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DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 4 MARCH 2020

Councillors Present: Adrian Abbs (Substitute) (In place of Phil Barnett), Hilary Cole, Carolyne Culver, Clive Hooker (Vice-Chairman), Alan Law (Chairman), Royce Longton, Alan Macro, Graham Pask, Tony Vickers and Andrew Williamson

Also Present: Paul Goddard (Team Leader - Highways Development Control), David Pearson (Team Leader - Development Control) and Shiraz Sheikh (Legal Services Manager), Sian Cutts (Senior Planning Officer) and Linda Pye (Principal Policy Officer)

Apologies: Councillor Phil Barnett

Absent:

PART I

6. Minutes

The Minutes of the meeting held on 21 August 2019 were approved as a true and correct record and signed by the Chairman.

7. Declarations of Interest

There were no declarations of interest received.

8. Schedule of Planning Applications

(1) Application No. & Parish: 19/02144/FULD - Inglewood Farm Cottage, Templeton Road, Kintbury

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02144/FULD in respect of Section 73: Variation of Condition 2 – 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling. Planning permission had been granted for a three bedroom, two storey brick finished rectangular shaped house, with plain tiled hipped roof. The current application was seeking to vary the approved plans through the addition of a two storey wing (at a lower ridge height than the main roof of the house) to provide additional living space at the ground floor level and an additional bedroom with en-suite bathroom.

Councillor Alan Law, Chairman, introduced the Officers in attendance at the meeting and stated that West Berkshire was a plan led authority. He confirmed that the role of the District Planning Committee was not to review or appeal the decision taken by the Western Area Planning Committee but to consider the application afresh. Councillor Tony Vickers queried whether the minute extract from the Western Area Planning Committee could be taken into consideration as they had yet to be approved by that Committee. The Chairman confirmed that they could be taken into consideration as they formed part of the background information. However, Committee Members, particularly those who had sat on the Western Area Planning Committee, should approach the application with a fresh mind.

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David Pearson, Team Leader – Development Control, introduced the application for which the Western Area Planning Committee on 5 February 2020 had resolved to grant planning permission contrary to Officer recommendation. The application, if approved, would be contrary to the provisions of the Development Plan and the guidance contained in the National Planning Policy Framework. It would conflict with the NPPF, policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy C6 of the Housing Site Allocations DPD 2006-2026. The Development Control Manager had therefore requested that the application be referred to the District Planning Committee for determination.

Planning policy, both nationally and locally, was quite clear that a replacement dwelling in the countryside should be proportionate in size and scale to the existing dwelling, and should not have an adverse impact on the character and local distinctiveness of the rural area or heritage assets and its setting in the wider landscape. The report set out that the proposed dwelling would have a floorspace 253% larger than that of the original dwelling, and the approved house would be approximately 145% larger. The update sheet set out revised calculations for the percentage floor space and volume of the previously approved dwelling and the proposed dwelling to take into account the existing brick outbuilding 1.5 metres to the east of the existing house. A calculation had now been completed in relation to the increase in volume of the replacement dwelling which was approximately 460% and the proposed replacement dwelling would be approximately 600% larger. The update sheet also clarified calculations in respect of length, width and roof height. It was noted that the application site as outlined in red on the location plan was 0.18 hectares (1846 sq.m.). The report also set out the trees that were proposed to be felled as indicated in the Arboricultural Impact Assessment submitted with the original planning application.

It was noted that the Officer's report had stated that the property was on Templeton Road, Kintbury, which was incorrect as Inglewood Farm Cottage was situated on Inglewood Road, which was an adopted highway.

David Pearson stated that the Officer recommendation for refusal remained unchanged as it was felt that the proposed development would be disproportionate and would have a visual impact on the AONB.

In accordance with the Council's Constitution, David Selby, applicant and Callan Powers, agent, addressed the Committee on this application. Anthony Stansfeld had registered to speak in support of the application but had sent his apologies as he was unable to attend the meeting.

Applicant/Agent Representations:

Mr Callan Powers and Mr David Selby in addressing the Committee raised the following points:

- Mr Powers stated that the proposed extension was in addition to the extant permission and would be situated to the rear of the property;
- He felt that the extension would not be conspicuous as it would be shielded from view by vegetation along the farm track and the approved dwelling would block views from the road;
- A Landscape Visual Appraisal had been submitted with the application which indicated that the visual impact would be neutral;
- Mr Powers noted that Officers had provided percentage increases in floor space and also in volume. Percentage increases in floor space were the figures which were normally used, however, he disputed the figures for both floor space and

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volume which had been quoted by the local authority. His figure was 175% lower than those given by Officers. He felt that there was no direct policy basis on which to make calculations of this kind and there were no rules to define what was an acceptable increase. High increases had been acceptable in the past and he quoted a couple of examples of applications which had gone to appeal and which had been accepted by the Inspector as being in accordance with the adopted Development Plan;

- Mr Powers summarised that there would be no visual impact on neighbouring properties or the AONB.

Member Questions:

Councillor Hilary Cole noted that the application for a 3 bedroom dwelling had had been approved on 31 May 2019 and she queried why a further application for an extension was now being put forward in such a short space of time. Mr David Selby responded that three years ago it had been agreed to sell the family home and downgrade. He had found a plot of land which he felt would be suitable to build a new house but there had been frustrations with the Planning system and with his family circumstances. The need for a Flood Risk Assessment report had also delayed the planning application for a further two months. He had therefore had time to reflect on the suitability of the original application and due to a change in family circumstances he had wanted to include an additional bedroom which had led to the request to vary the plans.

Councillor Alan Macro referred to the Flood Risk Assessment and the condition in relation to the approval of a Sustainable Drainage system. He noted that at the site visit the area was inches deep in water and he questioned how confident the applicant was that a substantial drainage system could be put in place. Mr David Selby replied that the last few months had been exceptional in terms of rain and flooding and he had never experienced any problems in the past. Mr Power advised that there was already a condition in respect of site levels and he was of the opinion that there was sufficient space on the site to contain the drainage system.

Councillor Adrian Abbs asked whether there had been a significant change in the size of the family since the original application had been approved and Mr Selby confirmed that the size of the family had not changed. Councillor Abbs also referred to the vegetation and landscaping of the site. Much of this was existing vegetation and he had noticed that a new fence had been erected by the farmer along the boundary with the land edged in blue on the plan. He queried whether it was proposed to use that land for anything else. Mr Selby confirmed that as far as he was aware there was no plans for this land other than a field as it currently was.

Councillor Tony Vickers referred to the condition in relation to energy efficiency and he asked if Mr Selby was keen to reduce the carbon footprint. Mr Selby said that he wanted to be as energy efficient as possible as he would like to make savings on heating etc.

Councillor Graham Pask asked what options had been considered in respect of parking. On the site visit he had seen a scruffy garage with a parking space parallel to the road. Mr Powers confirmed that there was an existing garage which was mainly used as a storage function but was not close to the working function of the house. Mr Selby agreed that it was an eyesore and the intention was to replace it with a similar structure.

Councillor Alan Law said that in terms of the volumetric this was the method that an Inspector would use to judge proportionality and he asked Mr Powers how he would present scale and massing. Mr Powers said that it was not inappropriate to use volume but it was unusual to do so. He was asking the Committee to base their decision on the visual impact of the proposal. From a number of vantage points the extension would not

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be visible. Mr Selby added that the planning permission he already had was for a basic three bedroom house and all he was asking for was an additional bedroom and an extended kitchen area.

Councillor Clive Hooker noted that Mr Powers had spent a lot of time during his presentation quoting previous appeal decisions and he asked Mr Powers what his opinion was in relation to this application. Mr Powers responded that there was no expectation that this application would need to go to appeal as he thought that the increase in floorspace was entirely reasonable. He had made reference to other appeal decisions as it demonstrated that the percentages in relation to those appeals were significantly higher than this one and the Inspector had not found that to be of consequence. Councillor Hilary Cole advised that every application was considered and determined on its own merit and she could not see the relevance of introducing other appeal decisions. Mr Powers reiterated that this application was not significantly visual. Mr Selby added that two environmental impact reports had been provided and he therefore could not see why this element was being debated.

Councillor Adrian Abbs queried whether it had been the intention all along to extend the property at a later date. Mr Selby confirmed that that had not been the intention - the intention had been to knock down the existing dwelling on the site as it was semi-derelict and to build a new three bedroom property.

Ward Members Representations:

Councillors James Cole and Claire Rowles, Ward Members, in addressing the Committee raised the following points:

- Councillor Claire Rowles stated that the handling of this application had not been great. The minutes from the Western Area Planning Committee had not been signed off and were therefore in a draft format. She had substantive changes which she would have proposed. Councillor Alan Law said that it would be permissible to state what those changes would have been if they were relevant to this application. However, Councillor Rowles did not feel that this was the appropriate place to raise the amendments as they would not have been agreed by other Members of Western Area Planning;
- In terms of the proposal having an adverse visual impact she stated that the site was in a remote part of Kintbury and it was well screened with open fields in the surrounding area. There had been no objections raised from local residents or from the Parish Council. The proposed dwelling and extension could not be seen from the road and therefore she could not see why it would have an adverse impact – in fact she felt that it would improve the area;
- Councillor Rowles failed to see how one additional parking space would create an urban effect;
- Councillor Rowles commended the applicant on his willingness to build an eco-friendly property;
- Councillor James Cole stated that the current house on the plot was not a gatehouse even though it was sited next to a gateway;
- Although some Members felt that the proposal would have an environmental impact it would not be a disaster for the AONB;
- The DPD when considering dwellings in the countryside did not set out what constituted an acceptable size of a replacement dwelling and the concern which

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had been raised was that the proposal for an extension had come relatively quickly after the original application had been approved;

- In relation to the size of the dwelling Mr Powers had given examples of comparator cases where one dwelling in West Woodhay had been granted permission with a 750% increase in volume.

Member Questions:

Councillor Alan Macro referred to the example quoted above in West Woodhay and noted that this had been the subject of a series of applications in 2012 which pre-dated the Council's existing policies. He asked Councillor James Cole how confident he was in relation to the figure of 750% which had been quoted. Councillor Cole was not sure of the exact figure but there had originally been a small farmhouse there which had been converted into a large mansion with outbuildings which was a substantial increase.

Councillor Clive Hooker confirmed that he had driven past the site and had not noticed the original dwelling but this might not be the case with the new house and extension. Councillor Rowles stated that there was a considerable amount of foliage along the front of the site and therefore it was well screened already. The new dwelling would also be set further back from the road. She had lived in Kintbury all of her life and had not realised that there was a building on the site. Councillor Alan Law noted from the site visit that the foliage to the front had been unkempt and there was a possibility that when the new property was constructed the applicant would want to replace the existing foliage and therefore the screening might not be so dense. Councillor James Cole reiterated that the extension to the rear of the property would not be visible from the road.

Questions to Officers:

Councillor Graham Pask said that in the past proportionality had been determined in percentage figures but there had been a move away from that and now there were no clear rules in regard to proportionality. He asked how Officers were interpreting Policy C7 and the NPPF. David Pearson responded that Officers would consider the application and visit the site. If a recommendation was made on proportionality then it would be necessary to look at the level of change. This would be through assessing the plans, measuring the floor area and cubic capacity and making a judgement on how that would impact on the surrounding area. Officers would still refer to figures as it was a means to back up their initial view but there was no policy in place which set out what figures were acceptable and what were not. The NPPF talked about the quality of design and whether the proposal would enhance the AONB. Councillor Pask noted that the design for the frontage of the property had already been agreed and the design of the new extension replicated that. David Pearson confirmed that when the Development Plan was adopted it had to be tested against the NPPF and therefore although the design of the new wing fitted in with the extant permission for a three bedroom dwelling Officers were of the opinion that it did not fit in with the surrounding area.

Councillor Tony Vickers agreed that planning policy was tested every time that an appeal was determined. He asked if there were other appeals which could be cited where the Inspector had agreed with the local authority in relation to proportionality and the appeal had been dismissed. He also asked the Planning Officer whether in his experience it was unusual for Ward Members to be so supportive of an application. David Pearson confirmed that there were many appeals that he could quote in relation to the replacement dwellings policy and the local authority had won more than it had lost. The level of public support was not a material consideration in determining an application and the Committee should focus on the planning arguments.

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Councillor Hilary Cole referred to Policy C7 and in particular paragraph 4.57 which stated that *'There is evidence within the AONB of small rural properties being purchased, then demolished and replaced with substantial new houses that are alien to the local context and the special qualities and natural beauty of the landscape of the AONB. Such development neither enhances nor conserves the character of the AONB and will be resisted.'* She asked if this was being taken into account. David Pearson confirmed that it would form part of the Officer's deliberations and it supported the view that had been taken. Although the revised policy was looser and more flexible this application was clearly contrary to policy.

Councillor Adrian Abbs queried whether the difference in size was being compared to the old cottage or the new extant permission. David Pearson advised that this was an application to vary the plans and therefore the extant decision could be taken into account but it was essential to consider both scenarios.

Councillor Andrew Williamson referred to the square meterage and questioned whether a benchmark figure had been used. David Pearson replied that a benchmark figure had not been considered. However, the extant permission for the original dwelling represented a 131% increase which he felt had been a generous decision. Sian Cutts added that the original permission had included a condition to restrict permitted development rights in order to limit future potential extensions. Councillor Williamson asked why volume figures had been provided. David Pearson stated that this helped to determine the visual impact and proportionality. The floor area figures would take you so far but the volume figures helped with the ability to see in three dimensions. He was of the opinion that this was a basic requirement in order to envisage what the application entailed. David Pearson confirmed that he was familiar with the area and frequently passed the site. He believed that in the winter months the property would be exposed to view and he felt that this was an outstanding part of the AONB. If one looked north-east from the site a replacement dwelling, which had been granted planning permission some years ago, was visible and he felt that this stood out like a sore thumb. Councillor Alan Law stressed the fact that replacement dwellings in the AONB should conserve and enhance the AONB.

Councillor Hilary Cole noted that the ridge height of the existing house was 6.2m and the approved house was 8.6m. This was a difference of 2.4m and she asked if that would add to the visual impact. David Pearson said that that would be a subjective judgement.

Councillor Alan Macro referred to the Flood Risk Assessment and he queried whether if planning permission was granted and it was not possible to accommodate the Sustainable Drainage System the application would fall. Sian Cutts stated that mapping showed that there was an area of groundwater flood risk. A Sustainable Drainage System would be required to mitigate and protect against flooding and therefore there was a condition to this effect. David Pearson added that the Drainage Officer would not have recommended such a system if it could not be accommodated. Sian Cutts confirmed that there had been no comment from the Drainage Officer on the s73 application.

Councillor Adrian Abbs referred to the red and blue lines on the map on page 37 of the agenda and asked which trees had been felled. Sian Cutts confirmed that at the front of the property trees T2 and T3 had been cut down. Councillor Abbs confirmed that he was looking for assurance in respect of the fence and he asked whether something had been done on this site that should not have been. David Pearson confirmed that the red line was the application site and the blue line was denoted land in the same ownership.

Councillor Carolyn Culver asked what aspects of the approved application had been considered acceptable. Sian Cutts stated that the new dwelling would be set back further from the road and this had balanced against the increase in size as the original house

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was relatively small. On balance the extant application, with limited views and in that location, was considered to be acceptable. However, the proposed extension was the same size as the original house which would constitute a considerable increase and therefore it was felt that that was not acceptable. David Pearson agreed that there was a dilemma – the Government advice in the AONB was to conserve and enhance the area but an Inspector might take the view that if it did not cause harm then it was acceptable. He felt that these two elements should be more aligned.

Councillor Clive Hooker asked if the land shown edged in blue on the plan could be conditioned particularly in respect of landscaping. David Pearson confirmed that it could be conditioned but he felt that the Committee should concentrate on the land outlined in red.

Debate:

Councillor Alan Law said that listening to some of the comments which had already been made the Committee were in danger of re-evaluating the original application. The Committee should be determining whether it was acceptable to vary Condition 2 in relation to the approved plans. It would be necessary to consider whether the proposed extension would make the whole development disproportionate and if Members were minded to approve the application then what were the exceptional circumstances for going against policy.

Councillor Graham Pask thanked the Chairman for providing clarification. The District Planning Committee was there as the parent Committee to determine the application but it was not there to make policy. Councillor Pask confirmed that he did try to interpret policy in a positive way and to appraise an application in order to determine whether it was an exception to policy. Officers had advised that this application was against policy and the question was whether an exception could be justified so that a precedent was not set. He confirmed that he was struggling to make this application an exception as there was still a principle around proportionality.

Councillor Andrew Williamson was struggling to see what the visual impact would be and he did not have a major concern around the proportionality.

Councillor Tony Vickers referred to paragraph 4.58 of Policy C7 where it stated that if a replacement dwelling was disproportionate then it would not be acceptable. However, it was not just a case of measuring the floorspace or volume - it was also tied in with the impact. Policy C7 was in presumption of favour and he felt that he could make a case for exceptional circumstances as he felt that there would be no visual impact or harm as the extension could not be seen from the road. It was a well screened site and would not be visible so therefore it would not make a significant difference.

Councillor Adrian Abbs stated that he was new to the Planning Committee and as a starting point he would take advice from both Members and Officers as to where a proposal did and did not meet policy. The proportion of the dwelling within the red line was considerable.

Councillor Hilary Cole concurred that this was a difficult application to determine because of the extant permission. She advised that Members and Officers had agonised over the drafting of policy C7 as they had wanted to build in flexibility. However, she felt that the proposal was a step too far. Approval had been granted in May 2019 for a three bedroom house and then a further application for the extension was received in August 2019. She was of the opinion that it should have come forward as a whole package. She referred to the statement that the site was well screened but suggested that the foliage could easily be chopped down and then the building would be extremely exposed. The proposal

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would impact on the AONB and she had been disappointed that there had been no comment from them on the Section 73 application.

Councillor Alan Macro noted that the Council had a policy which presumed in favour of replacement dwellings in the countryside as long as it was not disproportionate. He felt that the fact that the proposed extension was as big as the original dwelling then it could not be justified.

Councillor Adrian Abbs proposed the Officer recommendation that the application should be refused and this was seconded by Councillor Graham Pask.

At the vote the motion was carried with seven voting in favour and three voting against.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reason:

The application is proposing to replace Inglewood Farm Cottage, with a dwelling which is disproportionate in size and scale to the existing dwelling, and will have an adverse impact on the setting, character and appearance of the site within the wider landscape due to the extent of the dwelling across the site, and the provision of a parking space perpendicular to the existing parking area, which will further open up the road frontage with Inglewood Road. The proposed dwelling will be harmful to the setting within the North Wessex Downs Area of Outstanding Natural Beauty due to the change in a character of the dwelling on the site and opened frontage, which is contrary to policy C7 of the Housing Site Allocations DPD (2006-2026), and policies ADPP1, ADPP5 CS14 and CS19 of the Core Strategy 2006-2026) and the advice contained within the NPPF (2019) which gives great weight to conserving and enhancing landscape and scenic beauty in the Areas of Outstanding Natural Beauty.

(The meeting commenced at 6.30 pm and closed at 8.10 pm)

CHAIRMAN

Date of Signature