

<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 Week Date</b>	<b>Proposal, Location and Applicant</b>
(1)	19/01881/HOUSE Newbury Town Council	9 September 2019	Two storey side and single storey rear extension. Proposed loft to be connected into existing converted loft space.  89 Enborne Road, Newbury  Mr and Mrs Genko

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01881/HOUSE>

**Recommendation Summary:**                    **The Head of Development and Planning be authorised to GRANT planning permission.**

**Ward Member(s):**                                Councillor Andy Moore  
Councillor Martha Vickers

**Reason for Committee determination:**                    Called in by Cllr Moore given previous enforcement action and impact on privacy to neighbour.

**Committee Site Visit:**                                19 September 2019

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## **1. INTRODUCTION**

- 1.1 This householder application seeks planning permission to make elevational changes to the two storey side extension currently being built following planning consent Ref: 17/01601/HOUSE. The applicants seek to move an external ground floor door serving the utility/dog room from the north elevation to the west elevation. A second window is proposed at first floor level in the west elevation to serve the en-suite at the northern side of the property.
- 1.2 The application site is a large semi-detached house which lies within the defined settlement boundary of Newbury in an established residential area to the western edge of the settlement. The outbuilding approved in 2018 is complete and the 2017 approval for the extension work is underway.

## **2. PLANNING HISTORY**

- 2.1 The relevant planning history for the application site is summarised below:
- 18/00256/HOUSE – Garden storage building/workshop with au-pair accommodation above APPROVED 12.04.18
  - 17/01601/HOUSE – Two storey side and single storey rear extension. Proposed loft to be connected into existing converted loft space APPROVED 27.07.17
  - 155316 – single storey front bay window extension, amendment to previous approval for rear conservatory APPROVED 16.08.99
  - 153876 – Conservatory APPROVED 14.12.98
  - 136990 – Extension to family sitting room, second bathroom and removal of chimney APPROVED 02.05.90

## **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 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for 21 days. The site notice expired on 14.08.2019.
- 3.3 This application is not CIL liable.

#### 4. CONSULTATION

Consultee	Summary of response
Town Council:	Objection / comment: new position of door could cause overlooking.
Enforcement:	<p>On 20.5.2019 Planning Enforcement were asked to assess whether on-going development works associated with planning permission no. 17/01601/HOUSE – “Two storey side and single storey rear extension. Proposed loft connected into existing converted loft space”, were being built in accordance with the approved drawings.</p> <p>It was established that additional openings had been made within the side elevation of the new development and the owner/applicant decided that to attempt regularisation of the confirmed breach of planning control a new [retrospective] planning application would be submitted. Planning Enforcement at that stage warned those responsible for the development that any further works would be conducted at their own risk.</p> <p>Planning application no. 19/01763/HOUSE was submitted on 4.7.2019 July but was never validated. Planning application no. 19/01881/HOUSE - Removal of glazed door and window moved to north elevation. Insertion of obscure glazed window and timber door to west elevation, was submitted on 15.7.2019 and is currently pending determination.</p> <p>It has been determined that the dimensions of the building associated with planning application no. 18/00256 - “Proposed garden storage building and workshop with Au Pair accommodation above”, are in accordance with the approved drawings.</p> <p>Planning Enforcement also confirmed that the extension is within the acceptable limits of the approved development.</p>
Public Representations:	4 letters of objection regarding the retrospective nature of the application as well as loss of privacy, overlooking and disturbance due to revised location of door.

#### 5. PLANNING POLICY

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at [www.westberks.gov.uk/planningpolicy](http://www.westberks.gov.uk/planningpolicy).
- 5.2 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies: ADPP1, CS14, CS19

5.3 The following documents are relevant material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- House Extensions SPG (2004)
- Quality Design SPD (2006)

## 6. APPRAISAL

6.1 The main issues raised by this development are:

- The principle of development
- The design and impact on the character of the area
- The impact on the living conditions of the neighbouring properties

### Principle of development

6.2 The application site lies within the settlement boundary of Newbury. Within settlement boundaries the principle of extending an existing dwelling accords with the development plan subject to its specific impacts. The 2017 approval for the extension did not include any restrictive conditions relating to the addition of openings in the future. Permitted development rights therefore apply on completion of the extensions and therefore doors and windows may be added at ground floor level without planning permission. This would be on the proviso that upper floor windows located in wall or roof slope forming a side elevation must be obscure-glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Given the above the principle of development is acceptable.

### The design and impact on the character of the area

6.3 Through the provisions of the NPPF the government outlines the importance of the design of the built environment. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The addition of windows or doors within the side elevation are not considered to result in harm to the street scene or the character of the area.

### The impact on the amenities of the neighbouring properties

6.4 According to Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. The Council's adopted Quality Design SPD and House Extensions SPG outline key factors to consider in terms of the potential impact on neighbouring living conditions.

6.5 The neighbouring property most affected by the proposals is No. 91 which lies immediately adjacent to (west of) the application site. This property has a utility room at ground floor level with a window on the east elevation facing the extension. There are two obscure glazed windows at first floor level in the same elevation. Although a 1.8m high wall extends along this shared boundary, the two storey side extension has reduced the gap between the two properties from a minimum of (approximately) 5 metres to 2 metres. Whilst both properties had openings in their respective side elevations, given that these are now closer to each other, there is an increased degree of intrusion due to perceived overlooking, notwithstanding obscure glazing. The top section of the ground floor openings can be seen from the higher ground floor level at No. 91. In order to limit any increased potential intrusion due to the reduced side access available to No. 89, the applicant was asked to retain the door within the north elevation of the utility/dog room as per the original scheme. This suggestion has not been taken up and given that restrictive conditions were not

included at the time of the approval for the extension, the case officer is unable to pursue this proposal.

- 6.6 The proposed en-suite window considered here will be obscure glazed and the applicant's agent has confirmed that it will be top-opening only. In order to protect the private amenity of No. 91 it is recommended that a condition be added to ensure no further openings can be installed without the requirement for planning permission.

## 7. CONCLUSION

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the Town & Country General Permitted Development Order 2015, it is considered that the development proposed is acceptable and the grant of conditional planning permission is justified. As such, the application is recommended for approval.

## 8. FULL RECOMMENDATION

- 8.1 To be delegated to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. 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. The development hereby permitted shall be carried out in accordance with drawing number 16107/PLR002 received on 15 July 2019 and 16107/PLR001 Rev A received on 3 September 2019.

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

3. 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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows or doors which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the western side elevation of the dwelling, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

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