

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/02820/FULD Newbury Town Council	07/01/2020 ¹	New dwelling on land at 67 Andover Road, Newbury 67 Andover Road Newbury RG14 6JE Mr and Mrs Kane
¹ Extension of time agreed with applicant until 07/02/2020			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02820/FULD>

Recommendation Summary: Delegate to the Head of Development and Planning to **REFUSE** planning permission

Ward Members: Councillor Adrian Abbs
Councillor David Marsh
Councillor Tony Vickers

Reason for Committee Determination: Called in by Ward Member

Committee Site Visit: 30th January 2020

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: sian.cutts@westberks.gov.uk

1. Introduction

1.1 This application seeks planning permission for the erection of a new dwelling on land at No. 67 Andover Road, Newbury.

1.2 The application site forms part of the residential curtilage of No. 67 Andover Road, which is and end of terrace house. The terrace of which No. 67 is a part is a Grade II listed building. It was constructed circa 1784. It is described on the listing schedule as:-

“Circa 1784 symmetrical terrace. Two storeys. End houses double fronted: fenestration 3:2:2:3. Hipped slate roofs. Stucco. Recessed sash windows with glazing bars; ground floor windows of Nos. 63 and 65 with shutters. Recessed doorways with decorated rectangular fanlights, panelled doors and cast-iron trellis porches.”

1.3 The application site forms part of the residential garden, it is situated on the corner of Andover Road and Erleigh Dene. The boundary with Andover Road is defined by a brick wall with timber fencing on top, the boundary with Erleigh Dene is defined by fencing and laurel bushes. The site is adjacent to a grassed area on the corner of Erleigh Dene. The garden land within the site is laid to lawn. The application site includes the parking area outside the residential curtilage.

1.4 Planning permission is sought for the erection of a three bedroom house. The elevations are proposed to utilise a contemporary design approach, with a gable end of the building facing Andover Road. The gables are proposed to be finished in timber, the ground floor side elevations are proposed to be finished in dark grey brick, under a dark grey zinc roof. An oblique window feature is proposed on the south elevation. The proposed dwelling will be set 11.5 metres from the side elevation of No. 67 Andover Road, and set back from the front of the house. A new pedestrian access onto Andover Road is proposed. To the rear of the site, accessed from Erleigh Dene, 4 parking spaces, and one visitor space are proposed along with a cycle shed, using the existing hardstanding area. This is to provide parking for No. 67 Andover Road, and the proposed dwelling. New boundary planning is proposed, and additional landscaping between the existing house and the proposed dwelling. The house is designed to meets Passivhaus standards for sustainable design and build.

2. Planning History

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

Application	Proposal	Decision / Date
88/33419/LBC2	Construction of conservatory	Approved 16/12/1988
88/33418/ADD	Construction of conservatory	Approved 13/12/1988
11/00988/FULD	Detached dwelling on part of garden belonging to 67 Andover Road, Newbury, Berkshire	Refused 13/01/2012
18/03332/HOUSE	Demolition of existing rear conservatory and	Approved

	replacement with new single storey extension	15/02/2019
18/0333/LBC2	Demolition of existing rear conservatory and replacement with new single storey extension	Approved 15/02/2019
19/01730/FULD	New dwelling on land at No. 67 Andover Road, Newbury.	Withdrawn 11/11/2019
19/02820/LBC2	New dwelling on land at No. 67 Andover Road, Newbury.	Withdrawn 11/11/2019

3. Procedural Matters

- 3.1 Given the nature and scale of this 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 A site notice was displayed on 19th December 2019 on the fencing facing Andover Road; the deadline for representations expired on 10th December 2019. A public notice was displayed in the Newbury Weekly News on 21st November 2019; the deadline for representations expired on 5th December 2019.
- 3.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL. The exact amount will be confirmed in the CIL Liability Notice.

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.

Newbury Town Council:	No objection
WBC Highways:	<p>Six car parking spaces are proposed for both the existing and proposed dwellings; five to the rear and one to the front, all of which are from existing accesses.</p> <p>One electric vehicle charging point should be provided for the proposed new dwelling – minimum of 7kw. Should suitable details be submitted at this stage this will remove the requirement for a pre-commencement condition.</p> <p>A cycle store is proposed which is acceptable.</p>

	<p>Given the proximity of this site to the school, a Construction Method Statement is requested. There must be no deliveries at the start and end of the school day – actual times must be specified within the CMS.</p> <p>The highway recommendation is for conditional approval.</p>
Waste Management	<p>The addition of a further dwelling in this location raises no concerns with regard to the storage and collection of refuse and recycling. Please note however that the area provided for bin storage will not double as a collection point. Bins and recycling containers must be presented at the new property's nearest point to the public highway.</p>
SuDs	<p>No formal advice provided, however advice was provided for the application with regards to the use of SuDs features.</p>
Newbury Society	<p>Object.</p> <p>Detrimental impact on the historic terrace and its setting. The symmetry of the terrace is enhanced by open space at either side of the terrace, and the house at the northern end is a different situation to that now proposed, as it is set back from the terrace and does not detract from it.</p> <p>The Newbury Town Design Statement refers to the area as “garden suburbs” and future development should conserve that atmosphere. This requires protecting existing open and green spaces including garden, and this application reduces that, and reduces the house to garden ratio. Threat to trees from the position of the new house.</p> <p>The design is not appropriate to the location, competes with the terrace, too large for the plot, poor south-west elevation, and disregards the Town Design Statement that development should respect the role Andover Road plays as a gateway to the town.</p>
Newbury Town Council	<p>No objection</p>
Conservation	<p>Object</p> <p>The proposed development will harm the setting of the listed terrace at 61 - 67 Andover Road, but also the character of the Andover Road street scene, by the development of this important corner plot.</p> <p>The separation now proposed between the end terrace and the proposed new dwelling is an improvement on that previously indicated in the previously refused application numbered 11/00988/FULD, but, combined with the contemporary design of the new dwelling, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene, fundamental objections remain with regard to the development of the site. These can be summarised by referring to the importance of the open space in maintaining the symmetry of the listed terrace and its setting, and an over-</p>

	<p>development of a modest, sensitive corner site, also important in street scene terms.</p> <p>It is considered that the design and materials proposed for the new dwelling will compete rather than contrast (as argued in support of the application proposals) and be out of character with the listed terrace and properties in the immediate locality.</p> <p>It is noted that a number of letters of support have been received in respect of this application, but not from the immediate locality, where the consensus is against the proposal.</p>
Trees	No objection subject to conditions being attached to minimise the impact on the trees and replacement planting to ensure a net gain of trees.
Thames Water Utilities	No response received
Access Officer	No response received

Public representations

- 4.2 Representations have been received from 40 contributors, 30 of which support, and 10 of which object to the proposal.
- 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:
- 4.4 In support:-
- Well considered scheme
 - Effort has been made to maximise the distance between the two dwellings is as great as possible
 - This will be a smart warm new build
 - Will be sympathetic to its surroundings, will not compete with the listed terrace, there is a less sympathetic dwelling at the northern end of the terrace, the white terrace will remain the prominent view as the proposed dwelling is set back and mature planting will screen new house
 - Forward thinking in design and energy consumption, Passivhaus standard
 - Encourage more accommodation within walking distance of town centre
 - The existing terrace has been extended to the rear
 - Access will be from Erleigh Dene, a quiet side road
 - Sufficient garden remains for both houses

- Similar houses have been built in Newbury
- It will fill a need for affordable and suitable housing for young families in the area.
- Makes good use of urban land

4.5 In objection;

- The curtilage of a Grade II listed building is covered by the protection of the building, and paragraph 190 and 194 of the NPPF
- The previous application 11/00998 was refused and the same reasons remain today
- The dwelling would spoil the symmetry of the terrace, which is important in Georgian architecture, and detract from the heritage asset, the house to the north is wholly beyond the terrace and has minimal impact on the façade view, the new house 2 metres from the front wall and will be an imposing and jarring view
- The modern design and proposed materials in dark grey brick and dark grey zinc panels will negatively affect the listed terrace and be contrary to policy CS19, and do not fit in the settled surrounds of Andover Road
- The bungalow to the north was built before the terrace was listed in 1969
- To move the dwelling further away from the terrace requires lowering the ground level and a new retaining wall, and external storage space for No. 67 will be lost, which show extreme measure to artificially minimise the size of the dwelling, there will be pressure for extension and outbuildings in the future
- The harm to the listed building does not outweigh the benefit to housing need
- Loss of garden will make site appear cramped, high density development, contrary to the Newbury Town Plan and characterisation of a “garden suburb”, overdevelopment of a sensitive site
- Parking is unrealistic and uses up the garden, the space identified from Andover Road has never been used
- The parking bay in Erleigh Dene is already full and cars parking on the pavement, and close to the junction, causing hazards for pedestrian with children
- Too close to the trees, harm to roots, trees will require pruning to allow light into the house, landscaping may be removed, it is a green area on a route to the town enjoyed by residents
- The permission to replace the conservatory with an extension may reduce the size of garden for No. 67 and reduce the gap between the two further.

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 ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and OVS6 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)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Heritage
- Character and Appearance of the Area
- Highways
- Other matters

Principle of development

6.2 The application site is situated within the settlement boundary for Newbury, where policies ADPP1 and C1 identify that residential development should be situated. Policy ADPP1 states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. The principle of a dwelling on a site within the settlement boundary of Newbury is acceptable in principle, subject to the consideration of the following site specific matters.

Heritage

6.3 Policy CS19 says that in ensuring the landscape character of the district particular regard will be paid amongst other things to the conservation and, where appropriate the enhancement of heritage assets and their settings. The application site is within the residential curtilage of No. 67 Andover Road which forms part of the Grade II listed terrace, consisting of 61 - 67 Andover Road. The terrace is a later eighteenth century building with a symmetrical Georgian façade, which is further enhanced by the open space on either side of the building. The open space makes an important contribution to the setting of the terrace, and the introduction of built form in this sensitive area would cause harm to the setting of the building by unbalancing this symmetrical terrace. Attention has been brought to the dwelling to the north of the site, No. 59 Andover Road,

this building was constructed at a lower ridge height, and the front elevation is set back from the rear elevation of the terrace, enabling an open view of the side elevation of No. 61 from a northern direction. In contrast, the proposed dwelling is set back two metres from the front elevation of No. 67, and whilst there may be some levelling of the ground, the proposed house is shown on the street view as the ridge being higher than that of the terrace. Whilst some separation of 9 metres extending to 11.6 metres distance is proposed, only glimpsed views will be possible, as the open space which forms part of the setting of the terrace and will be enclosed, and further reduce views of the listed building. Whilst there has been a Victorian extension to the original terrace, this has added symmetry to the building, and is included within the listing of the building. The symmetry of the building is enhanced by the open space at either side of the building, and the enclosure of the southern section, with a house of contrasting design and materials with a gable front and higher ridge, included additional planting along the new curtilage will further unbalance the symmetry, introducing visually discordant design and materials, and will compete visually with the simple elevations and materials of the listed terrace. This will cause harm to the setting of the listed building, contrary to policy CS19 of the Core Strategy and the advice contained within the NPPF.

Character and appearance

- 6.4 Policies CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and the policy goes on to say that considerations of 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 says that regard will be paid 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. The Quality Design SPD Area Focus Statement Andover Road and Newbury Town Design Statement refer to the area as an important gateway to Newbury, and seek to ensure that infill development does not harm neighbourhood quality, and ensuring that opportunities should be taken to retain established landscape features which give a sense of place and definition to the area. As discussed above the proposal will result in the enclosure of the open space which forms the residential curtilage of No. 67 Andover Road. As discussed the proposed dwelling is of a contemporary design with dark grey brick, zinc seam roof, and timber elevations. The prevailing materials within the area, are red bricks, and slate or clay tiled roofs, with the listed terrace providing a contrast with white rendered walls, which are replicated in other locations on Andover Road. The design and materials proposed, within this prominent location rather than contrasting with the simple elevations of the terrace, and the more traditional brick and tiles in the immediate locality will visually compete rather than contrast with the wider area, and will not enable the proposed dwelling to blend sympathetically into the street scene and are out of character with the surroundings.
- 6.5 A number of objections have referred to the loss of trees and vegetation as a result of the proposed house. The application was submitted with an Arboricultural Impact Assessment and a Method Statement Report which the Council's Tree Officer has considered. The Tree Officer was satisfied with the tree protection measures which had been included to ensure that there was minimal impact on the retained trees, with replacement planting proposed to ensure a net gain of trees. These were also considered satisfactory to protect the trees which are outside of the application site and owned by West Berkshire Council.

Highways

- 6.6 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for residential development. The application is proposing to lay a parking area to the south-west of the site, with 4 spaces and a

visitor space accessed from Erleigh Dene, with the retention of one parking space to serve the host dwelling, accessed from an existing driveway off Andover Road. The Highways Officer is satisfied that this arrangement is acceptable, and the cycle store which is proposed is also acceptable. Conditions have been recommended requiring a Construction Method Statement, due to the proximity of the site to St Bartholomew's School to ensure that deliveries take place at the start or end of the school day. In addition a condition is requested to ensure that details of an electric vehicle charging point are submitted and approved, and provided before the dwelling is brought into use.

Other Matters

- 6.7 The application is proposing the construction of an additional dwelling within a residential area, and the curtilage of an existing dwelling. The design of the building is such that oblique window features and separation distances are sufficient to ensure that there will not be overlooking to surrounding houses. In addition there is sufficient amenity space retained for No. 67 Andover Road, and proposed for the proposed dwelling to provide sufficient amenity space to meet the needs of future occupiers in accordance with the guidance set out in the Quality Design SPD. The proposal provides will not be harmful to the living conditions of the future occupiers or those of neighbouring houses.
- 6.8 The application site is within flood zone 1, and the proposal does not increase the risk of flooding on the site or elsewhere. The Council's Drainage Engineer has advised that an informative be added to, with a permission to encourage the use sustainable drainage methods within the site, in accordance with policy CS16.
- 6.9 The application has included an area for storage of waste and recycling to the front of the house. This is considered to be satisfactory where occupants bring the bins to the pavement on collection days.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the erection of a house within the residential curtilage of No. 67 Andover Road which forms part of a Grade II listed building. The proposed siting, design, and external appearance is such that it will be harmful to the setting of the listed building resulting in a discordant feature in the street scene which harms the setting of the building and is detrimental to the street scene and the character and appearance of the this part of Andover Road which is an important gateway to Newbury town centre.
- 7.2 There were representations made in support of the application, with regards to the environmental standards of construction with the aim of the dwelling to meet Passivhaus standards. The building to such a standard would be welcomed in new development, however the benefit of the zero carbon construction and minimal energy use in the running of the building is not sufficient to outweigh the harm that the siting of the dwelling will have on the setting of the listed building, and the impact on the wider character and appearance of the area.
- 7.3 The statements in support of the application have also made reference to the dwelling contributing towards the provision of new housing within the District, and making effective use of an open site within the town. The spatial strategy set out in policy ADPP1 seeks to use previously developed land within the urban areas such as Newbury, however the NPPF definition of previously developed land specifically excludes residential gardens from the definition. Whilst windfall sites such as this make a contribution to the housing land supply, the current supply is in excess of 7.5 years, and so the addition of this additional dwelling would be of negligible benefit to the housing supply, and does not constitute a suitable use of previously developed land.

- 7.4 Whilst there are benefits to this scheme, such as the Passivhaus design and the provision of a dwelling in close proximity to the town centre, potentially reducing the need for the use of the private car, these benefits are not considered to outweigh the harm which has been identified to the setting of the grade II listed building and the character and appearance of the street scene through the enclosure of this important open site, unbalancing the symmetry of Nos. 61 - 67 Andover Road, though the introduction of a building which visually competes with the terrace and introducing visually competing materials and design features, contrary to policy CS19 and the advice contained within the NPPF.

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.	<p>Impact on listed building</p> <p>No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the setting of this listed building by unbalancing this symmetrical terrace. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the advice contained within the NPPF (20219).</p>
2.	<p>Impact on the character and appearance of the area</p> <p>No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building, and the character and appearance of this part of Andover Road which is an important gateway to Newbury. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the character with the listed terrace and the dwellings within the immediate locality, and would be detrimental to the street scene, and the character and appearance of this important gateway to Newbury. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the Quality Design SPD (2006) and the Newbury Town Design Statement (2018)</p>

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>

DC