

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/01672/HOUSE Tilehurst	16/10/2024 <sup>1</sup>	Proposed Garage to the front garden  Crevan, Beals Lane, Tilehurst, Reading, RG31 5UD  Mr and Mrs P Fox
<sup>1</sup> Extension of time agreed with applicant until 20 December 2024			

The application can be viewed on the Council's website at the following link:  
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SHUP2MRD0S100>

**Recommendation Summary:** Refusal

**Ward Member(s):** Councillor Joanne Stewart  
Councillor Clive Taylor

**Reason for Committee Determination:** Call In by Ward Member

**Committee Site Visit:** 27 November 2024

Contact Officer Details	
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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 double garage building within open front garden.
- 1.3 The application site is situated within open countryside within the North Wessex Downs National Landscape (AONB) and as such the area has a higher level of protection. The dwellinghouse has recently been extended following planning permission for single storey, two storey rear and side and roof extensions. The front garden open with clear views towards the dwelling.
- 1.4 The proposed detached two bay garage will be situated within the front garden about 4.62 metres from the road and 4.81 metres from the host dwelling. The dimensions of the garage are:

Overall height: 4.82 metres

Height to eaves: 2.57 metres

Width: 7.61 metres

Depth: 6.67 metres

Materials are plain clay roof tiles to match existing, Cedral Fibrecement Woodgrain Cladding, Facing Brickwork and Powder Coated Aluminium Door and Windows.

## 2. Planning History

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

Application	Proposal	Decision Date /
24/00251/HOUSE	Single storey and two storey rear and side extensions and roof extension.	07/06/2024

## 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 4 September 2024, with a deadline for representations of 25 September 2024.

- 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):** 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).
- 3.5 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **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.
- 3.8 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.

- 3.9 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.
- 3.10 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.
- 3.11 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. The scheme also proposes measures to improve pedestrian safety on routes through the village. The final design of this scheme would need to meet the Highways Authority's safety and access audit. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.12 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Tilehurst Parish Council:</b>	No objection but notes that the appearance of the garage will alter the street scene.
<b>WBC Highways:</b>	No objection
<b>North Wessex Downs:</b>	No response was received

### *Public representations*

- 4.2 Representations have been received from 2 contributors, 0 of which support, and 2 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:

- Out of character with Beals Lane
- Will overshadow Middle Cottage

## 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 ADPP5, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C6 and 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:

- Character of the area
- Question whether by refusing this application, there has been inconsistent planning policy application, in particular with regard to the Council's Supplementary Planning Guidance – House Extensions.

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

6.2 The site is located outside of a defined settlement *boundary and* is therefore classified as open countryside.

6.3 West Berkshire Core Strategy Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for the district. The hierarchy is comprised of defined urban areas, rural service centres and service villages. Below the settlement hierarchy, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. Only appropriate limited development in the countryside (outside settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The application site is located outside of any defined settlement boundary within the district and is therefore regarded as 'open countryside' under the West Berkshire Core Strategy Policy ADPP1. The policy states that only appropriate limited development in

the countryside will be allowed. In the context of this general policy of restraint in the countryside, Policy C6 of the Housing Site Allocations DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside. This policy is considered the most appropriate where the proposal is for an outbuilding associated with a dwelling in the countryside.

- 6.5 The proposal is therefore considered acceptable in principle, under Policies ADPP1 of the West Berkshire Core Strategy, and Policy C6 of the Housing Site Allocations DPD, subject to the proposal otherwise complying with the detailed requirements of these policies.

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

### ***Character and Design***

- 7.1 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 C6 of the Housing Site Allocations relates to the extension of existing dwellings within the countryside. The site is situated within a small established residential area, outside of a defined settlement boundary, on Beals Lane.
- 7.2 Policy C6 gives the following criteria relating to design and landscape character impacts. An extension or alteration will be permitted providing that:
- The scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
  - It has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
  - The use of materials is appropriate within the local architectural context
- 7.3 The WBC House Extensions Supplementary Planning Guidance (2004) (SPG) outlines that the impact of double garages in particular can be dominant and unsympathetic. They should normally be located to the side or rear of dwellings and be set back from the highway. Care should be taken to ensure that any garage projecting forward of the main entrance does not dominate the main elevation.
- 7.4 Crevan is a detached house located on an attractive residential road where properties sit within spacious plots set some distance back from the road with parking areas and gardens to the front. Most houses have a front hedge and other vegetation in their front gardens such as trees and shrubs which contributes to the pleasant verdant, open and spacious character of the area. This arrangement, together with a generally consistent building line, creates a largely uniform and spacious appearance to the street scene that contributes positively to the rural character of the area. The proposed development would introduce a detached garage, with a height of 4.82 metres, set forward of the existing house.
- 7.5 While there is a flat roofed garage a couple of doors down, this has been integrated with the way in which that dwelling has a recessed frontage, thereby tucking the garage closely into the envelope of built form alongside the dwelling. By contrast, the one proposed in this application would be clearly proud of the front of the dwelling, and while not particularly overbearing, would alter how the site reads in the street scene, giving the front elevation an additional prominence that would be at odds with the surrounding properties. This would be in direct conflict with the advice on quality design given in the SPG in respect of garages and the impact of extensions and outbuildings on the character of the street scene.

7.6 It is therefore considered that the proposal does not comply with the requirement for high quality design and for development to respect the pattern of surrounding development under Policies CS14 and CS19 of the West Berkshire Core Strategy, and Policy C6 of the Housing Site Allocations DPD and West Berkshire Council's SPG 'House Extensions'.

### ***Amenity***

7.7 The Core Principles of the NPPF state that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and Policy CS14 states that development should make a positive contribution to the quality of life. The SPG 'House Extensions' outlines amenity matters to be considered. As such amenity is an important consideration.

7.8 The assessment considered the impact on neighbouring amenity in terms of

- Sunlight / daylight
- Overlooking / privacy
- Overbearing impact
- Noise and disturbance
- The original proposal has been carefully assessed against the criteria laid out above, there is not considered to be any discernible impact with regards to amenity.

7.9 Concerns were raised regarding overbearing and overshadowing impacts on the eastern neighbour, Middle Cottage.

7.10 A sunlight/daylight assessment was undertaken which showed that there will be no overshadowing of Middle Cottage, due to the orientation of the proposed garage to the north of the property. West Berkshire Council's SPG 'House Extensions' states that as a guideline, a single storey extension should not project beyond a line drawn at 60 degrees from the middle of the nearest ground floor window of a habitable room. Such an assessment was undertaken and found that the line drawn at 60 degrees from the middle of the nearest ground floor window did not cross the proposed garage.

7.11 The proposed development is not judged to have a significant harmful impact on the living conditions of the neighbouring properties, so it is considered to comply with Policy CS14 of the West Berkshire Core Strategy, Policy C6 of the Housing Site Allocations DPD, and SPG 'House Extensions'.

### ***Highways***

7.12 Policy P1 outlines the parking requirements for residential development. Highways have raised no objection to the proposed development, therefore the parking for the extended dwelling is considered to comply with policy P1.

### ***Other Matters***

7.13 This application was called in to Committee as there are concerns regarding consistency with the Council's SPG 'House Extensions' regarding other applications on Long Road allowing garages within the front garden. Long Lane has a very different street scene context to this site, furthermore, Long Lane is within the settlement boundary of Tilehurst and not within the North Wessex Downs National Landscape.

## 8. Full Recommendation

- 8.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Refusal Reasons**

1.	<p><b>Character of Area/NWDNL</b></p> <p>The proposed works are for a garage stood proud from the frontage of the main dwelling within the site and adjacent to Beals Lane. The surrounding properties all conform to a clear, well-defined building line, which is a feature of the street scene and is not interrupted by development in front of dwellings. By virtue of interrupting this orderly pattern of development the proposed garage would appear at odds with the pattern of surrounding built form and thereby visually detract from the open frontage character of its surroundings. As such it would have an adverse impact on the setting of the site within public views from the out of settlement rural lane. The impact of the proposed development would therefore be contrary to the WBC House Extensions Supplementary Planning Guidance (2004), as well as Policies CS14 and CS19 of the West Berkshire Core Strategy, which require that new development demonstrates a high quality of design and respects the settlement form, pattern and character, and the National Planning Policy Framework.</p>
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### **Informatives**

1.	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus 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, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, 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 a Commencement Notice will affect any exemptions claimed, including 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p><b>BIODIVERSITY NET GAIN</b></p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that any planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"><li>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</li><li>(b) the planning authority has approved the plan.</li></ul> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p>



There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

#### EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for

educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

#### IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).