

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	21/01038/HOUSE Newbury Wash Common	1 <sup>st</sup> July 2021 <sup>1</sup>	Two storey extension to the side and single storey extension to the rear.  1 Croft Road, Newbury  Martin Redford
<sup>1</sup> Extension of time agreed with applicant until 23 <sup>rd</sup> July 2021			

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01038/HOUSE>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

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

**Reason for Committee Determination:** Called in by Councillor Abbs so that the Committee can consider the massing of the extension.

**Committee Site Visit:** 15<sup>th</sup> July 2021

#### Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks planning permission for the construction of extensions to 1 Croft Road.
- 1.2 The application site is located in an established residential area within the settlement boundary of Newbury. The application property is a semi-detached, two storey dwelling with vehicular parking to the front and a private garden to the rear. The lie of the land is such that the land slopes up towards south and the neighbouring properties to the west lie at a lower ground level.
- 1.3 The works proposed as part of this application include extensions to the side and rear of the dwelling. The side extension would be two storey and would fill the width of the site. It would be set slightly back from the front elevation and would have a lower ridge height. However, the eaves height would match that of the main dwelling. It would be traditional in its design with materials to match the main dwelling. To the rear, a single storey extension of contemporary design would be added. This extension would be set away from the western and eastern boundaries of the site but a section of overhanging roof, which creates a covered walkway from the garage to the rear garden, would be constructed up to the western boundary. Large areas of glazing are proposed on the rear elevation and long windows are proposed on each of the side elevations.
- 1.4 The internal layout of the property would be re-arranged in order to create a snug/study, open-plan kitchen, dining and living room, utility room and accessible shower room on the ground floor and three good sized bedrooms and a wheelchair accessible bathroom at first floor level. In addition, there would be a new integral garage within the side extension.
- 1.5 In addition to the extensions, the application proposes the construction of a new timber, close board fence along the eastern boundary of the application site. This fence would be constructed adjacent to the existing boundary fence and is proposed to be between 2.3 metres and 2.5 metres in height.

## 2. Planning History

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

Application	Proposal	Decision / Date
20/00173/HOUSE	Two storey extension to the side and single and double storey extension to the rear.	Withdrawn 19/3/20

## 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 at the site on 18<sup>th</sup> May 2021; the deadline for representations expired on 8<sup>th</sup> June 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). This application seeks consent for the creation of new residential floorspace of less than 100 sq. m and it would therefore seem unlikely that the scheme would be CIL liable. 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>Newbury Town Council:</b>	No comment due to the conflicting evidence from applicant and neighbours. This application needs to be decided by planning Officers. However, the real concerns of neighbours should be acknowledged. Councillor Tony Vickers abstained.
<b>WBC Highways:</b>	No comments.
<b>Tree Officer:</b>	The site lies within the settlement boundary of Newbury. The birch tree in the neighbouring garden is noted. Overall, the proposal is not considered to impact on nearby garden trees and shrubs.  Conclusion: no objections to the details as submitted as the works are not considered to impact on significant scale trees. Please apply tree protection precautions informative note.
<b>Access Officer:</b>	No response received.

### *Public representations*

- 4.2 Representations have been received from 5 contributors, all 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:
- Design does not follow the established pattern of extensions in the locality.
  - Extensions are not subservient to the original house.
  - The glazing is a dominant feature which will direct light pollution towards the neighbouring properties.
  - The plans do not clearly indicate the relationship between the extension and neighbouring properties.

- The rear extension will cause unnecessary shading and loss of daylight/sunlight to neighbouring properties. The rear extension should be reduced in size.
- The changes to the fencing are excessive and will add to the loss of light to the neighbouring site.
- The loss of a parking space will lead to more on-street parking.
- The block plan does not accurately show how the extensions will impact the neighbouring sites.
- The plans do not accurately show what will be constructed on site.
- The side extension overhangs the neighbouring property so the extension should be set away from this boundary.
- The changes in ground level must be considered.
- New windows will overlook the neighbours.
- The application is not accompanied by an Arboricultural report to consider the effect on trees.
- Details of the pre-application advice should be verified.
- The pitched roof should be removed from the rear.
- The side windows should be removed from the scheme as sufficient light can be gained from the rear facing windows.

## 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, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy 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)
- WBC House Extensions SPG (2004)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Trees
- Other matters

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

6.2 The application site lies within the settlement boundary of Newbury where there is a general presumption in favour of development. Therefore, the principle of extensions to

this residential property is acceptable. However, the impact of the works on the character of the area, neighbouring amenity, highway safety and on trees must be carefully considered.

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

- 6.3 This application seeks permission for the addition of extensions to the main dwelling at 1 Croft Road and internal alterations in order to create a new layout. The application form states that the proposals are to provide access within the property for a disabled person and to provide facilities designed to secure greater safety, health and comfort.
- 6.4 The proposal consists of a two storey extension to the side of the property, a single storey extension to the rear and a new fence along the eastern boundary.
- 6.5 The application property is one of a pair of semi-detached dwellings which face onto Croft Road. The attached neighbouring dwelling at no. 3 has benefitted from a previous two storey side extension and therefore, this new structure would help to balance the visual appearance of the properties when viewed from the road. The extension to no. 1 would follow a similar design to that of the existing extension to no. 3 with a modest set-back from the front wall and a slightly reduced ridge height. Whilst the eaves height of the extension to no. 1 has not been set down, it is not considered that this has any significant impact on the street scene view of the properties. It would usually be desirable for two storey side extensions to be set away from the boundary of the property. This is primarily to avoid a terracing effect where the character of the area is semi-detached or detached properties. In this instance, the new structure would be built up to the western boundary of the site. However, it is not considered that this would have a detrimental impact on the street scene due to the location of the site adjacent to the rear garden of the neighbouring property on Wendan Road. This ensures that the sense of spaciousness currently enjoyed would not be unduly eroded as a result of this extension. Moreover, it is noted that the extension at no. 3 has been constructed up to the common boundary and this proposal would therefore match the neighbour, presenting a more pleasing street scene view.
- 6.6 With regards to the rear extension, this has been designed in a contemporary style, with a mono-pitched roof combined with an area of flat roof. Objectors to the scheme have raised concern that this design would not be in keeping with the character of the area and would not remain subservient to the main dwelling. It is acknowledged that the general character of the properties in the immediate surrounding area is traditional. However, this does not automatically render the proposed addition of a contemporary structure unacceptable. The location of the extension to the rear of the dwelling ensures that it would mostly be screened from the road by the existing dwellings. Whilst glimpses of the structure may be available through gaps in dwellings, the entire rear elevation of the property would not be easily visible from public viewpoints and this part of the proposal would therefore not have any significant impact upon the overall character of Croft Road or Wendan Road.
- 6.7 Whilst the large expanses of glazing and unusual roof form are not typical features of this property, it is considered that the contemporary design blends with the more traditional main dwelling and many examples of a similar mix of styles can be found throughout the district. Moreover, the design proposed enables the section of the extension which lies closest to the attached neighbour to remain low whilst not resulting in a scheme which includes a large expanse of flat roof and this is welcomed.
- 6.8 Though it is acknowledged that the extensions would result in a significant increase in the size of the dwelling, it is not considered that they would have an overly dominant impact on the property and would not result in an overdevelopment of the plot. The extensions would not project forward of the main front elevation of the property. The

side extension proposed would improve the street scene view of the semi-detached pair of properties by giving them a more balanced, uniform visual appearance. To the rear, the extensions would lie below the eaves height of the main dwelling, with only a small section of the mono-pitched roof reaching the same height as the top of the first floor window. Whilst they would extend a good distance to the rear, the overall height of the structure would ensure that it would not dominate the rear elevation to an unacceptable extent. A good sized private rear garden would also remain. Furthermore, the site lies within the settlement of Newbury where there is a focus for new development and therefore, the increase in the size of the dwelling is not considered to have a detrimental impact.

- 6.9 The addition of a new fence along the eastern boundary of the site is considered to have no adverse impact on the character of the area. The timber close board fence being proposed would be typical of this urban setting. Whilst the 2.3 metre to 2.5 metre height being proposed is a little higher than what would typically be installed in such a setting, it is not considered that this increase would have any significant visual impact. The lie of the land is such that it slopes up towards the south and it is considered that this sloping ground will ensure that the fence would not present as a dominant feature within the garden. The height is only up to 0.5 metres taller than what could be constructed under permitted development and this height is considered acceptable given the setting of the site and the location of the fence within the private rear garden of the dwelling.

### ***Neighbouring amenity***

- 6.10 The neighbouring properties most likely to be impacted by this proposal are no. 3 Croft Road to the east and nos. 37 and 39 Wendan Road to the west. Whilst the proposal would bring the rear elevation of the application property further south, it is not considered that there would be any significant impact on the neighbouring property to the south, 8 Bruan Road, due to the distance between the new structure and the southern boundary of the application site. The two storey extension will be visible from the neighbouring property to the north, 2 Croft Road, but it is not considered to have any significant impact on the light available to or privacy of this dwelling.
- 6.11 With regards to the attached neighbouring property, 3 Croft Road, concerns have been raised that this development would lead to a significant loss of light to the windows and patio area at the rear of this property. It is acknowledged that this scheme would be constructed close to the common boundary between these properties and it projects a good distance to the rear. However, a Daylight and Sunlight Report has been prepared by Right of Light Consulting and this report accompanies the submission. The conclusions of the study are that “the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties.” It is the opinion of the Right of Light Consultancy that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. The case officer has no reason to disbelieve the findings of this report and it is therefore concluded that the new structure would have an acceptable impact on the level of daylight and sunlight available to this attached neighbour.
- 6.12 A number of new windows are to be installed on the eastern elevation of the rear extension and these will face towards the attached neighbour. In addition, a new window is to be added to the original rear elevation, adjacent to the neighbouring site. However, none of these openings would result in any significant overlooking of the neighbouring property or site. Most new openings are to be ground floor level only and views out of these openings towards the neighbouring site will be obscured by the existing fence, which is to remain as part of this scheme. The new high level openings are proposed in order to increase the level of light available to the living space and will provide no outlook. Therefore, it is considered that the privacy of the attached neighbour will not be unduly compromised.

- 6.13 No alterations would be made to the boundary treatment which lies directly adjacent to the rear elevation and patio area of no. 1. The new fence would be constructed adjacent to the existing boundary fence and at a maximum height of 2.5 metres, it is considered that the fence would not have any significant impact on the living conditions of the neighbouring dwelling.
- 6.14 In terms of the neighbouring properties to the west, the new extension will bring the side elevation of no. 1 closer to the rear elevation and garden area of these properties. However, as set out in the Daylight and Sunlight report, the extensions to this dwelling would not result in any significant loss of daylight or sunlight to these properties. The new structure would remain over 13 metres from the closest part of the properties on Wendan Road and this distance is considered sufficient to ensure that, even with the lower ground level of the Wendan Road properties, the extensions would not have an overly dominant or overbearing impact on the rear elevation openings or on the outdoor space which lies adjacent to this rear elevation. Whilst the mono-pitched roof of the rear extension would be visible from these neighbouring dwellings, it would slope away from these sites and is not considered to have any significant adverse impact.
- 6.15 The construction of the side extension would result in the removal of a first floor opening which directly overlooks the properties on Wendan Road. No new first floor openings are proposed in the western elevation of the side extension, thereby lessening the level of direct overlooking of the neighbouring sites. In order to protect the residential amenity of these properties to the west, it is recommended that a condition be attached to any consent which restricts the permitted development rights of the property in relation to the addition of first floor openings into the western elevation.
- 6.16 The new openings which are proposed on the western elevation of the rear extension are at ground floor level only and views from these openings towards the neighbouring properties to the west will be obscured by the existing timber fence which runs between the properties. Though the application property is set at a higher ground level than the Wendan Road properties, the boundary fence is set at the ground level of no. 1 Croft Road and therefore, only a small section at the top of the new windows would be visible above this fence. The existing ground floor windows in the side elevation of 1 Croft Road do not currently provide any significant outlook towards the neighbouring properties to the west and the new ground floor openings will have a very similar impact.
- 6.17 Objectors to the scheme have concerns that the new openings will create light pollution, disturbing the residential amenity of the neighbouring sites. This is a residential extension and whilst it is acknowledged that large amounts of glazing are proposed, it is not considered that the level of illumination required to light the extension would be so significant as to lead to undue levels of light pollution to the surrounding area. Moreover, much of the new glazing will be obscured from the neighbouring sites by the existing close board fences which form the boundary treatments between the sites.
- 6.18 This proposal would allow for the creation of a large area of flat roof adjacent to the neighbouring site at no. 3 Croft Road. Whilst the application proposes a living roof on this roofspace, access could easily be created to this rooftop at a later stage through the insertion of a new opening from the master bedroom or bedroom 2. Therefore, in order to ensure that this development does not unduly impact upon the level of privacy afforded to no. 3, it is considered necessary to add a condition which prevents the use of the flat roof as a balcony, roof garden or similar outdoor amenity space now or in the future.

### ***Highway matters***

- 6.19 The application site lies in Zone 2 according to Policy P1 of the Housing Site Allocations DPD. For a three bedroom dwelling in zone 2, 2.5 parking spaces are required. This

application involves the construction of an extension over the area to the side of the dwelling which, when the case officer visited the site, was being used for parking. The application does include a garage but as set out in policy P1, garages are not counted as parking space for the purposes of meeting the required levels of parking.

- 6.20 Three parking spaces would still be available on the hardstanding to the front of the dwelling, as shown on the block plan, and this proposal involves no increase in the number of bedrooms within the property. Therefore, the level of vehicular parking provided is considered to meet the standards as set out in planning policy. No comments have been received from the Council's Highways Officer.

### ***Trees***

- 6.21 The Council's Tree Officer reviewed the proposed works and noted the birch tree in the neighbouring garden. However, it is not considered that the proposal would impact upon nearby garden trees and shrubs. No objections are raised to the scheme as it would not impact upon significant scale trees.

### ***Other matters***

- 6.22 When the application was first submitted, the block plan showed only the new internal floorspace to be created and this raised difficulties in being able to fully assess the proposal. The applicant has now supplied an existing and proposed block plan which more clearly shows the scheme and how the works would impact upon the site and its surroundings. This proposed block plan also indicates the parking layout to the front of the site.
- 6.23 Moreover, due to a scanning error, some of the originally submitted plans were difficult to scale correctly. However, the plans have all been re-submitted and this issue has been resolved.
- 6.24 Objectors to the scheme consider that the plans are inaccurate and that when the new structure is built on site it is likely to be larger. This application is being determined on the basis of the plans as submitted and the scheme as proposed is considered to be acceptable.
- 6.25 Concern has been raised with regards to the proposed construction of the side extension up to the western boundary of the site as the eaves and guttering could overhang the neighbouring plot. Notice was served on the adjacent dwelling at no. 37 Wendan Road and therefore, the application remains valid. Questions have also been raised as to the timing of when notice was served in relation to the validation of the application. At the outset of the application, this matter was reviewed by the Council's Planning Services Manager who confirmed that the dates and certificates submitted are valid. The matter of whether a structure overhangs a neighbouring plot is a legal one and whilst it is acknowledged that this is an important matter for the occupants to resolve, is it not one that falls to be considered under planning legislation and therefore cannot be discussed as part of this planning application.

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

- 7.1 It is considered that the extensions and alterations proposed to 1 Croft Road would have an acceptable impact on the character of the area and would not have a significant adverse impact upon the residential amenity of neighbouring properties. Whilst the side extension would be built over an existing parking space, sufficient parking space would

remain within this site. Moreover, the scheme has been reviewed by the Council's Tree Officer who has raised no objections.

- 7.2 It is considered necessary to add conditions relating to a time limit for commencement of development, approved plans and materials as specified on the plans and application form. In addition, a condition which restricts the permitted development rights of the property with regards to the addition of windows above ground floor level on the western elevation is considered necessary in order to protect the residential amenity of the neighbouring properties on Wendan Road. Additionally, a condition which prevents the use of the flat roof as a balcony, roof garden or similar amenity area is recommended in order to prevent any potential loss of privacy to the neighbour at 3 Croft Road. Given the close proximity of the development works to neighbouring dwellings, it is considered reasonable that a condition be attached which restricts the hours of working.

## 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.	<p><b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Drawing numbers: 11; 12; 13; 14; 15; 16; 17; 18 received 14<sup>th</sup> April 2021 Plan with Fence Details received 14<sup>th</sup> April 2021 Drawing number: 2A received 5<sup>th</sup> July 2021</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials</b> The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>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, Policy 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).</p>
4.	<p><b>No further openings on western elevation</b> Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows or dormer windows (other than those expressly authorised by this permission) which would</p>

	<p>otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed above ground floor level on the western elevation of the extension hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of the neighbouring dwellings on Wendan Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
6.	<p><b>Use of flat roof</b></p> <p>The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.</p> <p>Reason: To prevent the overlooking of the neighbouring property at 3 Croft Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
5.	<p><b>Hours of work</b></p> <p>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.</p> <p>Reason: To safeguard the amenities of neighbouring residential dwellings. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

### ***Informatives***

1.	<p>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.</p>
2.	<ul style="list-style-type: none"> <li>• To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.</li> <li>• In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.</li> <li>• Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.</li> <li>• To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.</li> <li>• If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp</li> </ul>

	<p>sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil</p> <ul style="list-style-type: none"> <li>• If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.</li> <li>• If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.</li> </ul>
3.	<p>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: <a href="https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about">https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about</a></p>