

Note: These Minutes have been approved. Please see Minutes of 2 September 2020 for any amendments.

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 AUGUST 2020

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Jenny Legge (Principal Performance, Research and Consultation Officer) and Simon Till (Senior Planning Officer)

PART I

13. Minutes

The Minutes of the meeting held on 22 July 2020 were approved as a true and correct record and signed by the Chairman with the following amendments:

Item 1, page 9, paragraph 13: 'Sarah confirmed that...' should read 'Sarah Melton confirmed that...)

Item 1, page 10, paragraph 25: '...a requirement of any panning application...' should read '...a requirement of any planning application...'

Item 2, page 15, paragraph 13: '...further towards the valley bottom...' should read '...further up the valley...'

Item 2, page 17, paragraph 36: '...Trubbs Farm...' should read '...Trabbs Farm...'

(Councillor Phil Barnett joined the meeting at 6.34pm)

14. Declarations of Interest

There were no declarations of interest received.

(1) Application No. and Parish: 20/01193/HOUSE, White Lodge, Shaw Cum Donnington

(No declarations of interest were received.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01193/HOUSE in respect of a two storey rear extension and external alterations to existing dwelling, following demolition of existing outbuildings (resubmission of application 19/02505/HOUSE).
2. In accordance with the Council's Constitution, Callan Powers (Fowler Architecture & Planning Ltd), agent, addressed the Committee on this application.
3. Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal unsatisfactory and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.

Removal of speaking rights

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4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been 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.
5. In accordance with the Extraordinary Council resolution, written submissions had been received from the agent.
6. Written submissions were read out by the Clerk to the Committee:

Agent Representation

The written submission of Fowler Architecture & Planning Ltd was read out as follows:

This application seeks planning permission for an extension to a two storey detached house, White Lodge. While the Applicants understand the reasoning, it is regrettable that no site visit has been made to inform your consideration of this application. Had a site visit been conducted, you would see that White Lodge occupies a position that is unusually obscured, with limited visibility from public vantage points to the east, screened views from the north and west, and effectively none from the south. The proposed extension, to be situated to the rear of the existing house, makes use of this position, the result being that the extension would have little visual impact on a house with no particular prominence.

Planning permission was granted at the site for an extension of a similar shape in 2017, this has now lapsed. The previous permission, secured by a previous owner, permitted an extension that would not provide a significant uplift in residential amenity for occupants.

The current Applicants, who intend to occupy White Lodge themselves for the foreseeable future, made an application for a larger extension last year, however that was withdrawn.

This application is significantly amended. The proposed roof height was lowered to sit below that of the existing, the integral garage removed, and the overall visual spread reduced. These are significant compromises made by the Applicants that result in a holistic proposal, contrasting favourably a contemporary approach with the more utilitarian original house.

White Lodge was not considered by the Conservation Officer to be a non-designated heritage asset in either the application for the previous approval or the withdrawn scheme. We do not consider it a non-designated heritage asset, and its low-key construction and inconspicuous nature lends it little in the way of significance, or indeed contribution to either the historic park or the conservation area.

In respect of the previous approval, the Conservation Officer also noted the “limited public views of the extension from within the conservation area”, and “although the proposal is visible from certain parts of the historic park to the west, its visual impact is softened by the existing trees and vegetation along the boundaries”. These judgements are no less true of this proposal. Indeed, under the current proposals, with the extension offset from the existing eastern wall, the extension is further from, and less imposing on, the footpath than that previously approved. This proposal also drops the roof height slightly below the existing, and as such below that previously approved. The site coverage increase is also partially offset by the removal of outbuildings.

This application is supported by ecological and tree reports; the Applicants are committed to following their recommendations.

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To conclude, the proposed extension would have no effect on nearby residents, no effect on the significance of the Conservation Area or Park, and is a sensible compromise resulting in high quality design located within a plot that can more than comfortably accommodate it. We hope that you will agree and grant planning permission accordingly.

Ward Member Representation

7. Councillor Lynne Doherty in representing the Committee as Ward Member made the following points:
 - This was an area that Councillor Doherty knew well and she had visited the site.
 - Photo B in the pack showed the side of the building and a gate, which was the only public view of the property and was well-screened by trees.
 - Planning permission had been granted previously and objections raised in relation to this application had not been raised before.
 - The application was about retaining this as a family home for generations to come.
 - This application was similar to the previous application in that there were still five bedrooms, but the applicant had identified a need for additional bathrooms.
 - Whilst the proposed development was large and did not fit with normal planning considerations, the plot was large enough to accommodate it and was set well back from the river and Donnington Grove Golf Club.
 - The applicant was keen to work with the Council and had moved the proposed development further to the west, away from the footpath.
 - Although comments had been made about the development not being in keeping with the area, there were modern properties on Groombridge Place and another just outside the gates to the right.
 - The Parish Council was supportive of the application.
 - No neighbours had raised any objections and it was suggested that the proposed development would cause less impact on neighbours than the consented scheme.
 - The roofline had been lowered so there was less opportunity for overlooking of neighbouring properties.
 - If the application were to be refused, the application may seek to demolish the existing property and rebuild.
 - Trends in planning policy suggested changes to permitted development that could allow two storey extensions in future.
 - The applicant wanted to work with the Council to come up with a design that would support his family while ensuring that it is in keeping with the area.

Member Questions of the Ward Member

8. Councillor Tony Vickers indicated that he used to know the property well and had regularly walked past it. He suggested that demolition of the current property could not be considered as 'working with the council', since it was considered to be an important non-listed heritage asset. He asked what other options the applicant would be prepared to consider.
9. Councillor Doherty stated that the applicant had already reduced the height of the roof line and had moved the building away from the footpath. She suggested that the applicant might be willing to look at the design features that had been

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mentioned. She also noted that Councillor Vickers would not have been able to use the gate beside the property for a long time.

10. Councillor Vickers agreed and indicated that it had been about 12 years since he had done so.
11. Councillor Hilary Cole indicated that although it was Councillor Doherty's opinion that the Parish Council did not object to the application, as part of the consultation, the Parish Council had made reference to a legal agreement preventing the property from being split into two separate dwellings and considered that such a separation would be unacceptable. Therefore Councillor Cole suggested that this did not represent unqualified support.
12. Councillor Doherty disagreed with Councillor Cole's view and suggested that the Parish Council's concerns were related to the potential for a garage on the site to be made into a separate dwelling, but the applicant was not proposing this.
13. Councillor Cole indicated that the comments were being made in respect of this proposal rather than the garage conversion. Therefore, it did not represent unqualified support.
14. Councillor Doherty confirmed that the Parish Council had indicated they had no objection in their response to West Berkshire Council.
15. Councillor Adrian Abbs asked on what basis the applicant could demolish the existing property and rebuild.
16. Councillor Doherty opined that it was a pretty little cottage and indicated that she was keen to work with the applicant to retain it. She questioned why the ecologist's report had not been a feature last time, but was for this application.
17. Councillor Abbs considered that if the applicant wished to demolish and rebuild that this would require planning consent. He asked if this was a threat from the applicant.
18. Councillor Doherty replied that it was not a threat and that the applicant was keen to work with the Council, but she had just considered what the owner could potentially do with this large plot.
19. Councillor Abbs asked at what point Councillor Doherty considered scale and mass to be an issue in relation to the expansion of this dwelling.
20. Councillor Clive Hooker indicated that Councillor Doherty did not need to answer this question since it was not part of her presentation.
21. Councillor Doherty stated that she was not qualified to answer.
22. Councillor Phil Barnett apologised for his late arrival. He highlighted that the presentation had suggested the extension would not be seen. He confirmed that he had visited the site and that it was well-screened in summer. However, he asked if it would be visible in winter.
23. Councillor Doherty indicated that there was an evergreen hedge.
24. Councillor Barnett suggested that it was not all evergreen and there was a variety of trees and shrubs.
25. Councillor Doherty could not confirm the type of trees, but indicated that the property was set back a long way from Donnington Grove and adjacent fields used by dog walkers.

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26. Councillor Howard Woollaston confirmed that he did not have a problem with the scale and massing of the proposal, but indicated that he was slightly concerned about the architecture of the extension. He asked if the applicant would be amenable to amending the design to be more in keeping with the existing building.
27. Councillor Doherty indicated that the build was focused on letting light into the property, and suggested that the applicant would have already considered this.
28. Councillor Cole noted that the applicant was keen to work with the Planning Service. She asked if the applicant had sought pre-planning advice.
29. Councillor Doherty stated that the applicant had previously submitted an application and had changed it on the basis of the pre-planning advice they had received.
30. Councillor Cole asked if the applicant had sought pre-planning advice for this application.
31. Councillor Doherty indicated that the applicant had had discussions with the case officer, but could not confirm that they had sought pre-planning advice.

Questions to Officers

32. Councillor Abbs sought clarification as to whether the Committee was only able to consider the application before it, and not previous applications that had been permitted or refused.
33. Simon Till confirmed this was correct, and added that there was no extant planning permission that formed a material consideration in this case, since the previous planning permission had expired.
34. Councillor Jeffrey Cant queried whether the main issues related to the size of the proposed dwelling and the architectural appearance not being complementary to the existing building.
35. Simon Till agreed that the design, scale and massing were contrary to policy, but added that there were also issues around the impact on the conservation area and the historic park and garden. He reminded Members that as heritage assets, they were given a high degree of importance in the National Planning Policy Framework (NPPF), which states that even where less than significant harm would result to a heritage asset as a result of a planning proposal, the application should be refused unless the public benefits of that proposal significantly outweighed the harm identified. He suggested that the sensitivity of the location should not be underestimated for this application.
36. Councillor Vickers asked how significant it was that from the west the public could not get very close to the property, but anyone with the permission of the owner could get close, and that the landowner could open it to the public in future, at which point the public could get very close to the property.
37. Simon Till confirmed that this attracted limited weight in this case. He indicated that the key thing when assessing the impact on the historic park and garden, was that there was a need to preserve heritage assets for future generations. The fact that they could not be accessed by the public now, did not mean that they would not be able to do so in future. He explained that based on the Conservation Officer's response, this proposal involved works to an undesignated heritage asset. He suggested that this proposal might be seen as doing permanent damage to the undesignated heritage asset, and would not in his view preserve the Conservation Area or the historic park and garden.

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38. Councillor Abbs asked about bat surveys and whether the applicant had complied with all requirements.
39. Simon Till confirmed that the ecologist had observed that the ecology survey submitted with the application identified the need for three bat surveys to be carried out before a recommendation was made on the application, to confirm that the site was not inhabited by bats, or that mitigation measures were put in place to ensure populations were not adversely affected. He stated that since these reports had not been provided, the ecologist had been obliged to recommend refusal.
40. Councillor Abbs indicated that much had been made about the applicant's willingness to work with the Planning Service. He asked for the officer's view on this.
41. Simon Till indicated that it was difficult for him to comment, but the case officer's report and the applicant's statement indicated that an application was made last year, where it had been strongly recommended for the application to be withdrawn for the applicant to make significant revisions. He indicated that the case officer had been disappointed with the level of revisions that had been proposed, and the design ethos adopted for the new application. He opined that the case officer might not go so far as to say that the applicant had engaged fully and taken on board all of the case officer's concerns.
42. Councillor Cant asked if an application had been made for a detached dwelling on the plot, rather than an extension separated by an atrium, whether this would have been considered acceptable in principle.
43. Simon Till confirmed that he had to comment on the application and details before him, and could not comment on speculative proposals.
44. Councillor Hooker asked the legal advisor, Sharon Armour to comment.
45. Sharon Armour confirmed that the Committee needed to deal with the application before it. She suggested that what the applicant had done previously was irrelevant and members should focus on the details set out in the papers for this meeting.
46. Councillor Cole noted that Councillor Doherty had referred to permitted development (PD) rights. She sought confirmation that this proposal would not be allowed under PD rights, and that while the new White Paper was looking to extend PD rights, that this development would always need planning permission.
47. Simon Till confirmed that the proposed development was within the conservation area and PD rights were extremely limited in conservation areas. He expressed the opinion that the government would be likely to continue to limit PD rights in conservation areas, and that it would be almost unforeseeable that an extension of this scale and magnitude would be considered as PD in a conservation area.

Debate

48. Councillor Abbs opened the debate. He stated that other applications that were smaller than this proposal had been rejected for reasons of size and mass. He proposed to support the officer's recommendation to reject the application.
49. Councillor Vickers seconded the proposal.
50. Councillor Cant indicated that he lived at the opposite end of the ward, but was familiar with the building. He stated that he shared the concerns of the Parish Council that this was a device to enable construction of a substantial detached property, linked by a simple atrium, which could potentially be demolished in the

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future. He also stated that he was concerned about the “office block” appearance, which he considered inappropriate. He indicated that he would vote against the proposal on these grounds.

51. Councillor Vickers commented that before he had seen the applicant's statement, he had been minded to agree with the officer's recommendation. He referred to wording in the applicant's statement about the previous application not providing a significant uplift in residential amenity, but he did not agree that the building needed to be so large to accommodate an extra bathroom. This underlined his views on the application. He considered that the proposed development was too large and harmed the setting, which was why he had asked if it was significant that the public could barely see it, but it had been confirmed that this was not a significant, material consideration in this case.
52. Councillor Cole agreed with the other members that this was a significant extension that was against Policies CS14, C6 and CS19. She commended the Conservation Officer for the comprehensive report and noted that it had been a long time since the Conservation Officer had produced such a strong, detailed report, and it was therefore clear that this was an important conservation issue. She indicated that she would be supporting the officer's recommendation.
53. Councillor Benneyworth agreed with Councillor Cole and could not recall a similar report from the Conservation Officer and considered that this should be given significant weight. He also indicated that he would be supporting the officer's recommendation.
54. Councillor Woollaston indicated that he was concerned about the incongruous nature of the juxtaposition of the two buildings. He stated that he did not have an issue with the extension, but he did with the design.
55. The Chairman invited the Committee to vote on the proposal of Councillor Abbs as seconded by Councillor Vickers to refuse planning permission. At the vote, the motion was carried.

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

Reasons

1. White Lodge is modest detached dwelling of simple form and construction that makes a positive contribution to the character of the Donnington Village Conservation Area and setting within the Donnington Grove Registered Park and Garden. It is located within open countryside on the edge of Donnington Village. These designations and the location of the site increases the sensitivity of the area to inappropriate development which does not conserve the prevailing character.

The proposed extensions, by reason of their design, siting, and bulk, represent overly dominant and disproportionate additions which fail to respect or harmonise with the appearance of the existing property or appear subservient to it. The resultant dwelling would appear more prominent and incongruous in this location than the existing property, particularly to the east elevation where views would be available of it from public viewpoints within the Conservation Area.

Consequently the proposals fail to represent high quality design that responds to local character and as such fails to conserve or enhance the existing character of the Conservation Area, contrary to the NPPF, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C6 of the Housing Site

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Allocations DPD 2006-2026, House Extensions SPG (2004) and the, Quality Design SPD (Part 2, 2006).

Informatives:

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 the local planning authority has 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.

- 15. Schedule of Planning Applications**
- 16. Appeal Decisions relating to Western Area Planning Committee**

No appeal decisions were available relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 7.21 pm)

CHAIRMAN

Date of Signature