

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	18/01221/FULD Pangbourne	25 July 2018 <sup>1</sup>	Construction of a new dwelling with associated parking and landscaping  Land Adjoining 32 The Moors, Pangbourne  Mr and Mrs Bond
<sup>1</sup> Extension of time agreed with agent until 30 <sup>th</sup> November 2019			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01221/FULD>

**Recommendation Summary:** Refuse planning permission

**Ward Member:** Councillor Gareth Hurley

**Reason for Committee Determination:** Called-in by former Councillor Pamela Bale

**Committee Site Visit:** 13<sup>th</sup> November 2019

#### Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks full planning permission to construct a three bed house of a modern design.
- 1.2 The land adjacent to 32 The Moors, Pangbourne is undeveloped piece of land situated outside of the defined settlement boundary of Pangbourne. The majority of the land is situated within Flood Zones 2 and 3, and which is known to have flooded in the past. Information gathered from a previous planning application (07/00357/HOUSE) shows most of the eastern part of the application site as falling outside of the red line indicating the extent of the residential curtilage of 32 The Moors and suggests this land has been used as a paddock or orchard rather than formal garden.
- 1.3 The proposed dwelling will be long and narrow, measuring 16.8 metres by 6.75 metres, with a total height of approximately 6.75 metres. The dwelling will be situated approximately 3.7 metres from the existing entrance to the site. Car parking will be provided within the site. Materials include red brick to match existing, grey aluminium doors and windows, and timber entrance door. The elevation towards The Greenways will be plain with only two obscure glazed windows proposed. The elevation towards the garden will house the majority of the glazing for the property.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
16/02701/FULD	Construction of a new dwelling with associated access and landscaping	Refused 05.12.2016

## 3. Procedural Matters

- 3.1 A site notice was displayed on 4 June 2018 on the entrance gate; the deadline for representations expired on 25 June 2018.
- 3.2 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.3 The nature of the development means that it will be liable for CIL. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Pangbourne Parish Council:</b>	No objection to this planning application but wish to comment that they would want to be satisfied that the property was 21 metres from its nearest facing neighbour. They also wish to note that it is outside the settlement boundary but understand that it is right on the edge of this boundary.
<b>WBC Highways:</b>	The Moors is a highway but is not maintained at public expense. It is classified as a Private Street but is subject to highway rights. The vehicle parking proposed is acceptable. A shed for cycle storage must be included within the proposal. The Highway recommendation is for conditional approval.
<b>WBC Tree Officer:</b>	<p>The application is for the erection of a new property, within the existing garden curtilage, the plans provide have indicated, the site contains some trees and hedges, however no details on species, stem diameters or root protection areas have been provided.</p> <p>The footprint may have an impact on the RPAs of boundary trees, which act as important screening, to both the existing property, water treatment plant and the adjacent footpath and, but further details would be required, but could be covered by planning conditions.</p> <p>I have no objection in principle to the development subject to the conditions being attached to any formal consent.</p>
<b>WBC Environmental Health:</b>	No response
<b>WBC Ecological Officer:</b>	No response
<b>WBC Rights of Way Officer:</b>	No response
<b>Ramblers' Association:</b>	No objection
<b>North Wessex Downs:</b>	No response
<b>The Canal and Rivers Trust:</b>	No response
<b>WBC Planning</b>	No comments were received

<b>Policy:</b>	
<b>WBC Waste Management:</b>	The addition of a further dwelling in this location raises no cause for concern with regard to the storage and collection of refuse and recycling.
<b>Environment Agency:</b>	Additional information submitted overcomes EA objection to the proposal subject to condition being included.

### ***Public representations***

- 4.2 Representations have been received from 2 contributors, 1 of which support, and 1 of which has concerns but no objections.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The design fits well within the variety of properties in The Moors
  - The property is surrounded on four sides and therefore would not encourage development beyond the village boundary
  - Assurance given by applicant that off street parking would be created
  - Assurance given by applicant that hard standing was provided on the building site to enable all builders' and delivery vehicles to be parked off-road

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADDP1, ADPP5, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
  - Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2014-19
  - WBC House Extensions SPG (2004)
  - WBC Quality Design SPD (2006)
  - Planning Obligations SPD (2015)
  - Pangbourne Village Design Statement

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Flood risk and drainage
- Character and appearance
- Residential amenity
- Highway safety

### ***Principle of development***

6.2 The application site lies outside of, but adjacent to, the defined settlement boundary for Pangbourne. It is therefore regarded as “open countryside” in terms of the housing supply policies. According to Policy ADPP1 of the Core Strategy only appropriate limited development in the countryside will be allowed. As stated above there is some doubt about the claimed status of most of the eastern part of the site as garden land but irrespective of this the whole of the site is considered to be undeveloped land as even that part which is accepted as garden forming part of the curtilage of 32 The Moors is not considered to comply with the definition of previously developed land set out in the NPPF. Moreover, this issue does not alter the fact that it lies outside the settlement boundary.

6.3 Policy ADPP5 of the Core Strategy provides the spatial strategy for the AONB. Recognising the sensitivity of the area, landscape protection is the priority in terms of housing provision. The policy states that, beyond housing site allocations there will be further opportunities for infill development and for development on previously developed land.

6.4 Policy CS1 of the Core Strategy states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies as indicated above. Policy CS1 further states that new homes will be primarily developed on suitable previously developed land within settlement boundaries and other suitable land within settlement boundaries.

6.5 In the context of the above policies, Policy C1 of the HSA DPD provides a presumption against new residential development outside of the settlement boundaries, subject to a number of exceptions (including certain prescribed infill developments), none of which are relevant to this proposal.

6.6 As such, a new dwelling on this site, which is outside the settlement boundary, is considered to be unacceptable in principle.

### ***Flood risk and drainage***

6.7 According to paragraph 155 of the NPPF, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. According to paragraph 157, all plans should apply a sequential, risk-based approach to the location of development so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by (amongst others) applying the sequential test and then, if necessary, the exception test.

- 6.8 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 6.9 According to Core Strategy Policy CS16, the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. When development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change.
- 6.10 Consistent with the NPPF, Policy CS16 states that development will only be permitted if it can be demonstrated that through the sequential test and exception test (where required), it is demonstrated that the benefits of the development to the community outweigh the risk of flooding. The site includes land within Flood Zones 1, 2 and 3, and consequently the EA confirm that the sequential test must be passed. It is the Council's responsibility to decide whether a proposal passes the sequential test, not the EA's. It is recognised that the part of the site where the building is proposed is located within Flood Zone 1; however the sequential test applies where the "site" is at risk of flooding.
- 6.11 No sequential test has been undertaken by the applicant, but in any event it is considered that the sequential test would fail because sufficient land for housing can be permitted in West Berkshire without developing land in Flood Zones 2 or 3. Consequently, although these may be a technical solution to the flood risk on the site, there remains a flood risk policy objection.
- 6.12 The application is accompanied by a Flood Risk Assessment (FRA) that has been supplemented with additional information during the course of the application. The Environment Agency (EA) originally objected due to identified deficiencies with the FRA, but these have been resolved through the submission of additional information. On the 21<sup>st</sup> October, the EA confirmed that the additional information submitted overcomes their objections subject to planning conditions.
- 6.13 Overall, although the technical issues with the FRA have been resolved to the satisfaction of the EA, the proposed development fails the sequential test, and is therefore contrary to the aforementioned policies.

### ***Character and appearance***

- 6.14 The NPPF is clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.15 Policies CS14 and CS19 of the Core Strategy are also relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of

its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

- 6.16 Policy C3 of the HSA DPD states that the design of new housing, including rural housing exception sites, conversions, extensions and replacement dwellings, must have regard to the impact individually and collectively on the character of the area and its sensitivity to change. Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to Quality Design - West Berkshire Supplementary Planning Document, Conservation Area Appraisals and community planning documents such as Parish Plans and Town and Village Design Statements, the design principles set out in the North Wessex Downs AONB Management Plan and on the rural environment.
- 6.17 Part 2 of the Quality Design SPD offers guidance on how to respect residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character. The physical bulk of the proposed dwelling has been considered in terms of its footprint, length, width and height in line with this guidance.
- 6.18 The Moors is a predominantly residential street made up of mostly red brick Victorian villas. The street scene is very uniform along the road with semi-detached properties each with front gables, and although there are some extensions and changes to individual dwellings, the character of the street is clearly identified by these properties. There is a strong building line on both sides of the road up to and including The Greenways.
- 6.19 The application site is currently open land with a verdant character. It provides a soft edge to the settlement, and makes a positive contribution to rural character of the street scene. The introduction of a new dwelling with associated hardstanding will adversely impact the natural edge of the settlement boundary and detract from its positive contribution.
- 6.20 The proposed dwelling will be set forward, whereby it would break the building line, albeit at the end of the road, and will be clearly seen from all travelling south along the public right of way. Owing to the position of the proposed dwelling and hard-standing, and with the loss of the open space, it is considered that it would fail to respect the character and appearance of the area. There are no concerns with the materials and detailing of this proposal.
- 6.21 For the above reasons, it is considered that the proposal fails to comply with the aforementioned policies.

### ***Residential amenity***

- 6.22 Securing a good standard of amenity for all existing and future occupants of land and buildings is a policy of the National Planning Policy Framework. Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.23 The proposed dwelling will be situated near the front of the plot and approximately 12 metres from the nearest properties, 25 The Moors and The Greenways and approximately 24 metres from the adjacent neighbour 32 The Moors. The overall height of the building will be approximately 6.75 metres. Mature hedging separates the site from the pathway and from The Greenways. Apart from two roof windows,

one for a bathroom and one over the stairwell, both of which could be obscure glazed, there are no windows proposed on the east elevation facing towards The Greenways, it is concluded therefore there will be limited impact on neighbouring amenity subject to condition that the windows on the east elevation are obscure glazed and that no further windows should be permitted without written permission from the Council.

- 6.24 Owing to the distance of the proposed dwelling to the closest neighbouring properties, suitable shielding from existing mature planting, and subject to appropriate and necessary conditions being applied, there would be no material adverse effects on neighbouring amenity.
- 6.25 The proposed dwelling is set within a large plot and is considered to achieve the minimum garden sizes set out in the Quality Design SPD.

### ***Highway safety***

- 6.26 The access road to the site is along a narrow private road. Highways assessed the site and had no objections subject to condition.

## **7. Planning Balance and Conclusion**

- 7.1 Planning law requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise. The application site is located outside of the settlement boundary and therefore within the open countryside where there is a presumption against new residential development. This conflict weighs heavily against granting planning permission.
- 7.2 The development is proposed on a site that falls within an area of flood risk. Whilst the development has been designed to position the building in the area least at risk of flooding, and technical solutions have been proposed to the satisfaction of the EA, there remains a flood risk policy objection in terms of the sequential test that also weighs heavily against granting planning permission.
- 7.3 The proposed dwelling will have an adverse impact on the street scene and the current green space to the end of this characterful road. This harm further weighs against granting planning permission.
- 7.4 There is a small public benefit in the provision of a new open market dwelling adjacent to the settlement of a Rural Service Centre. However, this benefit is outweighed by the above conflicts and harm. As such, the application is recommended for refusal.

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

### ***Refusal Reasons***

#### **1. Location of new housing**

The application site is located outside of any defined settlement boundary, within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). According to Policy ADPP1, only appropriate limited development in the countryside will be allowed. Recognising the sensitivity of the area, landscape protection is the priority in terms of housing provision, Policy ADPP5 states that, beyond housing site



allocations there will be further opportunities for infill development and for development on previously developed land. Policy CS1 states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies, and that new homes will be primarily developed on suitable land within settlement boundaries. In this context, Policy C1 provides a presumption against new residential development outside of the settlement boundaries, subject to a number of exceptions, none of which apply to this proposal. As such, a new dwelling on this site, which is outside the settlement boundary, does not comply with the aforementioned policies. The application is contrary to the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

**2. Flood risk sequential test**

The site includes land within Flood Zones 1, 2 and 3, and consequently the flood risk sequential test of the NPPF is applicable. No sequential test has been undertaken by the applicant, but in any event it is considered that the sequential test would fail because sufficient land for housing can be permitted in West Berkshire without developing land in Flood Zones 2 or 3. Consequently, although these may be a technical solution to the flood risk on the site (through the measures proposed in the Flood Risk Assessment and associated documents), there remains a flood risk policy objection. The application is contrary to the National Planning Policy Framework, the Planning Practice Guidance, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

**3. Character and appearance**

The application site is located adjacent to the rural settlement within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site comprises an existing open green space adjacent to the settlement boundary that provides a positive contribution to the street scene in terms of providing a soft edge to the settlement. The proposed building would result in the loss of this open space to the detriment of local character, and the building and hardstanding would be prominent additions to the street scene due to their position within the site. The application therefore fails to respect the character and appearance of the area, contrary to the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design SPD.