

Extract from the minutes of the Western Area Planning Committee on 10 June 2015:

Application No. and Parish:15/00277/FUL Hunters Way, Craven Road, Inkpen

The Committee considered a report (Agenda Item (2) concerning Planning Application 15/00277/FUL in respect of the demolition of the existing bungalow and detached garage and the erection of a new house.

In accordance with the Council's Constitution, Parish Council representative Dr D Thomas, Mr Barrington, objector, Mr Andrew Rowles, supporter and Mr Andrew Spiller, applicant, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers strongly recommended the Committee refuse planning permission

Councillor Anthony Pick enquired where the boundary was situated in relation to the wildlife site. Derek Carnegie responded that it was the green shaded area on the plan. Councillor Pick further queried where the route of the PROW was and Derek Carnegie highlighted this on the plan.

Councillor Paul Bryant asked about the rules relating to the extension of dwellings. Derek Carnegie advised that the property had been extended some time ago, however the report related to the existing established. Councillor Bryant went on to enquire whether the eaves space had been taken into consideration as usable space. Derek Carnegie confirmed that Community Infrastructure Levy (CIL) used different criteria for useable floor space and, therefore, the calculations did not include the space under the eaves.

Dr D Thomas in addressing the Committee raised the following points:

- The application was very similar to the previous one which was refused at appeal and therefore the conclusions from the Planning Inspector were still valid with this application.
- Inkpen Parish Council agreed with officers that the planning application was harmful to the Area of Outstanding Natural Beauty (AONB) and overbearing.
- The application was too large, too prominent and too intrusive. It did not comply with the Inkpen Design Statement.
- The Parish Council objected to the increase in the size of the development and they had been misled in relation to its size.
- The applicant had tried to include land outside the curtilage and this included land from the AONB and Site of Special Scientific Interest (SSSI).
- The applicant had been warned that close mowing should not be carried out in the SSSI but it had continued. The site plan showed that the applicant had no intention of maintaining his responsibilities.
- The planning history for this site suggested that the planning application should be refused and, therefore, the Parish Council would like the Committee to refuse the application.

Councillor Jeff Beck noted there was confusion over the open space area of the site and enquired whether it was a Conservation site and, if so, where the demarcation was. Dr Thomas responded that the first red line on the plan represented the end of the garden and it then moved into the SSSI area, with the protected land being situated beyond the second red line.

Councillor Hilary Cole added that she did not think that issues related to protected land and SSSI were planning considerations.

Councillor Pick asked if the hatched area was a wildlife area. Dr Thomas replied that the red square line round the house was the residential curtilage. Derek Carnegie confirmed that in planning terms, the area outside the red line was open countryside, however it was under the jurisdiction of the applicant.

Councillor Howard Bairstow requested confirmation of his understanding that the applicant had responsibility to care for this area of land but was unable to use it. Councillor Bryant responded that the applicant could not incorporate it into his own garden; however it could be used for agricultural purposes and responsibility for managing the land rested with him.

Mr Barrington in addressing the Committee raised the following points:

- He represented the 15 residents who had written objection letters and he supported the Case Officer's recommendation to refuse the application. The advice provided by Jake Brown, the Senior Planning Officer, had been good, but had been ignored by the developer.
- The area outside the curtilage was agricultural land and was being unlawfully mown by the applicant.
- The application included fictitious floor space areas, as the calculations included space for a single storey extension that was approved but not constructed. Acceptance by the Committee of claims for fictitious areas would send the wrong signals to developers.
- The proposed resiting of the dwelling was crucial to the previous refusal as it would present a hard edge to the village.
- The proposal would have an adverse affect on the ANOB, a jarring affect on the footpath and any benefits of the new planning application would not outweigh the negatives.

The Committee did not have any questions of clarification for Mr Barrington.

Mr Andrew Rowles in addressing the Committee, raised the following points:

- He had called in the planning application as it had been recommended for refusal under delegated powers.
- It was very interesting that there had been no objections from the Public Rights of Way (PROW) Officer or North Wessex ANOB.
- The three main objections were (i) it was out of character with the street scene; (ii) there was an increase in the floor area; (iii) it could be seen from the footpath.
- Craven Road was a country road and not a street. There was a public house at one end, council houses at the other and a cross section of buildings in between. Hunters Way would be an improvement on the existing property, it would sit comfortably with the other properties and it would be set back from the road.

- Other properties in Craven Road had been increased substantially, for example The Oaks had been increased by 200% and Hill View by over 50%, with neither having detracted from the area. In addition, Three Ways was passed at appeal and Vale Farm was a bungalow and was now a bigger house. The 50% rule was very draconian as in the town it was possible to increase the size of a property by 100%.
- It was not possible to see the existing property from the footpath; however he questioned why it should not be seen from the footpath and what the issue was with garden paraphernalia being seen in the garden.
- He urged the Committee to show compassion and asked where the harm was in approving this planning application.

Councillor Cole asked if a substantial number of bungalows had originally been built in the road. Mr Rowles responded that there were a few on either side; however there was also a house with Dutch eye-brow windows that was out of character, but fitted in with surrounding properties.

Councillor Pick enquired whether the new house would be larger than other houses in the area. Mr Rowles said that the neighbouring houses were smaller but there were other larger ones in the road. The applicant had changed the proposal following Officer advice, for example by reducing the height of the unit. This would be a new house surrounded by diverse properties.

Councillor Pick further asked Mr Rowles what his view was in relation to extending the garden onto the agricultural land. Mr Rowles advised that the applicant wished to build the house within the curtilage and the other issues were not planning matters.

Councillor Cole noted that PROW Inkpen 16 ran close to two properties in the lane and Inkpen 17 ran close to the adjacent property to Hunters Hill. Mr Rowles confirmed that a number of properties could be seen from the footpaths.

Mr Andrew Spiller in addressing the Committee raised the following points in conjunction with the site plans:

- The reason for locating the house to the rear of the site was because it would be on sloping ground and, as a result, it would in part be a 1.5 storey building.
- As excavation would be required, an earth bund would be created around the front of the property to minimize the impact on Craven Road.
- The main reason for the rejection of the previous planning application at appeal was the impact of the property on the footpath. To mitigate this, the size of the property had been reduced; it had been moved forward and rotated. It was therefore now lower, smaller and less visible from the public footpath.
- It was clear from the photographs taken in January that it was not possible to see the current property from the footpath and it would not be possible to see the new one either.
- The Supplementary Planning Guidance (SPG) stated that either volume or area comparisons could be used. Consequently a volume comparison had been used, which showed that the house was 42% bigger than the existing property and 75% bigger when the garage was included.

Councillor Cole asked if they had requested pre-planning advice. Mr Spiller replied that when the original planning application was submitted, pre-planning advice was

not available; however they had discussed the application with the Duty Officer. Furthermore, they had not taken any advice in relation to this planning application as they felt they had a good understanding of the issues.

Councillor Pick enquired whether they had consulted with the neighbours. Mr Spinner explained that they had received positive responses during the face-to-face encounters with neighbours; however the letters of objection were received afterwards.

Councillor Pick expressed concern about the fictitious floor space. Mr Spiller responded that the area comparison between the proposed and existing floor space was inconsistent. As a result, they had decided to use the volume comparison method.

Councillor Bryant advised that the use of the land outside the curtilage was a matter for enforcement and was not a planning decision. Therefore the Committee should only consider at the area between the red lines.

Councillor Bairstow stated that it was not possible to see the current house from the footpath and yet the report implied that it could be seen and mentioned that the visual aspect of the house was important. As a result, it was not an issue as the house would not be visible.

Derek Carnegie confirmed that it was a case of out of sight but not out of mind in terms of planning policy. The Planning Inspector had been very scathing about the impact on the AONB and therefore rotating the property would not make any difference to his initial view.

Councillor Cole remarked that this was a difficult decision. West Berkshire Council had policies in place that related to planning issues in the countryside and a new policy relating to new developments in the countryside would be available soon. This would take into account the context in which the development would be set. Councillor Cole further noted that the Planning Inspectors had made some strange decisions lately. She understood the concerns of residents but thought the design was attractive and should not be hindered by issues around the AONB. In addition, the lack of comment from the AONB Officer and North Wessex Downs AONB was interesting.

Derek Carnegie referred to paragraphs 10 and 11 in the Planning Inspectorate's Appeal Decision, which stated that a significant dwelling in this location would be dominant and have a jarring impact on the surroundings.

Councillor Bryant noted that there was a large Georgian house and a modern house in Inkpen and the proposed property would be less visible than both of them.

Councillor Cole expressed her disappointment that neither of the Ward Members were present at the meeting to give their views. She added that she disagreed with the Officer's recommendation and proposed to reject Officer recommendation to refuse permission. This was seconded by Councillor Beck.

Councillor Beck commented that the Committee had to take account of Mr Rowles' comments and to refuse the application would be unjust.

Derek Carnegie advised that if the Committee voted against the Officer recommendation, the Development Control Manager might recommend that it should

be taken to the District Planning Committee, as the decision would be contrary to Policy.

Councillor Hooker concurred with Mr Rowles. He added that he liked the modern design and thought the extra 1.5 metres in height was insignificant. It would improve the current site and give a further variation to the village architecture. It would be well accommodated on the large plot and the revised angle minimized its dominance on the footpath. Councillor Hooker noted that it was possible to see the garage from the footpath but the hedging would offer some screening. In addition, the new property could have the effect of increasing the value of other properties in the village, rather than decreasing them. Finally, although he did not concur with the suggestion of tree felling, he supported the planning application.

Councillor Pick asked for the size of the site. Derek Carnegie advised that the site was appropriate in terms of area and it was confirmed that it was over an acre in size.

Councillor Pick further added that he had not heard anything that suggested there would be an adverse effect on the wildlife in the area. Derek Carnegie confirmed that the ecologist had stated in the report that an additional site wildlife plan would be required.

Councillor von Celsing said that she concurred with Councillor Cole and would go against the Officer recommendation. She advised that she did not understand the issue with the footpath, which she thought was irrelevant, however, she did not think the SSSI site should be domesticated.

Councillor Beck noted that the existing access that came off the footpath and led to the garage would leave a gap and would require a landscaping condition. Councillor Bryant asked if there would be a condition to delineate the curtilage from the outside area. Derek Carnegie confirmed that there would.

The Chairman invited Members of the Committee to vote. The proposal of Councillor Cole, seconded by Councillor Beck to grant planning permission and go against the officer recommendation was carried unanimously

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