

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 21st April 2021 at 6.30pm

**This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.**

**Please note:** As resolved at the Council meeting held on 10 September 2020, public speaking rights are replaced with the ability to make written submissions. Written submissions are limited to no more than 500 words and must be submitted to the Planning Team by no later than midday on Monday 19 April 2021. Written submissions will be read aloud at the Planning Committee. Please e-mail your submission to [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

Those members of the public who have provided a written submission may attend the Planning Committee to answer any questions that Members of the Committee may ask in relation to their submission. Members of the public who have provided a written submission need to notify the Planning Team ([planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 20 April 2021 if they wish to attend the remote Planning Committee to answer any questions from Members of the Committee.

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/easternareaplanninglive>

You can view all streamed Council meetings here:  
<https://www.westberks.gov.uk/councilmeetingslive>

### Members Interests

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

Date of despatch of Agenda: Tuesday 13 April 2021



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 21 April 2021**  
*(continued)*

**FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@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 Jessica Bailiss or Stephen Chard on (01635) 519324/519462

Email: [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk)/[stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 21 April 2021**  
(continued)

**To:** Councillors Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask, Joanne Stewart and Keith Woodhams

**Substitutes:** Councillors Peter Argyle, Graham Bridgman, Jeremy Cottam, Nassar Hunt, Owen Jeffery and Richard Somner

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 16  
To approve as a correct record the Minutes of the meeting of this Committee held on 10<sup>th</sup> March 2021.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
  - (1) **Application No. & Parish: 21/00236/HOUSE - Feathers Farm, Blandys Lane, Upper Basildon** 17 - 34

**Proposal:** Single Storey Rear Extension

**Location:** Feathers Farm, Blandys Lane, Upper Basildon

**Applicant:** Mr and Mrs Clive and Sabrina Richardson

**Recommendation:** To delegate to the Head of Development and Planning to **APPROVE PLANNING PERMISSION** subject to conditions.



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(continued)

- (2) **Application No. & Parish: 20/02849/FUL - Land Adjacent to Thatchers, Chapel Row, Reading** 35 - 58
- Proposal:** Proposed replacement storage shed for use to store tools and equipment to maintaining land.
- Location:** Land Adjacent to Thatchers, Chapel Row, Reading, RG7 6PB
- Applicant:** Dino Defazio
- Recommendation:** To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions.

**Items for Information**

5. **Appeal Decisions relating to Eastern Area Planning** 59 - 68  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.*

**Background Papers**

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

Sarah Clarke  
Service Director (Strategy and Governance)

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



## DRAFT

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

### **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 10 MARCH 2021**

**Councillors Present:** Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask, Jo Stewart and Keith Woodhams

**Also Present:** Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer), Gareth Dowding (Principal Engineer) and Simon Till (Principal Planning Officer)

#### **PART I**

#### **37. Minutes**

The Minutes of the meeting held on 27 January 2021 were approved as a true and correct record and signed by the Chairman.

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

Councillor Jo Stewart declared an interest in Agenda Item 4(1) but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

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

##### **(1) Application No. & Parish: 20/02861/FUL - Land at 18 Sandhills Way, Calcot**

*(Councillor Jo Stewart declared a personal interest in Agenda Item 4(1) by virtue of the fact that she knew one of the objectors. Councillor Stewart had not been in contact with this person regarding the application and had not predetermined the application. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02861/FUL in respect of the demolition of a 2 storey side extension and erection of an attached dwelling to form 2 no 3 bed dwellings, with associated access and additional parking, cycle stores and refuse.

Mr Michael Butler introduced the report and highlighted the key points:

- Officers were recommending approval of the application and in excess of 10 objections had been received.
- Mr Butler referred to the update sheet regarding number 18 Sandhills Way and clarified that the floor plans showed six bedrooms rather than four. This was because it was a small House of Multiple Occupancy (HMO). This was considered a permitted development. Officers had taken this point into consideration when considering the parking spaces required.
- If the application was approved a condition would be included that removed future permitted development rights.

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- Regarding the planning history, in the original outline permission relating to the whole of Fords Farm Estate in 1976, no permitted development rights were removed in relation to hard standing within front gardens. Therefore if the application was refused, the owners of the properties in question could convert to hard standing without liaising with the Planning Authority.
- There had been 27 contributors to the application, all of which objected to the application. Holybrook Parish Council strongly objected to the application. The West Berkshire Council Highways Department had not raised any objection to the application and considered that sufficient parking was proposed for the site.
- On balance in terms of character and appearance whilst Officers considered that there would be a degree of harm caused if the application was approved, the harm was not significant enough to merit a recommendation for refusal. Separation distances to other dwellings in the area were considered acceptable and would not have an impact on amenity. Regarding number 16 Sandhill Way, there would be a degree of impact on this property from the additional parking however with proposed additional landscaping, which formed part of conditions for the application, on balance this was deemed acceptable by Officers.
- Parking was the most contentious element of the application. The parking proposed met the Council's standards on parking (Policy P1) and this was detailed in section 6.13 of the report.
- Mr Butler reported that there had been one further objection to the application and this was detailed along with the Officer's response in the update sheet. The update sheet also contained a further condition recommended by Officers, concerning landscaping.
- Mr Butler concluded that Officers were making a balanced recommendation for approval of the application. The application had positives and negatives however, in technical terms there was no reason for the application to be refused.

### **Removal of Speaking Rights**

As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.

In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mrs Claire Tull, Mrs Mary Bedwell, Mr Andrew Lenaghan, Mr Charles Croal, Mr Brian Baker and Mr Simon Collar, Parish Council representatives, and Peter and Sue Stagg, Ian Savill, Robin Rimmington and Julius Stephens, objectors.

### **Parish Council Representation**

The written submission of Mrs Claire Tull, Mrs Mary Bedwell, Mr Andrew Lenaghan, Mr Charles Croal, Mr Brian Baker and Mr Simon Collard, was read out by the Clerk to the Committee as follows:

- The proposed development should be REFUSED.

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- A shortfall of one parking space is a shortfall and reason enough for refusal. Parking provision, as cited in West Berkshire Council: Housing Site Allocations DPD (2006-2026) states that, in the Eastern Urban area, a three bedroom house should have two spaces '(as a minimum)';
- The parking plan states 'do not scale', so how can a desktop assessment be made on a plan not to scale? The application should be refused until the plans can be proved and verified. The Parish Council has completed a measurement of the parking entrance and questions the dimensions given. This application seems to rest entirely on the 'parking plan' which we refute. There is not enough room to enable the manoeuvres required to use the three spaces shown let alone the four actually required. Plus, the spaces are not allocated. Due to the difficult nature of the parking design, it will lead to disputes in the future.
- This application was previously refused: 'the layout does not comply with the Local Planning Authority's standards...this could result in on street parking in the vicinity, adversely affecting road safety and the flow of traffic'. This fact has not changed. Therefore, the refusal must be upheld.
- There is no right of way to the new property. Existing owners have easement rights over the forecourt but this would not automatically extend to the new property. The garage owners have financial responsibility for the maintenance of the forecourt. It would be irresponsible to not refuse this application until rights of way and compensation for damage caused to the forecourt during construction, has been agreed.
- Officers accept that 'harm' will be caused to No 16. A reason for refusal. Especially noise and light pollution at night by parking cars so close to this resident's window is unacceptable. 'Planting' is not a viable or appropriate measure to excuse and ignore policy and poor design. The harm caused to residents' health and wellbeing cannot be ignored.
- Reliance on cycle racks in order to pass a design that lacks appropriate parking provision is inconsistent with design guidance and building standards. The proposed location of the cycle racks is wholly inappropriate. There is no external front to back access and, therefore, necessitates bikes (6 shown) being carried through the house. The 'new' house is of small proportions, making this almost impossible and more so with a car parked as close to the property as shown on the proposed plan.
- The planning conditions as proposed in the EAPC reports are unworkable and do not go far enough to protect existing residents and the local environment.
- It is absolutely not necessary to inflict another house in this cramped space to assist in fulfilling the housing quota. There are plenty of other applications in the Eastern Area with 199 already under construction in Holybrook Parish.
- In summary, there is tangible and reasonable doubt regarding the robustness of the parking provision, access and turning space and, subsequently, harm will be caused to existing residents. The application must be refused.

### **Member Questions to the Parish Council:**

Councillor Graham Pask raised a question for Mrs Claire Tull. He noted that the Parish Council had made a statement that existing owners did not have easement rights over the forecourt. Councillor Pask stated that he had visited the site as he had been confused by the comments regarding the issue. He was therefore acutely aware of the layout and queried why the Parish Council had made this statement. Mrs Tull referred to the communal garage area of Ford's Farm and stated that the actual access was under the deeds of one property. Mrs Tull queried if it could be assumed if the easements rights for the area through the garages held by the current occupiers of number 18, would automatically be conferred to any new residents. The Parish Council were concerned that

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this was the only access and would be used by construction vehicles if the application was approved. This could obstruct access to the garages and also damage the forecourt concrete.

Councillor Pask stated that his understanding was that that the last house on Wheatlands Close, which backed onto the site, was the owner of the access and he queried if this was correct. Mrs Tull believed this to be correct and that they were responsible for the upkeep and maintenance of the forecourt area.

Councillor Alan Law asked Officers if access over an easement was a private matter rather than a planning matter. Mr Butler confirmed civil access rights were not planning matters. The Committee was looking at material planning considerations in assessing the application. It was not for the Committee to consider any future legal private access rights or ownership rights. These issues were matters for the developer to resolve. Legal Officer, Sharon Armour, confirmed that she had nothing further to add to Mr Butler's comments.

Councillor Tony Linden was unsure if the matter of easement was relevant as the dwelling was a HMO for up to six bedrooms across two separate houses. Secondly Councillor Linden asked if the garages were currently used for car parking or general storage. Councillor Law stated that the matter of the easement had already been dealt with and it was not a planning matter. Councillor Linden's question regarding the use of the garages was however relevant. Mrs Tull referred briefly to the easement and stated that there would be multiple vehicle access in and out of a very narrow entrance that was 2.5m from the pavement to the post. It was not possible to get two cars parked side by side and a third car in this space. Regarding the garages Mrs Tull stated that she did not have personal knowledge on this matter but the indication was that the garages were used for parking.

### **Objectors' Representations:**

The written submission of Peter and Sue Stagg, Ian Savill, Robin Rimmington and Julius Stephens was read out by the Clerk to the Committee as follows:

- Julius Stephens

The application should be refused. The access width is 2.6m not 2.8m as the highways officer asserts. Confusion reigns as to why, in accordance with policy P1, the 2 new dwellings do not have the required 4 parking spaces – only 3 are provided. The CMS condition should be agreed and sorted out prior to any planning permission as the development in question is not just a small job.

- Ian Savill

Still worried about the apparent erroneous conclusions of the highways officer in recommending the application for approval, on the basis that there will be a reduced shortfall of one space as opposed to two spaces. A site visit should have been undertaken by the highways officer as well, covid notwithstanding. The garden spaces do not meet the minimum requirements in addition as they are below the required 100m<sup>2</sup> – shortfall of 30m<sup>2</sup>. Finally the introduction of these parking spaces in this green alleyway will be detrimental to the appearance and character of the vicinity. The application should be rejected.

- Robin Rimmington

The area is attractive and adds to amenity. The inclusion of the parking spaces will add to noise and disturbance. In addition further pollution will be caused from exhaust fumes.

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There are safety issues in relation to pedestrian/vehicle conflict in addition to be taken into account. The Committee should note that if the proposal is approved a carless walkway will be changed into a car way. This will be a profound and irreversible change and will cause both emotional and environmental harm. Please refuse the application.

- Peter and Sue Stagg

The objectors do not agree with nor understand the underlying logic of the highways officer in firstly recommending the previous application for refusal but now changing this one to approval. It does not appear to be consistent. If the application is approved, it will inevitably increase parking pressures off site on the adjoining highways. If the application is approved, the condition relating to CMS should be approved before any permission is granted. There are many issues to be resolved in the CMS. How can the garage forecourt area be permitted for use for large construction vehicles etc? There is not enough space on the application site for the turning of parked vehicles – it would need to be on adjoining private land if so. The application should be refused as before.

### **Member Questions to the Objectors:**

Councillor Stewart stated that she was familiar with the area and the garages. There had been comments made about communal parking in the vicinity and Councillor Stewart was interested to know what residents' experience was of this. Councillor Stewart also asked objectors for an account of their personal views regarding the impact the development would have on parking in the area.

Mr Stephens stated that the issue of parking was the biggest concern as there was the potential for additional vehicles that could not be accommodated on the site. He added that it was constantly alleged by the applicant that there was plenty of room for parking elsewhere. Mr Stephens had lived in the area for 36 years and it was known by local people that this was not the case. Mr Stephens reported that there were four communal parking areas and referred to the comment by the applicant that most houses had private driveways. Mr Stephens had carried out his own count on parking and of the 42 residences, there were only four private driveways. Therefore the view that the development would not cause an impact on road parking was erroneous in Mr Stephens view. He was disappointed that the Highways Officer had not made an attempt to investigate the matter further as part of the previous or current application for the site. In answer to Councillor Stewart's question, those who lived in the area knew that parking was already tight.

Mr Savill echoed the points raised by Mr Stephens and stated that parking in the area was a nightmare. Fortunately a number of residents who lived on Sandhills Way did not own cars. Mr Savill's neighbours did not have cars but he stressed that if they did the parking situation would be a lot worse and this was indicative of what would happen if the application was approved. Currently only two of the owners of the HMO had cars. Mr Savill felt that the risk regarding parking could not be stressed enough. Councillor Law asked where Mr Savill lived and Mr Savill confirmed that he lived at number 10 Sandhills Way.

Councillor Pask referred to the garages and queried if these were allocated to individual houses and further queried if they were used for parking. Councillor Pask was mindful that local planning policies did not include garages as parking spaces. He queried how the garages were accessed and who owned them. Councillor Pask noted that some of the garages backed onto back gardens and he queried if this was how some of them were accessed. Councillor Law stated that the pertinent question was whether the garages were allocated to houses. Mr Stephens stated that all 16 garages were allocated

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to individual houses. Regarding whether the garages were used for parking, Mr Stephens stated that use was mixed between parking and storage.

Mr Savill referred to the communal parking spaces and stated these were free for anyone to use on a first come first serve basis. Councillor Law stated that when he had visited the site he had noted that a number of these spaces had been available. Mr Savill stated that this would be very different if the area was visited at the weekend or in the evening, when all spaces were normally taken.

Mr Rimmington stated he believed a large proportion of residents used garages for car parking because the parking situation in the area was often virtually impossible particularly at weekends.

### **Ward Member Representation:**

Councillor Richard Somner in addressing the Committee raised the following points:

- He was disappointed with the recommendation by Officers. Residents and the Parish Council had raised some very valid points, which in his view should overturn the recommendation of approval.
- He thanked the Chairman for noting at the outset that the number of bedrooms was incorrect and this was highly relevant to discussions taking place.
- In Councillor Somner's view the application was inappropriate and was not in-keeping with Sandhills Way, which was essentially a walkway with the exception of the site in question.
- Councillor Somner had noted examples cited of designs in the wider area as a means of acceptance of the proposal and Councillor Somner felt that this was flawed. The area included a varied housing mix from flats to six bedroom houses.
- Councillor Somner questioned the access provision proposed and whether this was suitable. If more than one car was parked at the new house there could potentially be no access to the original house unless the pavement was used, which did not have a dropped kerb.
- Councillor Somner highlighted the issue of access to the rear gardens through the house. Everything needed at the rear of the property would have to be carried through the house, which in his view was not acceptable.
- Parking was the largest issue with the application. Parking and access could very easily be blocked and if the garage owners used their spaces then neither owners of the new house nor existing house would be able to use their spaces as set out in the plan.
- From the plans presented on the website it could be seen that there was a red line that extended from the property to the road through the garage block and there were clarifying statements within documents that this was not owned by the property and was only to indicate access. It would be standard on the estate for the owners of the garages to have an allocation outside of this. Councillor Somner lived on the estate and he used a garage block and he had a space outside his property and a space opposite.
- Councillor Somner was concerned regarding space to accommodate construction traffic. This would add further to concerns regarding parking and also turning. The forecourt was eight garages long and included a pavement on a blind corner, which in Councillor Somner's view was not acceptable for use for turning and was an accident waiting to happen.

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- Councillor Somner was concerned regarding enforcement in relation to parking and driving on the pavement, which could lead to residents having to take evasive action, which was not acceptable. He queried who would carry out enforcement as it would not be West Berkshire Council Officers and therefore would have to be Thames Valley Police. Councillor Somner did not feel it was acceptable to approve an application that would generate police involvement.
- There was no need for the extra house. Holybrook Parish Council had referred to 199 houses currently under development and the proposal did not sufficiently count towards this number in Councillor Somner's view.
- In the time Councillor Somner had lived in Calcot a number of developments have been approved and one more would not help the quota for the area.
- Councillor Somner noted that the Officer recommendation was on balance, however in his opinion it was not on balance and it was not a balanced application. Approval of the application would not help the residents that already lived in the area.

### **Member Questions to the Ward Member:**

There were no questions for the Ward Member.

### **Member Questions to Officers:**

Councillor Pask stated that very often within the planning history section of a planning report Members learned why a previous application had been refused however, Councillor Pask stated that he could not find this detail. A previous application had been submitted for the site and refused in September 2020. Councillor Pask asked what had changed between the previous and current application. Mr Butler apologised that this information had not been made clear within the report. Mr Butler stated that he had not dealt with the previous application but his understanding was that it was an identical application apart from the fact that there were no on-site parking spaces provided for the new dwelling. With regards to planning policy P1, the Highways Officer had recommended refusal of the previous application, with the sole reason for refusal being parking.

Councillor Pask emphasised that parking had been the sole reason for refusal of the previous application. He noted that the fact that garden sizes were below the recommended minimum standard had not been included. Mr Butler clarified that there had only been one reason for refusal, which was parking.

Councillor Alan Macro referred to comments regarding the hard standing and that if it was pervious it did not require planning permission. He noted from the drawing of the site that block paving was being used and he queried if this was considered to be pervious. Mr Butler confirmed that block paving was considered pervious. If it was impermeable then only five square metres were permitted. In the case of the current application it was considered permitted development.

Councillor Stewart commented that there seemed to be some differing of opinion between Officers and the Parish Council regarding the size of the access into the proposed development and she asked for this to be clarified by Officers. Councillor Law added that the explanation given was that the measurement had been made by scaling up from the drawings and that a Highways Officer had not visited the site. Councillor Law noted however, that Mr Gareth Dowding had visited the site earlier in the day and asked if he had measured the access. Mr Dowding confirmed that he had not measured the access. The Highways Service had taken a measurement from the plan and had asked

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for a condition to be added that ensured correct dimensions were recorded before development was able to begin.

Councillor Law noted Mr Dowding's response and asked him to clarify that if the measurements from the applicant were incorrect then they would not be able to proceed with the application if it was approved. Mr Dowding confirmed that if the condition could not be met due to an error on the applicant's part then this was correct.

Councillor Pask referred to the photo that had been shown of the access. He referred to condition four which stated that 'The dwelling hereby permitted shall not be occupied until the approved vehicle parking and turning spaces for the existing dwelling and new dwelling hereby approved on the site have been completed in accordance with the approved plans'. Councillor Pask asked Mr Dowding how vehicles were expected to turn in the very restricted area or if there was an expectation to reverse. A car could be turned around between the garages but this was very tight. Councillor Pask asked if there should be a provision on site for cars to be able to turn around so that they could travel front ways in and front ways out. Councillor Law understood that the Highways Department had always been against reversing out onto a main thoroughfare.

In response to Councillor Law and Councillor Pask, Mr Dowding confirmed that the Highways Department was against reversing out of an access onto a road however, the road in question was not a classified road and therefore it was permitted. He suspected that condition four had been used as a standard condition and therefore the turning element had not been removed. It would not be unreasonable for someone to reverse from the garages. When visiting the site Mr Dowding reported that he had turned a five metre long car within the garage forecourt area. He had needed to undertake a five point turn but it was possible. It was also possible to reverse the length of the garages and up to 25 metres was deemed acceptable for reversing by emergency services. There was also the option of using spare spaces within the communal parking. Parking would be possible within the frontage area of the development but there would not be room for turning.

Councillor Stewart referred to a question that had been raised by the Parish Council regarding whether there were restrictions or regulations around the size of parking spaces. Comments had been made that the two parking spaces alongside each other would not be large enough to enable users to open their car doors. Mr Dowding reported that standard parking spaces were 2.4m by 4.8m and ideally 2.5m by 5m as cars were generally getting larger. The standard parking space of 2.4m by 4.8m was sufficient to enable a car door to be opened and condition four clearly stated that the applicant had to provide a plan with accurate dimensions for standard sized car parking spaces, which could then be assessed by Officers. Councillor Stewart asked if the plan referred to by Mr Dowding had been provided and Mr Dowding confirmed that it was required as part of the conditions if the application was approved, but he was not aware if this had yet been submitted by the applicant. Mr Butler clarified that the plan was included on the tracking plan shown as part of his presentation and accepted by Officers.

Councillor Law referred to a question raised by the objector Mr Stephens regarding the number of driveways. Mr Stephens had highlighted that the applicant had stated that there were lots of driveways however he had only counted four. Councillor Law concurred with this as during his visit to the site he had not seen many driveways and he asked for Mr Dowding's view on this. Mr Dowding stated that he did not have a view on the matter as the application site had been viewed alone to assess whether it met requirements in terms of access and parking, regardless of whether it had a driveway. Mr Dowding felt that what other properties had in terms of driveways was not relevant to the application.



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Councillor Law disagreed with Mr Dowding's view as effort was made to ensure standards were maintained and that certain elements of a development did not stand out in a negative manner. This related to ensuring developments fitted in with the overall amenity of an area. Councillor Law understood that the application had to be judged on its own merits however, he felt that as the proposal formed part of a very small number of driveways then it was different from the general tone of the estate.

Councillor Law noted that when the existing house was built in the 1970s there was no withdrawal of permitted development rights. As far as he understood someone could turn a piece of grass at the front of their property into hard standing under permitted development rights. Mr Butler confirmed that this was correct. Councillor Law noted from looking at pictures of the area that many properties only had pedestrian access and separate garages. The development if approved would turn a pedestrian way into a car way and Councillor Law queried if this was allowed under permitted development rights and planning policy.

In response to Councillor Law's question Mr Butler reported that he had viewed the detailed planning history for the site and there were three conditions on the original outline permission which related to permitted development rights including; garage accommodation including that garages must remain for car parking; no extensions or buildings within the curtilage and finally there was a slightly unusual condition which restricted fencing, walls and planting within curtilages along the footway. Mr Butler highlighted however that the wording did not include hard standing, which he felt was unusual. If hard standing had been controlled by the condition the recommendation from Officers might have been refusal of the application.

Finally Councillor Law referred to the two parking spaces which could be created under permitted development rights and could only be accessed via the new housing proposed. Councillor Law commented that the advice was always that planning remained with a property rather than with a resident and therefore in theory the property could be owned by someone else in the future who might not be willing to give access to the parking proposed. Mr Butler confirmed that this was a possibility and he presented a slide from his presentation, which showed the red line location plan. Mr Butler explained that because the application site included both dwellings the plan would be conditioned. If there were future breaches of conditions through property rights this would breach the planning permission and enforcement action could be taken. Initially, because both dwellings would be owned by the developer, then easement rights would be applied.

### **Debate:**

Councillor Pask stated that when he read the agenda the previous week he had felt that it was innocuous. It was only once all the comments were received from local residents and the Parish Council he had felt there might be more to the proposal. He had visited the site and stated that it was one of those applications where a site visit was extremely helpful. Councillor Pask felt that a desktop exercise to work out parking arrangements for this type of application was inadequate.

In Councillor Pask's view the area had originally been designed to minimise the impact of cars, which he felt was quite innovative for the time it was built during the 1970s. Councillor Pask was not confusing access rights, which were not a planning matter and was endeavouring to look at the application in pure planning terms. Councillor Pask reported that when walking down Sandhills Way the houses were fairly identical and were pleasant to look at. Number 18 Sandhills Way had already been extended however his personal view was that putting a separate house in its place was a step too far. Councillor Pask stated that the Committee was often advised that it should not go against a technical appraisal from the professional Highways Service, which he normally

## EASTERN AREA PLANNING COMMITTEE - 10 MARCH 2021 - MINUTES

accepted however, he felt uneasy about the application and in his view it was contrived in terms of parking.

Councillor Pask was saddened that refusal reasons had not included inadequate garden space, which was 30% lower than the standard expected.

There was a seven year housing land supply and Councillor Pask did not therefore feel that this could be used as a reason for appeal. Councillor Pask challenged the contrived nature of the parking and wanted to hear other Members' views on this. In his view it was inadequate. When the current Local Plan had been created it had been agreed that garages should not be considered as parking provision and he was not trying to increase parking provision for existing houses however, challenged the tick box exercise approach that had been taken to considering the parking provision for the current application.

Councillor Macro was familiar with the site as it previously fell within his ward and he had also visited the site prior to Committee. He was concerned that approval of the application would spoil the character of the area with up to three parked cars on an existing area of lawn. The narrow gap between these spaces would in his view make them unworkable. He felt that inadequate parking provision was a reason on which to refuse permission.

Construction would also be difficult when considering the tight access, i.e. for deliveries and for construction equipment. Such deliveries would cause an obstruction. If the application was approved then a Construction Method Statement would need to be a condition of approval.

Councillor Stewart had lived at the end of a walkway for some years and she personally found it difficult to imagine her front lawn being converted for parking spaces. To do so for this application would have a detrimental impact on neighbours (in particular Nos. 7 and 16 Sandhills Way) i.e. when cars had to be defrosted on a wintry morning. Councillor Stewart made the point that residents purchased their properties in this area so they could enjoy the benefits of living in a car less walkway.

Councillor Tony Linden referred back to Mr Butler's introduction to the application where he stated that this was an on balance recommendation for approval. It could therefore be refused.

Councillor Law in noting Members' views raised the need to consider planning reasons for refusal if such a proposal was to be made.

Councillor Pask proposed refusal of the application for the following reasons:

- It would be detrimental to the street scene and character of the area in making a complete change from the existing walkways and grass lawns to the front of properties.
- Inadequate garden space.
- Inadequate access to the proposed parking area.

The proposal was seconded by Councillor Macro.

Following a query from Mr Dowding on the parking reason for refusal, Members clarified that the number of parking spaces proposed within the application was not compliant with Council Policy. In addition the width proposed for the parking spaces was too narrow which would make them cramped and it would only be possible to reverse out of the spaces.

Mr Butler suggested, based on other points raised by Members within the debate, that additional refusal reasons could be overdevelopment and be detrimental to the amenity

**EASTERN AREA PLANNING COMMITTEE - 10 MARCH 2021 - MINUTES**

of neighbouring properties. These two additional reasons for refusal were agreed to by Councillor Pask as proposer and by Councillor Macro as seconder.

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

1. The new dwelling proposed, in creating two number three bed dwellings does not provide the required 4 on-site parking spaces as identified under policy P1 of the West Berkshire Housing Site Allocations DPD of 2017 as adopted. This will lead to a cumulative impact upon local on and off street parking pressures in the immediate vicinity of the application site, which will be harmful to local amenity.
2. The creation of one additional dwelling on the application site will involve an overdevelopment of the site, having regard to the poor rear garden space provided for each dwelling being below the required minimum of 100m2 as advised in the West Berkshire Supplementary Planning Document Quality Design (Part 2: Residential Development), and in addition the introduction of the new dwelling will be harmful to the special nature and character of 10-18 Sandhills Way, so being contrary to the advice in policy CS14 in the West Berkshire Local Plan Core Strategy of 2006 to 2026 and the advice on good design in the NPPF of 2019. It is thus unacceptable.
3. The introduction of the additional parking spaces to the frontage of the application site in the local green walkway will result in vehicles parking, idling and manoeuvring in close proximity to neighbouring dwellings and will therefore be harmful to the outlook, tranquillity and amenity of the occupants of number 16 Sandhills Way adjacent, and other surrounding residential occupants. It is thus not in accordance with policy CS14 in the West Berkshire Local Plan Core Strategy of 2006 to 2026 and the relevant paragraph in policy ADPP1 of the same Plan re the spatial strategy, as well as part 12 of the NPPF 2019, which seeks, inter alia, to secure a high standard of amenity for existing and future users of developments. It is accordingly unacceptable.

**INFORMATIVES:**

1. This application has been considered by West Berkshire Council, and REFUSED.

Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development.

This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

2. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

*(The meeting commenced at 6.30 pm and closed at 8.15 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00236/HOUSE Basildon	31 March 2021 <sup>1</sup>	Single Storey Rear Extension  Feathers Farm, Blandys Lane, Upper Basildon  Mr and Mrs Clive and Sabrina Richardson

<sup>1</sup> Extension of time agreed with applicant until 23 April 2021

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00236/HOUSE>

**Recommendation Summary:** To delegate to the Head of Development and Planning to **APPROVE PLANNING PERMISSION** subject to conditions.

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

**Reason for Committee Determination:** The application has received over 10 objections and the recommendation is to grant planning permission.

**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

## Contact Officer Details

**Name:** Donna Toms  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** donna.toms@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for a single storey rear extension.
- 1.2 The application site is a residential dwelling situated within the settlement boundary of Upper Basildon. The access road from Blandys Lane is, however, located outside the settlement boundary, with fields and equestrian facilities to the south. The dwelling has been extended extensively with a two storey extensions permitted in 1984 and 2015. It is noted that the completed development from the 2015 permission was not in accordance with the approved plans, however, this was rectified with a Certificate of Lawfulness in 2020. The land to the north-west of the dwelling is an enclosed garden with ornamental trees and shrubs, a large lawn area, and other landscaping. To the front of the dwelling is a further garden. There are limited views of the property from surrounding public viewpoints.
- 1.3 On the boundary the neighbouring property, 3 Bethesda Street, has a single storey rear extension that projects from the dwelling along the length of the boundary. This includes outbuildings and a pool house.

## 2. Planning History

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

Application	Proposal	Decision / Date
20/01553/CERTE	House extension and alterations at 1 Blandys Lane, which are materially different to that approved by West Berkshire Council.	Approved/ 08/09/2020
17/01284/FUL	Engineering works to create riding arena	Approved/ 14/07/2017
16/01764/FUL	Erection of detached machine store.	Approved/ 04/10/2016
15/03515/FUL	Erection of oak framed stables building.	Approved/ 12/07/2016
15/01303/HOUSE	Proposed extensions and alterations.	Approved/ 28/08/2015
84/22743/ADD	Extensions and alterations	Approved/ 21/11/1984

### 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 A site notice was displayed on 7 February 2021; the deadline for representations expired on 28 February 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Initial assessment taken from the proposed floor plans show that the Gross Internal Area will be 93.39 square metres. CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 4. Consultation

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

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

<b>Basildon Parish Council:</b>	The Parish Council reviewed the application and voted to object for the following reasons:  The proposal over develops the housing side of the site and will have a detrimental impact on immediate neighbours.
<b>WBC Highways:</b>	No comments.
<b>North Wessex Downs AONB:</b>	No response was received at time of report.
<b>Thames Water:</b>	No response was received at time of report.

#### *Public representations*

- 4.2 Representations have been received from 15 contributors, all of which object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overdevelopment of site - works done to property that did not gain planning consent but received Certificate of Lawfulness by default. Increase of house by more than 50% over original. Concern regarding impact on AONB due to the amount of works done on property.

- Concerns of risk of subsidence of adjoining properties during construction due to significant level difference between the adjoining properties.
- Materials not in keeping with original blue brick
- Extension not in keeping with Village Design Statement
- Thames Water should be consulted re shared sewer system as extension will be placed on top
- Planning consent not gained on previous extensions, Certificate of Lawfulness received by default
- Previous concerns not addressed by West Berkshire Council when alerted to not building in accordance with plans.
- Disregard for planting and wildlife - loss of tree means impact on screening for neighbours. And potential risk of erosion and subsidence of the neighbouring property.
- Previous works have caused problems with gardens and fencing as a result of subsidence of soil - concern further problems may be caused as a result.
- Concern of further slippage of garden due to oil tank being on boundary.
- Loss of trees will impact amenity.
- Constraints should be included to conditions for restricted construction working hours.
- Concerns that a single storey extension will end up as a two storey extension.
- Concern of loss of privacy due to loss of tree.
- Concern regarding proposed roofing materials, especially in bright sunshine.

## 5. Planning Policy

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

- Policies ADPP1, ADPP5, CS13, CS14, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Village Design Statement for Basildon

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity



- Highway safety

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

6.2 The application site is located within the defined settlement boundary of Upper Basildon where the extension of an existing dwelling is considered to be in accordance with the development plan in principle. The acceptability of a proposal depends on it also complies with other relevant development plan policies and relevant material planning considerations. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) where a higher level of protection is given, and so this is a consideration of particular importance.

### ***Character and appearance***

6.3 The application site is situated within the settlement boundary of Upper Basildon and is within the North Wessex Downs AONB. The host dwelling has been extended throughout the years and is now beyond that of the character of the original dwelling in scale. The materials of the host dwelling at the moment is of a mix of the blue brick with red accents and grey brick and render in cream/white colour. The rear of the property is of a mix of colours including white render.

6.4 The proposed extension is to be situated within the rear garden of the property where there are limited views from the public realm to the front of the property where the land is generally flat. There are also limited views of the garden from the rear (the north of the property) where the land rises to the neighbouring properties of Peacemore and Caravel, here the garden is mostly hidden by boundary treatment of vegetation and fencing.

6.5 The approximate dimensions of the proposed extension are:

- Overall height: 3.10 metres
- Overall length on neighbours' side: 11.6 metres
- Overall length on garden side: 15.54 metres  
(The variation of lengths is due to existing rear building is included within the extension.)
- Gross Internal Area: 77.71 square metres

6.6 The materials of the proposed extension are:

- Grey brick to match existing rear extension to the unseen side elevation
- Cedar cladding and Copper trim to garden elevation
- Grey brick to match rear extension with copper and aluminium trim to the rear (north facing) elevation
- The roof will be a matt mid-tone grey typical of most single ply membranes

6.7 Concern was raised within the representations regarding the potential for the overdevelopment of the site. The overall area of the domestic curtilage and footprint of the dwelling is 771 square metres. The overall footprint of the dwelling is measured as 298.07 square metres. The original footprint is difficult to assess due to the amount of works over the years, but an estimate suggests that the original footprint of the dwelling was 65 square metres. Therefore the footprint of the house has increased by 233 square metres. However, the overall footprint, not including the original footprint, will only result in a 39% reduction of domestic curtilage. The domestic curtilage includes the front and rear gardens, parking spaces to the front of the dwelling has not been included in this calculation. It should be stressed that there are no policy "rules" in

relation to size increase, so this information is given solely to provide an understanding of the scale of the proposals.

- 6.8 It is considered that the main issue for this application is whether the proposed extension is subservient to the existing dwelling, whether it respects the character of the existing building and its surroundings, and whether it conserves the quality of built form within the AONB.
- 6.9 The proposed is a flat roofed low level rear extension within a private garden with limited views from public viewpoints. The position and length of the extension is considered to respond to the layout of the site and surrounding development. The low key height would ensure the proposed extension appears subservient despite its length. It is considered that the proposed extension will have limited impact on the character and appearance of the immediate area or the surrounding AONB. It is not considered to amount to overdevelopment.
- 6.10 Materials are to be grey bricks matching that of the existing rear of the host dwelling house to the unseen elevation facing the neighbouring property (3 Bethesda Street) and to the rear elevation facing Peasmore. The elevation facing the garden will be clad in Cedar, with a copper trim to the garden side elevation and aluminium trim to the rear. While the choice of Cedar cladding is not a common a material, the use of it within a garden with limited views is considered acceptable and will not detrimentally impact the character of the area.
- 6.11 For these reasons it is considered the proposal demonstrates high quality and sustainable design that respects the character and appearance of the area, and is appropriate in scale and design in relation to the existing settlement pattern. It is considered to comply with the aforementioned policies.

### ***Neighbouring Amenity***

- 6.12 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.13 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties. Noise and disturbance may also be a relevant consideration.
- 6.14 With regard to this proposal there will be limited impact to the neighbouring amenity in terms of overlooking, overbearing aspect and overshadowing. There will be no windows facing to the neighbouring properties to the south-west or north-west. There will be windows facing into the garden area towards the boundary with Foxhaven and Blandings. These are facing the existing boundary fence and will have limited if any material impact on these neighbours. The proposed extension will be situated approximately 13 metres from the boundary with these two neighbours and at least 50 metres from the properties themselves.
- 6.15 Concerns were submitted regarding the proposed development, as noted in paragraph 4.3. Quite a few comments reference issues that occurred during previous construction on the site. There is always likely to be some disturbance due to noise during

construction, but a condition to restrict working hours can be added to any permission given to limit this.

- 6.16 Comments were also given regarding the potential for impacting ground levels of neighbouring properties. No changes in ground levels are being proposed within this application. It is noted a retaining wall has been added to the garden and note comments from neighbours regarding subsidence. This is not a planning matter; it may be a civil matter under the Party Wall Act and/or a Building Regulations matter which the applicant would have to resolve separately.

### ***Highway Safety***

- 6.17 There will be limited impact to highway safety. The Highways Authority has made no comments on the application.

### ***Other Matters***

- 6.18 The trees within the garden proposed to be removed are considered ornamental and the applicant could remove them at any time without planning permission. It is noted that there are trees to the rear of the garden that is separated by the retaining wall. These trees are unlikely to be impacted by the proposed extension.
- 6.19 A number of other matters were raised by the objectors but as they are not material planning considerations they have not been discussed in this report.

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

- 7.1 The impact of the proposed extension on the character and appearance of the AONB and the character of the area and the setting of Upper Basildon has been carefully assessed. It is considered that due to its size, scale, layout, siting, form and appearance, the proposed extension will not have a detrimental impact on the character and appearance of the area.
- 7.2 Whilst it is acknowledged that the extension would be visible from neighbouring properties, owing to its size, siting and design, it is not considered that the proposed single storey rear extension would have a sufficiently detrimental impact on the amenities of the occupiers to warrant refusal.
- 7.3 There is not considered to be any detrimental impact upon highways and parking.
- 7.4 Other concerns have been reviewed and considered not to be planning consideration, rather would be subject to Building Regulations and/or the Party Wall Act.
- 7.5 Overall, it is considered that the proposed development would be in accordance with the development plan, and the policies within the NPPF and other local planning documents.
- 7.6 Having taken account of all the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below.

## 8. Full Recommendation

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

### **Conditions**

1. **Commencement of development**

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

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

2. **Approved plans**

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

- 2087/PL/01 received on 3 February 2021
- 2087/PL/02 received on 3 February 2021
- 2087/PL/05 Rev. A received on 3 February 2021
- 2087/PL/06 Rev. A received on 3 February 2021
- 2087/PL/07 Rev. A received on 3 February 2021
- 2087/PL/08 Rev. A received on 22 February 2021

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

3. **Materials (as specified / to match)**

The materials to be used in the development hereby permitted shall be as specified on the plans, the application form and as detailed by email from Mark Campbell dated 1 April 2021. 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 respect the character and appearance of the area. 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 Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

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

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

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

8:30am to 1:00pm Saturdays;

No work shall 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 applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

## **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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

### **2. Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

### **3. Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

### **4. Party Wall Act**

You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about>

### **5. Health and safety**

The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.

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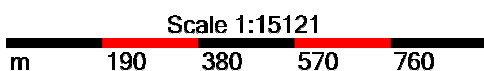
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	13 April 2021
<b>SLA Number</b>	0100024151



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# Feathers Farm Blandys Lane Upper Basildon

Photographs for Eastern Area Planning Committee  
Application 21/00236/HOUSE



View of application site from rear garden (looking south)



View of application site from rear garden towards neighbour (looking south-west)

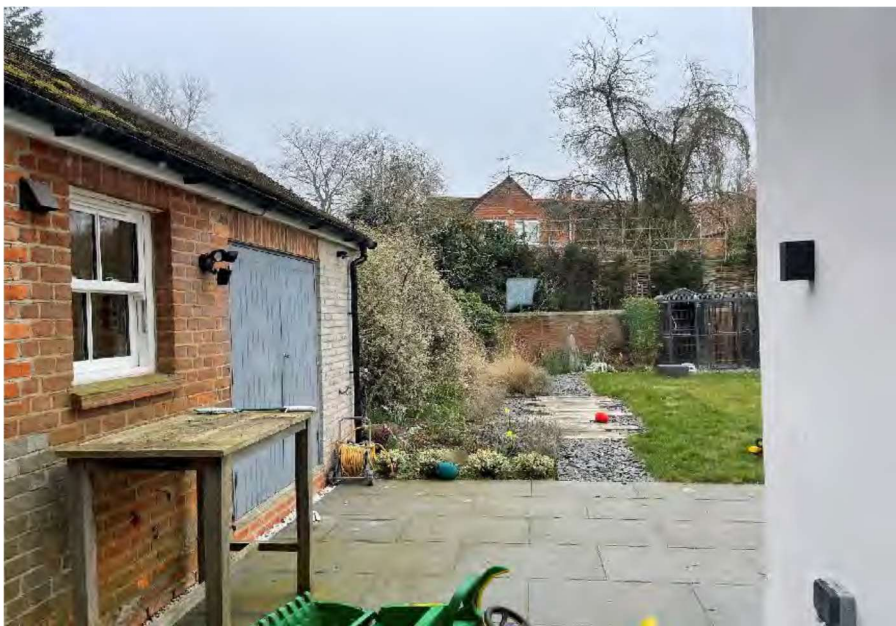


View of application site from rear garden to neighbouring building (looking north-west)





View of application site from rear garden to corner of garden showing retaining wall (looking north-west)



View of application site from house along length of proposed extension (looking north-west)



View of application site from corner of garden towards house and neighbouring property including garden (looking south)



View of application site from are of proposed extension towards house and boundary treatment (looking north-east)





View of application site from are of proposed extension to show garden and boundary (looking north-east)

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/02849/FUL Bucklebury	5 February 2021 <sup>1</sup>	Proposed replacement storage shed for use to store tools and equipment to maintaining land.  Land Adjacent to Thatchers, Chapel Row, Reading, RG7 6PB  Dino Defazio

<sup>1</sup> Extension of time agreed with applicant until 23<sup>rd</sup> April 2021

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02849/FUL>

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

**Ward Member(s):** Councillor Graham Pask

**Reason for Committee Determination:** The application has received 10 objections and the recommendation is to grant planning permission.

**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

## Contact Officer Details

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

## 1. Introduction

- 1.1 This application seeks planning permission for a shed to be used for the storage of tools and equipment to maintain the land to the rear of Thatchers.
- 1.2 The application site is located within Chapel Row, a hamlet without a defined settlement boundary within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB).
- 1.3 The proposed shed will be positioned in an area of grass land located to the rear of the building line on Broad Lane comprising Thatchers, a residential dwelling to the east, Post Office House and Eden Cottage to the west. Access to the proposal is located on Broad Lane and it is required to cross an adjoining parcel of land to the west of Thatchers.
- 1.4 The boundaries for the land that forms the application site are comprised of mature trees, shrubs and hedges. In the south-west corner of this land is an existing storage building that the proposal seeks to replace. Adjoining the site are domestic gardens and fields.
- 1.5 The proposed shed will be approximately (l): 6 metres x (w): 5.5 metres x (h): 3 metres high. The Gross Internal Area will be approximately 30 square metres. The building will be timber clad, with a dual pitched felt roof and one set of double doors to the front. The shed will be used for the storage of tools and equipment to maintain the land including grass cutting and trimming of the mature vegetation on the boundary.

## 2. Planning History

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

Application	Proposal	Decision / Date
18/00295/FULD	Erection of one 4-bed dwelling with associated car parking.	Refused. 24.05.2018 Appeal Dismissed.
05/00036/HOUSE	Garage, implement shed and log store.	Refused. 23.03.2005.
04/01643/HOUSE	Erect single storey rear extension. Demolish existing garage and stores, erect detached garage additions at Thatchers.	Approved. 31.08.2004.
04/00694/HOUSE	New access to service land to rear of Thatchers.	Approved. 25.05.2004
89/35534/ADD	Proposed residential (outline).	Refused. 17.10.1989.

- 2.2 From the information available the applications referred to above do not propose development on the same parcel of land that the replacement shed is sought to be located on. These are associated to the field to the west of Thatchers, land where the access is located, and the residential dwelling Thatchers.



### 3. Procedural Matters

- 3.1 Given the nature and scale of this 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 A site notice was displayed on 10<sup>th</sup> January 2021 at the access to the land adjacent to Thatchers; the deadline for representations expired on 31<sup>st</sup> January 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Based on the information provided the development does not appear to be CIL liable as it does not propose any qualifying floor space. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at: [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
- 3.4 Letters of representation raise concerns that the existing shed on the land did not have planning permission. From the history available it would appear that planning permission has not been granted for the existing shed. This application has been assessed on this basis (as a new shed rather than a replacement). It would secure the removal of the existing shed by condition if the application were to be approved in line with the recommendation.

### 4. Consultation

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

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

<b>Bucklebury Parish Council:</b>	No objections. If WBC are minded to approve this application a condition should be considered to restrict external lighting in order to maintain dark skies.
<b>WBC Highways:</b>	No highway objections.
<b>Land Drainage Engineer:</b>	No comments received at time of writing the report.
<b>Public Rights of Way Officer:</b>	No comments received at time of writing the report.
<b>Tree Officer:</b>	Limited tree information accompanies the application, however it is for a rural outbuilding to be used for storage. Both the existing and proposed sheds are within the Root Protection Area of mature trees on the site. A concrete pad is proposed for the new outbuilding. Therefore please include a standard tree protection precautions informative note.

<b>Ecological Officer:</b>	No comments received at time of writing the report.
<b>Ramblers Association:</b>	No comments received at time of writing the report.
<b>North Wessex Downs AONB:</b>	No comments received at time of writing the report.

### ***Public representations***

4.2 Representations have been received from 10 contributors, all 10 object to the proposal.

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

- Purpose of the shed, too big for the proposed storage use and overdevelopment.
- Design and appearance not suitable for NWD AONB location.
- The existing land is being used for other purposes, the shed could facilitate a different use. Land isn't agricultural. A different use could have a harmful impact on neighbouring amenity and highway safety.
- Potential to set a precedent.
- Concerns with light, noise pollution and disposal of waste.
- The shed will be used to obtain permission for a new residential dwelling.
- Enforcement queries at the site: existing shed and existing vehicular access.
- Request for conditions related to restricting use, lighting, no late night use and no negative impact on amenity.
- Insufficient landscaping.

## **5. Planning Policy**

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

- Policies ADPP1 (Spatial Strategy), ADPP5 (North Wessex Downs Area of Outstanding Natural Beauty), CS13 (Transport), CS14 (Design Principles), CS17 (Biodiversity and Geodiversity), CS18 (Green Infrastructure), and CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.6 (Noise Pollution) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024
- WBC Quality Design SPD (2006)
- Bucklebury Village Design Statement

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Trees
- Other matters

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

- 6.2 The application site is located outside of a defined settlement and is therefore deemed to be in the open countryside. Policy ADPP1 in the West Berkshire Core Strategy advises that only appropriate limited development will be allowed, with a focus on addressing identified needs and maintaining a strong rural economy.
- 6.3 The statement submitted on 18.02.2021 identifies that the shed is intended to be used for storage purposes. The shed will store tools and equipment to maintain the land. The land is an area of grass that is surrounded by mature trees, shrubs and hedges. It is considered that there is an identified need for the storage shed.
- 6.4 Photos of the site show that equipment such as a ride on lawn mower are stored outside. It is supplied within the statement that there is no alternative off-site location for the tools and equipment.
- 6.5 Policy ADPP5 states that development should conserve and enhance the local distinctiveness of the NWD AONB setting. Development is required to respond to the local context. This will be discussed under the character and appearance heading.
- 6.6 Representation letters raise concerns that there is insufficient justification and that the new shed could facilitate a different use on site. It is considered that there is an identified need for the storage shed. The design of the building also complements the proposed use for example, one set of double doors and there are no proposed windows in the shed. The application must be assessed on face value as a storage shed for use to store tools and equipment to maintaining land. No change of use is proposed as part of the application, and agricultural activities can take place on land without the need for planning permission. Notwithstanding this principle, the scale, construction and design of the proposal would not lend itself to residential conversion under the Council's policies for housing in the countryside. It is recommended a condition be applied for the shed to be used for storage purposes to maintain the land because another use may not be in accordance with Policies ADPP1 and ADPP5. If the building were to be used for other purposes it would be necessary for the applicant to obtain planning permission.
- 6.7 Overall the development is considered acceptable in principle. However, the development plan also includes general management policies which seek to ensure that the impacts of any development are acceptable. The impacts will be considered in the following sections.

### ***Character and appearance***

- 6.8 Policy CS14 seeks development that must demonstrate high quality design that respects the character and appearance of an area. Policy CS19 requires particular regard to be given to the sensitivity of the area to change and that new development is appropriate

in terms of location, scale and design in the context of the existing settlement form, pattern and character.

- 6.9 The application site is a parcel of land surrounded by mature vegetation on the boundaries. It is an area of grassland with an existing (potentially unauthorised) building in the south-west corner. Surrounding the site are domestic gardens and parcels of open land. Broad Lane, where the access is located, is formed of residential dwellings. There is a strong rural character in this location, quintessential of the local AONB character. The application site has a reduced visibility within the street scene due to its set back position and established boundary vegetation.
- 6.10 The timber clad shed with felt roof is considered to be modest in size, this is particularly due to the height of the proposed building. It is considered that the bulk, massing and scale of the shed would not appear as overdevelopment of the land. The design and the scale of the building would not be harmful to the settlement character as it has the appearance of a storage shed.
- 6.11 Materials used including timber cladding proposed are considered to be acceptable and commonly used materials for sheds. It is recommended a condition is applied that the materials would match that specified on the plans and application form.
- 6.12 The location of the building tucked within the south-west corner of the plot and well-screened from the surrounding area further reduces the impact of the proposed timber shed. In particular the proposal would not be significantly visible from the street scene and the spaciousness would still be retained.
- 6.13 Furthermore, it is recommended a condition is applied for the demolition of the existing buildings within the site. This will ensure that there is not a proliferation of buildings within the land that would be unacceptable to the character of the land and settlement. This also provides further justification for the proposed shed.
- 6.14 Letters of representation and Bucklebury Parish Council raised concerns with light pollution from the proposed development. It is considered that a condition for details of external lighting are submitted before any external lighting is installed on the building. This will protect the dark night skies special qualities of the NWD AONB.
- 6.15 It is considered the scale, design, location and use of the shed building would not have a significant impact on NWD AONB character.
- 6.16 Concerns were raised that a different use for this shed would have a harmful impact on the character of the area. The proposal can only be assessed on the information provided with the application. A condition is recommended to ensure that the use of the building is for storage purposes for the land.

### ***Neighbouring amenity***

- 6.17 Policy CS14 requires development to make a positive contribution to the quality of life in West Berkshire.
- 6.18 Policy OVS.6 requires the development proposals to minimise any adverse impact as a result of noise generated with special consideration given to sites within the NWD AONB.
- 6.19 Due to both the position and scale of the storage shed and location of nearby residential dwellings there is not considered to be a significantly harmful impact in terms of daylight/sunlight received and overbearing impact.

- 6.20 Due to the use of the building for storage purposes only with equipment to maintain the land this would not have an adversely harmful impact on privacy or noise.
- 6.21 It is acknowledged that letters of representations raised concerns that if the storage shed was to be used for another purpose this could impact upon neighbouring amenity. Conditions were requested to limit night time activity. However, the application can only be assessed for the proposed use as a storage building which is considered not to have a significant impact on neighbouring amenity. A condition to restrict the use of the building is considered to address the concerns raised in representation letters.
- 6.22 It is recommended a condition is applied for the hours of construction work to ensure there will be no adverse impact on neighbouring amenity during construction.

### ***Highway matters***

- 6.23 The proposed storage use of the building is considered not to significantly change the number of vehicles entering or leaving the land. The Highway Officer raised no objections to the proposed development.
- 6.24 It is acknowledged that letters of representations raised concerns that if the storage shed was to be used for another purpose this could impact upon highway safety with increased vehicle movements. However, the application can only be assessed for the proposed use as a storage building which is considered not to have a significant impact on neighbouring amenity. A condition to restrict the use of the building is considered to address the concerns raised in representation letters.
- 6.25 No changes are proposed to the existing vehicular access. It is noted there were concerns with regard to the location of the existing access. This was investigated by Planning Enforcement in 2015 and it would appear that it was deemed access had been provided in the correct position.

### ***Trees***

- 6.26 Within and surrounding the land to the rear of Thatchers are mature shrubs, hedges and trees. These are considered to contribute to the rural character of the area.
- 6.27 The information submitted with the application does not indicate the removal of trees and hedges at the site.
- 6.28 The Tree Officer considers that the proposed and existing shed sits within the root protection area of mature trees and hedges on the site. The Tree Officer notes that the shed will sit on a concrete base. No objections were raised with regard to the impact on the trees. It is noted that the existing building has been erected in substantially the same position.
- 6.29 Letters of objection raise concerns with insufficient landscaping. The proposal does not propose to remove landscaping and it is considered that there is sufficient existing landscaping to respect the character of the area.
- 6.30 The retention of the landscaping would be in accordance with the Bucklebury Vision Design Statement.
- 6.31 A tree protection precautions informative will be applied to provide advice to the applicant during construction.

## ***Other matters***

- 6.32 **Public Right of Way:** A public footpath (BUCK/129/1) is located on the south side of Broad Lane and is not considered to be impacted by the proposed development, including during the construction phase. No comments have been received with regard to the public right of way.
- 6.33 **Ecology:** The scale, nature and siting of the building are not considered to have a harmful impact on biodiversity. No comments were received with regard to ecology and biodiversity.
- 6.34 **Representation letters:** Concerns raised with regard to setting a precedent to develop on land that is outside of a residential curtilage and the potential for a residential dwelling to be built are noted. However, any application for similar developments or residential developments would be assessed on their own merits. It is considered the proposal would not set a precedent.

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

- 7.1 Whilst a number of objections have been received for this application, it is considered the proposal for a storage shed to maintain land to the rear of Thatchers is acceptable and can be secured by the use of conditions.
- 7.2 Having taken into account the relevant policy considerations and material considerations referred to above, it is considered that the development is acceptable and conditional approval is justifiable. The proposal accords with the NPPF, Policies ADPP1, ADPP5, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), the Bucklebury VDS, and the Quality Design SPD (2006).

## **8. Full Recommendation**

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

### ***Conditions***

1. **Commencement of development**

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

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

2. **Approved plans**

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

- Drawing 2020-170-001 (Location Plan) received on 11.12.2020;
- Drawing 2020-170-002 (Proposed Site Plan) received on 11.12.2020;
- Drawing 2020-170-002 (Proposed Plans and Elevations) received on 11.12.2020.

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 respect the character and appearance of the area. 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 Bucklebury Village Design Statement.

4. **Construction hours of work**

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

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

8:30am to 1:00pm Saturdays;

No work shall 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 applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

5. **Demolition of existing outbuildings on land**

Notwithstanding the plans submitted, the existing shed on the land identified in red on Drawing 2020-170-001 received on 11.12.2020 shall be demolished and the land cleared of spoil and debris before the replacement storage shed hereby permitted is brought into use.

Reason: The demolition of the existing sheds form part of the justification for the approval of this development. Without the demolition this would have a harmful impact on the NWD AONB character. This condition is imposed in accordance with policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design (2006).

6. **Prior approval for external lighting**

No external lighting shall be installed on the hereby approved storage shed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed hereby approved storage shed except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. **Restriction on use of building**

The storage building hereby permitted shall not be used for any other purposes than the storage of tools, equipment and machinery associated with the maintenance of the land identified in the red and blue lines on Drawing 2020-170-001 received on 11.12.2020.

Reason: The use of the shed was considered to meet an identified need. Another use could be in conflict with the strategy for the location of new development, and be unacceptable in terms of ensuring a sustainable pattern of development. It is also considered necessary in the interests of amenity for the adjoining land users. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

## ***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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

### **2. Tree protection precaution**

The following precautions are recommended to ensure that the trees which are to be retained during the development are protected from damage:

- (a) Ensure that all works occur in a direction away from the trees.
- (b) Ensure that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
- (c) Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
- (d) To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- (e) If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil.
- (f) If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.
- (g) If lime based products are to be used for strip foundations then any roots found should be protected by a non-permeable membrane prior to the laying of concrete.

### **3. Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

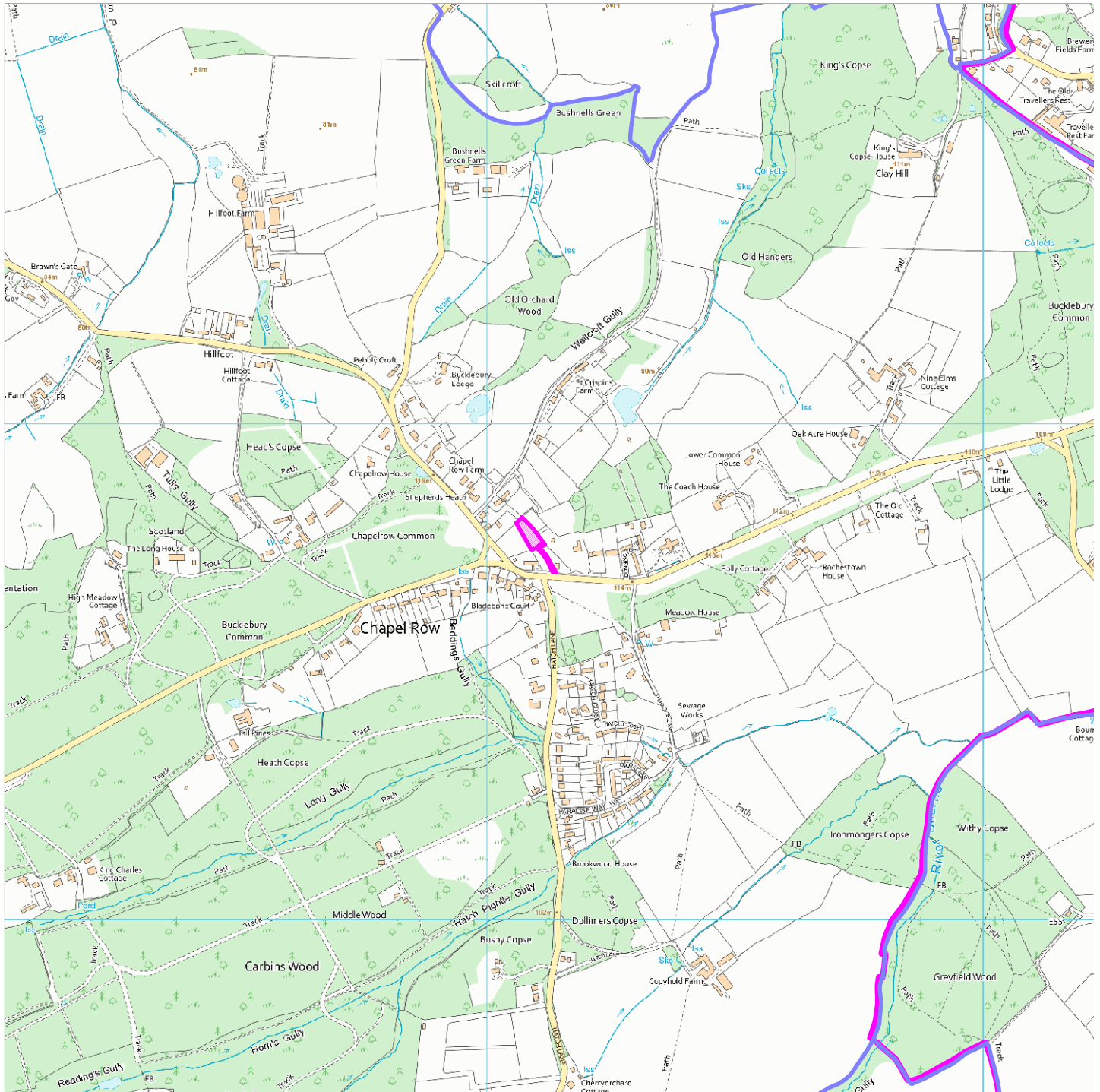
### **4. Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further



permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

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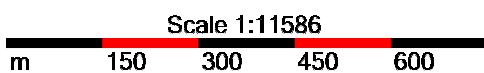


Map Centre Coordinates :

Scale : 1:11586

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	13 April 2021
<b>SLA Number</b>	0100024151

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# Land adjacent to Thatchers, Chapel Row, RG7 6PB

Photographs for Eastern Area Planning Committee  
Application 20/02849/FUL



East elevation of existing storage shed





View of existing storage shed looking towards south-west corner of site.



View from within application site (adjacent to existing storage shed looking northwards)





View from within application site (looking north)



Boundary treatments in north of site on the east boundary.





Boundary treatments in north of site on the north boundary.



Boundary treatments in north of site on the west boundary.





View at north of the site looking southwards (towards existing storage shed)



View within the middle of the site looking westwards.





View of existing storage shed facing towards access on Broad Lane (southwards).



View from wooden gates next to existing storage shed southwards (towards access).





View of vegetation screening existing storage shed (looking northwards from land with the site access).



Standing in north west corner of land with access looking south eastwards (facing Thatchers).





View from existing access facing northwards (towards location of existing storage shed).



Access looking eastwards.





Access looking westwards.



View on south side of road looking at vehicular access to site.



View on south side of road looking at vehicular access to site and Thatchers.

## Planning Appeal Decisions

**Committee:** Eastern Area Planning Committee on 21<sup>st</sup> April 2021

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

**Recommendation:** Note contents of this report

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

Application / Appeal	Site	LPA Decision	Appeal Decision	Costs
20/00933/HOUSE Appeal: 3257638 Written reps	<b>68 Horseshoe Road, Pangbourne</b> First floor rear extension and rear dormer window (s73 to alter fenestration and enlarge dormer)	Delegated refusal	Allowed 19/01/2021	N/A
20/01631/PACOU Appeal: 3260788 Written Reps	<b>Elmwood Building, Southend Road, Bradfield Southend</b> Prior Notification requirement under Part O of the GDPO for the change of use of offices (Class B1a) to form 3 apartments	Delegated refusal	Dismissed 19/01/2021	N/A
20/00661/COND2 Appeal: 3261063 Written Reps	<b>Land to the rear of The Rising Sun, Bath Road, Woolhampton</b> Refusal of details reserved by condition 4 (boundary treatment) of planning permission 18/02501/FULD, which granted permission for 4 dwellings.	Delegated refusal	Dismissed 11/01/2021	N/A
20/00835/FULD Appeal: 3259156 Written Reps	<b>The Old Golf House, Rectory Road, Streatley</b> Subdivision of The Old Golf House an annex into two separate residential dwellings.	Delegated refusal	Allowed 27/01/2021	N/A
20/00144/FULD Appeal: 3251044 Written Reps	<b>200 Lower Way, Thatcham</b> Retrospective use of existing building on site as a two bedroom dwelling.	Delegated refusal	Dismissed 29/01/2021	N/A
20/00169/FULD Appeal: 3250812 Written Reps	<b>Oakdene, Andover Drove, Wash Common, Newbury</b> Two storey pitched roof dwelling in the garden of Oakdene. Demolition of existing garage and extension of existing driveway at Oakdene.	Delegated refusal	Dismissed 29/01/2021	N/A

19/01855/FULEXT Appeal: 3251653 Writte Reps	<b>12-16 Chapel Street, Thatcham</b> Demolition of existing dwellings (3no.) and construction of 17 no. one and two bedroom apartments, including parking and stores	Delegated refusal	Dismissed 04/02/2021	N/A
20/00737/COMIND Appeal: 3259595 Written Reps	<b>Shalford Farm, Shalford Hill, Aldermaston</b> Conversion and redevelopment of existing land and buildings to create a mixed use development comprising restaurant, estate farm shop, overnight accommodation, bakery, fermentary, cookery school and event space (local food production and ancillary education facility) and a biomass boiler together with associated works including the demolition of the existing garages and workshop building.	Recommended for refusal  EAPC refusal	Dismissed 08/02/2021	N/A
19/03188/FULD Appeal: 3260721 Written Reps	<b>Foxhold Kennels, Crookham Common</b> Residential conversion to form a pair of semi-detached dwellings and detached annex, following demolition of managers office and attached store.	Delegated refusal	Allowed 08/02/2021	N/A
19/02880/OUTD Appeal: 3247966 Written Reps	<b>Varchfold, Bethesda Street, Upper Basildon</b> Outline application for the demolition of existing dwelling and erection of 3 new contemporary dwellings. Matters to be considered: Access, Layout, Appearance and Scale.	Delegated refusal	Dismissed 15/02/2021	N/A
19/02676/HOUSE Appeal: 3247180 Written Reps	<b>37A Russell Road, Newbury</b> Section 73 application relating to conditions 2 (approved plans) and 3 (materials) of 18/00541/HOUSE to demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off road parking spaces.	Recommended for approval  WAPC refusal	Dismissed 18/02/2021	N/A
20/01263/HOUSE Appeal: 3263163 Written Reps	<b>1087 Oxford Road, Tilehurst</b> Demolition of existing car port, second storey side and single storey front extensions and garage conversion.	Delegated refusal	Allowed 23/02/2021	N/A



20/00014/FULD Appeal: 3256178 Written Reps	<b>11 Pond Close, Newbury</b> Removal of derelict garages and erection of 2 no dwellings and 4 no flats, together with associated landscaping and parking	Delegated refusal	Dismissed 23/02/2021	Application against the Council refused
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### Housing in the countryside – limited infill development (Policy C1)

2. The dismissed appeal at **200 Lower Way** considered the criteria of Policy C1 for limited infill in settlements in the countryside. The appeal site is adjacent to, but outside of the settlement boundary of Thatcham, and therefore within the open countryside. This is another appeal where the Inspector agreed with the Council's position that all criteria must be met: *“My interpretation of the wording of this policy is such that the insertion of the word “and” after each criterion does, in my view, require that the proposal would need to comply with all these criteria.”* The Inspector agreed with the Council that whilst there are a number of dwellings nearby, these do not form a coherent “closely knit cluster of 10 or more dwellings.” The Inspector acknowledges that development on the south side of Lower Way differs substantially from that on the opposite side of Lower Way, where there is more intensive residential development forming the settlement boundary of Thatcham. Consequently, the proposal fails to meet with criteria i) of this policy.



3. The Inspector also agreed that the proposal failed to meet criteria ii) and iii), as the appeal site is located behind an existing dwelling on Lower Way, so does not form part of an existing frontage, and is not undeveloped due to the presence of a building which does not benefit from planning permission. The Inspector concluded that the proposal is not an appropriate location for new housing development in accordance with the development plan. The Inspector also found the proposals would harm the character and appearance of the area as it would introduce a dwelling which is neither of a scale nor a design commensurate with the adjacent dwellings.

### Housing in the countryside – residential conversions (Policy C4)

4. At **Foxhold Kennels** a main issue was whether the conversion of buildings to residential use was acceptable in its countryside location, having regard to Policy C4 (residential conversions). The Council considered the scheme conflicted with a number of the policy's criteria. The Inspector disagreed with the Council, concluding that the proposal complied with Policy C4 for the following reasons:

- a) The Inspector disagreed with the Council as he considered that the necessary strengthening of roof structures, the replacement of roof coverings, and the enclosure of the covered yard were a reasonable part of the conversion and did not amount to “substantial rebuilding, extension or alteration”, thus concluding the proposals complied with the first criteria.
  - b) The conversion would replace the corrugated sheeting on the buildings with flat roofs with sedum green roofs. The Inspector considered this preferable both from a visual and ecological viewpoint to replacing them with similar corrugated sheeting. He commented that the existing sheeting is not an essential part of the character of the buildings or locality, and its replacement with a more environmentally friendly roof covering is an improvement to the existing structures.
5. For similar reasons the Inspector concluded that the conversion would not be harmful on the rural character and appearance of the area. Given he found the development acceptable on planning grounds, and with the benefit of a bat survey report that provided adequate mitigation measures, the Inspector concluded that there was no reason in principle why a licence would not be granted by Natural England. The appeal was allowed.
  6. In *The Old Golf House*, the Inspector considered the conversion of a substantial residential annexe to a separate dwelling. The Inspector recognised that the proposal for a separate residential dwelling in this location would not accord with the Council's spatial strategy, but commented that the conflict with Policy C1 would be limited since the annexe building is already in residential use, albeit linked to the Old Golf House. The Inspector recognised the likely high dependency of future occupiers on private motor vehicles, but similarly commented that it would not, in their opinion, be significantly different to the permitted arrangement.
  7. With respect to Policy C4, the Inspector comments that the policy places explicitly the onus on applicants to provide evidence that the building is genuinely redundant. Although redundancy is not clearly defined by Policy C4, the supporting text nevertheless explains that for a building to be considered redundant, it is important that the original use of the building for that purpose no longer exists. The Inspector commented that, although the appellants may not have any use for the Old Golf House presently, it nevertheless has an authorised use and is capable of being used as such. Accordingly, and in the absence of substantive evidence to the contrary, they agreed with the Council that the appeal premises cannot be regarded as redundant or disused for the purposes of Policy C4.
  8. Overall, the Inspector concluded that there would be some conflict with Policies ADPP1, ADPP5 and C1, but ultimately concluded that the appeal site would, in this particular instance, constitute an appropriate location for the appeal scheme, as they found there were sufficient considerations in favour of the proposal which justify taking a decision other than in accordance with the development plan.

### **Economic development within the countryside**

9. The application for mixed use commercial development at *Shalford Farm* was refused by EAPC in line with officer's recommendation. EAPC gave careful consideration to this balanced application which had significant economic benefits and was regarded as an improvement on a previous scheme, but ultimately concluded that the location and scale of the development rendered the application unacceptable.

10. The Inspector acknowledged the site's relative isolation, and the narrow, unlit roads with no footways. He agreed that the lawful use of the site could generate in the region of 150 daily vehicle trips. The Appellant and Council predicted the proposed use would generate around 470 and 482 vehicle trips respectively. The restaurant would account for around 76% of all daily trips. The Inspector considered that, even allowing for 150 daily weekday vehicle trips estimated by the Appellant, a net figure of around 300 net additional vehicle trips for each weekday could be assumed. The Inspector identified shortcomings in the Appellant's framework travel plan, which undermined its value in mitigating the predicted traffic increase.
11. The Inspector shared the Council's concerns with the significant additional trips by private transport given national policies of restraint and the priorities included in the Council's Local Transport Plan and adopted policies. The Inspector also acknowledged that the Council adopted a Climate Change Strategy which advocates for restraint on the use of private vehicles to reduce carbon emissions. He commented that there is a consistent thread regarding the need for choice of transport modes running through the Council's adopted policies, predicated on reducing reliance on private transport, required to reduce transport related carbon emissions and improving air quality. The settlement strategy included in the Core Strategy 2006-2026 requires a concentration of new development in the main centres in the district. Policy ADDP1 identifies that intensification of uses in areas which lack sufficient supporting infrastructure including public transport should be avoided. The theme was also highlighted in Policies CS9 (economy and employment). Overall, the Inspector concluded that the proposals would result in a significant intensification of the number of vehicle trips to and from the appeal site.
12. With respect to the sequential test for main town centre uses and any need for a retail impact assessment, the Inspector disagreed with the Council that the fact the proposal was a "major application", meant that these should be applied in this particular case, highlighting the need to take a proportionate approach to the development of town centre uses. There was agreement that, if disaggregated, the farm shop and fermentary would not be appropriate for a town centre location, and that a bakery could be located both within and outside town centres. The Inspector agreed with the Council that both the event space, restaurant and classroom are town centre uses which could displace similar uses location in centres and which could occupy vacant units. However, he ultimately concluded that, given their size, their development as part of the appeal scheme would be unlikely to result in a retail impact of sufficient scale to have significant adverse impacts on local consumer choice and trade.
13. Finally, the Inspector agreed with the additional reason for refusal added by EAPC in relation to the failure of the scheme to achieve a BREEAM "Excellent" rating, as required by Policy CS15. The Inspector commented that this is primarily due to the appeal site's location which involves a considerable amount of vehicle trips generated by private transport. Further, that the application of Policy CS15, in these circumstances, serves only to reinforce the Council's arguments advanced under the first main issue in this appeal.
14. In the planning balance, the Inspector acknowledged that the appeal scheme would result in benefits for the rural economy, the development of previously developed land and the re-use of two non-designated heritage assets. However, these matters were not sufficient to outweigh the harm which would result from the carbon emissions derived from the increase in vehicle trips resulting from this proposal.

## Redevelopment within settlement

15. The dismissed appeal at **12-16 Chapel Street** for a redevelopment proposal within Thatcham agreed with the Council's position on a multitude of reasons. The Inspector also agreed with the Council's procedural challenge that amended plans submitted as part of the appeal should not be accepted, but that a new planning application should be made in accordance with the procedural guidance. The proposal amounted to a substantial redevelopment of the site, with a replacement frontage building, and a central building that would consist of three three-storey elements linked at ground floor level, positioned against the western boundary with a residential care home. The number of concerns raised led the Council to conclude that the proposals would be harmful in several respects and overdevelop the site. The Inspector concluded as follows:
- a) The Inspector agreed with the Council that the proposed replacement building along the site frontage would not achieve such a positive contribution to the street scene as the existing terrace of housing, nor would its design complement the character and appearance of the area.
  - b) The Inspector agreed with the Council that the amount of building and hard surfacing within the site would make it appear overdeveloped and out of character with its surroundings. Unlike other surrounding development in depth, the proposals would not be subservient in height, and would have very little soft landscaping. The building dominated space would fail to respect the character or appearance of the area.
  - c) The Appellant considered that the scheme is unable to provide any element of affordable housing contribution on viability grounds. Viability appraisals carried out on behalf of the Appellant and Council agreed that viability is a limiting factor but disagreed on the degree to which it would prevent any element of affordable housing being provided. The Inspector was more persuaded by the Council's evidence on benchmark land values, but by the Appellant's evidence on gross development value. However, overall, the Inspector agreed with the Council that there is a small, positive viability surplus that could make a contribution to affordable housing.
  - d) The Inspector agreed with the Council that as a result of the proximity and height of the central building, and the position of windows in the rear building, the development would harm the living conditions of occupants of the care home by reason of appearing overbearing, and causing a loss of outlook and privacy.
  - e) The Inspector agreed with the Council that as a result of poor outlook and light to some of the flats, and the lack of outdoor amenity space, the development would harm the living conditions of future occupants.
  - f) While the scheme would provide adequate parking, the Inspector agreed with the Council that due to the inadequate width of the proposed access the development would have an adverse effect on highway safety.
  - g) The Lead Local Flood Authority raised concern at the lack of information to demonstrate that surface water flooding would not be a problem and that surface water drainage could be adequately achieved on the site. A flood risk assessment submitted with the appeal concluded that surface water flood risk is low, but the LLFA remained concerned. However, the Inspector was satisfied that the development would not be at an unacceptable risk of flooding, nor would it be likely to cause surface water flooding to neighbouring land, subject to conditions.

16. In a rural village setting, **Varchfold** was a proposal to demolish an existing backland dwelling within Upper Basildon, and erect three new contemporary dwellings. The Inspector commented that the appeal site is located in a verdant residential area within the AONB, at the end of a private drive off Bethesda Street. They recognised that the properties along Bethesda Street and Henwood Copse are generally detached dwellings of varying but traditional styles with a common materials palette which includes red brick, red wall tiles, brown roof tiles and pitched roofs. Whilst the design of local properties is varied, overly modern features such as flat roofs and extensive levels of glazing are not prominent. To this end, the Inspector concluded that the use of these features in the proposed development would appear stark and obvious, jarring awkwardly with the traditional feel of built form in the area.
17. Whilst the appeal site is relatively well screened, the Inspector commented that the proposed development would be visible from a number of areas due to the local topography. The Inspector also commented that the appeal site was transitional in terms of where built form gives way to the open and undeveloped countryside. Consequently, they agreed with the Council that it was quite sensitive to change, and that a substantial departure from the existing architectural style would not therefore sit comfortably. This is a good example of how proposals should seek to reinforce local distinctiveness.

### **Affordable housing on minor developments**

18. The main issue in **11 Pond Close** was whether it is necessary for a minor residential development to provide affordable housing in line with Core Strategy Policy CS6, which was disputed by the appellant because paragraph 63 of the NPPF states the "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*". The Council has maintained a position since the introduction of this national policy that the development plan policy should take precedent owing to the high local need for affordable housing (that is being addressed by Policy CS6) and local affordability ratios that are higher than the national average. This position has been consistently supported by Inspectors at appeal.
19. The Inspector agreed that the evidence put forward by the Council demonstrates that there is a significant unmet need for affordable housing in West Berkshire, and, that the importance of small sites, which includes non-major development, such as the appeal proposal, in contributing to the provision of such affordable housing through on-site delivery, is part of the Council's plan-led strategy to meet unmet demand. As such, he considered that the exceptional local need for affordable housing outweighs national policy set out in the Framework. This is the third appeal decision where this issue has been directly challenged and Inspector's agreed with the Council's position.
20. In the associated costs decision, the Inspector agreed with the Council's assessment and found that, despite the inconsistency with the NPPF, the circumstances in the case warranted determining the appeal based on the affordable housing approach set out in the development plan. Therefore, he concluded the Council had acted reasonably.

### **Appropriate landscaping**

21. The dismissed appeal at **The Rising Sun** supported the Council's position on the importance of appropriate landscaping at a residential development along the A4. The proposals sought tall fencing along the frontage of the site. The Council had approved alternative details with a 1 metre high fence to the site frontage, but the Inspector agreed with the Council that this would result in a relatively low boundary treatment in the prominent frontage locations along Bath Road and railside, and would thus satisfactorily

assimilate with the area. The Inspector agreed with the Council that an additional 800mm in height to this fencing in the most visually prominent parts of the site would be out of keeping with the character and appearance of the area.

22. The appellant proposed the planting of a Laurel hedge on the outside edge of the proposed fence; the Inspector afforded this some weight, but commented that landscaping cannot be considered a permanent feature and should not therefore be used to justify development that would be otherwise unacceptable. The Inspector was not swayed by examples of close boarded fencing some distance from the site, and found little evidence to support assertions that the proposals would improve security and safety at the site.

### **Intensification of access use and highway safety**

23. The **Varchfold** appeal decision was also dismissed on highway safety grounds. The appeal site is served by a private drive (Henwood Copse) which links the site to Bethesda Street and serves the existing dwelling and 3 neighbouring dwellings. The crux of the dispute was the visibility at the proposed access (the point where Henwood Copse meets Bethesda Street). The Council required visibility splays of 31.5m to the south and 32.2m to the north with a 2.4m set back. The appellants' indicate that achievable visibility splays are just over 18m to the south and just under 17m to the north, with a 2m set back. Bethesda Street has a 30mph speed limit. There are no segregated footways. Survey data indicates average speeds below 30mph and notes that the lack of footways would also limit pedestrian activity. However, during their visit the Inspector observed a number of cars bypassing the junction which indicates it is well used.
24. The Inspector concluded that visibility from the proposed access (Henwood Copse) was substandard in both directions when assessed against the Council's requirements. They commented that in the southerly direction, road conditions are such that the achievable splays, with a two metre set back, should not give rise to a significant problem. In the case of the northerly direction however, views for exiting vehicles would be restricted by a hedgeline bordering the property known as High Trees which would exacerbate the effect of the already limited visibility available. The Inspector noted evidence regarding a lack of accidents at the junction, but this did not alter their ultimate conclusion that the intensification of use of this junction without acceptable visibility would cause harm to highway safety.

### **Insufficient ecology information**

25. The Inspector in the **Varchfold** appeal decision also agreed with the Council that bat surveys were required. They noted that the site fell on the boundary of a Biodiversity Opportunity Area, and was bordered by significant tree cover. They agreed with the Council that with this woodland setting and lack of streetlighting, the presence of bats could not be discounted. They also observed that the existing dwelling is an older property with gaps in the roof tiles. Overall, they agreed it was not unreasonable to consider the site had potential for protected species. The Inspector referred to Circular 06/2005 which makes clear that where there is a reasonable likelihood of protected species being present on site and in order to understand the extent species may be affected then surveys should be carried out before a planning permission is granted. The appeal was also dismissed on this basis.

### **Qualifying use for prior approval applications**

26. The **Elmwood Building** appeal concerned a prior approval application for the change of use of offices to form 3 apartments. Under Article 3(1) and Schedule 2, Part 3, Class O

of the GPDO, planning permission is granted for change of use subject to limitations and conditions. Paragraph O.1 of the GPDO sets out the situations whereby development would not be permitted including, as referred to by the Council, O.1.b that the building was not used for a use falling within Class B1(a) (Offices) of the Schedule to the Use Class Order on (i) 29 May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

27. In this case, the Council raised no objections in terms of the relevant considerations: transport and highway impacts; contamination risks; flooding risks; and impacts of noise from commercial premises. However, the application was refused because the available evidence indicated that the existing building was not within the qualifying office use class; rather the evidence indicated that the building was most likely within mixed use offices and storage/distribution, which is *Sui Generis*. The Council's position was consistent with a previous appeal at the site, and no new evidence was provided by the applicant to indicate otherwise. The Inspector agreed with the Council's full case. The detailed narrative in the decision letter is of assistance for considering similar future applications.

### **Scope of Section 73 applications**

28. The planning permission for revised extension at **37A Russell Road** was refused on amenity grounds. However, the Inspector's decision to dismiss the appeal was due to their view that the scale of amendments went beyond the lawful scope of Section 73.

29. A Section 73 application enables those seeking planning permission the opportunity to amend specific conditions and for new planning permission with the amended conditions to be granted without altering anything else but the condition(s) in question. The section is mainly intended to allow flexibility in the planning system by allowing conditions to a planning permission to be changed without risking the entirety of the consented scheme. The Government encourages the use of this process to consider "minor material amendments" to previously permitted development.

30. Recent case law in *Finney v Welsh Ministers & Others [2019] EWCA Civ 1868* has clarified the scope of the powers contained within Section 73. In particular, it clarifies that fundamental alterations to the original proposal, including varying the description of the development, remains outside the remit of Section 73. Such fundamental changes therefore require a full new planning application.

31. In this case, whilst the Inspector was satisfied that the description of development remained sufficiently accurate, they did conclude that new conditions sought would fundamentally alter the original proposal for which permitted had been granted. They referred to the various design changes, which taken together were considered to substantially change the proposal from the scheme that has been approved. This conclusion was reached despite a reduced scale from the original proposals.

32. Given their findings that the proposal was outside the scope of Section 73, the Inspector did not entertain or pass comment on the planning merits of the proposal. This decision will provide a useful guide for considering future cases.

### **Other decisions**

33. The following decisions have also been received and are listed in the table above, but do not raise any issues of general interest:



- a) **68 Horseshoe Road** – The Inspector disagreed with the Council that an enlarged dormer would dominate the roof and harm the character of the area based site specific considerations.
- b) **Oakdene** – In dismissing the appeal, the Inspector agreed with the Council that a new backland house would undermine the clear character and identity of the existing large spacious plots. However, they disagreed with the Council concerns regarding loss of sunlight and privacy to a neighbouring property owing to the separation distance involved and the use of obscure glazing.
- c) **1087 Oxford Road** – The appeal was dismissed as the Inspector disagreed with the Council that the proposal would harm neighbouring living conditions having regard to the site-specific relationships involved.