

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(5)	17/00360/HOUSE	20 th April 2017 Extension of time granted to 18 th May 2017	Loft Conversion, including rear skylights and change of use of bedroom to office. 3 Love Lane, Donnington, Newbury, Berkshire Alex Simeunovic

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00360/HOUSE>

Recommendation Summary: **The Head of Development and Planning be authorise to APPROVE planning permission**

Ward Member(s): Councillor Paul Bryant
Councillor Marcus Franks

Reason for Committee Determination: Ward Member call in:

The provision of rooms in the roof will make the property 2 and half storeys that may be out of keeping with the area and may be an over-development of the site.

Committee Site Visit: 11th May 2017

'To show the size of recent extensions and effect of rooms in the roof would have'.

Contact Officer Details	
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1. Site History

- 1.1. 14/03240/HOUSE. Proposed erection of a two storey side and rear extension to existing residential dwelling. Demolition of existing garage and outbuilding. Approved 06.02.2015
- 1.2. 15.03209/PASSHE. Single storey rear extension 5m from rear wall, 3 m height and eaves height. Application not required 11.01.2016.
- 1.3. 16/00640/HOUSE. Retrospective in part - To extend the front elevation to be in line with existing front gable. Extend the side double storey extension with a single storey extension, 3 metres from the rear wall, 3 metre height and eaves height. Change of use of internal garage into domestic living space. Approved 06.06.2016
- 1.4. 16.01576/COND1. Application for approval of details reserved by Condition (4) - Vehicle Parking of planning permission 16/00640/HOUSE. Approved 05.08.2016
- 1.5. 16/01874/HOUSE. Construction of a single storey brick porch to the front elevation with a pitch tiled roof. Approved 05.10.2016.
- 1.6. 16/03472/FUL. Change of use from C3 to Sui Generis HMO with neither external nor internal alterations to the existing. Refused 02.02.2017/

2. Publicity of Application

- 2.1. Neighbour Notice Expired: 23/03/2017
- 2.2. Site Notice Expired: 27/03/2017

3. Consultations and Representations

Shaw cum Donnington Parish Council: Shaw-cum-Donnington Parish Council objects to this planning application. This is because the proposed changes would leave the property suitable for multiple occupancy with seven rooms named as bedrooms and more rooms that could easily be used as bedrooms. Use of the house as a property for multiple occupancy has already been refused by West Berkshire Council.

We are concerned that the planning applications regarding this house have been misleading. There have been seven since December 2014. The first five were made without mentioning multiple occupancy and were approved. West Berkshire Council wrote that the use of the house would be a family home and that the applicant had confirmed that via email to the case officer in September 2016. The sixth application in December 2016 was for permission to change use from C3 single occupancy to C4 multiple occupancy. At that time, the Parish Council submitted a detailed letter, explaining why we objected to the application for change of use. Our objections remain. In this seventh application, the decision by West Berkshire Council to refuse permission to change to multiple occupancy has clearly been ignored by the applicant.

We have very serious concerns in relation to traffic and parking, as follows.

Danger to pedestrians and disruption to traffic: The house is on a narrow road with double yellow lines directly opposite the pedestrian entrance to a primary school. Next to the primary school is the drive to the car park and the pedestrian entrance to the village hall, which is used as a pre-school for young children. Further along the road in one direction is a school for pupils with special needs. Further along in the other direction is a secondary school. Before the secondary school, there is a pedestrian entrance to Vodafone headquarters. There are bus routes and bus stops on the road. Chicanes close to the right and left of the property effectively slow the traffic, making it safer for pedestrians, but causing long queues of traffic at busy times, when many drivers drop off or pick up children and workers. Any extra cars driving in and out of the property at busy times will increase the danger for pedestrians, especially children arriving at and leaving the school and village hall, and increase the disruption to traffic and frustration for drivers.

Parking: There are seven bedrooms in the house, but useable space for only three cars to park on the property. There is nowhere else to park cars legally close to the property. If more than three residents have cars, they are likely to park them in the nearest narrow side streets, causing a nuisance to the residents of those streets. Residents already have an ongoing problem with Vodafone employees who ignore an agreed travel plan and park their cars in these streets.

This response is recommended by the Shaw cum Donnington Planning Advisory Group (PAG). It is not binding until ratified by the full Parish Council meeting on 19th April 2017.

Environmental Health

First response - no comment 02/03/2017

Second response - establishing if the property was considered by Environmental Health as a House of Multiple Occupation (HMO)

“As far as I am aware the property is not finished so is not currently tenanted and as such is not currently an HMO. As soon as it is occupied then it will be an HMO if that is what the owner decides to do, he is still debating between having his family live with him and renting the rooms out.

It is currently classed as an HMO on our system as a reminder to check on it as it may be used as one but I will wait until he has finished it and has people living there to determine whether it is an

HMO and if it requires a licence.”

Highways

Highways initial consultation raised issue in regards to inadequate parking for a HMO use. Highways were informed that no HMO status was afforded to the house. Evidence presented by Environmental Health and the applicant all indicated a domestic family dwelling (C3) was the current use of the dwelling. Highways responded with the below comments;

Would a change of use to a HMO require consultation with highways? There is clearly insufficient parking if this could take place without further consultation with us.

On the basis that this proposal is to be assessed as a single dwelling only, three car parking spaces (minimum) must be provided. I have attempted to scale the parking plan both on screen and from a printed plan but the scales shown do not appear to correspond with the dimensions.

Subject to a satisfactory scaled drawing detailing a minimum of 3 driveway spaces plus on-site vehicle turning, the highway recommendation would be for conditional approval as set out below.

The case officer suggested a restricting condition to a dwelling house so that consultation with Highways would be triggered as a result of a change of use application for C4 or Sui Generis HMO status. Highways were also informed that conditions previously stated were discharged under application 16/01576/COND1. Highways responded still requiring a bonded surface be laid, however this was a requirement of the previous condition which was discharged. Therefore placing the condition again would not meet the PPG six tests.

Highways responded that given this, and as the proposal is for internal alterations, I would suggest that the parking situation is unchanged from this previous approval and, on the basis that the parking was approved as part of the conditions discharge application, it is not required for this new application. The level of car parking required is as per the previous approval in regards to a domestic family dwelling.

Correspondence: 2 Objections were received.

One objection was raised to the application as a loft conversion was refused last year for this property in application 16/00640/HOUSE. The objector also stated that there was no extra parking for the additional bedroom. Commenting that there seems to be a large number of small apartments developing rather than a family home.

A second objector commented that the proposed porch and works to the entrance have reduced the parking area from 3 to 2 spaces. As

such an increase in bedrooms cannot be condoned in the objector's opinion.

In addition the objector suggested the building in the rear garden has to be taken into account as accommodation.

4. Policy Considerations

4.1. In this instance, the following policies of the Development Plan are considered relevant to the proposal.

4.2. West Berkshire Core Strategy (2006-2026)

Area Delivery Plan Policy 1 Spatial Strategy
Area Delivery Plan Policy 2 Newbury
CS 13 Transport
CS 14 Design Principles
CS 19 Historic Environment and Landscape Character

4.3. The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However, the following policies remain in place and should be given due weight according to their degree of consistency with the National Planning Policy Framework.

HSG.1 The identification of settlements for planning purposes
TRANS 1 Meeting the Transport Needs of New Development
OVS.5 Environmental Nuisance and Pollution Control
OVS.6 Noise Pollution

4.4. The West Berkshire Proposed Housing Site Allocations (DPD) is proposed to be adopted at the Full Council meeting on Tuesday 9th May 2017 as such weight should be given to its policies.

P1 Residential Parking for New Development

4.5. Supplementary Planning Guidance

Quality Design (June 2006)
House Extensions (July 2004)
Community Infrastructure Levy (CIL) Charging Schedule

5. Description of Development

5.1. The proposed development at 3 Love Lane Donnington, Newbury is for a loft conversion, including rear skylights and change of use of bedroom to office.

5.2. The development proposes 5 roof lights in upvc but does not specify colour. The sections show these roof lights not protruding beyond the plane of the roof (drawing

ref sections 3LL-007). This is also submitted in the description of the development in the application form.

- 5.3. The case officer would like to draw particular attention to the fact that this proposal could be considered permitted development under the General Permitted Development Order 2015 (As amended) due to the position and size. However, due to a restricting condition on new openings above first floor placed on application 16/00640/HOUSE, an application has to be made.

6. Consideration of the Proposal

- 6.1. Principle of Development
- 6.2. Design and Character of the Area
- 6.3. Impact on Neighbouring Amenity
- 6.4. Impact on Highways
- 6.5. Other Matters

6.1. Principle of Development

- 6.1.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy and the Saved Policies of the West Berkshire District Local Plan.
- 6.1.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 6.1.3. The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire which is being consolidated by the preparation of the Housing Site Allocations DPD.
- 6.1.4. The proposed development at 3 Love Lane, Donnington, Newbury, is within the settlement boundary of Newbury, as defined within policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6.2. Design and Character of the Area

- 6.2.1. The NPPF is clear that good design is indivisible from good planning; it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, it is indivisible from good planning, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

- 6.2.2. Policy CS14 Design principles states how proposals should demonstrate a high quality design that respects and enhances the area and makes a positive contribution to the quality of life in West Berkshire. It should respond positively to the wider context it is placed in, not just the immediate area. CS19 Historic Environment and Landscape Character seeks proposals to respond appropriately in terms of location, scale and design reflecting a holistic approach to the local distinctiveness, sensitivity, and diversity of locations.
- 6.2.3. The Supplementary Planning Document House Extensions (July 2004) describes that the use of roof lights, where headroom allows, are a less obtrusive form of roof development.
- 6.2.4. The case officer finds that as the roof lights are to the rear of the building they therefore have little impact on the street scene of Love Lane.
- 6.2.5. The case officer draws attention to the roof lights previously approved on the single storey extension to the rear of the property. The inclusion of roof lights in the main roof would not have an adverse impact on the design of the dwelling.
- 6.2.6. Although the roof light materials are only stated to be UPVC in the application form a condition stipulating the colour of the roof light frames to match the rest of the openings is recommended.
- 6.2.7. The case officer finds little grounds to object to the proposed roof lights on the character of the area and design of the dwelling. The proposal is therefore considered in accordance with CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document House Extensions (July 2004).

6.3. Impact on Neighbouring Amenity

- 6.3.1 Policy CS14 requires development proposals to create safe environments and demonstrate a high quality of life and design that respects and enhances the character of the area. Developments should make a positive contribution to the quality of life in West Berkshire.
- 6.3.2. The case officer considered the use of roof lights at around 1.7 metres above floor height (taken from section drawings) do not cause an impact on neighbouring amenity from overlooking or perceived overlooking.
- 6.3.3. The roof lights are located above the first floor windows that look southwards over neighbouring gardens. As such a level of overlooking is afforded by existing windows on this rear facade. It is not considered the additional roof light type windows will cause an increase in overlooking.
- 6.3.4. The window to the west serves the bathroom can be conditioned to be obscured glazed. Windows to the side of the property can promote greater perception of perceived overlooking. As such a condition is recommended to ensure this.
- 6.3.5. The intensification of the use and the impact on neighbouring properties is not perceived to raise an issue. Environmental Health have considered the application and raised no objections in terms of noise generated as a domestic family dwelling

house. It should also be noted that these issues can be dealt with through Environmental Health legislation if disturbances were to arise.

- 6.3.6. The change of use of the office space is not considered development as home offices are ancillary to a domestic use of the dwelling and as such do not require permission. Due to the inability to condition the restriction of the rooms use as an office it has been treated as capable of being used as a bedroom. It should also be noted that the floor space in the loft is already in place as domestic floor space. This area could be utilised as storage or office space already ancillary to the residential use and as such the conversion of the floor space is not considered development. As such the intensification of the use of the site is not considered to be more than what is already permitted upon the site. The result of this is that no objection can be raised in terms of intensification of the use of the site.
- 6.3.7. The proposal is therefore in accordance with CS14 of the West Berkshire Core Strategy (2006-2026) and the neighbouring amenity of properties is preserved.

6.4. Impact on Highways

- 6.4.1. The proposal is for internal alterations and roof lights, this would suggest that the parking situation is unchanged from the previous approvals and, on the basis that the parking was approved as part of the conditions discharge application, further conditions are not required for this new application. The level of car parking required is as per the previous approval in regards to a domestic family dwelling
- 6.4.2. The case officer suggests a restricting condition to a dwelling house so that consultation with the LPA and Highways would be triggered as a result of a desire to change the use to a C4 small HMO. A large HMO would be considered Sui Generis, which would require a change of use application any way. This condition is placed as the property has insufficient parking provision were the enlarged habitation space be converted to a HMO. This should avail concerns raised by Neighbours and the Parish Council all of which raised concerns in regards to the parking provision and the previous history and concerns in regards to a HMO use.
- 6.4.3. The proposal as a family dwelling house is considered to be in accordance with the parking requirements of P1 Parking Standards for Residential Development of the West Berkshire Housing Site Allocations Document DPD (2015).

6.5. OTHER MATTERS

- 6.5.1. Presumption in favour of sustainable development.
- 6.5.2. The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.
- 6.5.3. Being a proposed installation of roof lights and domestic internal alterations, the scheme has limited economic considerations. The Environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of environmental in terms of amenity. Having

assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered sustainable development

6.5.4. Paragraph 203 of the NPPF is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 206 that conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions have been placed in regards to the

- Commencement of works
- The approved plans
- The materials to match the original property
- Restriction of Change of use
- Restriction place on window to the west elevation to be obscured glazed

6.5.5. No new floor space is created and as such the development is not CIL liable.

7. **Conclusion**

7.4. The proposal is not considered to have an adverse impact on the design of the property or Love Lanes street scene. The intensification of the use of the site is not considered to raise concern in terms of neighbouring amenity impact. Despite the objections from neighbours and the parish council the evidence in front of the case officer supports that this is a dwelling house and as such the parking criteria of WBC policy is met and the use of the dwelling could lend itself to a large cross generational family which is increasingly common. As such, with the relevant restricting conditions, a recommendation of APPROVAL is given.

8. **Full Recommendation**

8.4. The Head of Development and Planning be authorised to GRANT planning permission subjection to conditions.

8.5. The proposal is considered in accordance with the National Planning Policy Framework (March 2012), ADDP1, ADDP 2, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and P1 of the West Berkshire Housing Site Allocations DPD (2015). The proposal is also considered in accordance with Supplementary Planning Document House Extensions (July 2004) and Quality Design (June 2006).

9. **Recommended Conditions**

1. **Full planning permission time limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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).

2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Block Plan & Site Location Plan". Drawing number 3LL-001. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Section through house". Drawing number 3LL-007. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Roof Plan". Drawing number 3LL-006. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Rear Elevation". Drawing number 33LL-0010. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Flank Elevation". Drawing number 3LL-009. Date stamped 23rd February 2017.
- Drawing title "Existing and & Proposed Loft Plan". Drawing number 3LL-005. Date stamped 23rd February 2017
- Drawing title "Parking Plan". Drawing title ". Drawing number 3LL-002. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed First Floor". Drawing number 3LL-004. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Ground Floor". Drawing number 3LL-003. Date stamped 23rd February 2017.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Materials to match

The materials of the proposed roof lights of the development hereby permitted shall match those on the existing development in colour, size and design as closely as possible. These materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. Obscure glazing before use

The roof light with in the east elevation of the roof shall be fitted with obscure glass before the loft conversion hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March

2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

5. Use class restriction

The property shall be used solely as a dwellinghouse (Use Class C3). Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order(s) revoking, re-enacting or modifying those Orders with or without modification), the property shall not be used for any other use purpose that would normally be permitted by those Orders, including use as a house of multiple occupation (Use Class C4).

Reason: The property has insufficient parking provision were the enlarged habitation space to be converted to a HMO. An otherwise permitted change of use to C4 would therefore be unacceptable. This condition is applied in the interests of highway safety, in accordance with the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations DPD (2015).

DC