

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/00246/HOUSE Cold Ash	17 May 2023	Retrospective: application for alterations to approved scheme 12/00538/HOUSE; first floor extension to single storey house, single storey extension to the west and new garage to replace existing. Juniper Rise, Ashmore Green, Thatcham, RG18 9EY Mr D Pirlo
¹ Extension of time agreed with applicant until 30 July 2023			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00246/HOUSE>

Recommendation Summary: Grant planning permission subject to conditions

Ward Member(s): Councillor Dick
Councillor Codling

Reason for Committee Determination: 10+ objections received

Committee Site Visit: 13 July 2023

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for retrospective alterations to approved scheme 12/00538/HOUSE, as well as subsequent non-material amendments and Section 73a permission that altered that permission, to regularise works to the property which do not fall within the scope of the previously approved plans.
- 1.3 The property is a detached dwelling in Ashmore Green and is in the process of being turned from a single storey bungalow to a two-storey house of brick and render construction. The area is rural with an established housing estate of various scale and style of dwellinghouses of mainly brick construction.
- 1.4 The proposal is to regularise works to the property including:
- 1.4.1 Increasing overall height of roof ridge by approximately 1 metre over the approved plans.
- 1.4.2 Remove rear dormers to rear elevation to be replaced with roof windows to rear elevation and add two further roof windows to front elevation.
- 1.4.3 Simplify front elevation by removing front extension gable element.
- 1.4.4 Increase height of porch by approximately 1.27 metres to simplify internal ground floor levels and new external steps.
- 1.4.5 Change rear extension from hipped roof to gable.

2. Planning History

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

Application	Proposal	Decision / Date
12/00538/HOUSE	First floor extension to single storey house, single storey extension to the west and new garage to replace existing.	Approved 14/05/2012
13/03074/NONMAT	Non-material amendment to approved planning permission reference 12/00538/HOUSE: Amendment: Replace existing roof tiles with same material, same texture, and same colour but different shape and size. Change from Marley concrete 'Double Roman' tiles antique brown to Marley concrete 'Plain' tiles antique brown.	Approved 14/01/2014
20/02902/NONMAT	Application for non-material amendment to approved 12/00538/HOUSE - First floor extension to single storey house, single storey extension to the west and new	Approved 14/01/2021

	garage to replace existing. Amendment Velux windows to the front roof	
21/00720/NONMAT	Application for a non-material amendment following a grant of planning permission 12/00538/HOUSE - First floor extension to single storey house, single storey extension to the west and new garage to replace existing. Amendments: Change external material from bricks to POLYMER or MONOCOUCHE render to improve house appearance. It is expected to be a combination rendering to conceal 1960 weathered brick work and more modern and durable brick work	Refused 19/04/2021
22/01245/HOUSE	Section 73A: Variation of Condition 3 (Materials) of previously approved application 12/00538/HOUSE: First floor extension to single storey house, single storey extension to the west and new garage to replace existing.	Approved 21/07/2022

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location 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:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on 27 February 2023, with a deadline for representations of 20 March 2023.
- 3.3 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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).
- 3.4 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.

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.

Cold Ash Parish Council:	Objection <ul style="list-style-type: none">• Out of keeping with neighbouring properties• Overbearing to neighbouring properties• Use of garage as separate dwelling• Concerns with retrospective planning applications being allowed which enable works, which have not complied with previous application to be passed by the planning department.
WBC Highways:	No objections

Public representations

- 4.2 Representations have been received from 17 contributors, 2 of which support, and 15 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:

Objection:

- Wrong address on Application Form and CIL form - I believe a planning application is a legal process - therefore the forms should be legally correct. These documents are inaccurate.
Response: The address details given on the application form and the location plan are sufficiently precise and correct to clearly and unambiguously identify the application site for the purposes of planning.
- This application cannot be accepted and therefore should be rejected.
- Page 4 - ticked 'no' that works have not been completed, however the outside works are all completed.
Response: Would expect all works to be completed, including all external rendering and internal works, in this case the works have not been completed.
- Page 7 - ticked that there is a relationship.
Response: The relationship is between the agent, Duncan Mathewson, and his daughter-in-law, who works within the highways department.
- Impact on neighbours:
Privacy: All side windows would be non-opening frost glass, this is now not so.
Overbearing: on neighbouring properties
Overshadowing: amendments leave a very tall building and must be blocking light to all levels of neighbour.
During works life has been difficult due to self-building
- Garage: The owner appears to be living in the garage for over 8 months. Do not believe garage has consent to be habitable residence.

Response: No condition was included in the original approval to prevent the garage being used in an ancillary manner.

- Present day build is different to what is approved as uncovered by Building Control (BC).
- Queries why these changes were needed etc.
- No detailed engineering information with this application.

Response: Not required in a planning application.

- Size of house - it seems too big for the plot and appears to loom of the neighbour house on the downhill side.
- High roof seems to impede the free flow of the chimney of Little West and will enter skylights when windows are open.
- Not built in accordance with approved plans i.e., porch has been built to a larger volume, house now taller than approved, lots of sky lights not as per approved.
- Roof Tiles - don't match surrounding area - and stands out.
- Will assess on planning merits alone.
- Finds the application lacking in detail.
- Refuse on the grounds it is not honest.
- Highways - assume if larger house is designed for bigger families does this mean more vehicle movements? Were highways aware of the size change?

Response: Highways have been consulted and have no objections.

- The unapproved work which has been done, needs to be corrected. Should this work be approved, it will set a clear precedent for developers to circumvent the planning law.

Response: This application seeks to regularise works that have been done.

There is precedence set in law under Section 73A of the Town and Country Planning Act that the Local Planning Authority is required, legally, to approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as a 'normal' application for proposed development. So, for example, the national and development plan policies current at the time of the application should be applied, rather than those in place when the development was carried out. Obviously, if a development is in existence this can make it much easier to assess its impact, particularly where visual amenity and design considerations are of importance. However, the fact that a development has been carried out is not in itself a material consideration.

Support:

- Amazed at the transformation of this property which has morphed from a bungalow into a stunning country dwelling. Juniper Rise seems to have followed suit of Little West and the other properties which were previously bungalows and converted into appealing family double storey homes. Previously dwarfed by Little West its new shape it seems in keeping with the surroundings.
- The alterations of Juniper Rise are in keeping with the house I think that it has a lovely finish to the property and finishes it nicely.

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, ADPP3, CS14, 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)

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 site is within the defined settlement boundary of Ashmore Green where the principle in favour of development is established.

Character and appearance

6.3 The application site is situated within an established housing estate in Ashmore Green and forms a linear pattern of development. The adjacent properties to the application are Old Oak to the northern boundary and Little West to the southern boundary. Old Oak is a single storey dwelling whereas Little West has been extended to form a two-storey property. There is a difference in ground level between these properties with the application site sitting higher than its two neighbours. There is a distinct mix of dwellings in the locality with varying designs and sizes of properties present.

6.4 This application seeks to regularise changes made during the construction period as detailed within the introduction above. The original application sought to add a first floor to the existing bungalow with two storey front extension with gable element, two large rear dormers and rear extension as well as detached garage. The amended plans show the two-storey front gable element being removed and retaining a simplified front elevation with a similar roof scape to that of Little West to the south. Four roof windows introduce light into the roof accommodation. From the front street scene, the dwelling appears to be a similar height to that of the southern neighbour, albeit with a larger front entrance which gives character to the property that would be lost with the removal of the front gable element. The changes to the rear include the removal of the large dormer windows, which, despite the change in height, will reduce the overall bulk to the roof slope, and are replaced with roof windows which are often preferable, as stated in West Berkshire Council's Supplementary Planning Guidance 'House Extensions'. The proposed garage, and rear extension are both in situ to the rear of the property and have limited impact on the character and appearance of the area.

- 6.5 While it is noted that there are differences between this property to those of its neighbours, looking at the area as a whole, there are a variety of styles and sizes of property, and while there are some differences in height, these have limited impact on the overall street scene. It is therefore considered that the proposed development would have limited impact on the overall character and appearance of the area once completed.
- 6.6 The proposed works have been considered against the VDS, and are considered broadly compliant as set out below:
- 6.6.1 The height of the building could be considered out of proportion with its surroundings as required in Guidelines for Housing SPGR 3 of the Cold Ash and Ashmore Green Village Design Statement, especially from the rear elevation, however, from the front street scene, there appears to be little difference between the development and its southern neighbour, 'Little West'. The proposed section AA east to west shows that Juniper Rise is at a higher level to its two neighbouring properties, which results in the overall perception of height of the dwelling. So, while there is a perception of the height being a lot taller than its southern neighbour, there is, in actuality, very little difference in heights from the ground levels to roof height between the two dwellings. The plans from the 2003 permission for Little West shows an overall height of approximately 8.56 metres and Juniper Rise is at a height of 9.11 metres from ground level with a difference of 67cm to the front elevation. Measured from the rear, due to changes in floor levels, Juniper Rise measures at 8.56 metres and Little West measures at 8.04 metres, so the perception that the new extension creates a much taller building is due to changes in grounds level and the extra 67cm to the roof line.
- 6.6.2 MEC 1 requests that existing buildings should be in keeping with and in proportion to the size of the original dwelling, however, the 2002 permission allowed for a similar extension which now has been mostly built.
- 6.6.3 MEC 2 of the Village Design Statement states that materials should be in keeping with existing building and neighbouring properties. The original brick work to the front is yellow and the other brick work is red therefore the proposed render will improve the overall appearance. It is noted that there are other rendered buildings within the area and therefore accords with SDM 2.
- 6.7 Concern is noted regarding the use of the garage as a separate dwelling, while this is acceptable as no condition as given to prevent the garage being used ancillary to the host dwelling, it is recommended that a condition to tie the garage to Juniper Rise is included within any permission granted.

Neighbouring amenity

- 6.8 Concern has been raised regarding the impact on neighbouring properties to the north and south with regards to visual impact due to overbearing, overshadowing and loss of privacy due to side windows.
- 6.9 Visual impact due to overbearing: This application seeks to increase the height of the proposed development by approximately 1 metre. The property is situated with two near neighbours to the north and south boundaries. Little West to the south, has also been extended from a bungalow to a two-storey dwelling, is situated at a lower level to the application site and about 2.8 metres from the property itself. Little West is also set forward of the application site so that it does have a larger view of the building to its northern elevation. It is clear within the photos submitted that the development is taller than the neighbouring property, however, whether it is considered overbearing would depend on the amount of brickwork facing the garden. Within the photo

submitted by the neighbour they are constructing their own rear extension which brings their rear elevation out into the garden and normal seating would be away from the neighbouring development. It is considered that while the development would be taller than originally proposed, it would have similar impact to that already approved and certainly not enough reason to refuse this application.

- 6.10 Overshadowing: The neighbouring property to the north has an existing single storey extension along the boundary with Juniper Rise, any further overshadowing from the proposed development would be negated by existing overshadowing of the existing bungalow and extension and mainly within the winter months, therefore, it is considered there would be limited impact due to overshadowing of this neighbour. It is considered there would be no overshadowing to the southern neighbour.
- 6.11 Concern regarding privacy has been raised. It is noted that a ground floor side window has been inserted into the ground floor rear extension, facing south, as originally approved in the 2012 permission. A closed board fence of approximately 1.8 metres in height separates these neighbours. No first-floor side windows have been included to the side elevations, however there are two side roof windows facing north and south. The roof window facing towards Little West would be situated approximately 1.75 metres above finished floor level and over the open void above the lounge. It is noted that there is a gallery landing, however, no direct views down to the neighbouring property would be possible from this roof window. Regarding the southern neighbouring, this window is smaller than the southern window and therefore much less of an impact on the neighbouring property. Overall, it is considered that there would be limited impact on neighbouring amenity from the changes made to the 2012 permission, if anything, the removal of the proposed dormers reduces the perception and actual overlooking to the neighbouring properties.
- 6.12 Overall, while there would be some impact due to the changes in height and style, the overall impact would be limited and certainly insufficient to recommend refusal.

Highway Safety

- 6.13 The Highways Authority had no objections to the changes proposed which will not increase bedrooms from the approved permission. It is considered there will be limited impact on highway safety.

Parish Council representations

- 6.14 Out of keeping with neighbouring properties - There are a variety of styles and sizes within the street scene.
- 6.15 Overbearing to neighbouring properties - There is some impact to neighbouring properties but not considered to have a harmful impact on the outlook of the neighbouring amenity.
- 6.16 Use of garage as separate dwelling - This is not a planning consideration, there are no conditions within the 2012 application to stop the application from using the garage as ancillary.
- 6.17 Concerns with retrospective planning applications being allowed which enable works, which have not complied with previous application to be passed by the planning department - *There is precedence set in law under Section 73A of the Town and Country Planning Act that the Local Planning Authority is required, legally, to approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as a 'normal' application for proposed development. So,*

for example, the national and development plan policies current at the time of the application should be applied, rather than those in place when the development was carried out. The fact that a development has been carried out is not in itself a material consideration.

7. Planning Balance and Conclusion

- 7.1 The impact of the proposed extension on the character and appearance of the area has been carefully assessed. It is considered that due to its size, scale, layout, siting, form and appearance, the proposed development will not have a detrimental impact on the character and appearance of the area.
- 7.2 Whilst it is acknowledged there may be some limited impact on surrounding properties in terms of limited views from the neighbouring properties and limited overshadowing, these are unlikely to be harmful and it is not considered that the development has a sufficiently detrimental impact on the amenities of the occupiers to warrant refusal.
- 7.3 It is not considered that there will be any detrimental impact upon highways and parking.
- 7.4 Other concerns raised in the public representations 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 NNPF and other local planning documents. 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 Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>22101.100A (Location and Block Plan), 22101.101B (Floor and Roof Plans and Section) and 22101.102B (Elevations) received on 2 February 2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plan 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>

	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).
3	<p>Annex use</p> <p>The garage hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as Juniper Rise.</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, ADPP3 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>Proactive</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>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Consent to enter adjoining land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>