

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	18/01516/HOUSE Aldworth Parish	16 <sup>th</sup> August 2018	Erection of garden room with quiet room and WC/shower to rear of existing dwelling  Grimms Dyke, Aldworth, Reading, Berkshire, RG8 9RY  Mr and Mrs Shinkwin

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01516/HOUSE>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **APPROVE PLANNING PERMISSION** for reasons given below (Section 8.1).

**Ward Member(s):** Councillor Alan Law

**Reason for Committee determination:** Parish Council request  
Local Residents' interest  
Similar to an earlier refusal and rejected appeal

**Committee Site Visit:**

#### Contact Officer Details

**Name:** Donna Toms  
**Job Title:** Planning Officer  
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## 1. PLANNING HISTORY

- 98/53379/FUL - Demolition of existing dwelling and garage and construction of new dwelling and garage - Approved 03.02.1999
- 99/54671/FUL - Re-locate garage. New entrance. Garden walls - Approved 12.05.1999
- 15/00966/HOUSE - Demolition of existing garage and erection of a garden room with adjoining office and shower room. Retention of existing driveway - Refused 19.06.2015
- 15/02849/HOUSE - Erection of garden room with quiet room and wc/shower adjacent to existing dwelling - Refused 09.12.2015
- 15/02915/HOUSE - Section 73A: Variation of Condition 7 of approved reference 154671 - Approval 26.01.2015
- 16/01049/HOUSE - Erection of an ancillary garden room - Refused 21.06.2016 - Appeal dismissed

## 2. PUBLICITY

- 2.1 A site notice was displayed on 6 July 2018 and expired on 27 July 2018. The Council has therefore complied with the publicity requirements of the Town and Country (Development Management Procedure) Order 2015 and the Council's Statement of Community Involvement.

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

<b>Parish Council:</b>	Object - very strong opinions from local neighbours concerned it may develop into a separate residence and overdevelop in AONB area.
<b>Highways</b>	No objection subject to condition
<b>North Wessex Downs</b>	No comments received at time of report
<b>Ecology</b>	No comments received at time of report
<b>Environmental Health</b>	No comments
<b>Natural England</b>	No comments
<b>Trees</b>	No objection subject to condition

### 3.2 Representations

Total: 5	Object: 5	Support: 0
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Summary of comments:

Objecting:

- Flat roof building detrimental to AONB
- Apart from some cosmetic changes and slight re-siting the rooms seems identical to ones previously applied for
- Site over-developed and does not respect conservation of the landscape
- Ex-garage was same as justified in 1999 application
- Concern regarding room becoming separate dwelling

#### **4. PLANNING POLICY**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for West Berkshire comprises:

- West Berkshire Core Strategy (2006-2026)
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

4.3 According to paragraph 213 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing plans should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF.

4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: AONB
- CS13: Transport
- CS14: Design Principles
- CS17: Biodiversity and Geodiversity
- CS19: Historic Environment and Landscape Character

4.5 The Housing Site Allocations Development Plan Document (2006-2026) (HSA DPD) is the second DPD of the new West Berkshire Local Plan, and allocates non-strategic housing sites across the district. No specific housing allocations are relevant to this application, but the suite of policies for housing in the countryside are. The following policies from the HSA DPD is relevant to this development:

- C1: Location of New Housing in the Countryside
- C3: Design of Housing in the Countryside
- C6: Extensions of Existing Dwellings within the Countryside
- P1: Parking Standards for New Residential Development

- 4.6 The following documents are material considerations relevant to the development:
- West Berkshire Supplementary Planning Guidance: House Extensions (adopted July 2004)
  - West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (adopted June 2006)
    - Part 1 Achieving Quality Design
    - Part 2 Residential Development
    - Part 3 Residential Character Framework

## **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 The application is for the construction of an ancillary building within the curtilage of the existing dwelling known as Grimms Dyke. The building is shown to contain a garden/games room, quiet room and shower room.

## **6. CONSIDERATION OF THE PROPOSAL**

The main issues for consideration in the determination of this application are:

- The principle of the development
- The impact on the character of the area and the Area of Outstanding Natural Beauty
- The impact on neighbouring amenity
- The impact on highways and parking
- Community Infrastructure Levy

### **6.1 The principle of the development**

6.1.1 Policy ADPP1 of West Berkshire Core Strategy advises that most development will be within or adjacent to existing settlements. In the countryside only appropriate limited development will be allowed. Policy C1 of West Berkshire Council's Housing Site Allocation Development Plan Document (HSA DPD) identifies the settlements for planning purposes.

6.1.2 The application site is located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Outside of the defined settlement boundaries there is a generally more restrictive approach to development subject to criteria set out within the relevant development plan policies.

6.1.3 However, Policy C6 of the HSA DPD provides a presumption in favour of proposals for the extension of existing dwellings in the countryside, subject to certain criteria:

6.1.4 An extension or alteration will be permitted (in the countryside) providing that:

- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and

- ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
- iii. the use of materials is appropriate within the local architectural context; and
- iv. there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.1.5 The application is for a new garden/quiet room as detailed above. The host dwelling is a recent addition which replaced a former dwelling around the turn of the century. In terms of the extent to which the proposal is subservient to the main dwelling, the supporting text to Policy C6 notes that the relationship with the existing dwelling is key. The scale, height and massing of an alteration or extension should appear subservient to the existing dwelling. There are no “rules” that can be applied to an acceptable size of an extension as each application has to be considered on the basis of the impacts on the particular property in that location. Regard will be given to previous extensions on the site.

6.1.6 The size of the proposed increase over the original dwelling is, nonetheless, a good indicator of the degree to which a proposal is subservient. The proposed garden room will include an additional footprint of approximately 64 square metres. The additional floor space of the proposed garden room, including the three bay garage, over the original dwelling will be approximately 118 square metres which amounts to an increase of approximately 34% over the original (this figure does not include the garage to be demolished). These figures indicate that the development is subservient in scale.

6.1.7 The materials are to be similar to that of the existing dwelling and will be situated mostly behind the host dwelling and within the existing embankment. As a result it is considered the proposed development will be subservient to the existing dwelling, will have no adverse impact on the setting, the materials are appropriate to the existing dwelling and will not impact the living conditions of nearby neighbours.

6.1.8 It is considered that the proposed development is in accordance with Policy C6 and the principle of the development is acceptable subject to the following considerations.

## **6.2 The impact on the character of the area and the Area of Outstanding Natural Beauty**

6.2.1 Policy CS14 of the Core Strategy, Policies C1 and C6 of Housing Site Allocation Development Plan Document, section 12 of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and West Berkshire SPD in Quality Design seek to ensure high quality design that respects and enhances the character and appearance of the area.

6.2.2 The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The NPPF provides AONBs the highest level of protection in terms of landscape and scenic beauty. Policy ADPP5 of the Core Strategy states that ‘development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB’.

6.2.3 The proposed single storey flat roof garden room is situated 4 metres from the rear of the host dwelling. The proposed development is set within the existing

embankment with limited views of the north and east elevations from public vantage points. With regard to the east and southern views the garden room will mostly be shielded from public views by its position behind the house with only a small part of the room (approximately 1.7m width) being visible. At present there is hedge shielding this part of the visible room, however it is considered should the hedge be removed the proposed room would still be subservient to the existing house and not detract from it. The eastern view includes a new steps built into the embankment to allow easy access to the rear of the property and to the flat roof of the room which will have a black metal balustrade along three sides of the parapet roof for safety. An option has been given to raise the parapet to that of the main dwelling, however given the options it is considered that a balustrade would be less obstructive on the landscape. Overall it is considered that the amended plan is acceptable and will not detrimentally impact the character of the area or the AONB.

- 6.2.4 Owing to its physical separation from the main house, there is concern that the garden room/quiet room could be converted into habitable and separate accommodation with a separate curtilage, which could potentially lead to a subdivision of the residential unit if left uncontrolled. As it would be unacceptable to create a new dwelling within the countryside it is considered necessary to condition the room to restrict use to ancillary or incidental to the host dwelling.
- 6.2.5 This scheme follows an earlier refusal of planning permission and dismissed appeal for a different ancillary outbuilding within the curtilage of Grimms Dyke. The current proposal has been carefully assessed by the case officer and the Eastern Team Leader and it is felt that the points made in the previous application had been addressed with the new garden room having a much closer relationship with the host dwelling, and being built into the existing landscape would have a reduced volume to the previous refused application. The overall volume of the previous application reference 16/01049/HOUSE was approximately 202 cubic metres.
- 6.2.6 While the footprint has not been reduced in size the overall volume is reduced to approximately 1912 cubic metres, from this figure the overall volume has been reduced with the siting of the room into the existing embankment to the rear with an approximate volume of 170 cubic metres above the existing ground levels. The room has also been placed much closer to sit mostly behind the existing dwelling and at a distance of 4 metres. The position of the room to be built into the existing embankment will hide some of the build.
- 6.2.7 The overall dimensions of the proposed extension:
- 8.3 metres width by 7.7 metres length
  - 3 metres height.
  - 4.3 metres overall height including balustrade.
- 6.2.8 The overall footprint is now approximately 64 square metres. The overall increase in floor space over the original is 34%. It should be noted that the calculation includes the three bay garage but not the garage to be demolished.

### **6.3 Impact on neighbouring amenity**

6.3.1 The Core Principles of the NPPF state that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and Policy CS14 states that development should make a positive contribution to the quality of life. As such amenity is an important consideration. However the nearest property to the proposed garden room is 82 metres to the south-west (Brackensfield) and 36 metres to the southern boundary with Foxborough, therefore it is considered there will be limited impact as a result of the proposed garden room.

### **6.4 Impact on Highways**

6.4.1 The existing driveway provides adequate vehicular parking space. No objections have been raised by highways officers.

### **6.5 Trees and Landscaping**

6.5.1 The Council's Tree Officer made the following comments:

6.5.2 "The plans provide have identified the trees at the site as indicative circles only, but provided no further tree related information regarding the potential impact to trees, therefore the impact has been considered, using the information available during my site visit.

6.5.3 The site contains a number of trees of various species and quality, the proposed position of the garden room, to the rear of the existing house, has the potentially too impact on two of the trees, a maple to the rear and a beech to the side of the property, whilst the impact might not be direct, the level of ground works required as there's a significant change in levels, will require more engineering works, which might have an impact on the trees.

6.5.4 Whilst the area is already possible disturbed ground, as part of the recent building works and construction of the patio etc, the potential harm is not clear, until additional information is provided, but could be secured via planning conditions, as clarification of the root protection areas and works within them is clearly defined.

6.5.5 If the root protection areas of these trees can be clearly identified and protected throughout the development by suitable fencing, and the engineering works are located outside of the RPA of the trees to be retained, then I would be satisfied, that there would be no long term harm to these trees as a result of the new building, if the works are within the RPA of the trees, additional information on the works and mitigation measures will be required.

6.5.6 The block plan has identified the location of additional landscaping, but provided no further details, the site is very exposed from views from the road, and I'm sure adjacent neighbouring properties, the introduction of new landscaping with a mix of trees, shrubs and hedges, can only improve the screening of the new house and associated structures, and reduces its overall visual impact on the surrounding countryside.

- 6.5.7 If the application is to be approved, further details on the new landscaping or the site, which should be a full and comprehensive scheme, can be secured via planning condition.
- 6.5.8 The other anomaly on the block plan, is the beech tree to the side of the property to be trimmed back by a specialist, the tree appears to be in good health with no clearly identifiable defects that would warrant any major works, and it's unclear why this has been shown on the plan? I would suggest that the reference to the works are removed.
- 6.5.9 Conclusion: There are some tree constraints affecting this proposal, but subject to some additional information being provided by way of conditions, I don't have any major objection to the application in principle subject to conditions being attached to any formal consent.
- 6.5.10 Concern has been raised regarding the recent loss of a considerable amount of shrubs and trees within the front of the plot. It has been noted on the site history that there was a potential breach of planning condition 2 of application reference 15/02915/HOUSE which required the submission and approval of a landscaping scheme to mitigate the retention of two accesses to the site. While the tree officer has included a landscaping condition as part of his recommendation, the Planning Practice Guidance is clear that a condition should only be applied which is directly related to the development proposed. Any historical breach of condition should not therefore prevent the approval of this application. The Council has 10 years to enforce any identified breach of condition before it comes immune from enforcement action, so if necessary this can be dealt with as a separate matter.

## **6.6 Community Infrastructure Levy**

- 6.6.1 The increase in internal floor space of the proposed house extension is less than 100 square metres. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, house extensions of less than 100 square metres are not liable to pay the Community Infrastructure Levy.

## **7. CONCLUSION**

- 7.1 The impact of the proposed extension on the character and appearance of the AONB and the character of the area and the setting of Aldworth has been carefully assessed. It is considered that due to its size, scale, layout, siting, form and appearance, the proposed extension will not have a detrimental impact on the character and appearance of the area.
- 7.2 Whilst it is acknowledged there may be some limited impact on surrounding properties it is not considered that the proposed garden room would have such a significantly detrimental impact on the amenities of the occupiers to warrant refusal.
- 7.3 There is not considered to be any detrimental impact upon highways and parking.
- 7.4 Overall, it is considered that the proposed development would be consistent with the presumption in favour of sustainable development introduced by the NPPF.

- 7.5 Having taken account all of the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below

## **8. RECOMMENDATION**

**DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1)

### **8.1 Schedule of 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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

#### **2. Standard approved plans**

The development hereby permitted shall be carried out in accordance with the approved drawings numbers 1 (Location Plan), 3 (Proposed Garden Layout), 5 (Proposed front elevation from Ashampstead Road), 6 (Block Plan), 7 (Floor Plan) and 8 (Section) received on 1 June 2018 and drawing number 4 (Proposed Elevations of new build only) received on 21 June 2018.

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

#### **3. Schedule of Materials (samples on request)**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

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 (July 2018), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C6 of the West Berkshire Council's Housing Site Allocation Development Plan Document (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. **Residential annex use**

The building hereby permitted shall not be used at any time other than for purposes incidental and/or ancillary to the residential use of the dwelling known as Grimms Dyke, Aldworth. The development shall not be used as a separate dwelling and no separate residential unit shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C1 of the West Berkshire Council's Housing Site Allocation Development Plan Document (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

5. **Tree protection scheme**

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 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 the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

6. **Tree Protection – Construction Precautions**

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. **Landscaping**

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

**8. Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and West Berkshire Council's Supplementary Planning Document Quality Design (June 2006).

Informatives:

**1 Proactive actions of the Local Planning Authority**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

**2 Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

**3 Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.