

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00596/HOUSE Kintbury	22.06.2021 ¹	<p>“Erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - right side of the garden when looking at the property from the road - to include a storage area, kennel and small home office.”</p> <p>“Spindlewood” 50 High Street, Kintbury, Hungerford, RG17 9TN</p> <p>Mr/s Meaney</p>
¹ Extension of time agreed with applicant until 29/09/21			

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00596/HOUSE>

Recommendation Summary:	To delegate to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions
Ward Member(s):	Councillor James Cole Councillor Dennis Benneyworth Councillor Claire Rowles
Reason for Committee Determination:	Member Call-in
Committee Site Visit:	16/09/21

Contact Officer Details	
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1. Introduction

- 1.1 This application seeks planning permission for: “Erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - on the right side of the garden when looking at the property from the road - this outbuilding is to include a storage area, kennel and small home office.”
- 1.2 Spindlewood is a two storey white rendered house in the Kintbury conservation area. It is unlisted and not a heritage asset (mapping data and historic planning record suggest a construction date of 1958-1962) and of moderate architectural value, with tall 2m+ fences on the south and east boundaries, and a traditional post and rail fence separating it from a small wooded area (Spindle Wood) to the west of the site. The dwelling is set back by from the main road to the north by 10m, sits on a comparatively higher elevation as compared to street. It is bounded at the front by an open-board fence behind well-established mixed species hedging which directly adjoins the highway.
- 1.3 The outbuilding’s dimensions are 6.096m in length, 2.44m in width, 2.06m in height facing the street, and 2.26m at its tallest point.

2. Planning History

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

Application	Proposal	Decision / Date
04/00886/HOUSE	Two storey side extension. Approved 25.05.2004.	25.05.2004
19/02569/HOUSE	Single storey rear extension, conversion of integral garage and new porch.	17.12.2019

3. Procedural Matters

- 3.1 EIA N/A.
- 3.2 Site notice erected 14.05.2021, expired 05.06.2021. A notice was displayed in the Newbury Weekly News on 06.05.2021.
- 3.3 The proposal is under 100 m2 and therefore is not liable to pay 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.

Kintbury Parish Council:	Objection – “The proposed outbuilding is not in keeping within the Conservation Area, is visible from the Highway, the colour is too imposing”.
Conservation:	<p>“Unlisted property in the Kintbury Conservation Area (CA), Settlement Boundary and the AONB. No listed buildings nearby.</p> <p>Property subject of a recent approval for a rear extension (application 19/02569/HOUSE refers). See previous comments made for ease of reference.</p> <p>The current application is for an outbuilding in front of the property, measuring some 9.09m by 2.44m in floor area with a sloping roof measuring 2.06m at the rear and 2.26m nearest the High Street.</p> <p>Frontage outbuildings are not typical of the conservation area street scene, on which basis the proposed outbuilding must be considered out of character, but the site is currently well screened by a high hedge, which, if retained, would also screen the outbuilding. On a without prejudice basis, clarification, with measurements, that this will be the case, should at least be ascertained, as without the hedge the outbuilding will certainly be a prominent feature in the conservation area street scene.</p> <p>2nd response, regarding Officer's conclusions and clarification of length as 6.096m not 9.09m:</p> <p>“Arguably, the presence and retention of the hedge screening tips the balance in favour of the proposals, so I would not disagree with your conclusions.”</p>
WBC Highways:	No comments to make.
Trees:	<p>Response made after Case Officer sent pictures of hedge:</p> <p>“There seems to be a mixture of species.</p> <p>115337 is a laurel hedge (broadleaf, evergreen) 115325 appears to be the same (Laurel) 115321 is a dwarf conifer I think lawsons cypress of some sort, poss Chamaecyparis thyoides variety? Evergreen 115318 on the rhs is a Hawthorn (broadleaf deciduous) on the LHS is the Laurel (broadleaf evergreen) 115308 is the hawthorn 115303 looks like elm suckers (broadleaf deciduous) 115258 is a hawthorn again (broadleaf deciduous)</p>

	<p>The laurel will provide winter screening as it retains its leaves, however as a hedge there should still be some screening from the other plants in the winter even if the leaves are lost due to the trunks and branches.</p> <p>I would also recommend the following informative: (See informative 5)</p>
Ecology:	No response.
AONB:	No response.
Natural England:	No response.

Public representations

4.2 No representations have been received.

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, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF, July 2021)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The impact on the character and appearance of the Conservation Area

Principle of development

6.2 The application site is located within the Kintbury settlement boundary, where the principle in favour of development is established, subject to assessment against the detailed policies, design, impact on the character of the area, neighbouring amenity, and usage, which are discussed below.

Character and appearance, impact on the Conservation Area

- 6.3 The primary consideration for this application is identified as the proposal's impact on the character and appearance of the area in which it is located, and by extension, the Conservation area it sits within.
- 6.4 The relevant principles of Policy CS19 with relation to this proposal are as follows:
- 6.5 "In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:
- a) The sensitivity of the area to change.
 - b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
 - c) The conservation and, where appropriate, enhancement of heritage assets and their settings."
- 6.6 It has been identified in this instance that the proposal does not effect a heritage asset in the singular sense, as this dwelling is not listed nor noted in the Historic Environment Record. This is supported by comments of the Conservation Officer: "Unlisted property in the Kintbury Conservation Area (CA), Settlement Boundary and the AONB. No listed buildings nearby."
- 6.7 The main consideration in this instance is therefore how the proposal relates to and impacts upon the character of the conservation area it sits within. There is a need to ensure that development does not create negative impacts on the significance and established character and appearance of the locality or set a precedent for further developments of a similar nature which would cumulatively have an unacceptable impact.
- 6.8 The conservation officer raised the following concerns prior to the initial site visit: "Frontage outbuildings are not typical of the conservation area street scene, on which basis the proposed outbuilding must be considered out of character, but the site is currently well screened by a high hedge, which, if retained, would also screen the outbuilding. On a without prejudice basis, clarification, with measurements, that this will be the case, should at least be ascertained, as without the hedge the outbuilding will certainly be a prominent feature in the conservation area street scene".
- 6.9 In general terms the proposal is deemed to be out of character with the form of development in this locality which is free of large outbuildings between the fronts of houses and the street. However, the particular circumstances and characteristics of the site also need to be considered as well as whether or not if this form development would have a similar impact if replicated elsewhere. Due to the history of the site, the dwelling is well set back from the street as compared to many of its neighbours. The particular constraints of this site are such that insufficient space exists between the side of the dwelling and the boundary for an outbuilding of this size and also placement in the rear garden would lead to an unacceptable loss in this dwelling's rear garden amenity space. This leaves a location to the front of the property as the most viable option in terms of siting of a building of this size. The raised ground level of this site together with the presence of the enclosing fence and tall, well-established hedge on the road frontage means that the front garden of Spindlewood is far more enclosed and difficult to view

from the nearby vantage points than those of its neighbouring properties to the east and north sides of the road.

- 6.10 Given the above officers take the view that this form of development would not be supported elsewhere in the immediate vicinity due to the openness of other front gardens to east of the application site and their closer proximity to the highway and their lack of the particular site specific features that will largely mitigate the visual impact of what is being proposed at Spindlewood.
- 6.11 Therefore, whilst the proposal is accepted as being out of character with the existing form of development in the immediate vicinity, it is not considered that it would set a new precedent for the conservation area due to the specific relationship of the dwelling and its front garden to the street which sets it apart from neighbouring properties.
- 6.12 The remaining consideration is therefore whether the proposal itself would cause harm from the structure's direct impact.
- 6.13 As existing, and as is proposed to continue, the outbuilding is screened from the street by a horizontal open-slat fence behind a mature mixed species hedge, which effectively screens the proposal from public vantage points and most nearby dwellings. The tree officer advised that this hedging is a mix of deciduous and evergreen planting, and that it would provide significant screening at all times of the year, though somewhat more in summer.
- 6.14 The proposed outbuilding sits on a higher elevation than the street, such that the effect is that it is largely removed from the street scene. The main public views of the dwelling are through the driveway, which would not be altered by this proposal.
- 6.15 On balance, on the basis of the single storey nature of the proposal, its height alongside the street being 2.06m which is lower than the existing hedge, and the likely probability of the mature hedge and fence behind it being retained, it is considered that the proposal will not be prominent in the street scene, and will not result in sufficient harm to the wider character and appearance of the conservation area to warrant refusal of the application.
- 6.16 The conservation officer confirmed: "the presence and retention of the hedge screening tips the balance in favour of the proposals, so I would not disagree with your conclusions."
- 6.17 An informative was recommended by the tree officer trees to ensure the protection of the hedge during development.

Usage

- 6.18 The proposed usage is as a store, kennel, and home office. These usages are considered incidental to the enjoyment of the dwelling and the proposal would be conditioned accordingly.

Neighbouring amenity

- 6.19 Neighbouring amenity has not been judged as a significant consideration for this application. This is because the proposal is single storey building of an incidental usage, located in the front of the site, and does not sit adjacent to any neighbouring dwellings, and resultantly has not raised any particular concerns with regard to overshadowing, loss of daylight, overlooking or possible noise and disturbance from its use.

- 6.20 No representations were received from neighbours raising concerns regarding loss of amenity.

7. Planning Balance and Conclusion

- 7.1 Whilst the proposal is not in keeping with the existing character and appearance of the conservation area, the specific circumstances and history of the site and scale of the proposal dictate its positioning at the front of the site. Due to the particular physical circumstances that apply to the application site, which are not replicated in other nearby properties, it is not considered that granting planning permission for the proposed development would set a precedent that could not be successfully resisted elsewhere in the immediate locality because the negative visual impact of such proposals would be much more obvious and therefore easier to demonstrate clear grounds for refusal. It seems likely is that the existing screening afforded by the fence and mature hedge will be ongoing and therefore the overall harm caused by the proposal has been assessed as being insufficient to justify refusal of the application.
- 7.2 On balance it is concluded that the proposal accords with the requirements of Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-26) and it is recommended that planning permission be granted subject to the conditions set out below..

8. Full Recommendation

- 8.1 To delegate to the **Service Director, Development and Regulation** 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: [To be confirmed on Update Report] 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 and the application forms. 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.	<p>Incidental use</p> <p>The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as Spindlewood, 50 High Street, Kintbury.</p> <p>Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.</p>

Informatives

1.	<p>Objections/Support received</p> <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.	<p>Compliance with approved drawings</p> <p>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.</p>
3.	<p>Compliance with conditions</p> <p>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.</p>
4	<p>Building Regulations</p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham</p>

	<p>Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p>
5.	<p>Hedge Protection Informative</p> <ul style="list-style-type: none"> • To ensure that the hedge, which is to be retained, is protected from damage, ensure that all works occur in a direction away from the hedge. • In addition that no materials are stored within close proximity i.e. underneath the canopy of hedge to be retained. • Ensure that all mixing of materials that could be harmful to hedge roots is done well away from hedge (outside the canopy drip line) and downhill of the hedge if on a slope, to avoid contamination of the soil. • 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. • If this is not possible due to working room / access requirements The ground under the hedges' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp 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 • 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. • 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.