metres), as well as standard vehicular visibility splays of 2.4 metres x 43 metres shown to the nearside carriageway edge. Both of these should be conditioned.*

e. *The proposed amendments to the access are acceptable as shown on the above drawing number. Whilst West Berkshire Council generally prefers accesses that serve more than 5 dwellings to be constructed to adoptable standards, and therefore adopted by the highway authority, each access and development is considered on an individual basis. This access already serves 9 dwellings. It is difficult to see that two further dwellings will have a material impact on this, subject to amendments to the access as requested.*

f. *The fire service should be consulted regarding access for fire appliances.*

g. *Car Parking and Cycle storage: Three driveway parking spaces are proposed for 4A, with two driveway spaces for 4B. In this location each 3-bed dwelling should be provided with 2.5 car parking spaces. A total of 5 car parking spaces are*

*therefore acceptable. Two driveway parking spaces are proposed for number 4 Edgcombe Lane, with one for number 3. The temporary parking and turning is acceptable as shown on drawing number 127 005 G, with delivery vehicle manoeuvres shown on 127 013 D. Please can both of these drawing numbers be referred to in the conditions regarding parking and turning and deliveries during the construction period. Sheds are proposed for cycle storage which is acceptable, although it may be tight getting a bicycle past the parked cars.*

*h. The proposed access amendments as shown on drawing number 127 014 D dated 08.01.2019 are acceptable (and are an improvement since the previous application at this site 16/00439). The highway recommendation is therefore for conditional approval.”*

6.4.4 Due to the number of objections additional comments were sought from the Highway Officer. A response from the Highway Officer on the 12.03.2019 is as follows:

- a. “The access width is such that two vehicles are able to pass at the access. One vehicle can therefore be entering whilst another is waiting to exit. A width of 5.6 metres is shown on the Proposed Site Plan – Entrance. Page 79 in Manual for Streets details widths and what they can accommodate.*
- b. The access where it joins the highway is acceptable. There is some narrowing after which it widens again. The widths are therefore acceptable.*
- c. In terms of visibility splays, the same Proposed Site Plan – Entrance demonstrates that the full 2.4 metres x 43 metres can be achieved to the nearside carriageway edge in both directions. It is acknowledged that vehicle parking does take place on the carriageway/footway in this location and vehicles may need to edge out slowly.*
- d. Paragraph 7.8.5 in Manual for Streets states: Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.*
- e. I have checked with the Council’s Traffic and Road Safety team and there are no recorded accidents in the vicinity of this access.*
- f. In view of this it is difficult to substantiate an objection on the grounds of two additional dwellings utilising the access.*
- g. The level of car parking proposed for the two new dwellings complies with West Berkshire Council’s current car parking standards. I would be unable to request a greater provision is made. Any existing shortfalls in parking in the vicinity are not for this application to address.*
- h. In terms of vehicle manoeuvring for other residents, unless they have a right of access over the land that it proposed to be utilised for the new dwellings then there is no legal requirement to retain this as such.*
- i. Whilst I do appreciate the concerns that have been raised, the Highway Authority would be unable to substantiate an objection to this application.”*

- 6.4.5 The Highway Officer has recommended conditions for the visibility splays for the access to be provided before development commences, visibility splays provided for private drives, parking/turning is provided in accordance with the plans, temporary parking and turning to be provided in accordance with the plans, the access to be constructed before the dwellings are occupied and cycle parking to be provided in accordance with the approved drawings. These conditions are considered necessary in the interests of highway safety.
- 6.4.6 To ensure the proposal fully complies with Policy P1 in the HSA DPD a condition is recommended for details of electric vehicular charging points are submitted to and approved by the Local Planning Authority before the dwellings are occupied.
- 6.4.7 Following the consultation response from the Highways Authority it is considered that the proposal is acceptable in terms of highway safety.

## **6.5 Drainage**

- 6.5.1 The site is not in a flood risk or critical drainage area. The Council's Land Drainage Team have not commented on the proposal. Policy CS16 of the Core Strategy requires all development to incorporate sustainable drainage methods. Given that the proposal results in the loss of permeable area for surface water to drain it is considered necessary to apply a condition for the drainage measures to be submitted and approved by the planning authority. It is noted that some details have been submitted with this application and the hard surfacing area at the front of the proposed dwellings will be permeable, however it is considered further details are required.
- 6.5.2 Thames Water have no objections to the proposal; the consultation response provides information for the applicant. It is recommended that this information is added as an informative. Thames Water have not requested any conditions.

## **6.6 Other Matters**

### *Waste collection*

- 6.6.1 This is another area of concern raised in letters of objection. Presently dwellings on Edgecombe Lane use a small area of land at the access of Edgecombe Lane for bin collection. The development will result in the loss of this area of storage.
- 6.6.2 The Council's Waste Officer commented that the addition of two further properties may cause an issue with space, however no problems have been reported in this area. Further clarification was sought with regards to the loss of the existing area of storage. The Waste Officer considered that they could not object because the proposal would only add a further two dwellings.
- 6.6.3 The Waste Officer has suggested that the applicants should make any potential residents of the proposed dwellings aware that the bins will need to be moved to be collected at the edge of the highway.

## *Ecology*

- 6.6.4 Natural England raised no objections to the proposal in terms of impact on ecology. The Council notes the comments by Natural England that likely significant effects to the River Lambourn Special Area of Conservation can be ruled out.

## **7. RESPONSE TO LETTERS OF REPRESENTATION**

- 7.1 Letters of representation are noted and have been addressed in the report.
- 7.2 It is noted letters of objections raised concerns that the plans were not representative of the area. The OS Map used does not show the extent of the development in Edgecombe Lane, however, it is considered the plans are sufficient to determine the application. Nonetheless, planning officers always undertake site visits to ensure that proposed developments are properly understood in context.

## **8. CONCLUSION**

- 8.1 Whilst there have been a number of objections to this application, it is considered the proposal for two houses is acceptable and can be secured by the use of conditions.
- 8.2 Having taken into account the relevant policy considerations and material considerations referred to above, it is considered that the development is acceptable and conditional approval is justifiable. The proposal accords with the NPPF, Policy ADDP1, ADPP2, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy (2006-2026) and Policy C1, P1 of the Housing Site Allocations Development Plan Document (2006-2026).

## **9. FULL RECOMMENDATION**

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following 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:

- (i) Drawing 127 001D (Existing Location Plan) received on 15.01.2019;

- (ii) Drawing 127 002A (Site Sections) received on 15.01.2019;
- (iii) Drawing 127 005G (Proposed Site Plan) received on 15.01.2019;
- (iv) Drawing 127 006E (Proposed Floor Plans) received on 11.03.2019;
- (v) Drawing 127 007A (Proposed Roof Plan) received on 15.01.2019;
- (vi) Drawing 127 008B (Proposed Elevations) received on 11.03.2019;
- (vii) Drawing 127 013D (Proposed Block Plan- Contractor Turning) received on 15.01.2019;
- (viii) Drawing 127 014D (Propose Site Plan- Entrance) received on 15.01.2019.

Associated documents:

- (i) Design and Access Statement (Rev.B 07.01.2019) received on 21.01.2019.

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

### **3. Upper floor side elevation windows**

The proposed first floor windows in the north and south elevations (side elevations) of the hereby approved dwellings shall be fitted with obscure glass and non-openable 1 metre above the window cil. The windows shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of 4 Edgecombe Lane and 8 Edgecombe Lane in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

### **4. Temporary parking and turning**

The hereby permitted development shall not be carried out except in accordance with the temporary parking and turning provided on Drawings 127 005G and 127 013D received on 15.01.2019, unless otherwise agreed in writing with the Local Planning Authority.

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 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **5. Schedule of materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the extensions hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. 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, Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Newbury Town Design Statement (July 2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; materials are required to be agreed before the construction phase begins and so it is necessary to approve these details before any development takes place.

**6. A scheme to minimise the effects of dust**

No development shall commence until the applicant submits to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; a scheme to minimise the effects of dust is required throughout the construction phase and therefore it is necessary to agree before development commences.

**7. Visibility splays before development**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

**8. Landscaping scheme (including hard surfacing)**

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping 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.

**9. Sustainable drainage measures**

No development shall take place until a scheme of surface water drainage has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water within the application site. The scheme shall be implemented before the dwellings hereby permitted are occupied in accordance with the approved details.

Reason: To ensure the surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-commencement 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.

**10. Hours of work**

No demolition or construction works shall take place outside the following hours unless otherwise agreed by the Local Planning Authority in writing:

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 imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

**11. Parking in accord with plans**

No dwelling shall be occupied until the vehicle parking has been surfaced, marked out and provided in accordance with the approved plans. The parking 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) and Policy TRANS.1 of the West Berkshire District Local Plan

1991-2006 (Saved Policies 2007).

**12. Access construction**

No dwelling shall be occupied until the improvements to the access have been provided and constructed in accordance with the approved drawing number 127 014 D dated 08.01.2019.

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

**13. Visibility splays for private drives**

No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway/access and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**14. Cycle parking**

No dwelling shall 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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**15. Electric vehicle charging points**

No dwelling shall be occupied until details of electric vehicle charging points have been submitted and approved in writing by the Local Planning Authority. The electric charging vehicle points shall be implemented and retained thereafter for the duration of the development

Reason: To facilitate more sustainable travel. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations Development Plan Document (2006-2026).

**16. Permitted development rights for side elevation windows**

Notwithstanding the provisions of Article 3 of the Town and Country Planning



(General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed at first floor level or above on the north and south elevations of the hereby permitted dwellings, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

## **INFORMATIVES**

### **1. Approval- Need for revision/ representations received**

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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

### **2. Access construction**

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.

### **3. Damage to footways, cycleways and verges**

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.

### **4. Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### **5. Incidental works affecting the highway**

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.

6. **Construction/demolition noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

7. **Thames Water: Waste water**

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

8. **Thames Water: Mains water**

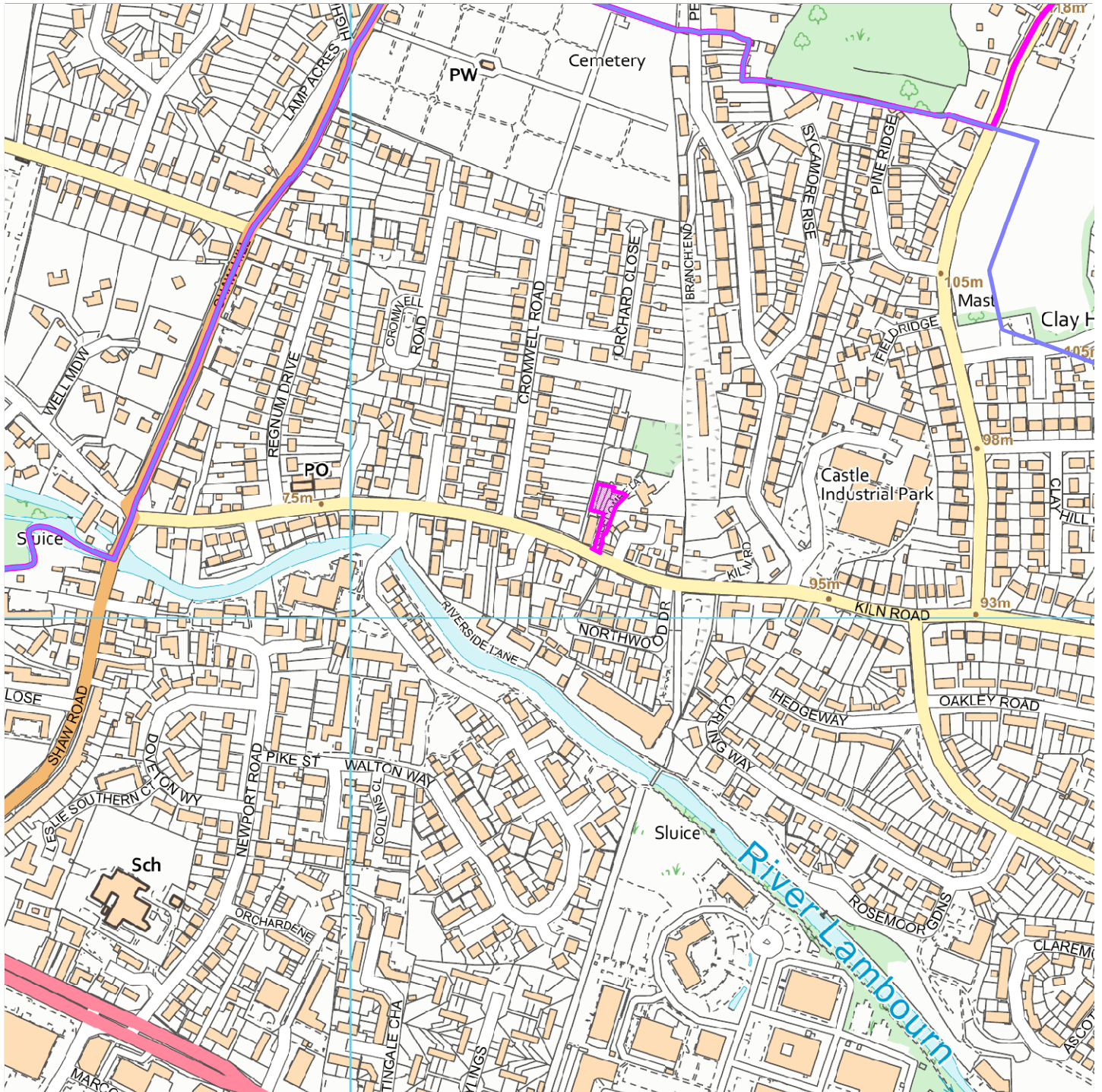
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

9. **CIL informative**

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).

10. **Ownership**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.



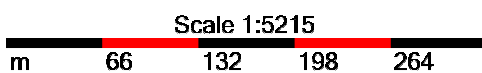
Map Centre Coordinates :

Scale : 1:5214

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	30 May 2019
<b>SLA Number</b>	0100024151



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# Agenda Item 5.(5)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(5)	18/03398/HOUSE Hungerford & Kintbury	6th March 2019	Two storey and single storey extensions Winterley House, Kintbury Mr and Mrs McNally

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03398/HOUSE>

**Recommendation Summary:**                      **The Head of Development and Planning be authorised to REFUSE planning permission.**

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

**Reason for Committee determination:**                      Requested by Cllr Stansfeld

**Committee Site Visit:**                                      6<sup>th</sup> June 2019

<b>Contact Officer Details</b>	
<b>Name:</b>	Isabel Oettinger
<b>Job Title:</b>	Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:isabel.oettinger@westberks.gov.uk">isabel.oettinger@westberks.gov.uk</a>

## 1. Site History

86/2783/ADD conversion of grooms cottage and stables into private dwelling and new garage. Approved 05.01.1987

10/00852/FUL Change of Use of land to form new entrance, construct new sections of brick boundary wall to Back Lane and Kintbury Road and new entrance gates to the drive. Approved 20.07.10

10/01186/HOUSE Extension to south west corner and 1st floor bedroom, reconstruct west elevation brick work facing garden and realign fenestration to suit wider elevation. Approved 15.07.10

18/01506/HOUSE Demolition of existing ancillary outbuilding and erection of two storey and single storey extensions. Refused 17.10.18 (

Dismissed at appeal 08/05/19 Inspectors report attached

## 2. Publicity of Application

Site Notice Expired: 21.02.19

## 3. Consultations and Representations

Parish Council: No objections.

Highways: No objections.

Conservation Officer: Refusal of application 18/01506/HOUSE and notification of valid appeal against refusal noted.

Whilst arguments have been made by the applicants about the age of the property, there does not appear to be a denial of its heritage value, and the main issue in terms of extending the property has as much to do with the scale of the extensions proposed in house extension as well as heritage impact terms.

The house as it currently exists clearly possesses a symmetry its main (south) elevation, which should be respected in devising any extensions to it. Such “respect” would be best achieved in subservient extensions, with a set back and set down from the existing house. Although an attempt has been made to reduce the impact of the extensions by setting down the ridge heights of the two storey elements (which goes a little way to preserving the symmetry of the main building), no set back is proposed, nor is the footprint of the extensions reduced. Accordingly, the previously made comments are still considered to apply. NB. On a small point of detail, there appears to be a discrepancy between the submitted proposed elevation and floor plan drawings in respect of the window layout for the curved rear two-storey element.

Natural England: No comments.



Public: No representations received.

**The following consultation responses from 18/01506/HOUSE are also relevant to the consideration of this application:**

Conservation: Original: The two storey part of the extension arguably upsets the basic symmetry of the main building, and the further single storey extension exacerbates this, which is arguably contrary to SPG advice on house extensions, particularly in terms of subservience.

Whilst the building is not a designated heritage asset, nor do the works affect the setting of any designated heritage assets, the host property could be described as a non-designated heritage asset, where paragraph 197 of the NPPF 2018 applies. A Heritage Impact Assessment might therefore be appropriate in this case to justify (the impact of) the proposed works. It might also be appropriate at this stage for the Council's Archaeologist to be consulted on the application for an opinion and whether there is any information in the Historic Environment Record.

Follow-up: I am happy to stand by my 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 are not subservient to the main building, arguably contrary to SPG advice on House Extensions and part i of DPD C6 referred to in the Agents e-mail dated 7th September 2018.

Further, there can be little doubt, on the basis of evidence provided by the Councils Archaeologist, that Winterley House should be considered as a non-designated heritage asset, on which basis paragraph 197 of the NPPF 2018 applies.

Archaeology: Original: Winterley House I am fairly certain that it was a listed building from c1950 up until the 1980s review, though the old description only said C.18. Altered which makes it hard to be certain which element of Mount Pleasant was referred to. This was the previous name until the late 1980s, and it was listed at Grade III, a level which was then phased out (being replaced by Grade II). I do not know why it was de-listed - perhaps due to the alterations. The HER entry for the house is provided. Mapping evidence supports an 18th century (or older) date for the building, as a small country house with subservient outbuildings / staff accommodation.

The house appears to have had roughly the same footprint for c 125 years, i.e. nearly square, though from aerial photographs the roof structures are of more than one period. I see a previous application for a small extension was approved in 10/01186/HOUSE. The D & A statement with this app says the house dates back to c 1780, but there were alterations and extension in 1987. There are other planning references in Uniform under the old name, i.e. 80/12600/ADD and 81/15938/ADD which also mention alterations and extensions.

My advice for 18/01506/HOUSE would therefore be the same as [Conservation], i.e. that Winterley House aka Mount Pleasant should be considered as a non-designated heritage asset, and a bit more information about its origins, development and existing fabric should be provided to justify this larger extension. Symmetry is a key feature of most Georgian buildings but I leave the comments about design to the Conservation Officers. I do not believe I would request any below ground archaeological investigations should this extension be approved, as any possible post-medieval features (e.g. rubbish dumps) are unlikely to be very significant. The garage doesn't appear to be an old building.

Follow-up: Thank you for forwarding on the Design, Access and Heritage Statement on Winterley House. I do not have any further comments to make as regards the planning proposals and would not be requesting an archaeological condition.

#### **4. Planning Policy**

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan includes the West Berkshire Core Strategy 2006-2026 (WBCS) and the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 4.2 The following policies from the WBCS are relevant to this application:
- ADPP1: Spatial Strategy
  - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
  - CS13: Transport
  - CS14: Design Principles
  - CS19: Historic Environment and Landscape Character
- 4.3 The following policies from the HSA DPD are relevant to this application:
- C1: Location of New Housing in the Countryside
  - C3: Design of Housing in the Countryside
  - C6: Extension of Existing Dwellings within the Countryside
  - P1: Residential Parking for New Development
- 4.4 The following are relevant material considerations:
- The National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - Quality Design SPD (2006)
  - House Extensions SPG (2004)

#### **5. Description of Development**

- 5.1. The application site is located outside of any defined settlement boundary. There is a single dwelling to the south east (Mount Pleasant Cottage) and the converted stables dwelling to the north east. The site lies in the North Wessex Downs AONB. The existing property is a large, detached dwelling set within established gardens with a single pitched roof garage/outbuilding on the east side.



- 5.2 The existing dwelling has had several historical additions over time, detailed in the Design, Access and Heritage Statement. The most recent of which was a two storey extension in 2010 which effectively squared-off the south-west corner of the dwelling.
- 5.3 Amended proposed floorplans and elevations have been provided in response to the consultation received from the conservation officer which have set the two-storey elements of the extension in by approximately 100mm and adjusted the window proposed on the curved element.
- 5.4 The current scheme is a re-submission of the previously refused application (18/01506/HOUSE) with the amendment of a set-down in the ridge line of the second storey extensions and additional information submitted as part of a heritage statement.
- 5.5 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. There are now set down ridge lines and eaves line at approximately 6.5 metres in height. The single storey of the orangery and office would extend to a ridge height of 5 metres with a new chimney reaching 6.5 metres high.

## **6. Consideration of the Proposal**

The main issues raised by this development are:

- 6.1. The principle of development;
- 6.2. The impact on the character and appearance of the building and area;
- 6.3. The impact on the living conditions of the neighbouring properties.

### **6.1. The principle of development**

- 6.1.1 Core Strategy Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for West Berkshire. The hierarchy comprises defined urban areas, rural service centres, and service villages. New development will be considered commensurate to its position within the hierarchy. Below the settlement hierarchy, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. Beyond defined settlement boundaries, only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.1.2 The application site is located outside of any defined settlement boundary and is therefore regarded as “open countryside” under Core Strategy Policy ADPP1. The site is also located within the AONB where great weight must be given to conserving and enhancing landscape and scenic beauty. Policy ADPP5 states that, recognising the area as a national landscape designation, development will conserve and enhance local distinctiveness.
- 6.1.3 In the context of this general policy of restraint in the countryside, Policy C6 of the HSA DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:
  - i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
  - ii. it has 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; and
  - iii. the use of materials is appropriate within the local architectural context; and

- iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.1.4 As detailed below it is considered that, despite the set down of the ridge and eaves, the proposal fails to comply with points i and ii. Overall, therefore, the proposal fails to comply with the aforementioned policies, and is not appropriate limited development in the AONB countryside.

## 6.2. The design and impact on the character of the area

6.2.1 Through the provisions of the NPPF the government outlines the importance of the design of the built environment and proposals affecting heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.2.2 Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. According to Policy CS19, particular regard will be given to: (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings.

6.2.3 The site is located within the AONB. The NPPF provides AONBs the highest level of protection in terms of landscape and scenic beauty. Policy ADPP5 of the core strategy states that 'development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB'. Moreover, development will respect and respond to the historic environment of the AONB.

6.2.4 Policy C6 of the HSADPD seeks to ensure any enlargement remains subservient to the original dwelling and in character with the existing dwelling. This reflects design guidance in the Council's Quality Design SPD and House Extensions SPG, as well as the site-specific advice from the conservation officer in terms of conserving the significance of this non-designated heritage asset.

6.2.5 For this application the two storey extensions have had the ridgeline dropped by approximately 0.5 metre. However, the bulk, depth, and scale of the extensions at two storey and single storey remain as previously. Therefore the previous assessment remains that overall, the scheme is not subservient to the main dwelling. Furthermore, it is still considered that the resultant dwelling would appear unbalanced and lose its current architectural identity. The single storey elements represent a poorly related add-on to the existing well defined dwelling character, to the detriment to the visual quality and character of this sensitive building in a sensitive location.

6.2.6 The proposed extensions would appear intrusive within the streetscene when viewed from Back Lane, and cumulative would provide substantially greater bulk and roofscape of the orangery and office. This would be incongruous to the character of the immediate area and would impact on its setting in the wider landscape. The two neighbouring dwellings on the east side would also have clear views of the new extensions.

6.2.7 Overall, it is considered that the new extensions would fail to achieve a high standard of design that respects the character and appearance of the area, and is appropriate in scale and design. Moreover, the extensions would harm the significance of the building as a

non-designated heritage asset. The harm would be exacerbated by the impact on the street scene. The proposal would fail to comply with the aforementioned policies.

### 6.3 The impact on the amenities of the neighbouring properties

6.3.1 Core Strategy Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Quality Design SPD and House Extensions SPG outline the factors to consider with regard to impact on neighbouring properties.

6.3.2 The two neighbouring dwellings on the east side would have clear views of the new extensions. The existing pitched roof garage is a slightly incongruous feature within the existing garden area. This would be considerably exacerbated by the addition of a linear, linked extension. This concern is raised above in relation to the impact on the character and appearance of the area, but given the separation distance to neighbouring properties the proposed extension is not considered to result in material harm to the living conditions of the neighbouring properties.

### 6.4 The impact on highways and parking

6.4.1 The proposed application does not impact on available parking within the site as the garage/outbuilding is not accessible for parking.

### 6.5 Other matters

6.5.1 The previous application received a consultation response from the Council's Archaeological Officer providing historical background context for the dwelling and detailing its previous listed status. The current application is very similar to the previous scheme, a further consultation response has been sought but not received at this stage.

6.5.2 The current application is accompanied by further information in the Design, Access and Heritage Statement. This has been assessed afresh for the current application, together with the external alterations to the scheme, namely the reduction of the ridge height by approximately 0.5 metre and the setting in of the two storey elevations from the existing building by approximately 0.1 metre.

## 7. **Conclusion**

7.1 The dwelling is located in open countryside within the North Wessex Downs AONB, a statutory designation which is afforded the highest level of protection for landscape and scenic beauty. The existing building was also previously a listed building, and is therefore regarded as a non-designated heritage asset. The proposal would add dominant and incongruous extensions to the detriment of the existing character of the dwelling and the local area. They would harm the significance of this non-designated heritage asset.

7.2 The proposed extensions are not considered an acceptable design, bulk or scale for the reasons given above. Having taken account all of the relevant policies and the other material considerations referred to above, it is considered that there are clear reasons to refuse the proposal.

## 8. Full Recommendation

- 8.1 The committee resolution for the application on 13<sup>th</sup> March was for the deferment of the application pending the appeal decision. The appeal was dismissed by the Planning Inspectorate on 08.05.19. The recommendation of the application remains for Refusal.
- 8.2 It is recommended that the Head of Development and Planning be authorised to REFUSE 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).*

Appeal decision note:



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## Appeal Decision

Site visit made on 25 March 2019

**by Tim Crouch DipUD MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Tuesday, 07 May 2019**

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**Appeal Ref: APP/W0340/D/18/3219372**

**Winterley House, Kintbury Road, Kintbury, Hungerford RG17 9SY**

- 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 and Mrs M McNally against the decision of West Berkshire Council.
  - The application Ref 18/01506/HOUSE, dated 30 May 2018, was refused by notice dated 17 October 2018.
  - The development proposed is the extension of existing property with part single and part two storey extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building, which is a non-designated heritage asset, and the wider North Wessex Downs Area of Outstanding Natural Beauty.

### Reasons

3. Winterley House is a handsome two storey over basement detached brick building with Georgian origins. It has been extended and remodelled over time during different eras to become a substantial and mostly symmetrical building of square proportions. The existing north, west and south elevations have an attractive regular appearance due to the height, length and depth of the elevations which results in a squareness of built form. This is enhanced by the arrangement of the size, positioning and design of windows and door openings. Whilst not a Listed Building the Council consider the building to be a non-designated heritage asset.
4. The building sits comfortably surrounded by substantial grounds. It is positioned centrally on its north, east and south boundaries which gives it a spacious character and open setting within the enclosed plot. It has an existing single storey ancillary brick building separated and distinct to the east.
5. The proposal seeks to add a two storey extension to the east elevation which would also include a significant linear ground floor projection. The proposed two storey extension element seeks to extend along from the existing ridge height and the building line of the historic building. As a result, the scale of the proposed two storey addition would not appear subservient and would have an

- unbalancing impact on the appearance of the Heritage Asset. This would be exacerbated by the introduction of a curved element on the northern corner which would be out of keeping with the existing architectural style. The detailing on the southern elevation would also accentuate this harm by introducing a new fenestration pattern which would be at odds with the existing regular window and door arrangement.
6. The proposed single storey projection would introduce a strong linear element contrary to the compact, square form of the existing dwelling. This would have a dominating impact given its substantial length, especially when compared with the existing footprint. This would not therefore appear a subservient addition. This length of built form extending to close to the eastern boundary would also erode its spacious setting which complements the Heritage Asset. This harm would be exacerbated by the proposed design, including uncharacteristic features such as an external chimney stack, and its L-shape form, despite quality materials being proposed.
  7. Whilst wider views are limited, the proposed extension would extend close to the boundary and would be visible from the public domain. The size and scale of the extension would be recognised and it would detract from the appearance of the wider area. The proposal would also therefore fail to conserve the special qualities of the Area of Outstanding Natural Beauty (AONB).
  8. Therefore, the proposal would harm the character and appearance of the non-designated Heritage Asset, adversely affecting its significance, and would fail to conserve the special quality of the AONB. Consequently, the proposal conflicts with the National Planning Policy Framework (2019), policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (2012), policies C3 and C6 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) (2017), the North Wessex Downs AONB Management Plan 2014-19 (2014), the West Berkshire House Extensions Supplementary Planning Guidance (2004) and the Council's Quality Design West Berkshire Supplementary Planning Document (Part 2) (2006).
  9. Taken together, these policies require extensions, amongst other objectives, to be subservient to the original dwelling and designed to be in character with it, to have no adverse impact on the historic interest of the host building and to conserve the local distinctiveness of the AONB.

### **Other Matters**

10. My attention has been brought to another two storey extension permitted by the Council. However, limited details have been provided. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

11. I note that no objections were received to the proposal from local residents. However, the absence of opposition to this development in circumstances when I have found it would be harmful to a Heritage Asset and the wider AONB does not persuade me that it would be appropriate for me to allow this appeal.

**Conclusion**

12. For the reasons given above, I conclude that the appeal should be dismissed.

*Tim Crouch*

INSPECTOR

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# Agenda Item 6.

NEWBURY 18/02578  Pins ref: 3220095	4 The Court Enborne Place Newbury Berkshire RG14 6BD	2 <sup>nd</sup> floor loft conversion	Dele. Refusal	Dismissed 07.5.2019
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## Main Issue

The main issue is the effect of the proposal on the character and appearance of the host property and whether it would be appropriate given the context of the surrounding area.

## Reasons

The proposed box dormer window would be level with the ridge of the host property and extend almost the full width of the roof. This would be a large square addition to the existing sloping roof, changing its profile and appearance dramatically. It would result in a large bulk, unbalancing and dominating the appearance of the property and the rear elevation of the terrace which is otherwise characterised by plain and angled lines.

Whilst set in from the eaves and end elevation, the large scale of the proposed addition would be exacerbated by the size of the new window which would be significantly larger than the other windows on this elevation in width and height. This would be stark and appear incongruous within the simple rear elevation. The proposed positioning of the window, which does not sit centrally within the proposed dormer or align with the windows below, further adds to the harm to the appearance of the host dwelling.

Policy CS14 West Berkshire Core Strategy (CS) (2006-2026) (2012) requires new development to demonstrate high quality. The Council also has an adopted House Extensions Supplementary Planning Guidance (SPG) (2004). This guides dormer windows to be designed to keep their size to a minimum and their position as low as possible on the slope of the roof. It also advises that the design should reflect that of the main roof with the new windows to match the window style of the house. The proposal before the Inspector would fail to do this and would harm the character and appearance of the host property.

The site is set within a private corner plot and away from the main streetscene. However, there are very few other dormer windows in the surrounding area, which is characterised by mostly simple, plain roof slopes. The main addition is proposed to the rear with limited public views, but it would be visible in the rear gardens and circulation spaces of neighbouring properties. Whilst wider views are limited, Policy CS19 of the CS requires development to be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Given the plain roof slopes in the wider character context, the proposed large box dormer covering most of the width of the property, and to its full ridge height, would fail to be appropriate in scale and design. It would therefore not be appropriate given the context of the surrounding area.

Whilst there are limited wider views, and the Inspector noted that no objections were received from neighbours or the Town Council, the proposal would not comply with these policies of the development plan. He was aware that the proposal would provide additional floorspace for a local family and would not result in an unacceptable level of overlooking of neighbouring properties. However, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Inspector did not consider that the design requirements of policies CS14 and CS19 are outweighed by other material considerations in this case.

Therefore, due to the size, positioning and design, the proposal would be contrary to policies CS14 and CS19 of the CS, the National Planning Policy Framework (2019) and the SPG. Taken together, these require development to demonstrate high quality design that respects the character and appearance of the area and is appropriate within its context.

## Other Matter

The Inspector's attention was brought to another box dormer close to the appeal site. He did not have full details that led to this being accepted. In any event, the fact that apparently similar development may have

been permitted is not a reason, on its own, to allow unacceptable development. He had considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

**Conclusion**

For the reasons given above, the Inspector concluded that the appeal should be dismissed.

DC

HAMSTEAD MARSHALL 18/02648/HOUSE  Pins Ref 3223227	9 Salters Hamstead Marshall Newbury Berkshire RG20 0HH	Proposed two storey side and rear extension. Demolish garage and summer house and erect new detached timber frame garage with home office above.	Dele. Refusal	Dismissed 30.4.2019
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### **Main issue**

The Inspector considered that the main issue in this case is its effect on the character and appearance of the area.

### **Reasons**

No. 9 Salters is one of a pair of semi-detached houses located in a prominent position above the road with the majority of their garden area to the front and sides. They are constructed of brick with plain clay tiles and half-hipped roofs. Their front elevations appear little altered from the original and maintain the original symmetry.

No. 9 has a detached garage and detached summer house to the east side and a rear single storey extension. No. 10, the adjoining property, has a detached double garage to the west side and a two storey rear extension.

The pair of semis is part of a small scattered group of houses in an area which is predominantly rural in character. Although the immediate surroundings of the site are outside the nearby North Wessex Area of Outstanding Natural Beauty, the area has many of the characteristics of the AONB, namely undulating terrain and open agricultural fields interspersed with woodland.

The relevant policies in this case include CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), adopted 2012, (the Core Strategy) and C3 of the Housing Site Allocations Development Plan Document 2017 (the DPD).

Core Strategy policy CS14 requires new development to be of a high quality design that respects and enhances the character and appearance of the area. CS19 seeks to ensure that the diversity and local distinctiveness of the landscape character of the District are conserved and enhanced. DPD policy C3 requires the design of new housing, including extensions, to have regard to the impact on the landscape character of the area. Core Strategy policy CS17 seeks to conserve and enhance biodiversity assets and to protect habitats which support protected species.

The Council has referred to DPD policy C6, but this relates to affordable housing and is not relevant in this case.

### *Character and appearance*

The Inspector considered that the height and width of the proposed two storey side extension would appear out of scale with the proportions of the existing house. The design and materials would reflect the existing form and appearance of the houses. However, notwithstanding the small set back from the front and down from the main ridge, the extension would appear prominent in relation to the existing house and would unbalance the overall symmetry of the pair.

This would have an unacceptable, adverse impact on the character and appearance of this attractive rural area, particularly as the property occupies a prominent position above the road and is readily visible from public viewpoints.

The Inspector saw during his visit that No. 10 has a two storey rear extension which has no impact on the appearance of the properties from the front and he considered that that part of the rear element of the proposal directly behind No. 9 would have less impact on the appearance of the house although it would be visible in oblique views from the southeast.

No. 9 is a modestly sized two bedroom dwelling and he considered that, even taking account of the limited land available at the rear, it is capable of extension to provide additional accommodation. However, he was not persuaded that this proposal is an appropriate solution.

The Inspector concluded that the proposal would harm the character and appearance of the area, contrary to policies CS14 and CS19 of the Core Strategy and C3 of the DPD.

#### *Biodiversity*

The age and location of the property are such that there is some possibility that bats may be present. Core Strategy policy CS17 requires that potential habitats should be conserved and enhanced. The appellant has not demonstrated that there are no protected species on the site which would be adversely affected by the proposal. However, the Inspector considered that this matter could be resolved by the imposition of a suitable condition requiring a survey of the habitat were planning permission to be granted.

In the absence at this time of a survey, he concluded that the proposal would not conserve biodiversity, contrary to policy Core Strategy CS17.

#### *Other matters*

Neighbouring residents at Hillcrest have expressed concern regarding the potential for overlooking, loss of light and the overbearing effect of the proposal on their property. The Inspector considered that there would be adequate separation between the rooflights and ground floor windows of the proposed extension and Hillcrest to maintain privacy in accordance with the guidance in the Council's Supplementary Planning Document *04/2 House Extensions*.

The original proposal has been amended to reduce the height of the proposed garage and remove its first floor. It would be a more substantial building than the existing garage and would be closer to the northeast boundary. However, it would replace both the existing garage and the summerhouse and, in his view, would be acceptable in this context. Although Hillcrest is at a lower level, the garage would be screened from the house by an existing dense hedge.

For the reasons given above, the appeal is dismissed.

DC

BRIGHTWALTON 18/02338  PINS ref: 3220087	Isbury Brightwalton Newbury RG20 7BP	Outline permission to demolish existing house and erect three dwellings via existing access along with associated infrastructure. Matter for consideration access	Dele. Refusal	Dismissed 30.5.2019
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### **Preliminary Matter**

The application is in outline form with all matters reserved other than access.

### **Main Issues**

The main issues are: (i) the appropriateness in principle of this location for residential development, and (ii) the effect of the proposed access road on the living conditions for the occupiers of Northwood as regards the potential for noise and disturbance.

### **Reasons**

The Case Officer's report on the appeal application explains that the settlement boundary for Brightwalton runs through the site. The existing dwelling and therefore Plot 1 of the appeal scheme would be located within the settlement boundary, but the two proposed dwellings to the south would fall outside of it and thereby within 'open countryside' in terms of the adopted planning policy for the area.

The latter includes Policy CS 1 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 ('the Core Strategy') & Policy C 1 of the Council's Housing Site Allocations DPD (2006-2026) 2017 ('the HAS DPD'). Within the overall framework for delivering New Homes in Policy CS 1, the more recently adopted Policy C 1 establishes a presumption against new residential development outside of settlement boundaries. The two dwellings proposed for the rear garden of Isbury do not fall within any of the exceptions stated in Policy C 1 and are therefore in clear conflict with it.

The grounds of appeal argue that there are other material considerations that apply in this case', in particular that the starting point for assessing the proposals is the principle of sustainable development. In the appellant's view the addition of two units in a modestly sized village in the Thames Valley with a primary school would in fact be a sustainable location. And it is therefore a more reasonable basis for determining the appeal application than '*an arbitrary line drawn through the appellant's rear garden*'.

This argument is further developed with reference to a research paper prepared by the Country Landowners Association ('the CLA') that describes a 'sustainability trap' in which around 2,000 villages in England fall. In essence this is the concern that the preclusion of new housing in villages aids the decline of the community facilities that they already have.

However, whilst there may indeed be some merit in these points, albeit the CLA is a vested interest, it is clear that both the Core Strategy and the HAS DPD have been prepared and adopted in a form to accord with the sustainability principles of Government policy in the National Planning Policy Framework ('the Framework'), originally published in 2012 and with updates in 2018 & 2019.

Furthermore, far from the settlement boundary for Brightwalton crossing the garden of Isbury in '*an arbitrary line*', the Inspector was in no doubt that this boundary (shown within the Council's appeal statement) was selected with the intention of precluding most of the curtilage of Isbury and indeed the adjoining Killybegs from further residential development because of the policy conflict.

A breach of this relatively tight southern boundary of the village would in the Inspector's view be harmful, not only as regards the sustainability principles on which the HAS DPD is based, but also because as presently drawn its preclusion of additional houses allows the open AONB countryside to be an integral part of the character and appearance of Brightwalton.

Both of these considerations are capable of being outweighed as part of the planning balance in any formal review of the development plan, but at the present time he considered that an effectively 'ad hoc' departure from the settlement boundary would be in unacceptable conflict with both the Council's policies and Government policy in the Framework.

Turning briefly to the second issue, the access drive to the rear part of the site would effectively adjoin the eastern flank of Northwood and its rear garden. It would service the vehicular movements of the proposed dwellings on the two rear plots, and under the illustrative layout also the replacement frontage dwelling.

This would inevitably introduce noise and disturbance for the occupiers of Northwood and the Inspector had particularly noted their concerns as regards the proximity of the bedrooms to the access. He noted the appellant's point that a brick wall could be constructed to protect the rear garden of Norwood from noise and disturbance with the additional effect of improving some aspects of privacy.

However, whilst he agreed that this would be a partially mitigating factor, the Inspector did not consider that it would sufficiently overcome the noise, disturbance and intrusion of headlights from the substantial number of movements associated with three proposed dwellings. Accordingly, on harm to the living conditions of the occupiers of Norwood through a conflict with Core Strategy Policy CS 14 and paragraph 127f) of the Framework.

#### **Other Matter**

Both the Council and the appellant include a number of arguments relating to the illustrative layout of the siting and layout of the proposed development. However, these matters were not formally before him in this appeal as they are reserved for future consideration in the event outline permission is granted. And whilst he would have nonetheless addressed these issues had he found in the appellant's favour regarding the principle of the development of the site, because he had taken the opposite view in this regard, the Inspector considered that little or no purpose would be served by further deliberation.

#### **Conclusion**

For the reasons explained, and having had regard to all other matters raised, the appeal is dismissed.

DC

KINTBURY 18/01506  Pins ref: 3219372	Winterley House Kintbury Hungerford RG17 9SY	Demolition of existing ancillary outbuilding and erection of two storey and single storey extensions	Dele. Refusal	Dismissed 07.5.2019
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### **Main Issue**

The main issue is the effect of the proposal on the character and appearance of the existing building, which is a non-designated heritage asset, and the wider North Wessex Downs Area of Outstanding Natural Beauty.

### **Reasons**

Winterley House is a handsome two storey over basement detached brick building with Georgian origins. It has been extended and remodelled over time during different eras to become a substantial and mostly symmetrical building of square proportions. The existing north, west and south elevations have an attractive regular appearance due to the height, length and depth of the elevations which results in a squareness of built form. This is enhanced by the arrangement of the size, positioning and design of windows and door openings. Whilst not a Listed Building the Council consider the building to be a non-designated heritage asset.

The building sits comfortably surrounded by substantial grounds. It is positioned centrally on its north, east and south boundaries which gives it a spacious character and open setting within the enclosed plot. It has an existing single storey ancillary brick building separated and distinct to the east.

The proposal seeks to add a two storey extension to the east elevation which would also include a significant linear ground floor projection. The proposed two storey extension element seeks to extend along from the existing ridge height and the building line of the historic building. As a result, the scale of the proposed two storey addition would not appear subservient and would have an unbalancing impact on the appearance of the Heritage Asset. This would be exacerbated by the introduction of a curved element on the northern corner which would be out of keeping with the existing architectural style. The detailing on the southern elevation would also accentuate this harm by introducing a new fenestration pattern which would be at odds with the existing regular window and door arrangement.

The proposed single storey projection would introduce a strong linear element contrary to the compact, square form of the existing dwelling. This would have a dominating impact given its substantial length, especially when compared with the existing footprint. This would not therefore appear a subservient addition. This length of built form extending to close to the eastern boundary would also erode its spacious setting which complements the Heritage Asset. This harm would be exacerbated by the proposed design, including uncharacteristic features such as an external chimney stack, and its L-shape form, despite quality materials being proposed.

Whilst wider views are limited, the proposed extension would extend close to the boundary and would be visible from the public domain. The size and scale of the extension would be recognised and it would detract from the appearance of the wider area. The proposal would also therefore fail to conserve the special qualities of the Area of Outstanding Natural Beauty (AONB).

Therefore, the proposal would harm the character and appearance of the non-designated Heritage Asset, adversely affecting its significance, and would fail to conserve the special quality of the AONB. Consequently, the proposal conflicts with the National Planning Policy Framework (2019), policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (2012), policies C3 and C6 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) (2017), the North Wessex Downs AONB Management Plan 2014-19 (2014), the West Berkshire House Extensions Supplementary Planning Guidance (2004) and the Council's Quality Design West Berkshire Supplementary Planning Document (Part 2) (2006).

Taken together, these policies require extensions, amongst other objectives, to be subservient to the original dwelling and designed to be in character with it, to have no adverse impact on the historic interest of the host building and to conserve the local distinctiveness of the AONB.

### **Other Matters**

The Inspector's attention was brought to another two storey extension permitted by the Council. However, limited details have been provided. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. The Inspector had considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

He noted that no objections were received to the proposal from local residents. However, the absence of opposition to this development in circumstances when he had found it would be harmful to a Heritage Asset and the wider AONB did not persuade him that it would be appropriate for him to allow this appeal.

### **Conclusion**

For the reasons given above, the Inspector concluded that the appeal should be dismissed.

DC