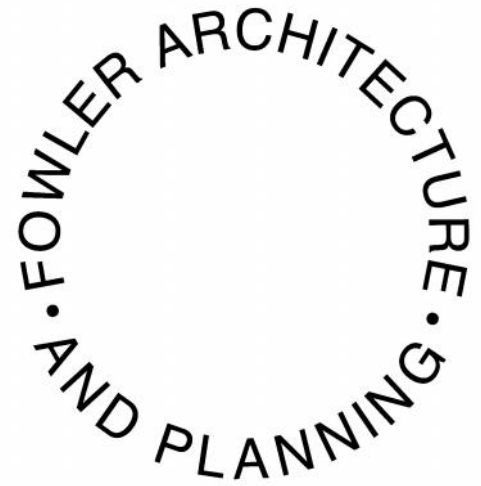


Our Ref: CP/AS/160801

7 July 2017

Mr D Aldis
Compton Parish Council
Wilkins Centre
Burrell Road
Compton
Newbury
Berkshire
RG20 6NP



Dear Mr Aldis

Re: Planning Application 17/01445/FUL for 'Retention of The Lodge to provide ancillary accommodation to Walnut House including conversion to provide garaging and access'

At: The Lodge, High Elms, Aldworth Road, Compton, Newbury, RG20 6RD

Fowler Architecture and Planning Ltd have been instructed by Compton Parish Council to review Planning Application reference 17/01445/FUL to form the basis of the Parish Council's response to West Berkshire Council.

As a matter of principle, serious doubts exist over whether a commencement to permission 10/03044/FUL, upon which the Applicant is reliant, has occurred lawfully.

It appears from the photographs supplied by the Agent that Walnut House has not been built in accordance with the approved plans, and does not itself, therefore, benefit from planning permission at this time in its current guise. In particular, a balcony exists to the southern elevation, as well as a canopy to the eastern elevation of the house. Even if the permission was lawfully commenced, condition 10 removed the Permitted Development rights meaning that permission would have been required for any extensions or alterations. It is recommended that a full measured building survey of the as-built structure is undertaken as this would allow a comparison of the building operations to be made with the approved plans.

Further concerns over the lawfulness of the commencement pertain to pre-conditions attached to the permission, namely Condition Nos. 5 and 8. Condition 5 required that *"a copy of the Natural England EPS License required is to be provided to the local planning authority prior to works commencing on site"* (my emphasis). It is understood that the Council's Principal Ecologist waived the right to examine this license prior to commencement, but the question of whether this waiver should be

held to discharge this condition in order to render development lawfully should be examined.

Condition 8 required the implementation and retention of tree protective fencing “*prior to any development works and... for the full duration of works*”. The Applicant’s photographs do not appear to show any tree protective fencing, and as the works are as yet incomplete given that The Lodge still stands, the fencing should still be in place. The Parish Council requests that evidence be provided that the tree protective fencing was ever implemented, otherwise a commencement to development could not have occurred lawfully.

It would appear that further unauthorised development appears to have taken place at the approach to the property.



This photograph, taken from the western access point on Aldworth Road, shows a separate driveway from the previous existing drive approaching The Lodge, instead approaching Walnut House. The separate driveway spur appears to have occurred outside of the extended garden curtilage found to be lawful in Application 06/02584/CERTE, and as such is *not* permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, or by its predecessor Order.

Beyond these procedural matters, there are solid planning reasons as to why this application should be refused.

Given that The Lodge has been in use as a dwelling house in the past, it is clearly, at minimum, tantamount to a dwelling. The Lodge has all of the facilities required of a home, its own address, and now, as seen above, also has separate driveway access.

The works proposed by the Applicant to reduce the building's existing facilities are unlikely to be enforceable by the Council. A recent appeal decision (No. 3160603, following Application No. 16/00624/FULD) at High Elms North, very close to the Application Site, noted that the location "*is not well related to most necessary everyday services and is therefore isolated with respect to the increased need to travel by private vehicles due to its physical isolation from the settlement*". This site is an unsustainable and unsuitable location for an additional dwelling.

Taking at face value the Applicant's claims that their appreciation of the additional space offered by retaining both buildings only became apparent once the replacement dwelling was built, the scale of the additional space would not normally be considered appropriate for a house of this size, on a plot of this size.

What this application would entail when combined with the earlier approval is, ultimately, an addition of a building within the curtilage of an existing dwelling house (The Lodge), becoming further residential accommodation of a kind that would be considered wildly inappropriate under the terms of both the previous planning policy (formerly saved policy ENV.24 of the West Berkshire District Local Plan 1991-2006) and current Policy C6 of the Housing Site Allocations DPD, by virtue of its impact on the setting of the existing house, the overdevelopment of the plot and its complete lack of subservience.

The Applicant's Landscape and Visual Statement, notably, avoids the submission of close-up photographic evidence of the gap between Walnut House and The Lodge. While the approved design of Walnut House is acknowledged to have some merit, its design was formulated ostensibly with the intention of the removal of The Lodge. It seems from Site Photograph 2, in which the side canopy is visible, that there is in fact very little space between the two buildings, particularly at the point of the two sided bay windows - which, along with the canopy, has not been illustrated on the Applicant's block plan. As well as the visual incongruity, this will impact the amenity of future occupiers of Walnut House, could potentially hinder the ability to maintain the building later in its lifetime, and is inappropriate for a rural setting.

The Applicant's contention that the building would have a screening effect on domestic garden paraphernalia should hold little weight, given both that this was not considered an issue when granting the original application, and that the employment of a building of little architectural merit for this purpose would lack lustre in the face of traditional, natural screening methods, which would have been preferable had this been considered an issue. Furthermore, the Applicant's Design and Access Statement in support of Application No. 09/02244/FUL described The Lodge as a "*very poor existing building*".

The Applicant's proposition that the prevention of the site being split between two owners be controlled by condition has no firm basis, and would serve only as a gesture. To split the property into two planning units would require planning permission in any event, and thus this condition would be no more enforceable than

standard planning control. If you are minded to recommend the approval of this application, we request that this matter be in fact subject to a legal agreement, binding on the Applicant and his successors in title.

Furthermore, if you are minded to recommend approval for this application, notwithstanding the Applicant's representation to the contrary, the Parish Council consider that this application should be subject to the Community Infrastructure Levy (CIL). While, physically, The Lodge clearly exists, the Parish Council consider that it does not do so lawfully, and its retention or use has not been lawful since the occupation of Walnut House began. Since, therefore, this is a retrospective application, The Lodge should only be granted exemption from CIL liability if it was occupied lawfully for at least 6 months of the last 3 years.

In summary, the proposal would result in a development which, had it been proposed originally, could not have been granted planning permission when assessed under either currently or previously adopted policy criteria. The proposed retention of The Lodge is wholly inappropriate given the change that Walnut House has brought to the site, and there are no material considerations that weigh in its favour.

It is therefore evident that the application be refused for reasons including that the retention would be tantamount to the addition of a new dwelling in the countryside, contrary to Policy C1 of the West Berkshire Housing Site Allocations DPD and Paragraph 55 of the National Planning Policy Framework, that the relationship between the two buildings would be inappropriate for a permanent arrangement when assessed against the criteria of Policy C6 of the Housing Site Allocations DPD, and would be harmful to the character of the site and surrounding countryside, contrary to the objectives of Policy CS19 of the West Berkshire Core Strategy.

Even if the Council are minded to recommend approval in this case, it would not be proper to determine in favour of this application until full details are known. It is requested that a survey is undertaken of the full site, with a view to informing a revised block plan that accurately shows the interaction between the buildings, and also to aid your assessment of the lawfulness of development as has taken place against what was approved under permission 10/03044/FUL.

Yours faithfully,

Aaron Smith

Aaron Smith BA(Hons) DipTP MRTPI
FOWLER ARCHITECTURE AND PLANNING LTD