

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00236/HOUSE Basildon	31 March 2021 <sup>1</sup>	Single Storey Rear Extension  Feathers Farm, Blandys Lane, Upper Basildon  Mr and Mrs Clive and Sabrina Richardson
<sup>1</sup> Extension of time agreed with applicant until 23 April 2021			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00236/HOUSE>

**Recommendation Summary:** To delegate to the Head of Development and Planning to **APPROVE PLANNING PERMISSION** subject to conditions.

**Ward Member(s):** Councillor Alan Law

**Reason for Committee Determination:** The application has received over 10 objections and the recommendation is to grant planning permission.

**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

#### Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks planning permission for a single storey rear extension.
- 1.2 The application site is a residential dwelling situated within the settlement boundary of Upper Basildon. The access road from Blandys Lane is, however, located outside the settlement boundary, with fields and equestrian facilities to the south. The dwelling has been extended extensively with a two storey extensions permitted in 1984 and 2015. It is noted that the completed development from the 2015 permission was not in accordance with the approved plans, however, this was rectified with a Certificate of Lawfulness in 2020. The land to the north-west of the dwelling is an enclosed garden with ornamental trees and shrubs, a large lawn area, and other landscaping. To the front of the dwelling is a further garden. There are limited views of the property from surrounding public viewpoints.
- 1.3 On the boundary the neighbouring property, 3 Bethesda Street, has a single storey rear extension that projects from the dwelling along the length of the boundary. This includes outbuildings and a pool house.

## 2. Planning History

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

Application	Proposal	Decision / Date
20/01553/CERTE	House extension and alterations at 1 Blandys Lane, which are materially different to that approved by West Berkshire Council.	Approved/ 08/09/2020
17/01284/FUL	Engineering works to create riding arena	Approved/ 14/07/2017
16/01764/FUL	Erection of detached machine store.	Approved/ 04/10/2016
15/03515/FUL	Erection of oak framed stables building.	Approved/ 12/07/2016
15/01303/HOUSE	Proposed extensions and alterations.	Approved/ 28/08/2015
84/22743/ADD	Extensions and alterations	Approved/ 21/11/1984

### 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 A site notice was displayed on 7 February 2021; the deadline for representations expired on 28 February 2021.
- 3.3 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). Initial assessment taken from the proposed floor plans show that the Gross Internal Area will be 93.39 square metres. 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>Basildon Parish Council:</b>	The Parish Council reviewed the application and voted to object for the following reasons:  The proposal over develops the housing side of the site and will have a detrimental impact on immediate neighbours.
<b>WBC Highways:</b>	No comments.
<b>North Wessex Downs AONB:</b>	No response was received at time of report.
<b>Thames Water:</b>	No response was received at time of report.

#### *Public representations*

- 4.2 Representations have been received from 15 contributors, all of which object to the proposal. 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:
- Overdevelopment of site - works done to property that did not gain planning consent but received Certificate of Lawfulness by default. Increase of house by more than 50% over original. Concern regarding impact on AONB due to the amount of works done on property.

- Concerns of risk of subsidence of adjoining properties during construction due to significant level difference between the adjoining properties.
- Materials not in keeping with original blue brick
- Extension not in keeping with Village Design Statement
- Thames Water should be consulted re shared sewer system as extension will be placed on top
- Planning consent not gained on previous extensions, Certificate of Lawfulness received by default
- Previous concerns not addressed by West Berkshire Council when alerted to not building in accordance with plans.
- Disregard for planting and wildlife - loss of tree means impact on screening for neighbours. And potential risk of erosion and subsidence of the neighbouring property.
- Previous works have caused problems with gardens and fencing as a result of subsidence of soil - concern further problems may be caused as a result.
- Concern of further slippage of garden due to oil tank being on boundary.
- Loss of trees will impact amenity.
- Constraints should be included to conditions for restricted construction working hours.
- Concerns that a single storey extension will end up as a two storey extension.
- Concern of loss of privacy due to loss of tree.
- Concern regarding proposed roofing materials, especially in bright sunshine.

## 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, ADPP5, CS13, CS14, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Village Design Statement for Basildon

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity

- Highway safety

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

- 6.2 The application site is located within the defined settlement boundary of Upper Basildon where the extension of an existing dwelling is considered to be in accordance with the development plan in principle. The acceptability of a proposal depends on it also complies with other relevant development plan policies and relevant material planning considerations. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) where a higher level of protection is given, and so this is a consideration of particular importance.

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

- 6.3 The application site is situated within the settlement boundary of Upper Basildon and is within the North Wessex Downs AONB. The host dwelling has been extended throughout the years and is now beyond that of the character of the original dwelling in scale. The materials of the host dwelling at the moment is of a mix of the blue brick with red accents and grey brick and render in cream/white colour. The rear of the property is of a mix of colours including white render.
- 6.4 The proposed extension is to be situated within the rear garden of the property where there are limited views from the public realm to the front of the property where the land is generally flat. There are also limited views of the garden from the rear (the north of the property) where the land rises to the neighbouring properties of Peacemore and Caravel, here the garden is mostly hidden by boundary treatment of vegetation and fencing.
- 6.5 The approximate dimensions of the proposed extension are:
- Overall height: 3.10 metres
  - Overall length on neighbours' side: 11.6 metres
  - Overall length on garden side: 15.54 metres  
(The variation of lengths is due to existing rear building is included within the extension.)
  - Gross Internal Area: 77.71 square metres
- 6.6 The materials of the proposed extension are:
- Grey brick to match existing rear extension to the unseen side elevation
  - Cedar cladding and Copper trim to garden elevation
  - Grey brick to match rear extension with copper and aluminium trim to the rear (north facing) elevation
  - The roof will be a matt mid-tone grey typical of most single ply membranes
- 6.7 Concern was raised within the representations regarding the potential for the overdevelopment of the site. The overall area of the domestic curtilage and footprint of the dwelling is 771 square metres. The overall footprint of the dwelling is measured as 298.07 square metres. The original footprint is difficult to assess due to the amount of works over the years, but an estimate suggests that the original footprint of the dwelling was 65 square metres. Therefore the footprint of the house has increased by 233 square metres. However, the overall footprint, not including the original footprint, will only result in a 39% reduction of domestic curtilage. The domestic curtilage includes the front and rear gardens, parking spaces to the front of the dwelling has not been included in this calculation. It should be stressed that there are no policy "rules" in

relation to size increase, so this information is given solely to provide an understanding of the scale of the proposals.

- 6.8 It is considered that the main issue for this application is whether the proposed extension is subservient to the existing dwelling, whether it respects the character of the existing building and its surroundings, and whether it conserves the quality of built form within the AONB.
- 6.9 The proposed is a flat roofed low level rear extension within a private garden with limited views from public viewpoints. The position and length of the extension is considered to respond to the layout of the site and surrounding development. The low key height would ensure the proposed extension appears subservient despite its length. It is considered that the proposed extension will have limited impact on the character and appearance of the immediate area or the surrounding AONB. It is not considered to amount to overdevelopment.
- 6.10 Materials are to be grey bricks matching that of the existing rear of the host dwelling house to the unseen elevation facing the neighbouring property (3 Bethesda Street) and to the rear elevation facing Peasmore. The elevation facing the garden will be clad in Cedar, with a copper trim to the garden side elevation and aluminium trim to the rear. While the choice of Cedar cladding is not a common a material, the use of it within a garden with limited views is considered acceptable and will not detrimentally impact the character of the area.
- 6.11 For these reasons it is considered the proposal demonstrates high quality and sustainable design that respects the character and appearance of the area, and is appropriate in scale and design in relation to the existing settlement pattern. It is considered to comply with the aforementioned policies.

### ***Neighbouring Amenity***

- 6.12 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.13 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties. Noise and disturbance may also be a relevant consideration.
- 6.14 With regard to this proposal there will be limited impact to the neighbouring amenity in terms of overlooking, overbearing aspect and overshadowing. There will be no windows facing to the neighbouring properties to the south-west or north-west. There will be windows facing into the garden area towards the boundary with Foxhaven and Blandings. These are facing the existing boundary fence and will have limited if any material impact on these neighbours. The proposed extension will be situated approximately 13 metres from the boundary with these two neighbours and at least 50 metres from the properties themselves.
- 6.15 Concerns were submitted regarding the proposed development, as noted in paragraph 4.3. Quite a few comments reference issues that occurred during previous construction on the site. There is always likely to be some disturbance due to noise during

construction, but a condition to restrict working hours can be added to any permission given to limit this.

- 6.16 Comments were also given regarding the potential for impacting ground levels of neighbouring properties. No changes in ground levels are being proposed within this application. It is noted a retaining wall has been added to the garden and note comments from neighbours regarding subsidence. This is not a planning matter; it may be a civil matter under the Party Wall Act and/or a Building Regulations matter which the applicant would have to resolve separately.

### ***Highway Safety***

- 6.17 There will be limited impact to highway safety. The Highways Authority has made no comments on the application.

### ***Other Matters***

- 6.18 The trees within the garden proposed to be removed are considered ornamental and the applicant could remove them at any time without planning permission. It is noted that there are trees to the rear of the garden that is separated by the retaining wall. These trees are unlikely to be impacted by the proposed extension.
- 6.19 A number of other matters were raised by the objectors but as they are not material planning considerations they have not been discussed in this report.

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

- 7.1 The impact of the proposed extension on the character and appearance of the AONB and the character of the area and the setting of Upper Basildon has been carefully assessed. It is considered that due to its size, scale, layout, siting, form and appearance, the proposed extension will not have a detrimental impact on the character and appearance of the area.
- 7.2 Whilst it is acknowledged that the extension would be visible from neighbouring properties, owing to its size, siting and design, it is not considered that the proposed single storey rear extension would have a sufficiently detrimental impact on the amenities of the occupiers to warrant refusal.
- 7.3 There is not considered to be any detrimental impact upon highways and parking.
- 7.4 Other concerns have been reviewed and considered not to be planning consideration, rather would be subject to Building Regulations and/or the Party Wall Act.
- 7.5 Overall, it is considered that the proposed development would be in accordance with the development plan, and the policies within the NPPF and other local planning documents.
- 7.6 Having taken account of all the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below.

## 8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **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:

- 2087/PL/01 received on 3 February 2021
- 2087/PL/02 received on 3 February 2021
- 2087/PL/05 Rev. A received on 3 February 2021
- 2087/PL/06 Rev. A received on 3 February 2021
- 2087/PL/07 Rev. A received on 3 February 2021
- 2087/PL/08 Rev. A received on 22 February 2021

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

3. **Materials (as specified / to match)**

The materials to be used in the development hereby permitted shall be as specified on the plans, the application form and as detailed by email from Mark Campbell dated 1 April 2021. 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 respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.



## **Informatives**

### **1. Proactive statement**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

### **2. Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

### **3. Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

### **4. Party Wall Act**

You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about>

### **5. Health and safety**

The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.