Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	19/00806/HOUSE Newbury Town Council	24/05/19[1]	Three storey side extension and new porch. 24 Donnington Square Mr & Mrs Davies, Applicant James Sopp, Agent

[1] Extension of time agreed with applicant until 03/07/19

The application can be viewed on the Council's website at the following link:
http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00806/HOUSE

Recommendation Summary:	To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions
Ward Member:	Councillor Lynne Doherty Councillor Steve Masters
Reason for Committee Determination:	More than 10 objections received.
Committee Site Visit:	06/06/19

Contact Officer Details	
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1. INTRODUCTION

1.1 Planning permission is sought at 24 Donnington Square for the three storey side extension and new front porch.

2. PLANNING HISTORY

2.1 No relevant planning history.

3. PROCEDURAL MATTERS

3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 Site notice displayed: 15/04/19, expired 06/05/19. Published in Newbury Weekly News 11/04/19.

3.3 Proposal would create less than 100 square meters of additional floor space and as such is not CIL liable.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Town Council:	Objection. The proposed extension will be overbearing towards the neighbouring two-storey property (23 Donnington Square) and will obstruct light from it. It will not be symmetric with the extension to the adjoining 25 Donnington Square. It will conflict with the street scene of the Donnington Square Area. These difficulties could have been foreseen and perhaps dealt with if the applicants had consulted their neighbours, which we understand has not occurred.
Trees:	The site has been visited and the scheme assessed. There is a mature Yew Tree within the rear garden which is protected as it is within the designated conservation area. The proposal shows no change to the existing retaining wall and patio area in close proximity to this tree. Conclusion: No objections to the proposal, however any construction works must be avoided close to the tree, therefore a tree protection condition is recommended.
Highways:	No objection, request for informatives.
Conservation:	There is some variety in the design of the extensions to this part of Donnington Square referred to in my original comments, and with a not a strict duality between the pairs of houses here, including numbers 24 and 25. The key issue here appears to be the unique relationship and impact between the application property and number 23, and whether the amendments will address their concerns. Notwithstanding any other Development Control Case Officer considerations, I confirm that the comments made here shift the balance in building conservation terms in favour of the (amended) proposals.

The Newbury Society:

Note: following response was received on 06/06/19, after the original report was written, and beyond the original date for comments. It has been included in this amended version.

The Newbury Society objects to the proposals in their current form.

Donnington Square is a Conservation Area, designated in May 1971. The fact that West Berkshire Council and its predecessors have failed to produce a formal appraisal for this CA over the last 48 years should not favour developments which may cause it harm. This failure is in spite of the town council and residents researching the Square in some detail, and producing a report submitted to West Berkshire Council more than 10 years ago which could have been the basis for a formal appraisal (*Donnington Square Conservation Area Report*, Newbury Town Council, 2008). Donnington Square is significant enough to be included in the Pevsner volume on *Berkshire* (2010 p. 406).

In spite of this being a Conservation Area, this application does not include a Heritage Statement. The design and access statement is minimal, and simply does not address heritage impact. The main issue here is the effect of the application on the character of the conservation area. Donnington Square is a mid-C19th development of large houses, punctuated by gaps between the houses. This punctuation is an essential part of the character of the area, providing a rhythm to the crescent, and a further erosion will damage its character.

The main concerns therefore are the size of the current three-storey extension proposed, and its design. We consider it to be inappropriately wide, and inappropriately high; filling in a significant part of the gap to the neighbouring property. The effect is detrimental to the conservation area.

The 3-storey extension to the adjoining no. 25 was approved in August 2007 under application 07/01106/HOUSE, and we consider that this should be used as an appropriate guide to the maximum width of an acceptable extension at no. 24. This would also help in re-imposing the symmetry of the pair of buildings, thereby making a more sympathetic contribution to the Conservation Area. The massing at no. 25 reflected the relationship to the adjacent building; for this application the relationship with no. 23 is even more sensitive, bearing in mind the relative height of the two buildings.

We have no objection to the principle of an extension. We do feel that in agreeing the acceptable size for an extension, the views of the occupants of no. 23, the neighbouring property most affected, should be given serious weight.

4.2 Public representations

Original consultation:	Total:	16	Support:	0	Object:	16
Amendments consultation:	Total:	2	Support:	0	Object:	2
Post-deference consultation:	Total:	4	Support:	0	Object:	4

Summary of support

- No representations were received in support of this proposal.

Summary of objection

- Neighbouring Amenity/Overbearing/Dominance – many of the objections purport that this proposal will be overshadowing on 23 Donnington Square, and possibly 22 as well, and

would be a dominating wall close to their boundary and be dominating in general, and that the extension does not respect their scale and proportions.

- Design – the proposed roof design is not in keeping for the area, and could also impact upon neighbouring amenity.
- Balance – that this proposal is going to make this pair of dwellings (24 & 25) look asymmetrical as the proposal is wide and tall.
- Views – this proposal will block the view of trees in the square.
- Street scene/prominence– the proposition that the gaps between the dwellings are important and that this proposal changes that relation to too great a degree, and that as this is a conservation area, the street scene should be preserved. Also asserted in several representations that this proposal will fully block the gap between 24 and 23.
- Building line - that the prominent nature of the proposal cuts the square's building line between 24 and 23.
- Trees – one representation claimed that tree roots would be impacted. This has been addressed in consultation with the tree officer and a recommended condition, although the retaining wall does not change near to the yew tree.

5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADPP2, CS14, CS19

5.5 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- House Extensions SPG (2004)
- Quality Design: West Berkshire Supplementary Planning Document (2006)

6. APPRAISAL

6.1 Principle of development

6.1.1 The application site is located within the Newbury settlement boundary, where the principle of extending an existing dwelling is generally in accordance with the development plan policies, subject to detailed policies on design, impact on the character of the area and neighbouring amenity which are discussed below.

6.2 The impact on the character and appearance of the conservation area

6.2.1 24 Donnington Square is an unlisted building within a designated conservation area. This designation increases the sensitivity of the area to inappropriate change; any development should respect the high architectural standard and unique character of the area. The prevailing character of the area is comprised of the late Georgian and early Victorian large manor houses, with low-density infill development in the centre of the square.

6.2.2 The existing dwelling is a part four storey, part three storey, late Georgian white rendered manor house.

6.2.3 It is necessary to assess the particular character of this corner of the square. This is an unusual corner of the square as, on the neighbouring plot to 24, is a pair of semidetached cottages that were built in the space vacated by the original manorhouse when it burnt down in 1851. To avoid the original foundations, the two were set back quite a way from the original building line. Today, 22 and 23 Donnington stand as having a very different character to the buildings nearby, especially when compared to 24.

6.2.4 The principle of the proposal as a three storey extension was considered to be acceptable as there are multiple manor houses in the square that have been extended in this way. However, the original proposal had several issues with it that caused it to be considered out of character. Although the proposal was sympathetic in choice of materials and not dissimilar to other three storey side extensions in the area, several aspects were not considered to be acceptable.

6.2.5 The three aspects that caused the original proposal to be out of character were the double gable roof, the step halfway along the side elevation, and finally the size of the proposal in relation to 25's extension. The roof was considered problematic as it introduced a non-native roof form into the area that also had additional potential for overshadowing neighbouring amenity. It was not considered to respect the special character of the conservation area, existing dwelling or existing precedent for roofing in this area.

6.2.6 It also created a step halfway along the side wall, which, given the prominence of this proposal in the street scene, was considered to be an out-of-character addition as it was not present in any other side wall of any other manor. The size of the proposal was also of concern as it came out further than the extension of 25 and was also further forward.

6.2.7 Amendments were submitted that were considered to rectify these three issues. The proposal was amended to be set further back, and was reduced in size as a result, on both the front and side elevation, which resulted in having the step removed from the side elevation and having this proposal better balanced size wise with 25 Donnington. The roof form was also changed to an L-shaped hipped roof.

6.2.8 The latter of these amendments was made in the consideration of not only character but neighbouring amenity. In Donnington Square, three storey side extensions are not of a unified character, and as such some minor variations in design can be accommodated without undermining the prevailing character. Some of these manors present a hipped ridge to the street that runs perpendicular to the main building e.g. 26 Donnington Square, where others have a front-facing gable, such as 25 Donnington Square.

6.2.9 In the objector commissioned conservation report it mentions that the 'cascading roof form' is of particular note, and this amended roof form, by being setback, hipped away from the main building, and presenting a stepped cascading roof form, serves to enhance and draw attention to this existing special characteristic, rather than create a roof form that would disrupt it (by returning to a higher elevation for example).

6.2.10 The design for the front facing roof here, therefore, is not entirely out of character for this area, and is hipped in order to reduce the potential impact on neighbouring amenity through overshadowing, which also results in it being less visible when viewed from the street. The resulting design is of a high quality and is not considered to be out of character, and thus strikes an acceptable compromise between the pair of considerations.

6.2.11 The following additional objections have also been raised in public representations in relation to the impact on the character and appearance of the area.

6.2.12 Balance was raised in several representations as an issue. It is considered that the amended scheme has sufficiently addressed this issue, and taking into account the available public views of the extension, the proposal is not considered to harm local character through an unbalanced frontage. Several objections also purported that this extension would almost or nearly fully block the gap between 24 and 23. The amended scheme is narrower than that at 25 in the interests of reducing the potential impact on amenity, while simultaneously ensuring that the balance of 24 and 25 is restored.

6.2.13 Views were also raised as an issue. Private views are not a material planning consideration. Public views of the proposal have been taken into account in the above assessment, and the impact on the street scene is considered acceptable.

6.2.14 Breaching of the building line was another raised issue. Objections have stated that as the proposal is in the transition zone between Nos. 24 and 23 that it cuts into the building line of the square. Nos. 23 and 22 are located some way behind the original building line for the manor that burnt down in 1851. As a result the proposition of any harmful undermining of the existing building line between the two is difficult to substantiate, and the unusual relation between them results, at the least, in an unclear building line that is hard to clearly define as being breached by this proposal.

6.2.15 The street scene has also been raised. It is considered that the amended proposal will be a positive addition to the street scene through the rebalancing of this manorhouse. The amended scheme is respectful of the character of the dwelling and the square for the reasons already given.

6.2.16 The lower density of this corner of the square is not a part of the character of the rest of the outer square, and is such already out of character to a degree, and due to lower density, has the capacity for a reasonably sized extension, and would potentially not be as obvious as it would be elsewhere in the square where it could cause a closing up on the street scene. Further consultation with conservation resulted in agreement that the spaciousness of this corner of the square would be preserved by this proposal.

6.2.17 Taking into account all of the above points, it is concluded that the proposal demonstrates a high standard of design that respects the character and appearance of the area. Similarly, it is concluded that it would not harm the significant of the conservation area as a designated heritage asset.

6.3 The impact on neighbouring amenity

6.3.1 Neighbouring amenity has been one of the primary objections to this proposal, especially in regards to the amenity of 23 Donnington Square, but also in regard to the relation between 24 and 23.

6.3.2 The original impact of this proposal was considered to be higher due to the larger size and taller roof form. After amended plans were submitted, it was considered that the amended scheme secured a quality of development that would reduce the potential impact of the proposal on the neighbouring amenity of 23 and 22.

6.3.3 It was, however, considered necessary due to the scale of the objections, for the applicant to produce additional information in the form of shadow diagrams to prove that this proposal would not have an adverse impact on the amenity of 23.

6.3.4 The shadow diagrams created were based on the amended plans and demonstrated the location of the amended proposal more-or-less within the shadow of the existing 4-storey portion.

6.3.5 The information submitted was considered to adequately demonstrate that this proposal would not have an adverse impact on neighbouring amenity, as light would only be reduced on a small part of the neighbouring dwelling in the morning, and as such, is concluded to result in a minor loss of light restricted to the early morning that is considered to be acceptable. The impact on light as a result of this proposal would therefore not be sufficiently harmful to warrant refusal.

6.3.6 The location of these dwellings relative to each other also results in sufficient distance that overlooking should not be an issue.

6.3.7 Representations also highlighted that the proposed extension is going to be dominant over 22 and 23. Whilst the proposal would be visible, taking into account the precise relationship it is not considered that the impact would be sufficient overbearing to warrant the refusal of planning permission. They are already dominated and overshadowed to a large degree by the surrounding dwellings, which is an aspect of the now existing character of this corner of the square, and it is therefore considered that 23's amenity will not be dominated to any greater degree than it already is.

6.4 The impact on highway safety

6.4.1 The Highways Authority were consulted on this proposal and considered the current parking arrangements to be sufficient. It is therefore considered that, as parking and access remain unaffected by this proposal, that the impact of this proposal on highway safety is acceptable.

6.5 The impact on protected trees

6.5.1 On the site of this proposal is a large mature yew tree that is protected as a result of being in the conservation area.

6.5.2 It is considered that, as construction work is taking place away from the tree, that there should be little to no impact on the tree provided sufficient tree protection measures are undertaken.

6.5.3 This is conditioned in accordance with the recommendation of the Tree Officer.

7. CONCLUSION

7.1 After careful consideration of the issues surrounding this proposal, and having taken account of all relevant policies and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable. It is not considered that this proposal would demonstrably harm the character of the area nor the amenity of adjoining residential properties, and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

8. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Commencement of development

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. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- 2929-02E-A1 received 17/05/19
- 2929-02E-A3 received 21/05/19
- 2929-01 received 25/03/19
- Location Plan received 25/03/19

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

3. Materials as specified and to match

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Tree protection

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

INFORMATIVES

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

a) Provided the applicant with a case officer as a single point of contact.

b) Alerted the applicant to issues that were raised during the consideration of the application.
c) Accepted amended plans to address issues arising during the consideration of the application.
d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

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.

DC