

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/03132/HOUSE Newbury (Clay Hill)	08.03.2022 ¹	<p>“Partial Retrospective: Retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.”</p> <p>14 Lime Close, Newbury, West Berkshire RG14 2PW</p> <p>Mr Pawel Kuzdak</p>
¹ Extension of time agreed with applicant until 27.05.22.			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03132/HOUSE>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to GRANT PLANNING PERMISSION subject to conditions

Ward Member(s): Councillor Jeff Beck
Councillor Jeff Cant

Reason for Committee Determination: 10 or more objections received.

Committee Site Visit: 06.06.2022

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for seeks partial retrospective planning permission for the retention of the existing metal staircase on the side gable end wall with the addition of a proposed privacy screen.
- 1.2 14 Lime Close is a two storey semidetached house located adjacent to the corner of a turning area for a short cul-de-sac. The dwelling is set back from the highway, with its side wall facing away from the public realm. As a consequence, views of this elevation are limited from within Lime Close. Views from Cresswell Road are achieved between buildings, though they are fairly distant and limited.
- 1.3 This proposal is subsequent to the appeal decision of 21/00445/HOUSE and seeks to address the reasons for dismissal

2. Planning History

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

Application	Proposal	Decision / Date
21/02036/HOUSE	Single storey side extension.	Approved 06.10.2021
21/00445/HOUSE	Retrospective erection of metal staircase on the side gable end wall.	Refused 26.04.2021. Appeal dismissed 03.12.2021
88/33023/ADD -	Bedroom and en suite over existing kitchen.	Approved 20.10.1988
87/28924/ADD	Side extension.	Approved 28.05.1987

3. Procedural Matters

- 3.1 EIA not applicable.
- 3.2 Site notice displayed on 20.01.22 on a brick pillar at the front of the site. The deadline for representations expired on 10.02.22.
- 3.3 Amended plans site notice displayed on 04.03.22 on a brick pillar at the front of the site. The deadline for representations expired on 25.03.22.
- 3.4 Not CIL liable.

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.

Newbury Town Council:	Objection due to the overbearing of the neighbours causing privacy concerns and the noise caused by the metal staircase.
WBC Highways:	No comments to make.

Public representations

- 4.2 Representations have been received from 24 contributors across two rounds of site notice publication, 13 of which support, and 11 of which 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.
- 4.4 In summary, the following issues/points have been raised against the proposal:
- Proposal does not adequately address privacy issues/overlooking, makes no difference
 - Concern over removal of screen at later date.
 - Screen not tall enough
 - Does not cover enough of staircase
 - Screen not long enough
 - Obscurity of glass unclear, could change in future
 - Concern over noise generated from movements
 - Dominant appearance, aesthetically displeasing
 - Shouldn't be allowed because it is retrospective
 - Statement that purpose of this application is to subdivide the dwelling or to facilitate a subdivision.
 - Concern over parking situation
- 4.5 The following points have been raised for the proposal:
- Proposals are proportionate and sensible
 - Not intrusive
 - Acceptable design, privacy screen addresses issue

- Overlooking is mutual as existing and staircase does not exacerbate this
- Benefits to elderly resident
- Concern that raised issues are not proportionate
- Solution proposed is a good compromise

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, ADPP2, CS14, 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)
- West Berkshire Emerging Local Plan 2020-2037
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Impact on character
- Impact on amenity

Foreword on amendments

6.2 The application has had a number of amendments in the course of consideration. The proposed details under consideration are those submitted on 21.03.22 and 01.04.22, which included an earlier amendment from 25.02.22 to add trellis to the staircase railings, and where the latest elevations and plans extended the length of the glass screen down to the third riser from the fifth riser.

Principle of development

6.3 The application site is located within the Newbury settlement boundary, where the principle in favour of development is established, subject to assessment against the detailed policies, design, impact on the character of the area and neighbouring amenity which are discussed below.

Character and appearance

- 6.4 The planning history of this case is key in considering the merits of this application with regard to character. This application has been made subsequent to the dismissal of the appeal for the earlier case to retain this staircase under reference 21/00445/HOUSE. The Inspector's decision in this appeal holds significant weight in the conclusions reached here, namely in that the Inspector decided to overturn the Council's reason for refusal on the basis of character, on the following reasoning:
- 6.5 "The [appeal] site is located adjacent to the corner of a turning area for a short cul-de-sac. Due to its corner location, the existing dwelling sits discreetly within the road, set back from the highway with its flank wall facing away from the public realm. As a consequence, views of this elevation are distinctly limited from within Lime Close and therefore it would not represent a dominant or imposing addition within the street scene. Views from Cresswell Road could be achieved between buildings, however, due to the distance from the staircase as well as the nature of the gaps, these views would only be glimpses of a distant structure. Accordingly, I am satisfied that the proposal would not be visually intrusive in these glimpsed views."
- 6.6 Accordingly, the considerations for character are necessarily limited to whether the additional aspects of the development – the privacy screen, comprising a glass screen and a trellis – would materially alter the previously-reached conclusions on the acceptability of the staircase with regard to character.
- 6.7 The additional mass of the glass screen combined with the trellis would result in a relatively larger and more solid appearance than the existing staircase, though it would not be totally solid and would retain an external character.
- 6.8 The holistic proposal remains discreet in location and limited in views from Lime Close due to the position of the dwelling. Views from Cresswell Road will remain glimpsed and distant, where the additional mass of built form sits within the existing built form of the dwelling.
- 6.9 It is further considered the material weight that can be given to character in this instance is outweighed by the weight given to resolving issues surrounding amenity, given the concerns about the character impact of the additional mass as a result of the screen.
- 6.10 The proposal would not therefore result in unreasonable harm to the character and appearance of the surrounding area and would comply with Policies CS14 and CS19 as well as the guidance within the Quality Design SPD and House Extensions SPG. Taken together, these policies seek to ensure high quality design that respects the character and appearance of the area.

Neighbouring amenity

- 6.11 The Inspector's conclusions on amenity also hold substantial weight in the consideration of how this proposal addresses the factors identified in the dismissal of the appeal for application 22/00445/HOUSE:
- 6.12 "The proposal would be highly likely to result in daily comings and goings. Accordingly, the staircase would be subject to a noticeable level of movement to and from the bedroom. I note that the staircase and point of access are functional structures and are not designed to provide either a viewing platform or amenity space. Movements associated with the structure would therefore have a specific purpose. However, the activity would be at an upper level and would represent a highly anomalous form of movement. Due to the prominent location of the structure when viewed from Nos 38 and 40, and the proximity to these neighbouring properties, in my judgement, this would give

rise to a substantial level of actual and perceived overlooking with a demonstrable loss of privacy.”

- 6.13 It is highlighted that the Inspector makes no comment on matters regarding impact from sound from usage. In your officer's view, the impact from usage cannot be adequately quantified, such that it is not a significant material consideration. The consideration for amenity is limited to whether further alterations to the design result in a scheme that addresses the previous reasons for why the scheme was dismissed at appeal on amenity grounds.
- 6.14 The proposed screen is 1.8m tall and extends from the third riser to the top of the staircase, and comprises two parts: a narrow-boarded black trellis affixed to the railings on the staircase, and an obscured glass screen affixed to the top of the railings. The combination of these two changes results in views from 'within' the staircase being highly limited from all angles.
- 6.15 It is necessary that a balance is struck here between providing adequate screening whilst also limiting the additional mass of the alterations through an appearance that is not totally solid. It is considered daily comings and goings would not be appreciated to the same extent as currently exists, and that views out from the staircase would be heavily restricted. The enclosure of staircase emphasises the transitory nature of the space as it will substantially reduce any potential amenity value through restriction of views from the enclosed space which would be glimpsed at their most severe.
- 6.16 To ensure the glass aspect of the screen provides sufficient screening, a condition has been placed on the decision notice dictating the level of obscurity as level 3 on the Pilkington scale. However, should members feel it is required, this matter could be imposed as a pre-commencement condition.
- 6.17 The further changes proposed in this application are considered to address the key reasons for dismissal of the original scheme, and consequently the proposal is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained within the Council's Quality Design (Part 2) Supplementary Planning Document (SPD) and House Extensions Supplementary Planning Guidance (SPG). Taken together, these seek amongst other things to ensure that development has regard to the wider context and locality as well as the living conditions for neighbours.

Other matters

- 6.18 Representations have raised a number of other matters.
- 6.19 Beginning with the consideration of subdivision: this application concerns only the retention and additions to the staircase. The purpose of this application has not been stated as a change of use to subdivide this dwelling. Accordingly on the principle that the Council can only consider that which has been applied for, which in this instance is limited to the staircase and the privacy screen with the stated intent for usage as a singular dwelling, this matter is outside of the considerations of this application.
- 6.20 Property value and loss of private view are not material considerations.
- 6.21 Paragraph 38 of the National Planning Policy Framework states that local planning authorities should approach decisions on a proposed development in a positive and creative way. All applications, irrespective of whether they are retrospective or not are given due consideration within the planning system to determine the acceptability of a development on an objective judgement of its merits. It does not follow that refusal is the only option for resolution when an application is made retrospectively.

- 6.22 Further alteration to the scheme would require a further application and there is no way for the Council to pre-judge the acceptability nor possibility of further alterations.
- 6.23 Finally, as was identified by the Inspector in the appeal for 21/00445/HOUSE and remains true for this application, the proposal would bring demonstrable social benefits for the family member occupying the upper floor of the dwelling, where the staircase allows for a degree of independence whilst also allowing for associated care to be provided.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable. It is not considered that this proposal would demonstrably harm the character of the area nor the amenity of adjoining residential properties, and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the West Berkshire Quality Design Supplementary Planning Guidance, and the House Extensions SPG (2004).

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.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> - Existing floor plans received 13.12.21 - Existing elevations received 20.12.21 - Location and block plan received 11.01.22 - Proposed elevations received 21.03.22 - Proposed floor plans received 01.04.22 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (as specified)</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.</p> <p>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</p>

	Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).
4	<p>Obscure glazing of glass</p> <p>The glass panels on the north and east elevations of the staircase privacy screen shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration, and those panels of glass shall remain glazed as such in perpetuity.</p> <p>Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties. This condition is imposed in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026), WBC Supplementary Planning Document entitled 'Quality Design' (2006) and Supplementary Planning Guidance entitled 'House Extensions' (July 2004), and guidance as contained within the National Planning Policy Framework (2022).</p> <p>Please note that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition.</p>

Informatives

1.	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	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.	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	Separate approval for the works hereby granted permission may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk , or visit: www.wokingham.gov.uk/building-control