

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/02714/HOUSE Speen	22 nd January 2024	Proposed two-storey side extension and single storey rear extension with associated alterations. 10 Speen Lane, Newbury Mr J Murray
¹ Extension of time agreed with applicant until 29 th May 2024			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02714/HOUSE>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions set out in 8.1

Ward Member(s): Councillor Antony Amirtharaj
Councillor Martha Vickers

Reason for Committee Determination: Over 10 letters of objection

Committee Site Visit: 20th May 2024

Contact Officer Details

Name: Lewis Richards
Job Title: Planning Officer
Tel No: 01635 519111
Email: Lewis.Richards1@westberks.gov.uk

1. Introduction

1.1 This householder application seeks planning permission for a two-storey side extension over the existing garage, single-storey rear extension, and other associated alterations.

1.2 The properties of the initial proposal were:

- Single-storey rear extension: 3 x 15 x 3.8m (H x W x D)
- Single-storey side/rear extension to incorporate garage: 3 x 5 x 7.7m (H x W x D)
- Two-storey side/rear extension: 7.2 x 5.2 x 10.5m (H x W x D)

Overall, the initial proposal would give rise to an increase of c.136m² (89.5%) of GIA.

1.3 During the course of the assessment of the application, the overall scale, bulk and massing of the proposal was reduced. The properties of the revised proposal are:

- Single-storey rear extension: 3 x 15 x 4m (H x W x D)
- Two-storey side extension: 7 x 4.9 x 6.6m (H x W x D)

Overall, the revised proposal would give rise to an increase of c.83.2m² (54.7%) of GIA.

1.4 There are also minor changes proposed to the fenestration, and front porch.

2. Planning History

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

Application	Proposal	Decision / Date
23/02036/FUL	Proposed extensions and alterations to dwelling, new access and change of use from C3 Dwellinghouse to Sui Generis HMO shared house.	Withdrawn / 09/11/2023

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. A site notice was displayed on 20th December 2023, with a deadline for representations of 13th January 2024. Following the submission of amended plans, an amended plans site notice was also displayed on 9th April, with a deadline for representations of 30th April.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a

local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.

- 3.4 **Community Infrastructure Levy (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).

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

- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

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.

<p>Speen Parish Council:</p>	<p>No objection following submission of amendments - summary of comments below:</p> <p>12/12/2023:</p> <p>Previous application 23/02036/FUL for an HMO on this site raised concerns and received objections from residents and Speen Parish Council regarding the level of occupancy at the property. The new application shows plans for additional bedrooms in a separate part of the house completely unconnected to the existing upstairs space in the property. Speen Parish Council raise concerns over these plans as this could indicate future plans to convert this area of the property into a separate dwelling raising further issues on the occupancy of the property however, SPC recognises we can only assess the application on its current plans as a five-bedroom dwelling. SPC also raises concerns regarding the vegetation which has been removed from the property which needs to be protected and would insist that the existing hedge needs to be reinstated to the boundary and everything that was removed from the garden is reinstated to the way it was before the commencement of works.</p> <p>23/04/2024: No objection</p> <p>Speen Parish Council feel that these plans are a substantial improvement upon the previous plans submitted and the feedback we have received from other residents in Speen Lane is more positive than previously. We note the objection from the residents of No.14 in relation to the wall/fencing and that this is an issue for the Case Officer to address. Speen Parish Council has no objections to this application.</p>
<p>WBC Highways:</p>	<p>No objection subject to condition and informatives</p>
<p>Ecology</p>	<p>No objection following submission of Phase 1 Bat Survey and Landscaping Scheme, and subject to ecological enhancements condition – summary of comments below:</p> <p>14/02/2024:</p> <p>No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial imagery and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development. Habitats and features (including hedgerow, trees,</p>

amenity grassland and shrubs) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision.

I am requesting the following information:

- Plans for retention/replanting of mature hedgerow on site as a habitat of principal importance understanding that these features were removed in July of 2023.
- Plans for retention/replanting of young trees on site as a habitat for local biodiversity.
- Plans for retention/replanting of shrubs and ornamental planting as a habitat for local biodiversity.
- Retention/replanting of any other ecological assets on the site.
- Details of ecological enhancements not including the baseline ecology after site clearing should the proposal be approved.
- As the proposed development will affect the extant roof space, I request a bat roost assessment to be carried out to ensure no harm befalls protected species.

Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF and policy CS17. The relevant policy is detailed:

Policy CS17 Biodiversity and Geodiversity Biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced.

Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance. Development which may harm, either directly or indirectly,

- locally designated sites (Local Wildlife Sites and Local Geological Sites),
- or habitats or species of principal importance for the purpose of conserving biodiversity,
- or the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

	<p>In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan</p> <p>04/04/2024: No objection subject to conditions</p> <p>We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.</p>
Trees	No objection, request informative

Public representations

4.2 Representations have been received from 19 contributors, who 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 (pre-amendments):

- Object on grounds of overdevelopment.
- Proposed garage would make building too large for the plot and would change the appearance of the cul-de-sac and that part of Speen Lane.
- Possibility of adding a second storey is a concern.
- The sectioning off of the upper floor is indicative of the possible intention to separate to an individual dwelling.
- No recycling provision, EVCP's, cycle storage, nor for renewable energy source.
- Vegetation has been removed, impacts on biodiversity and neighbouring privacy.
- Plot size is relatively small compared to surrounding plots and building is already sizable.
- Proposal including garage is twice the width of existing house, and 3 metres (40% larger) from front to back. This is overdevelopment and not subservient.
- Scale and position of the proposal would dominate Speen Lane and the close.
- Number 10 is of paramount importance due to its location and matches the spacing of number 18 on the opposite side.
- Proposal includes a separate staircase to enable the new area to be separated into an additional dwelling in the future.
- There is legislation that allows properties to be split into multiple dwellings without the need for planning permission.
- Space above the garage could add a second storey under permitted development in future.
- Completely out of keeping with the area of Speen Lane, will reduce space and visibility.

- There will be very little garden left after the development is completed, devaluing neighbouring properties.
- New plans have changed little in size of development compared to initial proposal for HMO.
- Proposal will bring even more traffic.
- Twice the width of the original and would be overly dominant.
- Question the 2 proposed staircases and whether this means it will be split into separate dwellings.
- The 2-storey side extension would contravene the right to light.
- Rear gardens are North facing, and having the light blocked would have a huge impact on quality of life.
- Extension is significantly larger than others permitted on nearby properties.
- 2 storey extension is not subservient, and both extensions dominate the original dwelling.
- Contravenes Speen Lane design statement which states one of the important features of Speen is the retention of hedges and trees. This is particularly so in the older part of the village and all the way down Speen Lane.
- As immediate neighbour proposal will result in a large wall as their outlook and detrimental impact on right to light.
- Contravenes planning guidance on views and spaces.
- The massing will result in a development which will be out of proportion and character with the rest of the properties at this end of Speen Lane.

Officer response: There are a number of non-material planning considerations that are raised in the objections (e.g. loss of property value, potential future development...), which have been attributed no weight in the assessment of the planning merits of the application. However, due regard has been given to relevant material planning considerations that have been raised, as outlined in the remainder of the report.

4.4 Following the submission of amendments, an additional 2no. representations were received, in summary, the following issues/points have been raised (post-amendments):

- Proposal is much more in keeping with the area.
- Seek clarification regarding the walls that have been partially demolished, and the fencing that is damaged.

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 (Spatial Strategy), ADPP2 (Newbury), CS13 (Transport), CS14 (Design Principles), CS17 (Biodiversity and Geodiversity), CS18 (Green Infrastructure) and CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy (2006-2026).
- Policy P1 (Residential Parking for New Development) of the Housing Site Allocations Development Plan Document (2006-2026)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- WBC Quality Design SPD (2006), including the Area Design Focus (ADF) – Speen Lane, Newbury
- WBC House Extensions SPG (2004)
- Speen VDS (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

6.2 The application site is located within the settlement boundary of Newbury. Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) identifies Newbury as an urban area with a wide range of services, to be the focus of the majority of development within the district. Policy ADPP2 provides the spatial strategy for Newbury which seeks development that ensures it retains its traditional market town heritage whilst undergoing infrastructure improvements, aiming to create a vibrant 21st century centre.

6.3 It is therefore considered that the principle of this development would be acceptable, and compliant with Policies ADPP1 and ADPP2 of the West Berkshire Core Strategy, subject to the proposal meeting the other detailed requirements set out below.

Character and appearance

6.4 Forming part of the West Berkshire Core Strategy, Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area. 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. Furthermore, it is expected that the design and layout of any development are relative to the wider context, having regard to not just to the immediate area, but also the wider locality. Development should contribute positively to local distinctiveness and sense of place. Policy CS19 seeks development that ensures the diversity and local distinctiveness of the landscape character of West Berkshire is conserved and enhanced.

6.5 The Area Design Focus – Speen Lane, Newbury (ADF), which forms part of the Quality Design SPD (2006) seeks localised development that respects the defined set back and building line, along with maintaining similar spacing between each property.

6.6 The WBC House Extensions SPG (2004) advises that the spaces between buildings often make an important contribution to the character of an area.

6.7 When considering applications for extensions, the following key principles are identified in the WBC House Extensions SPG:

- The character of the area; and
- The design; and

- The effect on neighbours; and
 - Car parking provision and road safety; and
 - Private outdoor space
- 6.8 The Speen Village Design Statement (2002) advises, inter alia, that extensions and alterations should be of a design compatible with original and adjacent buildings, and that infill developments and extensions to existing buildings should take into account gaps that provide views to surrounding countryside or open spaces within the village.
- 6.9 As originally submitted, the proposal was not considered to meet these criteria.
- 6.10 This particular stretch of Speen Lane is characterised by large, mostly detached dwellings of varying architectural stylings with largely uniform gaps between each. In this instance in particular there is a gap of 6.5m between the existing Western elevation of the dwelling and the footpath immediately outside of the residential curtilage. This is mirrored by an identical gap for No. 18 Speen Lane on the opposite side of the Close.
- 6.11 Any intrusion on this gap would create an unbalanced approach to the Close from Speen Lane and would therefore appear out of sync with the immediate locality. Situated on a corner plot, 10 Speen Lane occupies a prominent position on the Lane, as well as on the adjoining Close. As a result, the negative impact on the character of the area generated by any inappropriate development would be exacerbated.
- 6.12 The initial proposal, which included a side extension to the West to create a garage, reduced the aforementioned gap from 6.5m to 1.5m, and was therefore considered to be an overly harmful, disbalancing element. This, coupled with the overall scale and massing of the proposed 2-storey rear extension element, was considered sufficient to warrant refusal.
- 6.13 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to amend the proposal to maintain the existing gap, and reduce the overall bulk and massing. A revised proposal was submitted, which was considered acceptable.
- 6.14 The West-side extension was removed to maintain the gap of 6.5m, and the 2-storey rear extension was also removed to reduce the overall bulk and massing.
- 6.15 As a result of the amendments, the single-storey rear extension element would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, and can be regarded as 'permitted development.'
- 6.16 The overall scale of the revised extensions are comparable to a number of others throughout Speen Lane, including 11/02119/HOUSE at No. 16 and 20/01586/HOUSE at No. 18. Notwithstanding this, whilst previous similarly proportioned extensions provide useful local context regarding developmental precedents, each application must be assessed on its own merits. Given the extent of the changes proposed to overcome initial non-compliance with Local Plan Policy, it is considered that the cumulative effects of the development would not harm the quality of the neighbourhood, as outlined in the Speen Lane ADF, and could therefore be considered acceptable.
- 6.17 Representations were received from public contributors regarding the current state of the wall and fencing. It is considered that the wall presents a positive visual aspect to the immediate locality. It is also considered that should any walls/fencing be left in its current state it could also pose a safety risk and trip hazard to pedestrians due to its

unstable nature – this is considered to be sufficient justification for a boundary treatment details pre-commencement condition, which will ensure visual amenity as well as pedestrian safety is upheld.

6.18 It is therefore considered that, subject to this condition, the revised proposal complies with the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy, the Quality Design SPD, the House Extensions SPG and the Speen VDS with regards to the design, character and appearance of the proposal.

Neighbouring Amenity

6.19 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. Policy CS14 states that development should make a positive contribution to quality of life. As such amenity is an important consideration.

6.20 The assessment considered the impact on neighbouring amenity in terms of;

- Sunlight / daylight
- Overlooking / privacy
- Overbearing impact
- Noise and disturbance

6.21 The proposal has been assessed against the above metrics. Due to the nature of the application, initially there were considered to be limited harmful impacts relating to sunlight, overlooking and noise and disturbance. Comments from public contributors regarding the loss of light were noted and considered. The only property that has the potential to be adversely affected by the proposed 2-storey element with regards to sunlight is No. 8 Speen Lane, however there are no windows located on the Western elevation of this property, therefore this is not considered to be the case.

6.22 Further representations were received from public contributors regarding the presence of a large wall as their outlook. Officers considered this to be valid, and approving the 2-storey rear element as submitted would present an overbearing impact to the neighbouring dwelling, 8 Speen Lane, causing a sense of enclosure for the occupiers. Consequently, it was considered that this element should be removed, to ensure that any extension protruding from the rear elevation of the property was single storey only.

6.23 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to amend the proposal accordingly. A revised scheme was submitted, which restricted the rear extension to single storey only, 3m in height.

6.24 The extent of these changes ensures the 2-storey built form remains roughly in line with that of the neighbouring properties, and is considered acceptable.

6.25 It is therefore considered that the revised proposal accords with Policy CS14 of the West Berkshire Core Strategy with regards to neighbouring amenity.

Highway Matters

6.26 Policy P1 of the Housing Site Allocations DPD outlines the parking requirements for residential development.

6.27 Policy CS13 of the West Berkshire Core Strategy relates to the need for development to promote safe travel and ensure adequate parking provision.

- 6.28 The Highways Authority were consulted, commenting that as part of the previously withdrawn application, 23/02036/FUL, to extend the dwelling and convert to an HMO, concerns were raised by Highways on the potential level of occupancy.
- 6.29 As part of the originally submitted application, 5no. bedrooms were proposed, with 3no. accessed from one staircase, and 2no. accessed from a separate one. Whilst the occupancy of the dwelling was queried, each application is assessed on its own merits, and no objection was raised, initially subject to a Construction Method Statement (CMS) pre-commencement condition and informatives. The CMS condition is necessary to safeguard the amenity of neighbouring occupiers and in the interests of highway safety.
- 6.30 Whilst no objection was raised by the Highways Authority to an extended 5-bedroom dwelling, given the other issues identified above, an amended plan was submitted reducing the proposed number of bedrooms to 4.
- 6.31 10 Speen Lane lies within Parking Zone 2, as defined in Policy P1. The application seeks to extend the dwelling to provide 4no. bedrooms. As outlined in Policy P1, in order for a 4-bedroom dwelling within Zone 2 to comply there must be a minimum of 2.5 parking spaces provided. The site is capable of hosting this number of spaces.
- 6.32 Given the reduction of proposed bedrooms, the Highways Authority maintained the position of no objection. Therefore, the parking for the extended dwelling is considered to comply with Policy P1.
- 6.33 A CMS and site set-up plan was submitted for review by the Highways Authority on 10th May. This was considered acceptable and removed the necessity for a pre-commencement condition, with a CMS approved details condition in its place.
- 6.34 Subject to this condition, the proposal is considered to accord with Policy CS13 of the West Berkshire Core Strategy, and Policy P1 of the Housing Site Allocations DPD.

Ecology

- 6.35 Policy CS17 of the West Berkshire Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced, and the Speen Village Design Statement also advises that future development (including design) should seek to ensure that the biodiversity of the village is conserved and enhanced.
- 6.36 No ecological information was submitted to supplement the original application. Given the nature of the proposed works, involving works to the roof, as well as the verdant nature of the locality, the Ecologist was consulted. Habitats and features (including hedgerow, trees, amenity grassland and shrubs) are present on and around the site, indicating ecological value and the potential for protected species to be present.
- 6.37 In order to adequately assess the potential impact on protected species, and mitigate against any if necessary, a Phase 1 bat survey was requested, in accordance with paragraph 99 of ODPM 06/2005 which states 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' A landscaping scheme was also requested, that consists of:
- Intended purpose and composition of vegetation/habitat types;
 - Removal of any non-native invasive species;
 - Method of vegetation establishment;

- Anticipated management actions and timings;
- Retention and further management;
- Scaled plans detailing locations of species planting.

6.38 As part of a positive and proactive negotiation in line with Paragraph 131 of the NPPF, the Council provided the applicant with an opportunity to provide a Phase 1 Bat Survey and Landscaping Scheme.

6.39 A Bat Survey and Landscaping Scheme was provided for review by the Ecologist. This was considered acceptable, and therefore no objection was raised, subject to an ecological enhancements condition.

6.40 Subject to this condition, the proposal is considered to accord with Policy CS17 of the West Berkshire Core Strategy.

Trees

6.41 Given the extent of green infrastructure that forms part of the site's boundary, the Tree Officer was consulted, commenting that there are no TPO's present, and that the site does not lie within the nearby Conservation Area. Whilst there is hedging present, the proposed footprints of the extensions mean the Root Protection Areas (RPA's) should be unaffected. No objection is raised subject to a tree protection informative.

6.42 The proposal is therefore considered to accord with Policy CS18 of the West Berkshire Core Strategy.

Permitted Development

6.43 According to paragraph 54 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so.

6.44 Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

6.45 Whilst public representations have referred to the dwelling being converted to a House in Multiple Occupation (HMO) in future, each case must be assessed on its own merits. Notwithstanding this, any conversion from Use Class C3 (Dwellinghouses) to C4 (HMO's) as referred to in the Town and Country Planning (Use Classes) Order 1987 is potentially covered under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 providing there are less than 6 occupants, and subject to any Article 4 directions in effect in that area.

6.46 Any HMO larger than this would be classed as 'Sui Generis' whereby a planning application would be required for that purpose, and assessed accordingly.

6.47 As a result, it is considered that there is insufficient justification for the removal of these permitted development rights, and any such condition would not meet the six tests outlined in Paragraph 56 of the NPPF.

7. Planning Balance and Conclusion

- 7.1 For the reasons given above it is considered that the revised proposal accords with the provisions of the National Planning Policy Framework, Policies ADPP1, ADPP2, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD. The application is recommended for Conditional Approval.

8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of Development</p> <p>The development hereby permitted shall begin no later than three years from the date of this decision.</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>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Location Plan received on 27/11/2023 Amended Block Plan received on 13/03/2024 3277-04A – Amended Proposed Plans received on 04/04/2024 Landscaping Plan received on 04/04/2024 Construction Plan received on 10/05/2024 Construction Method Statement received on 10/05/2024 Preliminary Bat Roost Assessment received on 13/03/2024</p> <p>Reason: For the avoidance of doubt and in interest of proper planning.</p>
3.	<p>Approved Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and 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 (2023), 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).</p>
4.	<p>Construction Method Statement – approved details</p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and Construction set-up plan (drawing number 3277-04B) received in this office on 10th May 2024.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core</p>

	Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
5.	<p>Boundary Treatments</p> <p>No development shall take place until details, to include a plan, of the boundary treatments (e.g. walls, fences) to be erected around the site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details, and retained thereafter.</p> <p>Reason: The boundary treatment is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
6.	<p>Ecological Enhancements</p> <p>The extensions hereby approved shall not be brought into use until details of how the development will enhance biodiversity are submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat or bird nesting boxes. The approved details will be implemented and thereafter retained.</p> <p>Reason: To enhance biodiversity and to comply with Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>

Informatives

1.	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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2	The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
3	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4	<ul style="list-style-type: none"> • 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. • In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained. • 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. • 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 trees' 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 or Portland 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 using a sharp knife.

- If lime or Portland 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.