

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	24/01467/HOUSE & 24/01541/LBC Leckhampstead Parish Council	20.09.2024 ¹		Two storey rear extension to create two en-suite bathrooms with internal alterations. Relocation of existing oil boiler and increase in chimney height. Catslide Cottage, Hill Green, Leckhampstead, Newbury, RG20 8RB Mr and Mrs Taylor

¹ Extension of time agreed with applicant until 20.12.2024

The applications can be viewed on the Council's website at the following links (please note the submitted plans are the same for both references):

24/01467/HOUSE

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9GOBSRD0MN00>

24/01541/LBC

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9GOBSRD0MN00>

Recommendation Summary: Refusal

Ward Member(s): Councillor Clive Hooker

Reason for Committee Determination: Called in if officer likely to recommend refusal

Committee Site Visit: 12.12.2024

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 The householder application seeks planning permission for a two-storey rear extension, raised chimney height, and a new opening.
- 1.3 The application for listed building consent is for the above external works, as well as associated internal alterations consisting of new internal walls and openings.
- 1.4 Catslide Cottage forms part of a small rural cluster of dwellings, over half of which are grade II listed, and is on the site of a pre-18th century settlement designated as the Hill Green Conservation Area. The cottage sits on the edge of the cluster and is directly adjacent open agricultural fields characteristic of the North Wessex Downs through which a public footpath runs. The character of the setting is therefore predominantly historic and rural in nature.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.
- 2.2 The two-storey extension for which permission is currently being sought was previously applied for under application references 23/02334/LBC and 23/02333/HOUSE. Following comments from the Senior Conservation Officer a single storey extension was proposed instead, which was approved.

Application	Proposal	Decision Date	/
89/35113/ADD	Two storey extension and conservatory to rear of existing dwelling	REFUSED 26.07.1989	
89/35114/LBC	Two storey extension and conservatory to rear of existing dwelling	REFUSED 26.07.1989	
89/35623/LBC	Two storey extension with rendered walls and thatched roof to provide bedroom and bathroom above and sitting room below	APPROVED 05.10.1989	
89/35624/ADD	Two storey extension to provide bedroom and bathroom above and sitting room below	APPROVED 05.10.1989	
90/36762/ADD	Two storey extension	REFUSED 15.05.1990	
90/36763/LBC	Two storey extension	REFUSED 15.05.1990	
90/37666/ADD	Two storey extension	APPROVED 29.08.1990	
90/37667/LBC	Two storey extension	APPROVED 29.08.1990	

91/39157/ADD	Erection of a garage	APPROVED 04.06.1991
91/40300/ADD	Revised siting of garage	APPROVED 08.01.1992
91/40301/LBC	Revised siting of garage	APPROVED 08.01.1992
95/47674/FUL	Extension to garage.	APPROVED 12.01.1996
09/01368/HOUSE	Addition of garden room	APPROVED 25.08.2009
20/02384/HOUSE	New painted timber framed summer house	APPROVED 20.11.2020
23/02333/HOUSE	Single storey rear extension to create an ensuite bathroom with internal alterations. Relocation of existing oil boiler and increase in chimney height	APPROVED 03.05.2024
23/02334/LBC	Single storey rear extension to create an ensuite bathroom with internal alterations. Relocation of existing oil boiler and increase in chimney height	APPROVED 03.05.2024

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, Planning (Listed Buildings and Conservation Areas) Regulations 1990, and the Council's Statement of Community Involvement. Site notices were displayed on 28.08.2024 at the front of the site, with a deadline for representations of 18.09.2024. Public notices were displayed in the Newbury Weekly News on 08.08.2024; with a deadline for representations of 22.08.2024.
- 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.
- 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 **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.
- 3.12 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.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The cottage is a grade II listed C18 property in red and white painted brickwork. The significance of this cottage arises from its historic illustrative and aesthetic/architectural values. The 2 storey thatched cottage is an attractive example of C18 local vernacular dwellings, with a partially retained historic planform. The cottage has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A full assessment of the impact of the works on this listed building is provided in Section 6 below.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site resides in the Hillgreen Conservation Area comprising 9no. c17/18 cottages, 6no. of which are grade II listed. Catslide Cottage makes a positive contribution to the setting of the conservation area, which has a pleasant rural and vernacular character, through its form and materiality. The front (west) elevation of the cottage has the most significance in the context of the conservation area as, although significantly set back, it faces onto the public highway. A full assessment of the impact of the works on the conservation area is provided in Section 6 below.

4. Consultation

Statutory and non-statutory consultation

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

WBC Highways:	No objections.
WBC Ecology:	No objections given evidence of exclusion features (mesh) covering the thatched roof and eaves.
WBC Public Rights of Way:	No objections although advise informatives in the event of an approval.
Historic England:	No comment.

- 4.2 No responses were received from the following on either application: WBC Conservation Officer, WBC Tree Team, Leckhampstead Parish Council.
- 4.3 No response from Historic Buildings and Places was received for the application for listed building consent.
- 4.4 Comments from the Council's Senior Conservation Officer were received with regards to the same scheme when applied for under application reference 23/02334/LBC, before amendments were made and approved. This Officer expressed objection to the proposed two-storey rear extension.

Public representations

- 4.5 No representations have been received at the time of writing.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS13 CS14, CS17, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies C3 and C6 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)
 - Planning Obligations SPD (2015)

6. Appraisal

- 6.1 The main issues for consideration in this application are:

- The principle of development
- Impact on character, appearance, historic interest and significance
- Neighbouring amenity
- Ecology
- Trees
- Highway matters
- Flooding and drainage

Principle of development

- 6.2 The application site is situated within the countryside and North Wessex Downs National Landscape. Whilst development here is limited and must conserve the scenic beauty of the setting, in accordance with Policies ADPP1 and ADPP5, Policy C6 states there is a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside. The dwelling is a Listed Building and is within the Conservation Area where particular regard will be given to the sensitivity of the area to change and to the conservation and enhancement of heritage assets and their settings.
- 6.3 The proposed extension to the dwelling generally accords with the Development Plan, however acceptability of the proposal is subject to the design and specific impacts. In this instance, the impact of the design on the character and appearance of the dwelling warrants refusal.

Impact on character, appearance, historic interest and significance

- 6.4 The proposed two-storey extension to the north east of the cottage would infill space between the original cottage/catslide extension and the 1990s two-storey extension, and have a similar form to this adjacent 1990s extension.
- 6.5 Due to the location, form and materiality of the proposed extension, it is not considered to impact the setting of the conservation area. However, the extension would have an impact on the significance and interest of the cottage itself. Firstly, the extension would result in the loss of historic fabric through the removal of the non-original catslide roof, as well as the older east-facing catslide roof. Non-original elements are still of historic and aesthetic interest, and there would likely be loss of original roof timbers and ceiling fabric.
- 6.6 The original modest linear form of the building has been retained, as well as part of the historic flank and rear walls. The extension would erode this by creating a bulky square form, extending the flank wall, blurring the distinction between the original house and modern additions, and thus harming understanding and readability of the original cottage.
- 6.7 More fundamentally, the proposed extension would obliterate the remaining portion of catslide roof, fundamentally altering the character and form of this cottage.
- 6.8 This proposed extension would have a ridge height 2m greater than the approved single storey extension. It is considered this greater height and bulk combined with the existing extension would almost completely obscure the rear elevation of the original cottage, and thus not achieve subservience.
- 6.9 This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building. In accordance with the NPPF such harm must be clearly and convincingly justified (para 206) and balanced by public benefit (para 208) to be acceptable. In this case, the justification provided is the creation of an accessible ground floor bedroom. The

provision of a partly accessible dwelling could outweigh the harm caused by a single storey extension. However, these applications propose a two-storey extension, the first floor of which is not adequately justified nor balanced by public benefit.

- 6.10 Some aspects of the proposal however are considered acceptable. A new first floor window is proposed, which would result in removal of historic fabric, but it would be small and characteristic of the cottage and enable an improvement in daylight levels. The raising of a chimney stack is considered to be acceptable as the existing chimney, whilst of historic interest, is not original, and the proposed would be of a similar style. Lastly, the proposed boiler location would be in an acceptable unobtrusive location, away from the prominent front (west) elevation and views to/from/through the conservation area.

Neighbouring amenity

- 6.11 The impact on neighbouring amenity is an important material consideration, and works should not result in any undue or harmful impact on amenity such as a significant increase in overlooking, overshadowing or overbearing impacts on habitable rooms of neighbouring dwellings and their private amenity spaces. The proposed built form would extend to the rear, away from other dwellings, not resulting in any harmful impact on any neighbouring amenity.

Ecology

- 6.12 Mesh netting covers the roof and timber eaves. This has been considered by the Council's Principal Ecologist to be an exclusion feature negating concerns that the cottage may host roosting bats.
- 6.13 The proposal falls within the nutrient catchment of the River Lambourn Special Area of Conservation. Natural England's Nutrient Neutrality approach applies to this catchment area to monitor the impact of its land use on the generation and discharge of particular nutrients into the River Lambourn. The development proposed in this householder application will not result in any significant additional nutrients entering the catchment as the use of any dwellings within the curtilage will not change.

Trees

- 6.14 Parts of small domestic hedgerows could be affected by the proposal, but no trees at risk of harm from the proposal were identified. No comments have been received from the WBC Trees Team, and no protection measures were required under permission granted for a single storey extension on 03.05.2024.

Highway matters

- 6.15 There were no objections from, nor matters raised by, the Local Highway Authority. This current proposal involves an extension that would not affect the number of bedrooms nor existing parking arrangements.

Flooding and drainage

- 6.16 The site is not in Flood Zone 2 or 3, is less than 1ha, and the area of development would not be in an area at risk of flood from surface water nor groundwater. Therefore, no flood risk assessment is required.

7. Planning Balance and Conclusion

- 7.1 The proposed extension accrues a level of less than substantial harm to the heritage asset and is contrary to national (NPPF, 2023) and local (Local Plan Policies CS14 and 19) policy, which look to preserve and enhance the character and significance of heritage assets. In addition, the proposal fails to comply with Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.

8. Full Recommendation for 24/01467/HOUSE

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

Refusal Reason

1.	<p>Character and appearance</p> <p>Catslide Cottage is a grade II listed 18th century house which has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A two-storey extension to the north east of the cottage is proposed, which would infill space between the original cottage/catslide extension and a 1990s two-storey extension. This would result in the loss of the non-original catslide which is of historic and aesthetic interest, as well as historic timbers and ceiling fabric to the rear of the original cottage. In addition, the extension would create a bulky square form and extend the flank wall, blurring the distinction between the original house and modern additions, thus harming understanding and readability of the original cottage. Lastly, the extension would be similar in height to the existing extension and original cottage, resulting in the rear elevation of the original cottage being almost completely obscured, and not achieving subservience.</p> <p>This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building, which is not sufficiently justified or balanced by public benefit.</p> <p>The proposal therefore runs contrary to the National Planning Policy Framework and Policies CS14 and CS19 which require the conservation and enhancement of historic assets, and also Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.</p>
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9. Full Recommendation for 24/01541/LBC

- 9.1 To delegate to the Development Manager to REFUSE LISTED BUILDING CONSENT for the reason listed below.

Refusal Reasons

1.	<p>Less than substantial harm</p> <p>Catslide Cottage is a grade II listed 18th century house which has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A two-storey extension to the north east of the cottage is proposed, which would infill space between the original cottage/catslide extension and a 1990s two-storey extension. This would result in the loss of the non-original catslide which is of historic and aesthetic interest, as well as historic timbers and ceiling fabric to the rear of the original cottage. In addition, the extension would create a bulky square form and extend the flank wall, blurring the distinction between the original house and modern additions, thus harming understanding and readability of the original cottage. Lastly, the extension would be similar in height to the existing extension and original cottage, resulting in the rear elevation of the original cottage being almost completely obscured, and not achieving subservience.</p> <p>This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building, which is not sufficiently justified or balanced by public benefit.</p> <p>The proposal therefore runs contrary to the National Planning Policy Framework and Policies CS14 and CS19 which require the conservation and enhancement of historic assets, and also Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.</p>
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