

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 19 JUNE 2013

Councillors Present: David Allen, Howard Bairstow (Substitute) (In place of Jeff Beck), Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman, Garth Simpson, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

Also Present: Emmanuel Alozie (Solicitor), Derek Carnegie and Elaine Walker (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Jeff Beck, Councillor Anthony Stansfeld and Councillor Julian Swift-Hook

PART I

8. Minutes

The Minutes of the meeting held on 29 May 2013 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 3, paragraph 4: 'to iterate' should read 'to comment'

Page 4, final sentence: 'but alleviated' should read 'but was needed to alleviate'

9. Declarations of Interest

Councillors Ieuan Tuck, David Allen, and Howard Bairstow declared an interest in Agenda Item 4(3), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

10. Schedule of Planning Applications

10(1) Application No. and Parish:13/00421/HOUSE; Ivy Cottage, Ermin Street, Lambourn Woodlands

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/00421/HOUSE in respect of the extension of the existing garage to include a one bedroom self contained annex.

In accordance with the Council's Constitution, Mr Colin Sheppard, agent, addressed the Committee on this application.

Mr Colin Sheppard, in addressing the Committee, raised the following points:

- When the applicant had initially considered undertaking the work, thought was given to the existing garage being extended to the west and it being linked to the main house, however this was rejected as it would have created a much larger footprint, and additionally, the applicant was keen to retain the car port area for storage;
- The materials were to be in keeping with its current construction, and were intended to give the appearance of a detached agricultural building;

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- The applicant proposed to use the living accommodation to accommodate his elderly parents in order to afford them independence whilst remaining in close proximity to provide assistance, and would therefore be happy to accept a conditional tie to the main house;
- By calculating the floor area at a distance of 1.5m above the floor level, the increase in footprint across the site was calculated to be 37%, significantly less than the guideline of 50%. Mr Sheppard explained that a measurement taken at this height accounted for the unusable floor space under the eaves;
- Consideration was given to introducing bonnet hips on the extended building, but had decided against this as it would not match the house design. However the applicant would be happy to amend the design to incorporate bonnet hips if the Committee were so minded;
- Mr Sheppard confirmed that the applicant would be prepared to provide additional tree planting to screen the extension if the Committee were so minded.

Councillor Graham Jones, as Ward Member, in addressing the Committee, raised the following points:

- Councillor Jones was broadly in support of the application as the site was a large plot and the application had received no objections from neighbours or Highways;
- Whether the extension would have an impact on the area was a subjective opinion;
- Although the 50% increase in footprint noted in the report was disputed by the agent, Councillor Jones noted that this was a guideline and therefore a matter of judgement;
- Councillor Jones was pleased that the applicant would be happy to accept a conditional tie to the main house.

Councillor Hilary Cole requested clarification of the figures used in calculating the increase in footprint. Derek Carnegie explained that estate agents would routinely measure the floor space from this height to reflect the useable floor area.

Councillor Hilary Cole acknowledged that the location of the site was isolated and was unlikely to have a direct impact on neighbours. However consideration had to be given to the Council's planning policy and that the site was in the AONB (Area of Outstanding Natural Beauty). The increase in height and length of the building would be bulky. Councillor Cole was pleased that the conditional tie to the main house would be accepted, but expressed concern that this could be varied in the future.

The Chairman asked Councillor Cole whether she believed the hipping to the roof to be essential. Councillor Cole affirmed that in her opinion it was essential in order to create a differentiation between the main building and annex. Councillor Cole advised the Committee that she could not support the application.

Councillor Roger Hunneman expressed his belief that the Council's policy required buildings of this nature to be subservient to the main building, and felt that this application did not meet this criterion. Councillor Hunneman commented that he would have been happier if the annex had been designed with a hipped roof as it was in place on the donor building, but stated that he could not support the application.

The Chairman asked when the main house was built. Councillor Cole responded that it had been built in 2003.

Councillor George Chandler believed that the extended garage, as a secondary building on the site, should not be as imposing as in this application. Councillor Chandler felt that the extended building would be too tall and bulky in comparison to the house and advised

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the Committee that he was not in favour of this application. Councillor Chandler added that any future alterations to the garage should retain the hipped roof.

Councillor Paul Hewer expressed agreement that the hipped roof should have been retained, and further asked what implications there would be if the building was used as offices in the future. Derek Carnegie responded that Planning Officers provided a consistent view with regard to development in the AONB, and continued by offering the view that the size of the proposed building would result in it losing its subservience. The relationship between the current main house and garage was viewed as comfortable.

Councillor Cole proposed that the Officer recommendation to refuse planning permission be accepted. This was seconded by Councillor Hunneman. When put to the vote, the proposal was carried.

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

The proposed garage extension would result in a large, visually prominent and incongruous residential outbuilding in the countryside and Area of Outstanding Natural Beauty. Its size, scale, height and mass would result in a dominant structure within the site, not subservient or proportionate to the main dwelling, and at odds with the surrounding natural landscape. This would be contrary to the landscape protection provided to the AONB by the National Planning Policy Framework, the provisions of the West Berkshire Core Strategy 2006-2026 Policies ADPP5, CS 14 and CS 19 and their requirement for development to conserve and enhance the character of the area, and the provisions of West Berkshire District Local Plan Saved Policies 2007 policy ENV.24 by having a materially harmful impact on the surrounding area, disproportionate in size to the original dwelling.

10(2) Application No. and Parish: 13/00620/HOUSE; Sandalwood, Front Street, East Garston.

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/00620/HOUSE in respect of the erection of a two storey extension to provide garaging and living accommodation.

In accordance with the Council's Constitution, Mr Paul Smith, applicant, addressed the Committee on this application.

Mr Paul Smith, in addressing the Committee, raised the following points:

- The property did not have a garage or other storage on site other than a garden shed, and Mr Smith was keen to provide security for his car and prevent the need to park on the byway;
- A previous application for a detached garage had been refused due to its location across a public right of way;
- Mr Smith undertook a commitment to clear the ford banks as part of the development;
- The design was to provide a 1.5 car width garage in a design which Mr Smith considered subservient to the main dwelling. Rather than leave the roof space empty, Mr Smith had proposed to extend the existing extension into the space and provide a first floor room;
- The Parish Council, East Garston and Highways had raised no objections, and the owner of the neighbouring property was supportive of the application;
- Mr Smith concluded by explaining that the application intended to provide the facilities normally found within the site of a detached house.

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Councillor Cole asked what Mr Smith considered to be most important, a garage or extra accommodation. Mr Smith responded that a garage was a priority.

Councillor Graham Jones, as Ward Member, in addressing the Committee, raised the following points:

- Councillor Gordon Lundie had called the item to Committee as no local objection had been received;
- Councillor Jones did not believe that there would be a significant impact on the area, but acknowledged the matter was complicated by the presence of the by way.

Councillor Hunneman expressed sympathy with the applicant's desire to provide a garage, but had concerns about the design of the extension. Whilst acknowledging that the appearance of a building was a personal opinion, Councillor Hunneman felt that the dormer windows and glazing in particular did not fit with the existing building design. The applicant had stated that his priority was for a garage, and Councillor Hunneman believed that the application should have been constrained by this requirement.

Councillor Cole expressed agreement with Councillor Hunneman's views, and added that the location was closer to the public right of way and opposite a bridge across the River Lambourn. The design of the building would give a feeling of bulk and Councillor Cole could not support the application. Councillor Cole acknowledged the need for a garage and appreciated the offer to improve the ford, but commented that improvements to the ford could be obtained elsewhere. Councillor Cole believed that the applicant should have limited his application to a garage only.

Councillor Chandler commented in particular on the dormer windows which he felt to unnecessarily draw the attention to that part of the structure.

The Chairman agreed that the dormer windows appeared incongruous and added that the Velux windows on the other side added little to the design.

Councillor Paul Hwer recognised the lack of objections from neighbours and Parish Councils, and suggested that the Committee consider carefully the grounds on which the application was refused. The Chairman reminded the Committee that the views of the Committee were restricted to discrete areas when considering grounds for refusal, however neighbours and Parishes were free to use any considerations they felt appropriate.

Councillor Hwer asked whether a condition could be imposed to prevent the garage from being converted to living accommodation at a future date. Derek Carnegie responded that that would not be a reasonable condition to impose, and confirmed that should an owner wish to alter the accommodation like this, then planning permission would need to be sought at which point due consideration would be given.

Councillor Cole proposed that the Officer recommendation to refuse planning permission be accepted. This was seconded by Councillor Virginia von Celsing. When put to the vote, the proposal was carried.

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

The proposed extension would result in an elongated dwelling, visually more prominent and incongruous in its setting in the countryside and North Wessex Downs Area of Outstanding Natural Beauty. Its scale and mass would result in a dominant extension within the site, of a design that is visually more dominant than the main dwelling, and consequently not subservient or to the main dwelling. This would be contrary to the landscape protection provided to the AONB by the National Planning Policy Framework, the provisions of the West Berkshire Core Strategy 2006- 2026 Policies ADPP5, CS 14

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and CS 19 and their requirement for development to conserve and enhance the character of the area, and the provisions of West Berkshire District Local Plan Saved Policies 2007 policy ENV.24 by having a materially harmful impact on the surrounding area.

10(3) Application No. and Parish: 13/00636/HOUSE; 103 Andover Road, Newbury.

(Councillors Tuck, Allen and Bairstow declared a personal interest in Agenda item 4(3) by virtue of the fact that they were members of Newbury Town Council Planning and Highways Committee, but all reported that they would look afresh at the information presented in the current application. As their interest was personal and not prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 13/00636/HOUSE in respect of the erection of a detached garage port.

The Chairman requested clarification that the garage that had been constructed on a neighbouring property had been approved prior to the current supplementary planning guidance, and asked whether under this guidance, the application would have been approved. Derek Carnegie expressed his view that it would have been considered more critically and there would have been a greater chance of refusal.

In accordance with the Council's Constitution, Mr Phil Barnet, Newbury Town Council representative and Mr Nicholas Kitchin, applicant, addressed the Committee on this application.

Mr Phil Barnet, in addressing the Committee, raised the following points:

- The Newbury Town Council Planning and Highways Committee had considered a number of applications on this property, and no strong views had been raised for this application;
- Initially the Committee had questioned the type and colour of materials to be used, but were satisfied that they would tie in with the existing house;
- The garage would be well screened by existing mature trees and shrubs;
- The location of the property was near to terraced houses situated close to the street;
- The Committee had been mindful of the precedent set by the garage built at number 101, although Mr Barnet acknowledged the comments raised during this evening's meeting;
- The Committee were content with the design, style and height of the property and had no objections.

Councillor David Allen asked whether the Newbury Town Design Statement had been raised during the Committee deliberations. Mr Barnet responded that he had not been present at the meeting but believed that it had been. Mr Barnet expanded by advising that the Design Statement identified several discrete areas along the Andover Road each with its own character and ambience.

Councillor Hilary Cole recalled that Newbury Town Council were generally keen to preserve the entrance to Newbury as a pleasant progress into the town centre, and was therefore interested that Newbury Town Council had not found this application as relevant as others. Mr Barnet referred to the various identified areas previously mentioned and stated that Andover Road could not be considered as a whole when planning applications were being decided. Mr Barnet commented that a number of large

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houses in the road had been lost in recent times having been converted into blocks of flats, and the character of the road had altered since the Design Statement had been created.

Councillor Hunneman asked whether Newbury Town Council considered this particular location as a transitional area where the housing type was changing from large plots, to small terraces. Mr Barnet agreed that this location could be considered as such and added that the opposite side of the road was different again.

The Chairman referred Mr Barnet to adjacent houses with large open gardens and asked whether Mr Barnet would be happy if all of these properties applied to build garages in their front gardens. Mr Barnet reminded the Committee that one of the reasons that Newbury Town Council had not objected was the surrounding trees and shrubs which provided screening for the proposed garage, and advised that there might have been a different view had the screening not been in place.

Mr Nicholas Kitchin, in addressing the Committee, raised the following points:

- The application represented an appropriate and functional addition to this family home, and was not intended to be a blot on the street scene;
- Neighbours and Newbury Town Council had not objected to the original submission of a larger building, however following discussions with the Planning Department, Mr Kitchin had agreed to a reduction in the size and height of the garage;
- The design of the roof on the road side had been chosen to reduce impact on the street scene;
- Mr Kitchin believed that the application met all of the relevant policies including the Quality Design SPD;
- The design retained the line of existing trees as well as the eye line to the house from the driveway;
- The street scene was extremely varied with little homogeneity between properties, and there was no prevailing or uniform frontage to them;
- A forward garage was present in eight nearby properties and refusal would seem inequitable;
- Mr Kitchin acknowledged that views of this application were finely balanced, and noted that some concern appeared to be around the loss of views to the house from the road, however the front was already almost fully obscured;
- Although pleasing to the eye, the line of trees was not without issue as birds and sap caused damage to vehicles parked below;
- Mr Kitchin believed that the garage and car port were appropriate to the size and nature of the plot.

Councillor Chandler asked what size the garage would be. Mr Kitchin responded that the enclosed garage would equal the width of 1.5 cars to allow for the accommodation of a car and a motorbike. The car port area was additional to this.

Councillor Ieuan Tuck, as Ward Member, in addressing the Committee, raised the following points:

- There were few vantage points on the Andover Road where the building would be visible;
- The garage in the neighbouring property was a useful comparator and Councillor Tuck believed that if a passer by was not aware of the garage, they would not see it;

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- The location of the wall, trees and shrubs would greatly obscure the garage;
- Councillor Tuck was supportive of this application.

The Chairman asked how much weight should be attributed to the garage in the neighbouring property. Derek Carnegie responded that the decision was finely balanced and that the desired changes to the property were generally supported. Derek Carnegie added that the possibility of setting a precedent was not sufficient reason to refuse an application, however consideration should be given in this case to the possibility of a further 10 to 15 properties submitting similar applications. The recommended refusal of the application represented a concern for the impact on the street scene and possible future applications.

Councillor Chandler acknowledged the need for a garage, but felt that this design was more suited to a rural location.

Councillor Hewer believed the design to be appropriate for the location, and felt the application was acceptable, but stressed that the detail needed to be appropriate. Councillor Hewer advised the Committee that he was as yet undecided.

Councillor Cole expressed her view that a favourable decision should not be made on the basis of a similar structure next door. Councillor Cole acknowledged the changing nature of the street scene in Andover Road, but was not convinced that this design was appropriate, and raised a concern that the trees and shrubs being relied on to obscure the building could be removed in the future. Councillor Cole did not feel able to support this application.

[Note: Councillor Johnston, as Ward Member, approached the Chairman to request permission to speak, but the request was refused permission as the opportunity for Ward Members to speak had passed. Councillor Johnston had been invited to speak as Ward Member in the time allotted for this purpose, but had agreed that Councillor Tuck speak.]

Councillor Hunneman commented that as Newbury Town Council would normally be expected to oppose any application that went against their Design Statement, their lack of objection should be considered carefully. Councillor Hunneman did not feel that the garage would have a big impact on this part of the road which has been described as transitional, and was therefore in favour of the application.

Councillor Allen was also interested that there had been no objection in relation to the Newbury Town Design Statement, but felt that the mixture of buildings in this transitional section of the road explained the Town Council's position. Councillor Allen was supportive of the application.

Councillor Howard Bairstow commented that the neighbouring garage was a mistake and he believed it to look incongruous in its setting. In addition, Councillor Bairstow believed that the current application was too high, and would be a large mass that was noticeable from the road. Councillor Bairstow felt that a flat, or slowly rising roof, would have brought a more favourable response.

Councillor von Celsing was supportive of the design and took heed of the views of Newbury Town Council in giving her support to the application.

Councillor von Celsing proposed to approve planning permission contrary to Officer recommendation. This was seconded by Councillor Hewer. When put to the vote, the proposal was carried.

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

Conditions

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1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 should it not be started within a reasonable time.

2. The materials to be used in this development shall be as specified on the plans or the application forms. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: In the interests of amenity in accordance Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

3. The development hereby approved shall be carried out in accordance with drawings nos. 946/3 - PL01, PL02 and PL03 received on 20 March 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

4. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy 2006 - 2026.

5. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 - 2026.

6. The existing boundary wall facing on to the Andover Road shall be retained and maintained to the satisfaction of the local planning authority.

Reason: To maintain the amenities of the local environment in accord with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

11. **Appeal Decisions relating to Western Area Planning Committee**

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

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Derek Carnegie provided an update to the Committee on an initiative to encourage retailers to include street numbering on their shop fronts along Bartholomew Street. He reported that there had been overwhelming support with only one developer resisting the idea, and was able to show photographs of many shop fronts where the building number and road name had been incorporated.

The Committee agreed that this had been a valuable exercise and the Chairman asked that the Officers involved in this initiative be congratulated.

Councillor Hewer suggested to the Committee that they revisit the Priory in Hungerford to view the results of the application that had been put before the Committee.

The Committee were enthusiastic and requested that if it were possible, and if it fitted with existing site visit arrangements, any significant or contentious application could be visited following its construction.

The Chairman asked Derek Carnegie to make the appropriate arrangements.

(The meeting commenced at 6.30 pm and closed at 8.03 pm)

CHAIRMAN

Date of Signature