

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, 16 NOVEMBER 2016

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping (Vice-Chairman), Richard Crumly, Marigold Jaques, Alan Law, Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Quentin Webb (Substitute) (In place of Emma Webster)

Also Present: Charlene Hurd (Democratic Services Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Emma Webster

PART I

59. Minutes

The Minutes of the meeting held on 26 October 2016 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

Page 10, Condition 8: No operations shall not be undertaken at any time on Sundays and Bank Holidays.

Page 16:

- Councillor Marigold Jaques queried whether access issues **through Green Lane** had been experienced.
- The main objection was in regard to access to the site, however all access would take place **via Green Lane**.
- A precedent had been set to build on the gardens of the properties **set in Courtlands Hill**.

Page 24: Councillor Graham Bridgman stated there was an error in the minutes; Item, 58 paragraph 8, first line, delete “affected” and after the words “would be” insert distinguished. This was agreed.

60. Declarations of Interest

There were no declarations of interest received.

61. Schedule of Planning Applications

(1) Application No. & Parish: 16/02313/HOUSE - 8 Oregon Avenue, Tilehurst

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/02313/HOUSE in respect of a proposed first floor rear extension over existing ground floor extension.

Following the Planning Officer’s presentation, Members asked a number of questions and the Planning Officer confirmed that:

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- The Council's Supplementary Planning Guidance provides a definition for a habitable window as a kitchen, living room or bedroom but excludes bathrooms, toilets, landings and store rooms. The guidance doesn't define a secondary window secondary window -as but officers work on the principle that these are a additional windows to a room over and above the principal window. The 45 degree test had been applied to both ground floor windows of the application site but not on the side windows.
- The proposed development would be set in line with side boundaries of the existing ground floor extension.
- The Building Research Establishment (BRE) guidance documents were used as a basis for the Council's supplementary planning document's comments on daylight, sunlight and over shadowing.

In accordance with the Council's Constitution, Mrs Mary Grant, objector, and, Mr Maccaffrey, applicant/agent, addressed the Committee on this application.

Mrs Grant in addressing the Committee raised the following points:

- She asked why the kitchen side window was not mentioned in the report (7.4.1 or 7.4.2). It provided access to natural light and should not be overlooked.
- The BRE Annual Sunlight Test, and many more BRE tests, had not been adhered to.
- Due to the size of the proposed development it was obvious that it would cause blocked light which would have a significant impact on her living and dining area; she could not understand why it would be considered otherwise.
- She had made a concerted effort to maximise the use of natural sunlight within the home; they used glass-centre back doors and painted the walls to lighten the room. She considered that this effort would be futile if they would suffer the loss of more natural sunlight.
- If the proposal went ahead then she would prefer to see that the roof line was amended so that the impact could be managed to a degree.

In response to questions asked by the Committee, Mrs Grant confirmed that it was the living area and kitchen which received light through the side windows.

Mrs Grant was also asked to provide her account of the planning process which had led to the proposal being considered at Committee as Members had already heard that there had been a few difficulties. Mrs Grant advised that she was provided details of the deadline date via the planning notice displayed outside the proposed developed site. Subsequent to this she contacted her Ward Member to 'forewarn' him of the proposal and soon learnt that he had missed the deadline for calling the item to committee and therefore could not do so. She considered that the wording of the subsequent letter from the Council notifying her of the application was misleading as it omitted any reference to ward members only having a limited period of time in which to call items to committee and so she wrote a letter of complaint to the Chief Executive of West Berkshire Council in advance of the determination date. Mr Nick Carter (CEO) advised Mrs Grant that there had been a mistake and that the matter would be dealt with by the planning service and Mr Rayner had agreed that the application should be determined at committee.

In response to further questions asked by the Committee, Mrs Grant advised that her garden was east-facing and that she experienced some degree of light loss due to the

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existing ground floor extension. Therefore, she was adamant that a second extension would result in more lost sunlight.

Councillor Marigold Jaques asked whether the trees overlooking her garden belonged to her. Mrs Grant advised that they were the neighbour's trees.

Mr Maccaffrey in addressing the Committee raised the following points:

- It was obvious what they had planned to do with the site due to the footprint of the ground floor extension.
- He wanted to present to allow Members to ask him any questions about the application.

Members were reminded that they were entitled to question the speaker based on the information they had provided during their address to the Committee.

In response to questions asked by Members, Mr Maccaffrey stated that they had not consulted their neighbours, regarding the design, prior to submitting the application and that they had intended to follow the similar designs observed in the area.

Councillor Laszlo Zverko was going to address the Committee as Ward Member, but due to unforeseen circumstances he was unable to attend the meeting in person. However, he provided a written statement which was presented to the group on his behalf by Councillor Pamela Bale ((read verbatim)).

[I thank Councillor Bale for reading out my statement in support for Mrs Grant, and any comments and opinions heard are that of Councillor Zverko, and not of Councillor Bale.

I am pleased this item had been brought to the Committee; it was quite an achievement, as some of the proposed development notices gave unclear and misleading information. The lack of clarity in the information led to a procedural deadline being missed and additional stress for Mrs Grant. I am sure a few questions from the Committee on this, to Mrs Grant, would enlighten Members by hearing the details of the bureaucratic passage of this application.

Knowing 2 Redwood Way, I am strongly of the opinion that there would be a loss of natural quality light. The sunlight which 2 Redwood Way and garden presently enjoyed would be reduced. During the autumn and winter months, enjoyment of the little afternoon sunlight would be blocked by the high-rise extension: which was due to the difference in ground level between the two properties. During the summer months the impact would be a bit less severe as the sun was higher in the sky.

The visual impact of the extension would have a claustrophobic effect, as the height would be extraordinarily higher due to the ground level of 2 Redwood Way being much lower than of the proposed site – 8 Oregon Avenue.

Drawing no P/959/1 of 8 Oregon Avenue after construction did not show the true height in relation to 2 Redwood Way, because the lower ground level of Redwood Way and 2 Redwood Way was not included in the drawing. I would not care to guess the difference but it must be between 3 and 4 feet.

I would be very unhappy if a proposal such as this was proposed by my neighbour and I ask Members to consider if they would consent if their next door neighbour proposed such an extension.

There are other two storey extensions in Oregon Avenue, these were more acceptable as neighbouring properties had the same ground level and had less impact of blocking light to their neighbours.]

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David Pearson reminded Members that they were required to consider whether the impact of the proposed development was such that it warranted refusal as it was case that all developments would have some degree of impact.

Councillor Graham Bridgman made reference to the Council's own planning guidance in relation to sunlight and overshadowing and noted that it detailed the importance of the location, orientation and variation of ground level. However, there was no clear reference made to which windows the 45 degree test would be applied.

Councillor Alan Macro was not in favour of the application, not only because of the potential loss of light but also due to the overbearing size of the development. Councillor Keith Chopping echoed those comments although he acknowledged that Access to Right to Light (legislation) was not a material planning consideration. David Pearson advised that impact on amenities (such as light) was a material planning consideration and supported Councillor Chopping's comment that Members should not be distracted by matters related to Right to Light legislation which was not..

Councillor Chopping stated that he was disappointed to hear that the applicant decided against alternative roof designs, for reasons which were not made clear to the Committee, which could have alleviated concerns from neighbours. He proposed refusal of the Planning Officer's recommendation due to the overbearing size, loss of sunlight and impact of the development. Councillor Bridgman seconded the proposal.

Councillor Alan Law stated that he some reservations regarding the current application. Members had heard that there was already a degree of light lost by the current ground floor extension and that, irrespective of whether the roof design was altered, it would seem that there would be some further impacts if the development went ahead. However, he was not sure that these reasons would be sufficient for refusal.

Councillor Richard Crumly advised that he had seen similar extensions in the area and that they provided some insight regarding the potential impact upon neighbouring properties. He acknowledged that 45 degree tests were applied but stated that Members had clearly been told that the application did not breach the guidance. Therefore, on balance, he supported Officers recommendation for approval.

Members discussed the guidance notes associated with the term 'overshadowing' and how this would be factored into the reasons for refusal as it was stated within the Council's planning policy guidance.

In considering the above application, Members considered the proposal to refuse planning permission. Five Members voted in support of the proposal and five voted against the proposal (one abstention). Therefore, the Chairman was required to cast the deciding vote.

Councillor Graham Pask stated that, in view of the information discussed at Committee, he supported the proposal to refuse planning permission.

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

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Reason 1: The proposed extension, due to its height, bulk, depth and full gable design will have an unacceptable overbearing visual impact on the neighbouring properties either side, in particular on 2 Redwood Way which is built at a ground level approximately 1.2 metres lower than the application site. The proposed development is therefore contrary to policy CS 14 of the West Berkshire Core Strategy 2006-2026, West Berkshire Council's Supplementary Planning Document Quality Design (June 2006) - Part 2 Residential Development, West Berkshire Council's House Extensions Supplementary Planning Guidance July 2004 and the National Planning Policy Framework 2012.

Reason 2: The proposed extension due to its height, bulk and depth, and the fact that it would be constructed to the south of 2 Redwood Way and at a ground level approximately 1.2 metres higher than this property, would result in significant overshadowing of 2 Redwood Way for a large part of the day which would lead to a significant loss of light to habitable rooms (kitchen and dining area) on the south elevation of the property. This loss of light would have an unacceptable impact on the amenity of the occupants of 2 Redwood Way. The proposed development is therefore contrary to policy CS 14 of the West Berkshire Core Strategy 2006-2026, West Berkshire Council's Supplementary Planning Document Quality Design (June 2006) - Part 2 Residential Development, West Berkshire Council's House Extensions Supplementary Planning Guidance July 2004 and the National Planning Policy Framework 2012.

62. Appeal Decisions relating to Eastern Area Planning

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

63. Site Visits

A date of 30 November 2016 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 7 December 2016.

(The meeting commenced at 6.30pm and closed at 7.40pm)

CHAIRMAN

Date of Signature