

# Notice of Meeting



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## Western Area Planning Committee

Wednesday 10 July 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, 2 July 2019



**Agenda - Western Area Planning Committee to be held on Wednesday, 10 July 2019**  
(continued)

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

# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **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](#).
  3. **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) | <b>Application No. and Parish: 19/00806/HOUSE - 24 Donnington Square, Newbury</b>  | 5 - 16  |
|     | <b>Proposal:</b> Three storey side extension and new porch.  |         |
|     | <b>Location:</b> 24 Donnington Square, Newbury.  |         |
|     | <b>Applicant:</b> Mr & Mrs Davies  |         |
|     | <b>Recommendation:</b> To <b>DELEGATE</b> to the Head of Development and Planning to <b>GRANT PLANNING PERMISSION</b> subject to conditions. |         |
| (2) | <b>Application No. and Parish: 19/00577/FULD - 6 Northwood Drive, Newbury</b>  | 17 - 36 |
|     | <b>Proposal:</b> New single family dwelling  |         |
|     | <b>Location:</b> 6 Northwood Drive, Newbury, RG14 2HB  |         |
|     | <b>Applicant:</b> Mr Hamey and Mrs Woodhead  |         |
|     | <b>Recommendation:</b> To <b>DELEGATE</b> to the Head of Development and Planning to <b>GRANT PLANNING PERMISSION</b> subject to conditions  |         |



**Agenda - Western Area Planning Committee to be held on Wednesday, 10 July 2019**  
(continued)

- (3) **Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury** 37 - 50  
**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**

4. **Appeal Decisions relating to Western Area Planning Committee** 51 - 62  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke  
Head of Legal and Strategic Support

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



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# Agenda Item 3.(1)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(1)	19/00806/HOUSE Newbury Town Council	24/05/19 <sup>1</sup>	Three storey side extension and new porch.  24 Donnington Square  Mr & Mrs Davies, Applicant  James Sopp, Agent

<sup>1</sup> Deferred from Committee Meeting of 03.07.2019

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00806/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:** 06/06/19

## Contact Officer Details

**Name:** Scott Houston  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** 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 Society: Note: following response was received on 06/06/19, after the original report was written, and beyond the original date for comments. It has been included in this amended version.

The Newbury Society objects to the proposals in their current form.

Donnington Square is a Conservation Area, designated in May 1971. The fact that West Berkshire Council and its predecessors have failed to produce a formal appraisal for this CA over the last 48 years should not favour developments which may cause it harm. This failure is in spite of the town council and residents researching the Square in some detail, and producing a report submitted to West Berkshire Council more than 10 years ago which could have been the basis for a formal appraisal (*Donnington Square Conservation Area Report*, Newbury Town Council, 2008). Donnington Square is significant enough to be included in the Pevsner volume on *Berkshire* (2010 p. 406).

In spite of this being a Conservation Area, this application does not include a Heritage Statement. The design and access statement is minimal, and simply does not address heritage impact. The main issue here is the effect of the application on the character of the conservation area. Donnington Square is a mid-C19th development of large houses, punctuated by gaps between the houses. This punctuation is an essential part of the character of the area, providing a rhythm to the crescent, and a further erosion will damage its character.

The main concerns therefore are the size of the current three-storey extension proposed, and its design. We consider it to be inappropriately wide, and inappropriately high; filling in a significant part of the gap to the neighbouring property. The effect is detrimental to the conservation area.

The 3-storey extension to the adjoining no. 25 was approved in August 2007 under application 07/01106/HOUSE, and we consider that this should be used as an appropriate guide to the maximum width of an acceptable extension at no. 24. This would also help in re-imposing the symmetry of the pair of buildings, thereby making a more sympathetic contribution to the Conservation Area. The massing at no. 25 reflected the relationship to the adjacent building; for this application the relationship with no. 23 is even more sensitive, bearing in mind the relative height of the two buildings.

We have no objection to the principle of an extension. We do feel that in agreeing the acceptable size for an extension, the views of the occupants of no. 23, the neighbouring property most affected, should be given serious weight.

## 4.2 Public representations

Original consultation:	Total: 16	Support: 0	Object: 16
Amendments consultation:	Total: 2	Support: 0	Object: 2
Post-deference consultation:	Total: 4	Support: 0	Object: 4

### 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 as the proposal is wide and tall.
- 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

5.5 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 manor houses, 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 manor house.

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 principle of the proposal as a three storey extension was considered to be acceptable as there are multiple manor houses in the square that have been extended in this way. However, 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 present a hipped ridge to the street that runs perpendicular to the main building e.g. 26 Donnington Square, where others have a front-facing gable, such as 25 Donnington Square.
- 6.2.9 In the objector commissioned conservation report it mentions that the 'cascading roof form' is of particular note, and this amended roof form, by being setback, hipped away from the main building, and presenting a stepped cascading roof form, serves to enhance and draw attention to this existing special characteristic, rather than create a roof form that would disrupt it (by returning to a higher elevation for example).
- 6.2.10 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.
- 6.2.11 The following additional objections have also been raised in public representations in relation to the impact on the character and appearance of the area.
- 6.2.12 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. Several objections also purported that this extension would almost or nearly fully block the gap between 24 and 23. The amended scheme is narrower than that at 25 in the interests of reducing the potential impact on amenity, while simultaneously ensuring that the balance of 24 and 25 is restored.

- 6.2.13 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.
- 6.2.14 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.
- 6.2.15 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.
- 6.2.16 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. Further consultation with conservation resulted in agreement that the spaciousness of this corner of the square would be preserved by this proposal.
- 6.2.17 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 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. The impact on light as a result of this proposal would therefore not be sufficiently harmful to warrant refusal.

- 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**

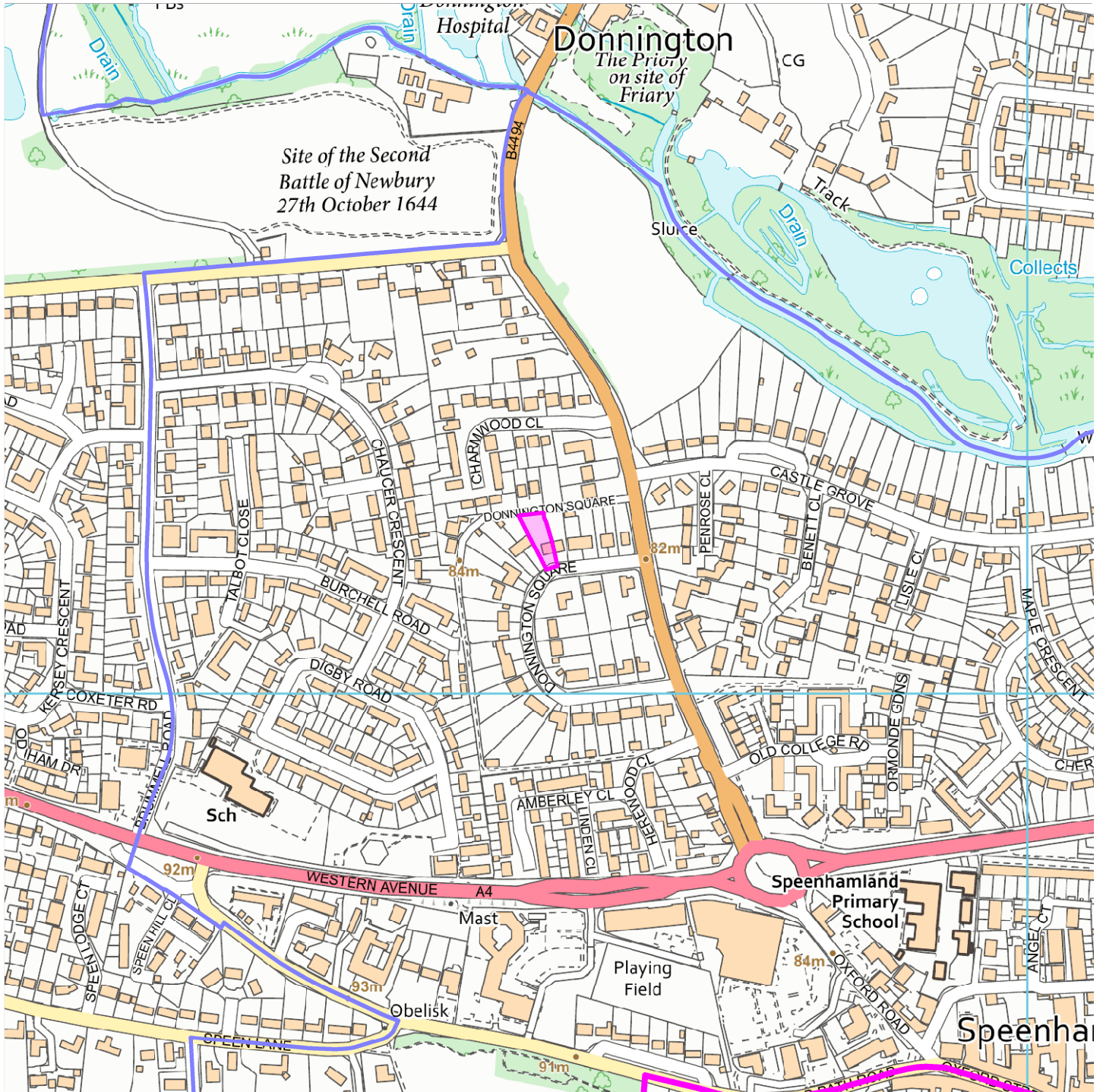
The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

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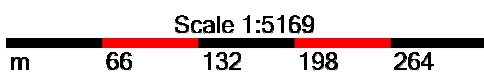
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	30 May 2019
<b>SLA Number</b>	0100024151



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# Agenda Item 3.(2)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	19/00577/FULD  Newbury Town Council	17 May 2019*	New single family dwelling  6 Northwood Drive, Newbury, RG14 2HB  Mr Hamey and Mrs Woodhead

\* Deferred from Committee Meeting of 03.07.2019

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00577/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 has been called into planning committee at the request of Cllr Beck. In addition, it is recommended for approval and is subject to in excess of 10 letters of objection

**Committee Site Visit:** 3<sup>rd</sup> July 2019.

## Contact Officer Details

**Name:** Jay Singh  
**Job Title:** Consultant Planner  
**Tel No:** 01635 519111  
**Email:** jay.singh1@westberks.gov.uk

## **1. RELEVANT PLANNING HISTORY**

- 1.1 18/00876/FULD – New single family dwelling.  
Refused – 23.03.2018 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.  
Planning Appeal - Dismissed 09.01.2019 on grounds relating to the lack of external amenity space for the existing dwelling no. 6 Northwood Drive (considered in more detail below).
- 1.2 17/00772/FULD - New single family dwelling.  
Refused - 19.05.2017 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.

## **2. SITE DESCRIPTION**

- 2.1 The application site is located within the identified settlement of Newbury, located in an established residential area of Shaw to the northeast of Newbury town centre and north of the A4. Northwood Drive is a cul-de-sac comprising 29 two-storey dwellings constructed in the 1970's. These are mainly semi-detached dwellings with three groups of terraced dwellings at the western end and a garage parking court. The semi-detached dwellings all have off street parking including single garages. The terraced dwellings have access to a garage block. The dwellings are set back from the road, most with dwarf walls forming the front boundary. To the rear most dwellings have good sized private back gardens in proportion to the dwellings. On the eastern side of the road, coming from Kiln Road, is a wide grass verge with a row of protected trees.
- 2.2 The application site is a corner plot rectangular in shape and currently forms part of the front/rear and side garden serving No. 6 Norwood Drive. This existing semi-detached dwelling has its rear/side garden enclosed by a 1.8 metre high fence and garage located to the rear.

## **3. PROPOSAL**

- 3.1 This proposal relates to the erection of a two-storey three bedroom dwelling to be attached to the eastern side of the existing semi-detached dwelling (No. 6 Northwood Drive). The new dwelling would measure approximately 5.5m in width x 9m in length x 8.5m in height to gable roof. It would comprise lounge, kitchen diner and WC on the ground floor with three bedrooms and family bathroom on the first floor.
- 3.2 The proposal would provide three off road car parking spaces for the new dwelling and two for the existing dwelling via dropped kerb access. The proposed parking spaces would be located to the frontage. The proposal would essentially create a terrace block of three dwellings from the existing pair of semi-detached dwellings, with the scale, external appearance and materials intended to match the existing dwelling at no.6 Northwood Drive.

- 3.3 The proposal, based on the supporting plans, shows the removal of the existing garage within the site and subdivision of the garden of the property to provide an L shaped garden with approx. 100m<sup>2</sup> in area for the existing dwelling and 92m<sup>2</sup> in area for the proposed dwelling.
- 3.4 This proposal, in terms of the form and siting of the proposed house, is materially the same as that considered under refused planning application 18/0076/FULD dated March 2018 which was subsequently dismissed on appeal in January 2019. The Inspector in dismissing the appeal, in summary, concluded that the proposal would not harm the character and appearance of the area but would leave inadequate garden space (approx. 35m<sup>2</sup> in area) for the occupiers of the existing house at no.6 Northwood Drive resulting in the creation of inadequate living conditions for its occupiers. The appeal decision is a material consideration of significant weight to the determination of this application and is considered in more detail below.

#### **4. PROCEDURAL MATTERS**

- 4.1 Publicity: Site notice displayed on 10 April 2019 which expired on 1 May 2019.
- 4.2 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council new dwellings are liable to pay the Community Infrastructure Levy. In this instance the site is within the Newbury charging area under which the chargeable rate is £75 per m<sup>2</sup> of gross internal area (indexed). CIL liability will be formally confirmed following the grant of planning permission.

#### **5. CONSULTATION**

##### **5.1 Statutory and Non-Statutory Consultations**

**Town Council:** Objection - This would be an over development of the site and change the street character.

**Highways:** No objection subject to conditions.

**Waste Management:** No objection

**Environmental Health:** No objection

**Land Drainage Engineer:** No comments received at time of writing the report.

**Thames Water:** No objection

## 6.2 Public representations

Original consultation: Total: 22 Support: 0 Object: 22

The following material planning considerations have been raised (summarised by officers):

- Adverse impact on highway safety due to inadequate visibility splays on the corner of Northwood drive, unsafe location of dropped kerbs provided under the GPDO, increased traffic generation, lack of parking provision, inadequately sized car parking spaces (2.4m x 4.8m rather than 2.5m x 5m) with awkward parking layout, lack of information to demonstrate car parking spaces are fully accessible without harming pedestrian safety, lack of pedestrian access to rear of proposed house for servicing or emergency access and proposed access further displaces on-street parking contrary to the provisions of the Newbury Town Design Statement.
- The previous appeal inspector did not consider highway safety issues.
- Loss of light and outlook to adjacent residential properties.
- Proposal would create a terrace block dominated by frontage car parking with inappropriate boundary treatment resulting in a poor relationship to, and would have an adverse impact on the street scene and character and appearance of the area contrary to Core Strategy Policy CS14, Part 2 of the SPD on Quality Design, NPPF and PPG which require good design.
- Construction process would damage neighbouring properties and harm surrounding residential amenity.
- Proposal is overdevelopment of the site and due to the proposed car parking lacks areas for suitable soft landscaping.
- The changes to no. 6's garden would now be particularly noticeable from the public realm and would appear out of character and exacerbate the cramped appearance. The proposed eastwards projection would not be intimately associated with no. 6 when viewed from the highway and would appear at odds with the rhythm of development, especially when the space is enclosed by new boundary treatments to the north (adjacent to no. 4) and the east (the pavement).
- Proposal would impact on shared boundaries and its construction would require access from neighbouring properties which would require consent of adjacent owners which has not been sought.
- Poor quality living environment due to inadequate amenity space (below 100m<sup>2</sup> council standard, no.6 Northwood would retain 92m<sup>2</sup> and proposed plot 82m<sup>2</sup>) for such family sized accommodation contrary to the Council's SPD guidance entitled Quality Design (Part 2) and Core Strategy Policy CS14.
- The proposal would result in an L shaped garden, the bottom part appearing separated from the house, and lacking proper surveillance resulting in it being unsatisfactory.
- The removal of the garage which contains asbestos would need consent from the adjacent landowner which would not be provided.
- The position of the boundaries, including 0.5m offset, would not allow for proper maintenance and impact on windows on the existing house.
- The proposal would result in unacceptable noise and disturbance to the occupiers of neighbouring properties.
- Insufficient external storage for the proposed dwelling.
- 1.8m high boundary fence would impinge on visibility splays.

- Proposal makes inadequate provision for bin and secure cycle storage.
- The Council's waste team have not considered the impact on waste storage and access arrangements for the existing house no.6.
- Proposal would have an adverse ecological impact.
- The access driveways have been constructed without drainage or porous paving.
- The closeness of the proposed parking space next to the proposed side elevation of dwelling containing French door would not create a satisfactory relationship.
- The reasons for refusal on the previously rejected planning applications and appeal decision (which is a material consideration in the assessment of this application), in terms of lack of external amenity space and creation of satisfactory living conditions, as well as other matters relating to adverse impact on the highway which are not addressed by this revised proposal.

## **7. PLANNING POLICY**

7.1 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).

7.2 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies- ADPP1: Spatial Strategy, ADPP2: Newbury, CS1: Delivering New Homes and Retaining the Housing Stock, CS4: Housing Mix and Type, CS13: Transport, CS14: Design Principles, CS16: Flooding and CS17: Biodiversity.

7.3 Housing Site Allocations Development Plan Document (HSA DPD):  
Policies- C1: Location of New Housing in the Countryside, P1: Residential Parking for New Development.

7.4 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

7.5 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

## **8. APPRAISAL**

The key issues relate to:

- Principle of the development
- Character and appearance
- Residential amenity
- Highways matters
- Drainage
- Other matters

## 8.1 Principle of the development

- 8.1.1 The application site is within the defined settlement boundary of Newbury. Policy ADPP1 of the Core Strategy identifies Newbury as an Urban Area which is a focus for new development. This is supported by Policy ADPP2 which advises that Newbury will be the main focus for housing growth. 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. Policy C1 of the HSA DPD indicates there is a presumption in favour of development and redevelopment within the settlement boundary of Newbury.
- 8.1.2 The proposal, having regard to the provisions of Policies ADPP1, ADPP2 and CS1 of the Core Strategy and Policy C1 of the HSA DPD, and subject to the material considerations set out further below, is therefore considered acceptable in principle.

## 8.2 Character and appearance

- 8.2.1 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. The Quality Design SPD and Newbury Town Design Statement further support these objectives.
- 8.2.2 As indicated above, the proposal, in terms of the form and siting of the proposed dwelling is materially the same as that considered under planning appeal decision reference APP/W0340/W/18/3210045. In considering the appeal proposal, the Inspector commented:
- 8.2.2.1 *'The site currently forms part of No 6's side garden, and provides an open character to the corner of Northwood Drive. The surrounding area generally consists of semi-detached and terraced properties.'*
- 8.2.2.2 *'While Nos 2-4 and 6 Northwood Drive are set back from the road, the set back is not identical, there is a large gap between them, and boundary treatments differ. Consequently, the building line along the eastern end of Northwood Drive is not a significant attribute of the area. The proposal would therefore not harm the surrounding area simply because it would extend the building line further beyond that of Nos 2-4.'*
- 8.2.2.3 *'While the proposal would reduce the open space in the corner of Northwood Drive, the new dwelling would be set back from the road and spacing to surrounding buildings would not be significantly affected. Combined with the trees opposite continuing to provide a natural and undeveloped environment in the corner of Northwood Drive, the proposal would not have a significantly enclosing effect on the streetscene or unacceptably reduce the area's open character.'*

- 8.2.2.4 *The proposed plot size of No 6 would be generally smaller than surrounding plots. However, its size would not be particularly noticeable from the public realm, while the size of the appeal site would not appear significantly different to that of surrounding plots. I am therefore satisfied that the resulting plot sizes would not appear out of character or result in a cramped appearance.*
- 8.2.2.5 *There are variations between the surrounding semi-detached dwellings, such as the additional width arising from the attached garages and a first-floor side projection opposite the appeal site. There are also terraced properties on Northwood Drive, a short way and visible from the appeal site. The creation of a short terrace in this part of the road would therefore not be incongruous or out of character. The proposal's similar architectural design and proportions would also ensure a similar appearance to surrounding properties, while a condition could secure the use of suitable external materials.*
- 8.2.2.6 *For the above reasons, I conclude that the proposal would not harm the character and appearance of the surrounding area. I therefore find that the proposal accords with Policies ADPP1 and Policy CS14 of the West Berkshire CS and the guidance contained within Part 2 of the SPD Quality Design and the Newbury Town Design Statement. Together, these require, amongst other aspects, high quality design that respects and enhances the area's architectural style and which relates to and respects the character and appearance of the surrounding area. It would also not conflict with the provisions of the Framework relating to character and appearance.'*
- 8.2.3 The Inspector therefore did not consider the proposal to harm the character and appearance of the area. The current proposal which although removes the existing garage and introduces an additional car parking space to the site frontage which is limited in space and as a result would provide minimal opportunities for new soft landscaping, it follows the general layout principles that the Inspector considered acceptable previously, as such this arrangement, on balance, is therefore considered acceptable.
- 8.2.4 Taking into the account the Inspectors comments which are a material consideration of significant weight, and subject to the imposition of planning conditions to secure appropriate facing materials, officers consider, on balance, that the proposal would not harm the character and appearance of the area.

### **8.3 Residential amenity**

- 8.3.1 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 seeks to protect the amenity of neighbouring land users. The Quality Design SPD supports these aims and provides guidance on garden sizes (detailed below). The Council's SPG 04/2 House also provides guidance on protecting daylight and outlook which can be applied to new residential development.
- 8.3.2 The proposal that was considered under planning appeal decision reference APP/W0340/W/18/3210045 showed the existing dwelling no.6 Northwood Drive retaining approx. 35m<sup>2</sup> of external amenity space and the proposed dwelling having approx. 100m<sup>2</sup> of garden space. In considering the appeal proposal, the Inspector commented, in respect of the impact on living conditions:

- 8.3.2.1 *The proposal would result in a significant reduction in No 6's outdoor amenity space. Part 2 of the Council's Supplementary Planning Document 'Quality Design – West Berkshire' (2006) (SPD Quality Design) sets out a general guide for garden sizes from 100 square metres for 3 or more bedroom dwellings. It also emphasises the importance of the outdoor area's quality. Although focused on the living conditions of future occupiers in new developments, I have little evidence to indicate that the SPD's aim of ensuring adequate living conditions through the provision of sufficient outdoor amenity space is not also applicable to existing occupiers. I am satisfied that its guidance on garden sizes is therefore relevant to the proposal's effect on the living conditions of the occupiers in No 6.*
- 8.3.2.2 *I recognise that future occupiers of No 6 may prefer a small garden, and I note that the existing garage would provide some storage space. However, the garden area remaining for No 6 would provide very limited outdoor space, with room only for a small patio and few other features or play space. Although No 6's existing garden area is generally larger than surrounding properties, its reduction to approximately 35 square meters would in most cases leave it significantly smaller than those of neighbouring properties and result in inadequate and poor quality external amenity space for the occupiers for the 3 bedroom dwelling of No 6.*
- 8.3.2.3 *For the above reasons, I conclude that the proposal would not provide adequate living conditions of the occupiers of No 6. I therefore find that the proposal does not accord with Policy CS14 of the West Berkshire Core Strategy (2006-2026) 2012 (West Berkshire CS) and the guidance contained within Part 2 of the SPD Quality Design. Amongst other aspects, these require developments to make a positive contribution to the quality of life in West Berkshire and provide suitable outdoor amenity space. It would also fail to accord with the provisions of the Framework in so far as it relates to ensuring a high standard of amenity for existing users.*
- 8.3.3 To seek to address the appeal inspectors concerns, this revised application proposes approx 100m<sup>2</sup> in garden area for the existing dwelling (No. 6 Northwood Drive) and approximately 92m<sup>2</sup> in area for the proposed dwelling. This level of provision is considered large enough to ensure the accommodation of such features as garden sheds, washing lines and other domestic features and allow sufficient opportunities for sitting outside in comfort and for children's play. As such, the level of proposed garden space is considered acceptable having regard to the overall aims and objectives of the SPD Quality Design. Furthermore, it is considered that the level of provision addresses the concerns raised by the Inspector previously.
- 8.3.4 Concerns have been raised by neighbours that the proposal would result in an 'L' shaped garden for the existing dwelling (no.6 Northwood Drive) with the bottom part appearing separated from the house and therefore lacking proper surveillance resulting in it being considered unsatisfactory. In this regard, whilst the garden would have an irregular shape, given the relatively short garden depth coupled this area being enclosed existing residential properties on 3 sides, this arrangement would ensure the garden is subject to a satisfactory level of surveillance. Furthermore, given the inevitable need for bin and refuse storage



areas, this part of the garden could be reasonably used for such purposes ensuring the garden is usable in its entirety.

- 8.3.5 In terms of neighbouring residential amenity, the proposed dwelling would be sited where there are satisfactory separation distances from neighbouring dwellings as such neighbouring amenity would be preserved in terms of loss of light, outlook or privacy. Furthermore, given the proposal relates to the erection of a single dwelling within an established residential area, there would no material impact on neighbouring amenity by way of increased noise and disturbance.
- 8.3.6 To mitigate any short term impact on neighbouring amenity from construction activities, appropriate planning conditions can be imposed to control hours of work, provision of temporary off road parking for workers and measures to mitigate dust emissions.
- 8.3.7 For these reasons, the proposal would ensure the creation of an acceptable living environment for existing and future occupiers of No. 6 Northwood Drive, and the occupiers of the proposed dwelling. Furthermore, the proposal would preserve neighbouring residential amenity.

#### **8.4 Highways matters**

- 8.4.1 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.
- 8.4.2 The proposal has been carefully considered by the councils highways team who advise, in terms of the proposed access arrangements, a new drop kerb has been installed outside the frontage of no 6 Northwood and partially around the bend to the east. Vehicles are therefore already entering and exiting the highway in this location and subject to the visibility being kept clear above a height of 0.6m on the plot frontage, this access arrangement would not be harmful to highway safety.
- 8.4.3 In respect of car parking provision, the proposal includes 2 off car road parking spaces for the existing house (no.6) and 3 spaces for the proposed house accessed via dropped kerbs from Northbrook Drive. In this regard, the highways team comment this site is located within Zone 2 of West Berkshire Council's parking standards as set out in HSA DPD Policy P1. A 3-bedroom dwelling in this location should therefore provide 2.5 car parking spaces. A total of 5 car parking spaces are provided for the existing and proposed dwellings in accordance with the policy and is considered sufficient provision to mitigate the on-street parking demands generated by the proposed development.
- 8.4.4 In relation to traffic generation, the highways team advise the proposal could generate a total of 6 additional vehicle movements (3 in and 3 out) per day. This level of traffic generation would not have a material impact on the highway, taking into account any cumulative impacts.
- 8.4.5 The highways team also confirm, in coming to their overall conclusions, they have carefully considered objections received from local residents identifying various concerns over the impact of the proposal on highway safety on Northwood Drive.

8.4.6 Taking into account the comments of the highways team which are given significant weight and subject to the imposition of necessary planning conditions to secure visibility splays, off road car parking provision, temporary parking during construction, electric charging points and cycle parking, it is considered that the proposal would not have an adverse impact on highway safety or result in an unacceptable impact on the local highways infrastructure from associated traffic generation and increased on-street parking demand.

## **8.5 Drainage**

8.5.1 The site is not within in a flood risk or critical drainage area. Policy CS16 of the Core Strategy requires all development to incorporate sustainable drainage methods. The proposal would result in the loss of permeable area. However, subject to the imposition of planning conditions requiring details of the detailed drainage strategy based on sustainable drainage principles to be agreed with the LPA, the proposal would not have an adverse impact on the risk of flooding within the site or locality.

## **8.6 Other Matters**

### **8.6.1 Storage and Waste**

The supporting plans demonstrate that the proposed and existing dwellings would retain sufficient space within their respective gardens for the storage of bins/recycling, and storage of other domestic paraphernalia to meet the needs of existing and future occupiers.

### **8.6.2 Ecology**

The site is of low ecological value as such the proposal would not have an adverse ecological impact.

### **8.6.3 Construction access and shared boundaries**

Concerns have been raised the construction of proposed dwelling would impact on private shared boundary walls and require access from neighbouring private property owners and the consent of these owners. However, these issues relate to civil matters and therefore not material to the assessment of this application.

### **8.6.4 Contamination**

The site is on a former builder's yard and therefore maybe subject to potential contamination. A planning condition can be imposed ensure that any unforeseen contamination is dealt with appropriately to mitigate contamination risk to any sensitive receptors/future occupiers of the site.

In relation to potential asbestos material within the garage to be demolished, this would be addressed under the requirements of separate environmental legislation.

## 8.6.5 Protected Trees

There are no trees of merit on this site. However, opposite there are trees forming the boundary of the road that are subject to a Tree Preservation Order (TPO). Taking into account the separation distances, the intervening road and footpath between the development site and the trees, the proposal would not have an adverse impact on the health of these trees.

## 9. CONCLUSION

- 9.1 Having taken account of all the relevant policy considerations and other material considerations referred to above, including the recent appeal decision which is particularly relevant to this proposal and is afforded significant weight, it is considered that the application complies with the development plan when considered as a whole. Furthermore, taking into account relevant social, economic and environmental considerations, the proposal would constitute sustainable development. The application is therefore recommended for approval.

## 10. 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 following approved plans and documentation:

- (i) Location plan received on 1 March 2019 (but not the 1:500 block shown on the same drawing which is superseded).
- (ii) Proposed elevations received on 1 March 2019; and
- (iii) Proposed site plan received on 25 May 2019.

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

### 3. Electric charging point

No development hereby permitted shall take place until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the approved use.

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

#### **4. Surfacing of access**

No development hereby permitted shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

#### **5. External facing materials**

The external facing materials to be used on the dwelling hereby permitted shall match those on the existing dwelling known as no.6 Northwood Drive.

Reason: To ensure that the external materials respond to the surrounding built form. This condition is applied 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 Supplementary Planning Guidance 04/2 House Extensions (July 2004).

#### **6. Cycle storage**

No development hereby permitted shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. 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).

#### **7. A scheme to minimise the effects of dust**

No development hereby permitted shall take place until details of a scheme to minimise the effects of dust emissions from the construction of the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the

approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), 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.

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

No development hereby permitted 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 schedule 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 (2019) 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 hereby permitted shall take place until a scheme for surface water drainage, based on sustainable drainage principles, has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be completed in its entirety prior to the first of the occupation of the dwelling hereby permitted.

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 (2019) 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:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays; and

No work to be carried out 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 (2019), 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 accordance with approved plans**

The dwelling hereby permitted shall not be occupied until the vehicle parking has 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).

#### **12. Temporary parking**

No development hereby permitted shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **13. Visibility splays**

The fence located on the boundary between the vehicle access and existing lamppost to the east must not exceed 0.6 metres in height as shown on the site plan drawing with amended highway notes dated 20/05/19 and this part of the site shall be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

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

### **14. Boundary treatment**

The dwelling hereby permitted shall not be occupied until the approved boundary treatment has been provided in accordance with the approved plans.

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

### **15 Permitted development restriction (extensions/outbuildings)**

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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

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

## **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. **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.

## 4. **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.

## 5. **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>.

### **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.

### **WASTE COMMENT**

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 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>.

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 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

#### WATER COMMENT

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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.

#### 7. **CIL informative**

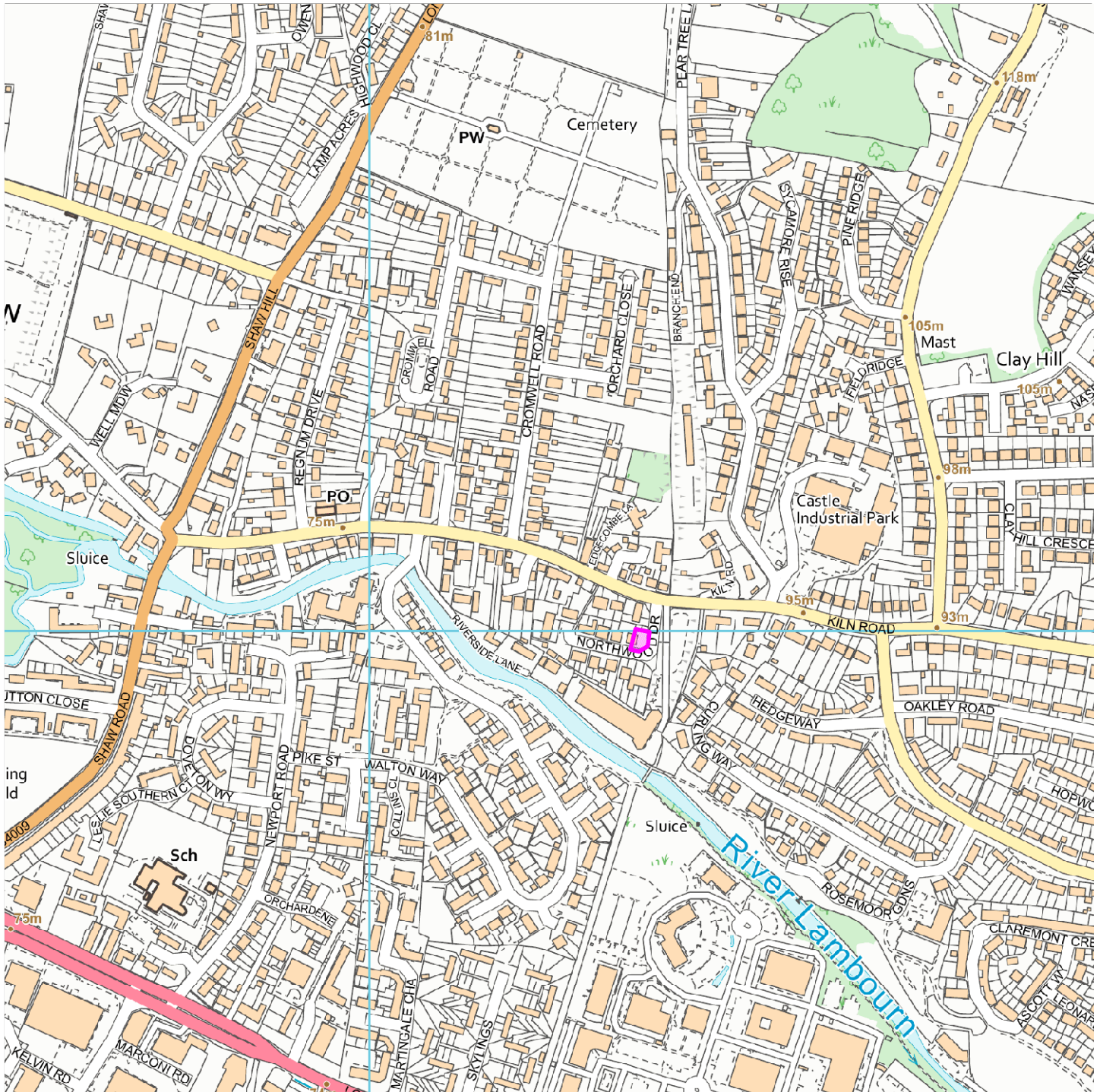
The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are 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).

#### 8. **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 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.

DC

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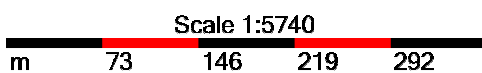
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	20 June 2019
<b>SLA Number</b>	0100024151



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# Agenda Item 3.(3)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(3)	18/03398/HOUSE Newbury Town Council	6th March 2019*	Two storey and single storey extensions Winterley House, Kintbury Mr and Mrs McNally

\* Deferred from Committee Meeting of 03.07.2019

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 initially. Then re-presented following appeal decision and further re-present following second site visit.

**Committee Site Visit:**                      27<sup>th</sup> June 2019

Contact Officer Details	
<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.

7.3 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 application was discussed again at the Western Area Committee on 12<sup>th</sup> June 2019. The scheme was deferred pending a second committee site visit.

## 8. Full Recommendation

8.1 Following the appeal decision, 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.*

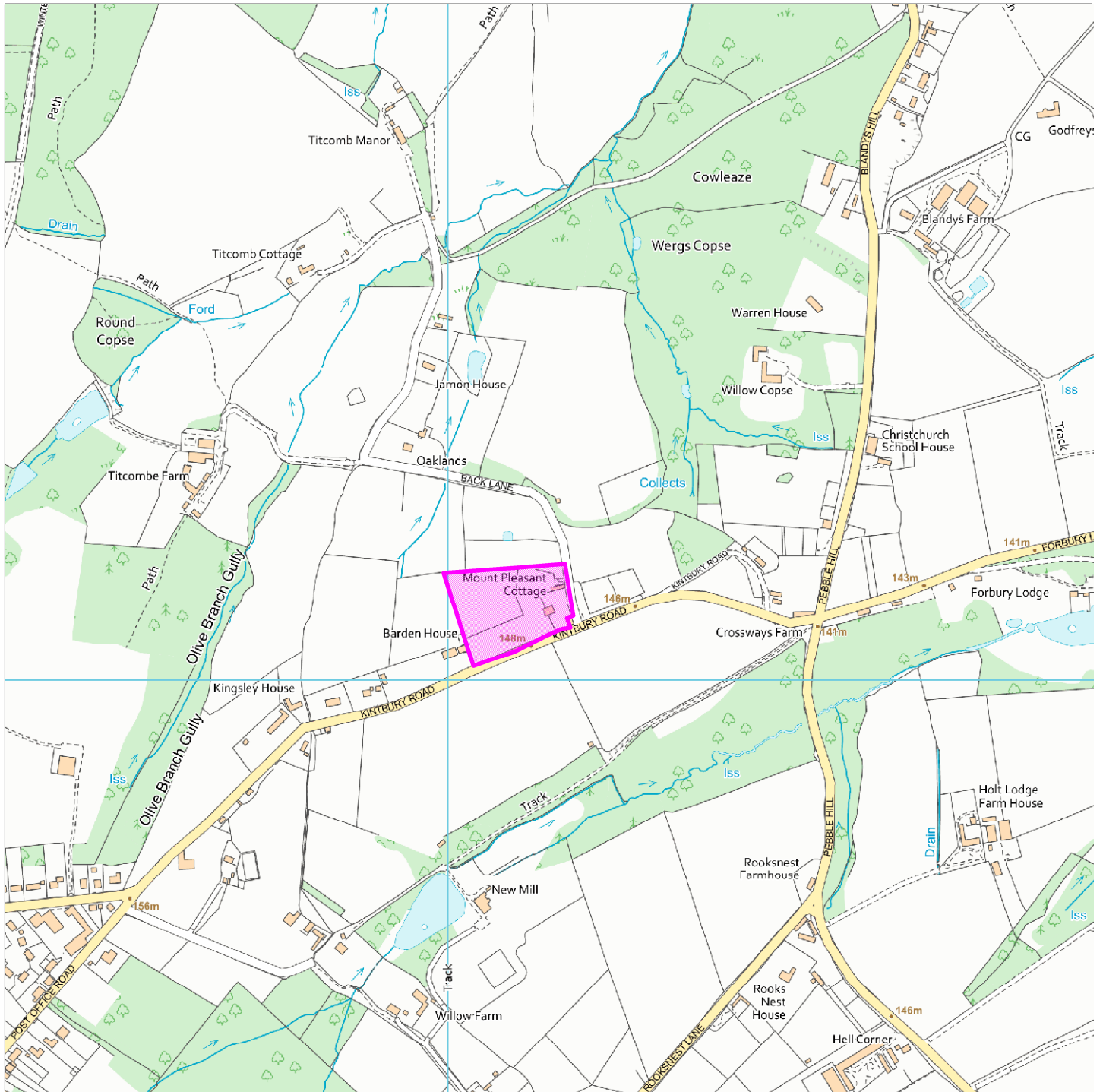
*Notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which is a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. 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).*

DC.

# 18/03398/HOUSE

Winterley House, Kintbury, Hungerford RG17 9SY



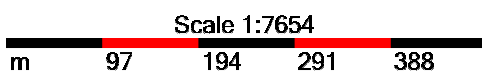
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	20 June 2019
<b>SLA Number</b>	0100024151



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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 4.

CHIEVELEY 18/02691/FULD  Pins ref: 3222543	1 Elm Grove Cottages Down End Chieveley Newbury RG20 8TS	Conversion of the existing outbuilding to a separate one bedroom detached dwelling.	Dele. Refusal	Dismissed 18.06.2019
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## Main Issues

The main issues are:-

- i) whether the proposal would represent development which would be acceptable in terms of principle and sustainability; and
- ii) the effect of the proposal on the character and appearance of the locality.

## Reasons

The outbuilding forming the basis for this appeal is at the end of the parallel-to-the-road garden of a semi-detached cottage which lies in a rural area close to an assortment of generally agricultural related buildings. The site is within an Area of Outstanding Natural Beauty (AONB) and lies well outside Chieveley which is the nearest settlement with a boundary defined by the Council. The outbuilding is a simple modest structure of rural style with a ground floor space and room in the roof and was erected following a 2005 planning permission (05/00590/HOUSE) for a garage with storage area above. The proposal is as described above and would embody an additional dormer window, use of an existing shared parking area and some garden space being reallocated from the main host property to the planned dwelling.

In terms of relevant planning policies: Core Strategy (CS) Policies ADPP1 (Spatial Strategy) and ADPP5 (North Wessex Downs AONB) seek to direct development to the most sustainable locations within the district, and conserve and enhance the special landscape qualities of the AONB. CS Policy CS1 calls for new homes to be located in accordance with the settlement hierarchy and area delivery plan policies. Policy CS14 of the CS requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and contributes positively to local distinctiveness and sense of place. CS Policy CS19 aims to conserve and enhance landscape character and environment and ensure that new development is appropriate in terms of location, scale and design given wider context. Housing Site Allocations DPD 2006-2026 (HSA) Policy C1 sets out that there will be a presumption against new residential development outside of the settlement boundaries, subject to some prescribed exceptions.

### *Principle and sustainability*

The site does not lie within a settlement boundary; there is no disagreement between the parties over this. On the detailed front, one must consider the prescribed exceptions in HSA Policy C1. If one were to consider that the site lay within say Down End, as a settlement with no defined boundary, then 4 infill requirements would apply. However, contrary to the case made by the Appellant the site simply does not lie within a cluster of 10 or more existing dwellings (Inspector's underlining) and thus there is no purpose in assessing the other 3 detailed criteria relating to infilling.

Outside settlement boundaries and not in a hamlet or village with no defined boundary HSA Policy C1 emphasises the presumption against new residential development with a few exceptions. Only one of these is put forward by the Appellant – conversion of a redundant building. However, to the Inspector's mind, the building is not redundant. Firstly, at the time of his visit, there was some storage of furniture evident. Furthermore no information is put

forward as to why if garaging was required for the property in 2005 it is no longer needed. Car ownership has not decreased in the round and no extra parking, garaging or significant storage provision has been provided. The separation off of the premises from the rental arrangement with the present tenant might strike one as contrived and is not a demonstration that the building is superfluous for the purposes it was built. Finally, an empty, or part empty, building is not an unequivocal sign of redundancy, a bigger picture has to be considered and a convincing case on redundancy is simply not made by the Appellant or aligned with his observations.

The Appellant suggests that the site is in a relatively sustainable location pointing in particular to the impressive range of facilities and services to be found at Chieveley. However it is a fact that these are not readily to hand and given distances, availability of public transport and the nature of the highway links it is a safe assumption that the vast majority of journeys to these facilities and services would have to be undertaken by car. The reality is that this is a rural site in the countryside and a dwelling here would not accord with the reasonable policy aim to apply a logical spatial strategy and to direct development to sustainable locations within the district with the clear focus being to settlements in accord with their hierarchy.

Given the above, the Inspector concluded that there would be unacceptable conflict with the pertinent development plan policies cited in paragraph 4 above. The scheme would not be acceptable in principle and would not be sustainably located development; these factors carry significant weight in his eyes.

#### *Character and appearance*

The site is in the countryside and AONB and it is important that landscape qualities are conserved and enhanced, that there is a positive contribution to local distinctiveness, and that that character and appearance are respected and ideally enhanced.

To the Inspector's mind, the scheme would run contrary to these objectives. There would subdivision of garden space in to two smaller elements and increased external parking. Additional domestic paraphernalia would inevitably arise with a further household on this spot.

The frontage would be altered with two residences occupying it and the planned home would be at odds visually with the traditional type of dwelling found in closest proximity.

A new dormer window would increase the scale of the property, give it a more domestic appearance and blur the intended and appropriate subordination of the outbuilding relative to the host cottage. The appearance would also increase in domesticity with the addition of other further windows, a front door, and with removal of the outside staircase. The property would change from being relatively low-key subordinate outbuilding with a rural influence and a clear ancillary purpose to a (albeit small) chalet bungalow out of place in the countryside.

The scheme would unduly impinge upon the landscape qualities and character of the area and not accord with the objectives he referred to in paragraph 9. The Inspector concluded that there would thus be conflict with the pertinent development plan policies on this matter cited in paragraph 4 above. There would be environmental harm to which he gave significant weight.

#### *Other matters*

Third parties query the access arrangements and the accuracy of the plans. The Inspector had to agree that the plans and certificates do not indicate the availability of unhindered vehicular access to the public highway for this scheme. Furthermore it did seem to him that the submitted plans rather mis-represent the scale and/or siting of the subject building and some of its surrounds. This all adds to his concerns over the main issues.

The Inspector understood the Appellant's wish to create a home here and appreciate that this could bring some social and minor economic benefit. He had assessed the other cases drawn to his attention but found none to be directly comparable given site circumstances, location or detail of the development. In any event, the Inspector must determine this case on its own merits. He had carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which he had in relation to the main issues identified above.

The Inspector confirmed that all relevant policies in the National Planning Policy Framework have been considered and the development plan policies which he cited mirror relevant objectives within that document.

*Overall conclusion*

For the reasons given above, the Inspector concluded that the appeal proposal would represent unacceptable development in terms of its principle and sustainability and would have an undue adverse effect on the character and appearance of the locality. Accordingly the appeal was dismissed.

DC

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NEWBURY 18/03059  Pins ref: 3226404	10 Kingsbridge Road Newbury Berkshire RG14 6EA	Single storey rear extension and loft conversion.	Dele. Refusal	Dismissed 14.06.2019
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### **Appeal Procedure**

The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### **Procedural Matter**

A revised Block Plan (drawing no. 18/427/05 A) was submitted with the appeal. It shows two off-street parking spaces to the rear of No. 10 Kingsbridge Road, Newbury as well as a reference to development at No. 4 Kingsbridge Road, Newbury. The plan does not materially change the development and therefore the Inspector accepted the plan as he considered no parties would be prejudiced by his doing so.

### **Main Issue**

The Council have commented on the revised Block Plan and consider that the parking shown could overcome the second reason for refusal as outlined in the decision notice, subject to a planning condition. Therefore, the remaining main issue is the effect of the proposed development on the living conditions of the occupants of No. 8 Kingsbridge Road, Newbury having particular regard to light.

### **Reasons for the Recommendation**

#### *Living conditions*

The appeal property comprises a two-storey mid-terraced dwelling. Currently, the kitchen and utility room of No. 10 Kingsbridge Road are set back from the wooden fence which is sited on the boundary with No. 8 Kingsbridge Road. The proposed single storey rear extension would abut the boundary with No.8.

The single storey rear extension will sit right on the boundary and appear as a long and blank brick wall when seen from No. 8. The increase in built form as a result of the proposed extension, and its proximity to No. 8, combined with the position of the rear dormer extension facing No. 8, will have an adverse dominant and overbearing impact and will reduce the amount of light received by the ground floor side windows of No. 8 Kingsbridge Road.

The Inspector therefore found that the proposed development will have an unreasonable impact on the living conditions of the occupants of No. 8 Kingsbridge Road with regards to their light. The development therefore conflicts with the National Planning Policy Framework which aims to ensure a high standard of amenity for residents, and Policy CS14 of the West Berkshire Core Strategy 2012, a copy of which had been provided to the Inspector by the Council, which aims to ensure new development is of good design and well related to its context.

The appellant refers to development at No. 4 Kingsbridge Road. However, each application and appeal should be determined on its individual merits, and this is the approach that the Inspector had adopted. Furthermore, the harmful effect on the residents of No. 8 should not be justified by a development at a different property.

**Recommendation**

For the reasons given above and having had regard to all other matters raised, the Appeal Planning Officer recommended that the appeal should be dismissed.

**Inspector's Decision**

The Inspector considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal was dismissed.

DC



SHAW CUM DONNINGTON 18/03322/HOUSE  Pins ref: 3224504	36 Kingsley Close Shaw Newbury Berkshire RG14 2EE	Single storey side and rear extension, including demolition of existing side extension and reusing existing footprint of the existing conservatory.	Dele. Refusal	Dismissed 13.06.2019
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### **Main Issues**

The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No. 38 Kingsley Close with regard to light and outlook.

### **Reasons**

#### *Character and appearance*

The appeal property forms the right-hand half of a pair of two storey semi-detached houses. It is typical of the development in the surrounding area, the street-scene of which is characterised by reasonably evenly spaced pairs of semi-detached houses and short rows of terraced houses, some of which have been extended. When viewed from the street, the pair of semi-detached houses appear as reasonably symmetrical and visually balanced. This positive characteristic is highlighted by its position on a prominent relatively spacious corner plot.

The proposal would extend the house to the side elevation at ground floor such that the front elevation would extend to very nearly the full width of the plot. The front elevation would include a 45° corner to maintain a consistent building line. The proposal would narrow in width towards an extended rear elevation to fill the irregular shape of the space between the host property and the neighbouring boundary. To accommodate the irregular shape the proposal would have an unusual roof form.

Although the proposal would be single storey, the irregular shape, extensive footprint, and unusual roof form, would significantly detract from the simple design of the host property. Owing to the width of the side extension, it would not appear subservient to the host property and in this respect the development would be conspicuous and incongruous when viewed from within the street-scene. Indeed, it would disrupt the marked visual balance of the pair of semi-detached properties on the corner plot and as such would have a significantly adverse influence on the street-scene. For these reasons, the proposal would be significantly harmful to the character and appearance of the surrounding area.

For the reasons outlined above, the proposal would not accord with the design aims of policies CS14 and CS19 of the adopted West Berkshire Council Core Strategy 2012 (CS); the Supplementary Planning Guidance for House Extensions 2004 (SPG); the Quality Design - West Berkshire Supplementary Planning Document 2006 (SPD), and the National Planning Policy Framework (the Framework).

#### *Living conditions*

The neighbouring property at No. 38 Kingsley Close is an end of terrace house set on slightly lower ground and at a slight angle to the appeal site such that the separation of its north facing side elevation to the boundary varies from approximately 1.5 metres to 2.0 metres.

From the site frontage the boundary between the two properties is open until approximately half way along the side elevation of No. 38. Here, a fence at approximately 1.8 metres in height forms the remaining length of the boundary.

No. 38 has two ground floor windows on its side elevation and they face toward the appeal site. The window closest to the front elevation is relatively small and the other, closest to the rear elevation, is a secondary window serving a room at the rear of the property. The outlook from the secondary window is already towards the aforementioned fence.

Taking into account the scale and height of the appeal proposal, the existing fence, and existing levels of outlook from windows at No. 38, the Inspector did not consider that the development would result in a significant loss of outlook for the occupiers of the neighbouring property when viewed from the two ground floor windows. Moreover, by virtue of the development being to the north of No. 38 it would not materially reduce the amount of sunlight reaching the windows. Whilst the development may lead to a very limited loss of daylight to such windows, he had considered the height and position of the development with such windows and he did not consider that the loss of daylight would be so significant as to warrant refusal of planning permission.

For the reasons outlined above, the Inspector concluded that significant harm would not be caused to the occupiers of No. 38 Kingsley Close in respect of outlook and light. Therefore, the proposal would suitably accord with the living conditions aims of the SPG, the SPD, and the Framework. The Council has made reference to policy CS14 of the CS in terms of this main issue. However, this is not directly relevant to living conditions issues.

#### **Other Matters**

The Inspector noted the appellant referred to a previously approved two storey extension at the appeal site. The Inspector had no evidence to suggest that such a permission is still extant. In any event, he had determined the appeal proposal on its individual planning merits. Whilst he noted some of the other developments in the local area referenced by the appellant, this did not justify the harm he had identified in character and appearance terms and in particular the harm that would be caused to the host dwelling and pair of semi-detached dwellings if planning permission were to be approved.

The Inspector acknowledged that the appellant had opted for a particular design solution in order to accommodate the garaging of his motor vehicle. However, this does not in itself justify allowing harmful development.

None of the other matters raised alter or outweigh his overall conclusion on the main issues.

#### **Conclusion**

In conclusion, whilst the proposal would not cause significant harm to the living conditions of the occupiers of No. 38 Kingsley Close in respect of light and outlook, this would not overcome the significant harm that would be caused to the character and appearance of the area. For the reasons given above, and taking into account all other matters raised, the Inspector therefore concluded that when the development is considered as a whole the appeal should be dismissed.

DC

NEWBURY 18/02200/FUL  Pins ref: 3222796	39 Cresswell Road Newbury Berkshire RG14 2PQ	Conversion of TV room into bedroom with shower.	Dele. Refusal	Allowed 18.06.2019
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### Decision

The appeal is allowed and planning permission is granted for the conversion of TV room into bedroom with shower at 39 Cresswell Road, Newbury, Berkshire, RG14 2PQ in accordance with the terms of the application, Ref 18/02200/FUL, dated 31 July 2018, subject to the following conditions:-

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: CRB/01 Rev A; CRB/02; CRB03; CRB/06; CRB/07 & CRB/08.
- 3 Prior to the first occupation of the development hereby permitted details of the cycle parking and storage space shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and it shall be retained for this purpose at all times.
- 4 Prior to the first occupation of the development hereby permitted the vehicle parking shall have been provided in accordance with the approved plans and shall have been surfaced in bonded material. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

### Main Issue

The main issue is the effect of the proposal on local parking demand with consequent considerations of highway safety and convenience.

### Reasons

#### *Parking*

The appeal property is a two storey semi-detached dwelling of a family style in a mid-density area of suburban character with relatively generous road carriageway and footway widths, private driveways and parking for most properties and additional road-side lay-bys. The appeal proposal is as described above; effectively it is to add a seventh bedroom to an existing 6 bed House in Multiple Occupation (HMO).

Policies P1 of the Housing Site Allocations DPD, CS13 of the West Berkshire Core Strategy (2006-2026) and TRANS.1 of the Saved Policies of the West Berkshire District Local Plan (1991- 2006 (Saved Policies 2007)) are all of some relevance to this case. Policy P1 sets out minimum parking standards; 1.25 spaces for a 1 bed flat in this 'accessibility zone' plus a percentage of shared visitor parking. Policy CS13 encourages a shift from single occupancy car use to more sustainable travel. Policy TRANS 1 calls for development to meet parking standards albeit with an inherent degree of flexibility and the policy being based in a previous era of maximum not minimum parking standards.

As the Council acknowledges, conversion of a dwelling to a 6 bed HMO is normally 'permitted development'.

There are no Council referenced or policy adopted parking standards for HMOs above or below this figure within this District.

The Inspector found it difficult to assimilate that an HMO bedroom should anywhere near equate to a 1 bed flat in terms of parking requirements. Whilst the Council is prepared to indicate some flexibility he agreed with the Appellant for the reasons he gave that the scope for this should be greater. Added to this, he noted that the Officer Report indicates that the site is in a sustainable location in Newbury and thus reliance on car ownership is not an essential pre-requisite of living here.

The current application gives an opportunity to unequivocally ensure the provision and retention of 3 suitably surfaced car parking spaces and new cycle parking provision. The latter would encourage sustainable travel. The scheme would provide a place to live in a situation which, other than parking, raises no concerns from the Council over a range of planning issues. It is located in an area with a fairly loose and generous arrangement of street pattern, kerb-side opportunities and width of carriageway and is not on a heavily trafficked route. A lay-by lies opposite although due to drives it is not usable by all for its whole length. The Inspector was not at all convinced that any slight additional on-street parking demand arising from this scheme would have a material effect on road safety, ease of movement or the convenience and amenity of local people. The Inspector added that he was dealing solely with the individual circumstances of this case, its planning background and its precise location. The Council need not fear of cumulative impacts as each case will have to be assessed on its merits.

Given the nature of the scheme and this location he concluded that the appeal proposal would not run contrary to the policies which he cited in paragraph 4 above.

#### *Conditions*

There should be the standard commencement condition and also a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. The Inspector agreed with the Council's suggestion on cycle parking provision in the interests of encouraging more sustainable travel. Ensuring the provision and suitable surfacing of the car parking area to the front is appropriate in the interests of maximizing on-site parking usage to lessen any reliance in on-street provision. The two conditions suggested by the Council in this regard can usefully be broadly combined and he had altered some wording of the suggested conditions to aid clarity and align with national guidance.

#### *Overall conclusion*

For the reasons given above, the Inspector concluded that the appeal proposal would not have unacceptable adverse effects on the on local parking demand and there would not be consequent undue impacts on highway safety or convenience. Accordingly the appeal is allowed.

DC

NEWBURY 17/03526/FULD  Pins ref: 3215608	Land to the rear of 39 Oxford Street Newbury RG14 1JG	Erection of one 1 bedroom and 2 two bedroom flats with associated parking and private amenity space	Dele. Refusal	Dismissed 18.06.2019
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### **Main Issues**

The main issues are the effect of the proposed development on the setting of the nearby listed building at No. 39 Oxford Street and on highway safety.

### **Reasons**

#### *Listed building*

The building at No. 39 Oxford Street is a substantial town house style property which is Grade II listed and has been the subject of a 1980s extension to the front/side. The appeal site is presently used as a car park for the offices at No. 39, with a car sales use having been regularised in respect of a number of the spaces also. It adjoins a parking area for the Strawberry Hill Medical Centre, with little definition between the two areas.

Although in use for car parking, the present openness of the appeal site means that the architecture and detailing of the rear of the listed building can be appreciated and gives a sense of the grandeur of this substantial property. In contrast, the proposed development would introduce a new one and a half storey building onto the site, which would extend across much of the width of the plot. This would both impede views of the rear of the listed building and would also result in a cramped appearance at odds with the currently more spacious setting.

Efforts made to ensure a sensitive design for the building proposed, and historic evidence of subservient buildings in the area do not overcome these fundamental concerns. The fact that some views of the rear would remain available is not a justification for significantly impeding existing views, whether or not these were originally intended to be publicly available.

Equally, adverse changes to the listed building's setting over time do not automatically mean that further harm is acceptable. Benefits related to the restoration of residential use, providing a defined curtilage, sense of containment and visual break from development beyond also do not overcome the harm identified.

The Inspector thus concluded on the first main issue that the proposal would have a harmful effect on the setting of the nearby listed building at No. 39. It would conflict in this way with Policies CS14 and CS19 of the West Berkshire Core Strategy (adopted 2012) (CS) which seek the conservation of historic assets and to ensure that proposals for development are informed by, and respond to, the nature of heritage assets.

In reaching this conclusion, he had undertaken his statutory duty pursuant to the section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting. The harm would be less than substantial in the terms of the revised National Planning Policy Framework (2019) given that the proposed development would not remove key historic or architectural features. He therefore proceeded to weigh the public benefits of the proposal below.

#### *Highway safety*

The effect of the appeal proposal would be to develop land currently used for car parking in connection with offices at No. 39 and car sales. Parking provision would be made for the new

flats and the development is intended to be brought forward together with an existing permission for residential development of No. 39. The Council is concerned that if the existing residential permission for No. 39 does not come forward, parking spaces for the office and car sales would be displaced.

Irrespective though of whether or not the proposed No. 39 residential development is brought forward with the existing residential permission for No. 39, no detailed evidence is produced to identify any harm that would result from the loss of parking spaces for the office and car sales use in terms of highway safety or otherwise.

As such, on the evidence before the Inspector, he found that the proposal would not result in any adverse impacts in terms of highway safety. It would accord in this regard with the highway safety aims contained within Policies CS13 and CS14 of the CS.

#### *Public benefits and balancing*

The proposal would provide two additional units of smaller and so, in this way, more affordable residential accommodation in an accessible location in the context of local and national policies seeking these benefits. This would very modestly increase use of local services and would potentially provide some increased surveillance at night time. New Homes Bonus and council tax payments are also cited as benefits. Along with the previously approved residential permission for No. 39, it would reduce hard surfacing on the site and reinstate the former residential use. These aspects together weigh modestly in favour of the proposal.

Community Infrastructure Levy payments and provision of parking and amenity space to adopted standards do not represent benefits and so would be only neutral effects. The Council has not identified any harm to the Newbury Conservation Area and, in undertaking his statutory duty pursuant to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector had no reason to disagree with this assessment. Again though, the absence of harm does not represent a benefit.

Weighed against this, the proposal would result in less than substantial harm to the setting of the listed building at No. 39. The Inspector is required, pursuant to the revised Framework, to accord great weight to the asset's conservation.

#### **Balancing and Conclusion**

The proposal would offer some modest benefits as outlined but would result in harm to the setting of the listed building at No. 39. Given that the conservation of the setting of No. 39 is due great weight, the benefits identified would not outweigh this harm. The proposal would thus conflict with the development plan, read as a whole. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

DC