

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 24 JUNE 2020

Councillors Present: Jeremy Cottam, Owen Jeffery (Substitute) (In place of Geoff Mayes), Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Graham Pask and Joanne Stewart

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Gareth Dowding (Principal Engineer), Bob Dray (Development Control Team Leader), Gemma Kirk (Planning Officer) and Kim Maher (Solicitor)

Apologies for inability to attend the meeting: Councillor Geoff Mayes

PART I

9. Minutes

The Minutes of the meeting held on 3rd June were approved as a true and correct record and signed by the Chairman.

10. Declarations of Interest

There were no declarations of interest received.

11. Schedule of Planning Applications

(1) Application No. & Parish: 20/00115/HOUSE - 26 Exmoor Road, Thatcham

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/00115/HOUSE in respect of an additional first floor extension.

Ms Gemma Kirk, Planning Officer, introduced the report and highlighted the following points:

- The application was recommended for approval by Planning Officers, subject to conditions.
- The application had been brought to Committee because there had been a petition with 20 plus signatories and over ten objections received.
- The application site was within the settlement boundary of Thatcham.
- Number 26 Exmoor Road was the most southerly dwelling on a cul-de-sac which, consisted of both single and two story dwellings. The application site ran parallel to The Moors.
- There would be four bedrooms upstairs and living space downstairs if the application was approved. There had been amended floor plans received to clarify that the enlarged dwelling would be used as a single dwelling house.
- The main considerations regarding the application site included character and appearance, neighbouring amenity and highway safety.
- Concerns had been raised regarding the potential for the dwelling to become a House of Multiple Occupancy (HMO), so a condition had been added to ensure the enlarged dwelling remained as a single dwelling house.

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- Regarding the applicants written statement, some information had been removed due to containing personal information however, the information only reinforced the needs of the applicant's family for the enlarged dwelling rather than a HMO.
- Photographs had been redacted from the submission from the objectors as this went beyond the scope of the written submission. An aerial photograph of the site was included in the Planning Officers presentation.
- The update report included detail on one further letter of objection.
- Planning Officers were strongly recommending approval of the application.

In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Timothy and Maria O'Brian, Objectors and Mr Robert Black, applicant.

Written submissions were read out by the Clerk to the Committee as follows:

Objector Representations:

The written submission of Mr Timothy and Maria O'Brien was read out as follows:

- Mr and Mrs O'Brien wanted to object with the following outstanding comments.
- The proposal was a clear over-development of the corner of the private plot.
- The parking situation for this number of bedrooms was inadequate as the old front garden had, at some point in the past, been paved without any additional access to the supposed second parking space that they were proposing.
- The original planning application showed the bungalow on the lower right hand side near number 26. There was a narrow access way that could not accommodate the two spaces in the submitted plan 20/00115/HOUSE.
- The access was really only wide enough for a single vehicle and the hedge was the border between the properties and Mr and Mrs O'Brien had not granted any additional right of way should that hedge be removed.
- Building had not even started and already works vehicles were visiting and blocking both Mr and Mrs O'Brien's driveway and the garage belonging to number 25 (both the adjacent properties).
- If the house was to be developed to the initial submitted plan of seven bedrooms, three of which had simply been renamed, it would create a need for more than the available parking for that potential number of occupants. This was not feasible in this narrow cul-de-sac without adversely effecting both neighbours.
- For the reasons above, Mr and Mrs O'Brien wanted to reiterate their objection to the planned extension going ahead.

Applicant's Representation:

The written submission of Mr Black was read out as follows:

- His supporting statement was written on behalf of his family.
- They were applying to construct a first-floor extension for their family of six consisting of four adults and two children.
- The proposal consisted of a master bedroom with en-suite, three bedrooms, dressing, storage, bathroom and a proposal to alter the ground floor to be more suitable for their family life.
- Currently the family were living in private rented three bedroom accommodation, and Mr Black's eldest son was sleeping in the same room as his grandad and his youngest son sleeping in with his nan. The children were at an age where they needed some private space where they could relax and Mr Black was sure that their grandparents would like to have their own bedroom too.

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- Mr Black ran a heating and plumbing business from home so he required an office space and somewhere work calls could be made without distractions.
- The property had been inherited and therefore it was the ideal opportunity as a family to have a forever home at a reasonable price.
- Mr Black was aware there was more than one property on Exmoor Road that had developed a second story conversion which did not seem to be as in keeping with the surrounding properties as the conversion being proposed.
- Regarding comments about drainage, No 26 was at the lowest end of the Road and the main drainage passed through No 26. It would be (unfair) to blame No 26 for any drainage issues, as Mr Black was aware that there had only been one blockage in the ten years.
- As to comments regarding parking, there would be three spaces and a garage (which could be seen on google maps). They only had two vehicles. The grandparents did not drive and Mr Black did not foresee them being able to drive soon.

Ward Member Representation:

Councillor Owen Jeffery in addressing the Committee as Ward Member made the following points:

- He wanted to make it clear that his comments did not relate to the principle of building an extra floor as he felt it was acceptable to do this. Exmoor Road was made up of both one and two storey dwellings.
- Councillor Jeffery was primarily concerned about the possibility of the house being converted in to a HMO. If the proposal was approved then there needed to be a strongly worded element that ensured that it was not possible for the dwelling to be turned in to a HMO, unless planning permission was sought and subsequently granted.

Member Questions to Ward Member:

The Chairman noted Councillor Jeffery's concerns regarding the dwelling becoming an HMO and drew attention to condition nine in the Planning Officer's report, which was a strongly worded condition that would withdraw permitted development rights, if the application was approved. If there was any possibility that owners of the dwelling wished to convert it to a HMO then a new planning application would need to be sought and approved. Councillor Jeffery was satisfied that this would deal with his concerns.

Member Questions to Officers:

Councillor Cottam stated that he has three questions. Firstly he referred to running a business from home and queried if this was a planning issue if it was likely to cause disruption to neighbours. Secondly he noted that a trade vehicle would be required and queried if this had any impact on the application. Lastly Councillor Cottam noted that if approved there would be an 80% increase in development compared to what currently stood on the site and queried if this was over the Local Authority's guidelines.

In response to Councillor Cottam's first question Ms Kirk reported that if home working involved only a home office then this did not necessarily require a change of use. Mr Bob Dray explained that the dwelling would continue to be a single dwelling house and working from home was increasingly common. Whether working from home was a planning issue depended upon the specifics. It was common to work from home and for this to be ancillary to the main house. Planning Officers were not concerned regarding this point.

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Mr Dray further commented that the application was for an extension and that planning permission if granted went with the land and not the occupants of the dwelling. If an occupant was to use a home office for a purpose which meant there would be material change of use then this would be a separate enforcement issue. This was not an issue in respect of the current application in Mr Dray's view as it would not be permitting something that was not ancillary. Occupants would be permitted to park trade vehicles outside of the dwelling, as with any house, provided it did not change the use of land. Councillor Cottam stated that the applicant had put this in as evidence however, Mr Dray confirmed that this did not change the way the assessment was conducted.

Councillor Cottam stated that his second point had related to the issue that vans could be very large and much larger than a domestic car in some cases. Mr Dray stated that the application had to be assessed on its merits against policy standards rather than the occupants.

The Chairman referred to Councillor Cottam's point regarding a larger vehicle and requested comments from the Highways Officer, Gareth Dowding, on this in relation to how tight the parking was. Mr Dowding stated that it was not possible to request that occupants must or must not have a vehicle of a certain size. The current occupant might own a transit van however, this might change in the future to a smaller vehicle. All that could be requested was that parking spaces were provided to the correct size. Action could only be taken if concerns related to a commercial vehicle and if this was the case then this could be investigated however, there was nothing that could be done regarding private vehicles. Following on from Mr Dowding's point, Mr Dray clarified that if this involved a commercial vehicle then a change of use might be required.

Regarding the size of the extension Mr Dray explained that an increase in size was not assessed in the same way within a settlement boundary as it was in the countryside. It was about assessing and judging whether the proposal respected the character and appearance of the surrounding area. There was a predominant two storey scale in the area and therefore Planning Officers were satisfied with the increase proposed.

Councillor Alan Macro referred to the plan of the parking area. The ground floor plan on page nine of the report showed a parking space in the garage and then three additional spaces, including two adjacent to the neighbour's boundary. He noted that the plan on page seven of the existing roof plan showed one vehicle parked adjacent to the boundary with no room for a second parking space. He queried if this was because of the way that the drawings had been drawn and sought clarification that there was space for two vehicles. Mr Dowding believed that it was because of the way the drawings were presented. Highway's Officers were satisfied that there was sufficient width for parking two vehicles. Vehicles would not be able to drive in at the same time and there would be a similar arrangement to tandem parking. The access was narrow but did widen once past the hedge where there was sufficient room for two vehicles to park.

The Chairman noted that there was sufficient room for two cars however, queried if there was room for a car and a larger vehicle. Mr Dowding confirmed that the spaces conformed to parking standards. The Chairman understood this point and having looked at the parking configuration did not feel there was room for a car and a van. He felt that a van would need to use the third space available as well.

Debate:

Councillor Graham Pask stated that he had read all the comments and noted the comments from those objecting to the application, particularly the numbers involved with the petition. Councillor Pask stated that he had driven down to the end of Exmoor Road

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to have a look for himself and had noted that the access was fairly tight. The site was quite narrow and was at the end of a cul-de-sac.

Councillor Pask stated that Members of the Committee could only make a judgement on planning matters. There was adequate access for a three of four bedroom property. He believed that two spaces were required currently and therefore, there must be adequate maneuvering space for two vehicles. When considering if there was enough room for three vehicles, Members in his view would have to go with what was stated within the policy on parking. This would mean that the applicant would have to demonstrate the ability to provide three spaces of the required size of 2.4 x 4.8 metres and according to the Highways Officer this was possible.

Councillor Pask commented that the requirement of a garage to be used as a parking space had been removed from the Local Plan and added that only around 20% of garages were now used for parking. Therefore they were looking at the three parking spaces outside of the property. Having observed the other properties in the near area there were several bungalows and several two storey dwellings adjacent to bungalows.

Councillor Pask concluded that he was leaning towards supporting the application, as long as strict conditions were in place particularly regarding the potential for the dwelling to become a HMO which would require separate planning permission. Councillor Pask asked for clarification as to how many parking spaces the current property required. Mr Dowding reported that the issue was that it was an existing bungalow and therefore the parking requirements could have been very different. It was possible that one space was required and then the garage was counted as another parking space because at that time garage parking would have still been included within the Local Plan. Mr Dowding explained that if it was a newly constructed bungalow it would likely require 2.5 parking spaces. Mr Dowding stated that current parking standards had to be used.

Councillor Cottam queried how many bedrooms there were as part of the original application. The Chairman confirmed that the original application had consisted of eight bedrooms. The current application included four bedrooms with a further two rooms capable of conversion to bedrooms. Ms Kirk confirmed that this was correct.

Councillor Cottam stated that he was very unhappy regarding the application. Concerns had been expressed regarding the number of bedrooms proposed and Councillor Cottam felt that because of this the application had been diluted.

Councillor Cottam expressed that although there was a duty that must be provided to the applicant there was also a duty to the properties adjoining the site. Councillor Cottam agreed that the application ticked all of the relevant boxes and noted that it would be difficult to reject the application given that Planning Officers deemed it to be acceptable. Councillor Cottam did not have any technical reasons to refuse the application however, he was very concerned.

Councillor Macro stated that he was also not happy regarding the application. He had lived next door to a dwelling that had been converted in to a HMO, and although he noted in this case separate planning permission would be required for this, he sympathised with the concerns of the neighbours. Councillor Macro stated that Members needed to make a decision based on the facts in front of them and he could not see any real reason to refuse the application. Councillor Macro added that it would also be a shame to see the loss of a bungalow as they only accounted for three percent of new homes.

Councillor Pask concurred with Councillor Macro regarding the loss of a bungalow as they were in short supply.

Councillor Pask proposed that Members grant planning permission with the important inclusion of condition nine, which would ensure that the dwelling could only be used for

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domestic family use and not as a house of multiple occupation. Councillor Tony Linden seconded the proposal by Councillor Pask. As requested by the Chairman Ms Kirk reminded Members of the conditions that would be included if planning permission was approved. The Chairman highlighted the importance of the Construction Method Statement, given the limited space on the site for vehicles, which he believed had already been agreed.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Pask, seconded by Councillor Linden. At the vote the motion was carried.

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

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:

- Drawing 1946003_001 (Location Plan) received on 21.01.2020;
- Drawing 1946003_002_REV_A (Parking Plan) received on 17.02.2020;
- Drawing 1946003_003_REV_A (Block Plan) received on 17.02.2020;
- Drawing 1946003_006_REV_A (Proposed Plan and Elevations) received on 17.02.2020;
- Drawing 1946003_007_REV_B (Proposed Floor Plans) received on 04.03.2020.

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

3. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. 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. This condition is applied in accordance with the National Planning Policy Framework, 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).

4. Details of cladding

Notwithstanding the details submitted with the application, no cladding shall be fixed to the hereby approved extension until details of the cladding have been submitted to and approved in writing by the Local Planning Authority.

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Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the external materials respond to local character. This condition is applied in accordance with the National Planning Policy Framework, 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).

5. Obscure glazing of windows

The windows at first floor level in the north-east elevation shall be fitted with obscure glass and top hung before the extension hereby permitted is first occupied. The obscure glazing shall be permanently retained in that condition thereafter.

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

6. 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;

nor at any time on Sundays or Bank Holidays.

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

7. Construction method statement

The development shall be carried out in accordance with the approved Construction Method Statement by Moduloft (including photos, dated 12.03.2020) including the site set-up plan received on 26.05.2020.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. Parking

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of

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the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

9. HMO restriction

Notwithstanding the provisions 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), the enlarged building shall only be used as a single dwellinghouse (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).

Reason: There would be insufficient parking to use the building as a house of multiple occupation under Use Class C4 without detriment to highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Quality Design SPD (June 2006).

Informatives

1. Proactive statement

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

3. Damage to footways, cycleways and verges

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

4. Damage to the carriageway

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

5. Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West

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Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

6. Consent to enter adjoining land

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.

13. Appeal Decisions relating to Eastern Area Planning

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

(The meeting commenced at 6.30 pm and closed at 7.23 pm)

CHAIRMAN



Date of Signature

15 July 2020