

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|------------------------------|-------------------------|--|
| (1) | 22/01062/FULD Sulhamstead | 28/06/2022 ¹ | Conversion and extension of an existing outbuilding to form a single dwelling Shortheath House, Shortheath Lane, Sulhamstead, Reading, West Berkshire, RG7 4EF Mr Henry Chopping |

¹ Extension of time agreed with applicant until 31st October 2022

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01062/FULD>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to refuse planning permission.

Ward Member(s): Councillor Ross Mackinnon

Reason for Committee Determination: Called to planning committee by Cllr Ross Mackinnon if the officer is likely to recommend refusal of the application.

Committee Site Visit: 6th July 2022

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Senior Planning Officer
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1. Introduction

- 1.1 This application seeks planning permission for the conversion and extension of an existing outbuilding to form a single dwelling at Shortheath House, Shortheath Lane, Sulhamstead, Reading, West Berkshire, RG7 4EF. The proposed development is within the open countryside (outside of any defined settlement boundary), in the East Kennet Valley, and has Tree Preservation Order on the site.

2. Planning History

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

| Application | Proposal | Decision / Date |
|----------------|---|-----------------------|
| 22/00211/FULD | Conversion of existing outbuilding to form a single dwelling, including provision of off street parking. Section 73 application to vary condition 2 (approved plans) of approved application 20/00413/FULD. | Withdrawn |
| 20/01806/COND1 | Application for approval of details reserved by conditions 5 (tree protection), 6 (root protection), 7 (arboricultural method statement), 8 (bat voids) and 12 (tree lighting) of approved application 20/00413/FULD, which granted planning permission for: Conversion of existing outbuilding to form a single dwelling, including provision of off street parking. | Spilt decision issued |
| 20/00413/FULD | Conversion of existing outbuilding to form a single dwelling, including provision of off street parking | Approved |
| 19/01769/FULD | Conversion of existing outbuilding to a single dwelling including provision of off street parking. | Withdrawn |
| 19/01090/HOUSE | Conversion of existing outbuilding to a single dwelling including provision of off street parking. | Unable to determine |
| 99/054437/FUL | Single storey garden room extension to house | Approved |
| 92/40703/ADD | Boarding cattery 20 units | Approved |
| 91/039095/ADD | Demolition of substandard stables and outbuildings and construction of new stables | Approved |
| 90/38192/ADD | Single storey front and 2 storey rear extensions | Approved |

3. Procedural Matters

- 3.1 **EIA:** 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 **Publicity:** Site notice displayed on 20/05/2022 on the fence at the access of the site; the deadline for representations expired on 14/06/2022.
- 3.3 **CIL:** 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). 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 Consultation

Statutory and non-statutory consultation

- 3.4 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.

| | |
|--|--|
| Sulhamstead Parish Council: | No response with 21 day consultation period |
| WBC Highways: | No objections subject to conditions |
| WBC Archaeology: | No objections |
| Lead Local Flood Authority WBC: | No response with 21 day consultation period |
| WBC Waste Management: | No response with 21 day consultation period |
| WBC Tree Officer | <p>No objections subject to conditions.</p> <p>The application is for the conversion of an existing outbuilding and is accompanied by a BS 5837:2012 Arb Method Statement by Venners Arboriculture dated June 2020. This includes a Tree Protection Plan and details of installation of the no dig path, together with details on the preparation (demolition) for and installation of the proposed shed.</p> <p>I have no objection to the development subject to the AMS being included in the list of approved plans and to the following Conditions:</p> |
| WBC Ecology Officer | No response with 21 day consultation period |

| | |
|-------------------------------|--|
| Thames Water Utilities | No objections subject to informatives. |
|-------------------------------|--|

Public representations

3.5 No public representations have been received.

4. Planning Policy

4.1 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, ADPP6, CS1, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C4 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring Amenity
- Highways Matters
- Flooding and Drainage
- Ecology and Tree's

Principle of development

5.2 The site is located outside of a defined settlement boundary, it is therefore located as within the open countryside. Policies CS1 and ADPP1 of the Core Strategy seek to strictly control development outside of defined settlement boundaries in the open countryside.

5.3 The Core Strategy must be read in conjunction with the other documents of the Local Plan, including the Housing Site Allocations DPD (HSA DPD). Policy C1 of the HSA DPD provides a presumption against new residential development outside the defined settlement boundaries, subject to a number of exceptions. These exceptions are limited

to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary.

- 5.4 The proposal scheme has been submitted as a conversion of a redundant building, as such Policy C4 of the HSA DPD is applicable. Policy C4 states that the conversion of redundant buildings in the countryside will be permitted for residential use provided that:
- i. The proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration; and
 - ii. The applicant can prove the building is genuinely redundant and a change to a residential use will not result in a subsequent request for a replacement building; and
 - iii. The environment is suitable for residential use and gives a satisfactory level of amenity for occupants; and
 - iv. It has no adverse impact on / does not affect rural character; and
 - v. The creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape; and
 - vi. The conversion retains the character, fabric and historic interest of the building and uses matching materials where those materials are an essential part of the character of the building and locality; and
 - vii. The impact on any protected species is assessed and measures proposed to mitigate such impacts.
- 5.5 Application 20/00413/FULD considered the conversion of this existing outbuilding to form a single dwelling, including provision of off street parking and was approved on the 28th April 2022. During the course of this application the applicant submitted a condition report in support for this application, which states that the proposal was structurally sound and that it was redundant in use. The case officer under application 20/00413/FULD accepted these findings. The previous case officer found the proposed development under 20/00413/FULD to be acceptable in accordance with criteria i. of the Policy C4.
- 5.6 This current proposal is not considered to comply with criteria i. of Policy C4 due to the development including substantial extension and alteration. It is, however, accepted that the building remains redundant in use and is structurally sound. The policy does not define “substantial extension and alteration”, this must be judged on the merits of the case, however the supporting text of Policy C4 notes that it is expected that any building works will be relatively minor and will involve the use of matching materials.
- 5.7 The proposed development includes raising the ridge height of the roof by 0.8 metres in height. The case officer considers this to be a substantial alteration to the original building. Raising the ridge height the whole way across the building changes the nature and design of the building. Raising the roof line is proposed to enable bedroom accommodation at first floor level. As the proposal is changing the overall form of the roof, it is considered a substantial alteration.

- 5.8 The proposed development also includes a two storey extension to the southern elevation of the building to the west therefore extending the existing barn. The proposed extension is approximately 5 metres deep from the original barn elevations with a gable end and pitched roofs to provide a larger principal bedroom at first floor. This would be extended for a width of 5.7 metres and would have a ridge line of 6.8 metres. It is considered that this would conflict with the policy by being a substantial extension to the development.
- 5.9 The proposed development would also include a 2 metre wide sun room lobby running along the edge of the southern elevation. This would create another substantial extension to the building.
- 5.10 The table below sets out the existing and proposed footprint and floorspace, which are also useful indicators.

| | Existing | Proposed | Percentage Increase |
|------------|-----------------|-----------------|----------------------------|
| Footprint | 99 sqm | 149 sqm | 50% |
| Floorspace | 170 sqm | 210 sqm | 23% |

- 5.11 The above sizes have been included to quantify the level of change. There are no 'rules' that can be applied to an acceptable size of an extension as each application has to be considered on the basis of the impacts on the particular property in that location. However, taking the proposals as a whole it is considered that the proposals amount to the substantial extension and alteration, contrary to criteria i. of Policy C4.
- 5.12 In response to criteria iii, a sufficient level of external amenity space is provided.
- 5.13 Whilst the proposed curtilage is well contained within the red line of the proposal scheme, the inclusion of this section of the site is not considered as harmful to the character and appearance of the open countryside as it is of an appropriate size, well contained and not easily visible. However, the changes to the existing barn through alteration and extension are considered to create a dwelling in the countryside that is not in keeping with the original character of the barn. The policy C4 seeks to retain the fabric and character of the existing building when it is converted without the need for substantial alteration. Raising the ridgeline by 0.8 metres from 6.4 metres to 7.2 metres increases the height and bulk of the barn, visibly changing the massing of the rural barn. Adding another gabled ended two storey development increases the floor space and built form of the barn, changing its existing physical appearance. The sun room element would add glazing which would alter the appearance of the building from an existing modest rural barn to a large dwelling of more modern character. The case officer is concerned that the cumulative impact of each of these extensions/changes diminishes the rural nature of the existing barn. These changes are considered to, have an adverse impact on the rural character of the existing building and site which is considered to conflict with criteria vi. of policy C4.
- 5.14 As explained above the proposed development scheme substantially alters the external appearance of the building in terms of its character and how it looks. This is considered to have an adverse impact on the character of the existing barn which would not comply with criteria vi. However, the fabrics and materials used could be selected to match the existing building could be utilised and copied. These could also be secured via planning condition which would comply with the latter section of criteria vi.

- 5.15 The proposed development is not considered to comply with criteria i. and iv. of Policy C4. Policy C4 is written in such a way that each individually criteria must be met for the development to comply with the policy. The principle of development is not considered to be acceptable in accordance with Policy C4.

Character and appearance

- 5.16 New residential developments within the open countryside must comply with policy C3 of the Housing Site Allocations DPD in terms of design. In accordance with policy C3 new residential dwellings (including conversion schemes) must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change.
- 5.17 Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 5.18 Core Strategy Policy CS19 outlines that 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 this respect a holistic approach must be taken when assessing planning applications.
- 5.19 As explained above whilst the proposed curtilage is well contained within the red line of the proposal scheme, the inclusion of this section of the site is not considered as harmful to the character and appearance of the open countryside as it is of an appropriate size, well contained and not easily visible. However, the changes to the existing barn through alteration and extension are considered to create a dwelling in the countryside that is not in keeping with the original character of the barn. The policy on conversion seeks to retain the fabric and character of the existing building when it is converted without the need for substantial alteration. Raising the ridgeline by 0.8 metres from 6.4 metres to 7.2 metres increases the height and bulk of the barn viably changing the massing of the rural barn. Adding another gabled ended two storey development increases the floor space and built form of the barn change its existing physical appearance. The sun room element would add a host of glazing which would alter the appearance of the building from an existing modest rural barn to a modern, large design of dwelling. The case officer is concerned that the cumulative impact of each of these extensions/changes loses the rural nature of the existing barn. These changes are considered to, on balance, have an adverse impact on the rural character of the existing building and site.
- 5.20 As explained above the proposed development scheme does seek to substantially alter the external appearance of the building in terms of its character and how it looks. This is considered to have an adverse impact on the character of the existing barn. However the fabrics and materials used could be selected to match the existing building could be utilised and copied. These could also be secured via planning condition.
- 5.21 The proposed development is therefore not considered to be in keeping with the rural character of the area. The alterations and extensions to the barn create a large dwelling of modern design rather than retaining the modestly proportioned barn's character and rural aesthetic.
- 5.22 The development is therefore not considered to comply with the aforementioned policies.

Neighbouring Amenity

5.23 The proposal scheme is not viewed as resulting in harm to neighbouring properties.

Highways Matters

5.24 The access drive already serves a residential dwelling (Shortheath House). As such this raises no concerns.

5.25 Three driveway parking spaces are provided for the proposed dwelling. This is in accordance with policy P1, the materials are also acceptable.

5.26 An electric car charging point is provided as required by policy P1. A shed is included with the proposal scheme, this can be utilised for cycle storage are also acceptable. The Highways Authority have no objections to the proposal scheme.

Flooding and Drainage

5.27 The site is an existing building within Flood Zone 1, there are no concerns regarding flooding or drainage.

Ecology and Trees

5.28 The tree officer has commented that the application is accompanied by a BS 5837:2012 Arboricultural Method Statement by Venners Arboriculture dated June 2020. This includes a Tree Protection Plan and details of installation of the no dig path, together with details on the preparation (demolition) for and installation of the proposed shed. The tree officer raised no objections subject to conditions.

5.29 The stable block was confirmed as part of the previous application as a minor day roost for Common Pipistrelle and a feeding perch and day roost for Brown Long-eared bats. Therefore, the redevelopment of the stable block must be carried out under a Bat Mitigation Class Licence site registration. No other notifiable species were identified.

5.30 The case officer noted that application 20/00413/FULD was accompanied by a stage 2 dusk and dawn bat survey. The Council's Ecologist was mostly satisfied with the findings and recommendations of this report and the mitigations that could be controlled via planning conditions. However, the case officer observed that the report in section 7.2 noted that if work has not begun before summer 2021 a full update report is likely to be required.

5.31 The Council has now received an updated report dated 03/10/2022. This report noted that there was a non breeding day roost for a low number of protected species. A European Protected Species (EPS) licence will be required. The proposed works would affect roof tiles and linings, the roof void, and well as other suitable features and entrance locations. Without mitigation, the proposed works have the potential to disturb, injure or kill a bat, and destroy or obstruct access to a bat roost.

5.32 Mitigation could be secured by planning condition to include:

- a) A toolbox talk to contractors prior to any work commencing to inform them in how to protect protected species during construction.
- b) Three woodstone protected species style boxes. These boxes will be erected between 2.5m and 5m from the ground, facing south or south-east with a clear

exit path in large tree/tree's nearby. They will remain on site permanently (and shall be repaired or replaced as necessary).

- c) A destructive search (tile strip) of the affected areas of the roof tiles will be carried out.
- d) Works should ideally commence in either September/ October before protected species have begun to hibernate; or in March/ April after protected species have come out of hibernation.
- e) The proposed work will affect the roof tiles, as well as other suitable protected species roosting features. At least four access tiles will be installed near the gable ends to create access.
- f) Appropriate lighting position and choices will need to be conditioned.

5.33 Bats are subject to the species protection provision of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc.) Regulations 2010. This contains three 'derogation tests' which must be applied by the Local Planning Authority at the planning application stage and by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species. The three tests that must be met in order to successfully obtain a Natural England EPSM licence are as follows:

- a) The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- b) There must be 'no satisfactory alternative'; and
- c) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

5.34 The proposal is considered to be unacceptable in principle, and so it follows that the proposal is not an IROPI and there is a satisfactory alternative (i.e. there is the option of doing nothing). The proposal is therefore considered to fail the first two derogation tests. However, the submitted ecology report and the ecology consultation response demonstrate that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. As such, the third derogation test is considered to be passed. In the case officer's assessment, overall the proposal does not pass the statutory derogation tests.

5.35 If the Committee was minded to grant permission contrary to officer recommendation on the basis that the proposal was in accordance with the development plan, then the proposal could be regarded as an IROPI, and there would be no satisfactory alternative to deliver the same development without affecting the habitat. Accordingly, it is possible that the proposal could be regarded as passing all the statutory derogation tests in this scenario.

5.36 The proposed development is considered to comply with criterion vii. of Policy C4, which requires the impact on any protected species is assessed and measures proposed to mitigate such impacts. The proposal also complies with Policy CS17 which seeks to ensure biodiversity assets across West Berkshire to be conserved and enhanced.

6. Planning Balance and Conclusion

- 6.1 The case officer notes that the proposed development is a new permission for the conversion and extension of an existing outbuilding to form a single dwelling at Shortheath House, Shortheath Lane, Sulhamstead, Reading, West Berkshire, RG7 4EF. It will be a stand-alone permission and must be looked at on its merits as a conversion in accordance with Policy C4.
- 6.2 Whilst Policy C4 permits the conversion of redundant buildings in the countryside it does so subject to a set of criteria. The development fails to comply with criterion i due to the substantial extension and alterations proposed within the development. The proposed development also fails to comply with criterion vi due to the alterations and extensions changing the character of the existing barn to an extent where by it is harmful to the existing barns rural character and appearance. Policy C4 is written in such a way that each individually criteria must be met for the development to comply with the policy. The principle of development is therefore not considered to be acceptable in accordance with Policy C4.
- 6.3 The proposed development also does not comply with CS14 as the design does not respect the respect and enhance the rural character and appearance of the area.
- 6.4 The proposed development raises no objections in terms of highway matters and neighbouring amenity, and the ecological implications can be mitigated by conditions.
- 6.5 In the overall planning balance, it is considered that the conflict with Policy C4 and the identified harm outweighs the benefits of a new single dwelling in this location. The application is therefore recommended for refusal.

7. Full Recommendation

- 7.1 To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION for the reason listed below.

Refusal Reasons

1. Principle of development and character of the area

Policy C1 of the Housing Site Allocations (HSA) DPD 2006-2026 gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy, one of which is the conversion of redundant buildings. Policy C4 sets out criteria for conversions that qualify as exceptions in Policy C1.

The proposed development does not comply with criterion i. of Policy C4 due to the development including substantial extension and alteration. The proposed development includes raising the ridge height, a two storey extension to the south elevation and a sun room lobby running along the edge of the southern elevation.

The changes to the existing barn through alteration and extension would create a dwelling in the countryside that is not in keeping with the original character of the barn. Raising the ridgeline increases the height and bulk of the barn visibly changing the massing of the rural barn. Adding another gabled ended two storey development increases the floor space and built form of the barn, changing its existing physical appearance. The sun room element would add glazing which would alter the appearance of the building from an existing modest rural barn to a large dwelling of modern design. The cumulative impact of each of these extensions/changes is the

loss of the rural nature of the existing barn. These changes have an adverse impact on the rural character of the existing building and site. The development does not comply with vi. of Policy C4.

The proposed development would have an adverse impact on the character of the existing barn. The proposed development is therefore not in keeping with the rural character of the area. The alterations and extensions to the barn create a large dwelling of modern design rather than retaining the modestly proportioned barn's character and rural aesthetic.

The proposed development does not comply with criteria i and vi of Policy C4. Policy C4 is written in such a way that each individually criteria must be met for the development to comply with the policy. The principle of development is not acceptable in accordance with Policy C4 of the HSA DPD, and is therefore contrary to the Council's strategy for locating new housing as set out in Policies ADPP1, ADP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C4 of the HSA DPD. The proposed development also conflicts with Policies CS14 and CS19 of the Core Strategy, and Policy C3 of the HSA DPD in terms of the harm to the character and appearance of the area.

Informatives

1. **Proactive statement**

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

2. **CIL**

This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.