

<b>Item No</b>	<b>Application No. and Parish</b>	<b>Proposal, Location and Applicant</b>
(2 A)	11/02395/HOUSE Englefield	New detached garage and office to the rear alongside house Bryar Cottage, North Street, Theale, Reading. Mr Simon Hynes

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION**.

**Ward Members:** Councillor Keith Chopping

**Reason for Committee determination:** More than 10 letters of objection received.

**Committee Site Visit:** 15<sup>th</sup> March 2012

**Contact Officer Details**

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## **1. Site History**

05/00255/HOUSE: Retrospective application for front fence and gates. Approved 22.03.2005.

05/00987/HOUSE: Retrospective application for fences to listed building. Approved 17.06.2005.

05/01428/LBC: General repairs and minor alterations. Approved 12.08.2005.

06/00655/LBC: Reconstructing thatched roof on new timbers (pitched roof) and ancillary repairs. Approved 12.05.2006.

06/00659/HOUSE: Structural repairs and re-roofing following damage by fire. Approved 12.05.2006.

09/02439/HOUSE: Proposed linked oak framed building. Withdrawn 05.02.2010.

09/02597/LBC: Proposed linked oak framed building. Withdrawn 05.02.2010.

10/01296/HOUSE: Proposed linked oak framed outbuilding. Refused 31.08.2010.

10/01297/LBC2: Proposed linked oak framed outbuilding. Refused 31.08.2010.

11/00845/LBC2: Retrospective alterations to windows. Approved 21.09.2011.

11/02396/LBC2: New detached garage and office to rear alongside house. Pending consideration.

## **2. Publicity of Application**

Site Notice Expired: 27<sup>th</sup> December 2011

## **3. Consultations and Representations**

### **Parish Council**

No comments received.

### **Highways**

No objections. No alteration to existing access or gates. The parking area to the front of the proposed garage is acceptable. Informatives recommended.

### **Conservation Officer**

The reduction on height and mass over and above the previous schemes, coupled with the set back from the front of the site, reduces the impact of the new building on the setting of the listed building, and street scene. Therefore, the proposals are considered, on balance, to address previously raised concerns in physical building terms of impact on the listed building, its setting, and the street scene generally.

The Statement of Significance is considered acceptable since the direct impact of the proposed building on the significance of the listed building itself is limited.

Comments on amended plans: The set back of the garage/office building is noted. No other comments raised.

**10 letters of objection received to the original consultation, with a further 9 letters of objection received to the amended plans.**

- Discrepancy in plans, resulting in misleading view of overall size;
- Require section plan to determine if second floor is proposed;
- Current proposal is of greater depth and closer to road than previously refused scheme;
- Lower in height, though the appearance has changed very little from previously refused scheme;
- Lack of Statement of Significance;
- Outbuilding of such a size would lead to less separation between buildings and result in harm to the street scene;
- Concern that outbuilding represents a disproportionate addition, which emphasises that the size is inappropriate in this rural setting. No material considerations which render such a size acceptable;
- Urbanising effect on area. Building taller than the eaves of the host property;
- Fundamentally the current proposal has not overcome the previous reasons for refusal;
- Design does not relate well to host dwelling, particularly the half-hip, as was discussed in the previous refusal;
- Adverse impact upon setting of Listed Building due to its size, and filling of gap;
- Considered to reduce the significance of the Listed Building through damaging the setting;
- Does little to enhance local distinctiveness as it is a standard design;
- Adverse impact on neighbour to north (Sheldon), through loss of light, loss of outlook and outbuilding would have a severe overbearing impact;
- Windows and doors in side elevation of Sheldon provide only source of light, and already does not receive a great amount of light;
- Overbearing and overshadowing to rear garden of Sheldon;
- Case law supports refusal due to loss of light and loss of outlook;
- Proposal would mean greater reliance on artificial light;
- Concern that the block plan incorrectly shows neighbouring Sheldon;
- Size tantamount to new dwelling.

- In terms of the amendments no new issues to the above comments have been raised;
- The objectors realise that the amendments aid in reducing impact though concerns are still raised with loss of light, overbearing, impact on listed building and impact upon street scene;
- Specifically, by moving the outbuilding back a further two metres would still harm the rear most windows and well-used garden area directly outside the kitchen of Sheldon;
- The extent to which the shadow of Bryar Cottage would give is minimal due to the distance;
- Setting back does not reduce the massing. To grant permission would be inconsistent with the previous decision;
- Floor space of 56sqm compared to floor area of Sheldon of 52sqm, which demonstrates the large size of the building when considering the street scene;
- History of extensions of Sheldon resulting in their side windows is irrelevant.

#### **4. Policy Considerations**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 5 – Planning and the Historic Environment

Planning Policy Statement 7 – Sustainable Development in Rural Areas

South East Plan Regional Spatial Strategy for South East England 2009 – Policies SP3, CC1, CC6, BE5, BE6, T4, C4

West Berkshire District Local Plan 1991-2006 Saved Policies 2007 – OVS1, OVS2, ENV1, ENV18, ENV24, TRANS1

West Berkshire Council Supplementary Planning Guidance – House Extensions

West Berkshire Council Supplementary Planning Guidance – Replacement Dwellings and Extensions to Dwellings in the Countryside

#### **5. Description of Development**

5.1 This application seeks planning permission for the erection of a detached double garage with the office to the rear, located to the side of the host dwelling, Bryar Cottage, a Grade II Listed Building. The garage section of the outbuilding would be 4.4m to the ridge and 1.7m to the eaves, 6m in width and 6m in depth. The office to the rear will be connected to the garage, and would be 3.7m to the ridge and 1.7m to the eaves, 4.6m in width and 4.3m in depth. The entire length of the outbuilding would be 10.3m. The position of the outbuilding has been amended and is now set back from the front boundary by 12m. The scheme as originally presented included a set back of 10m.

## **6. Consideration of the Proposal**

The main considerations of the proposal are;

- 6.1. The Principle of Development
- 6.2. The Impact on the Character of the Area
- 6.3. Impact upon setting of Listed Building
- 6.4. Impact on Neighbouring Amenity
- 6.5. Impact on Highway Safety

### **6.1 Principle of development**

- 6.1.1. The application site is located outside of any defined settlement boundaries, and therefore in the countryside in planning policy terms. The principle of extending dwellings in the countryside is acceptable, subject to compliance with Policies OVS2, ENV1 and ENV24 of the West Berkshire District Local Plan (WBDLP).

### **6.2 The Impact on the Character of the Area**

- 6.2.1. PPS1 and Local Plan policy OVS2 advocate high quality design which respects the character and appearance of the area. Indeed, it is the variance in the built style which characterises North Street. The gap between the side of the dwelling and the boundary contributes positively to the street scene and rural character. It was considered in the previously refused scheme that filling this gap with a building more than half the width of the existing house would be considered detrimental to the street scene, and therefore rural character. The width has not altered since the previous refusal, though the height and massing has been reduced. The design of the outbuilding is considered to be more appropriate to the host dwelling, and is now considered as a subordinate addition. The views of objectors are appreciated when comparing the floor area of the outbuilding to the footprint of neighbouring Sheldon. As stated above there is a variance in built style and also varying sizes of dwellings. Bryar Cottage is quite a substantial building in the street scene. As explained below it is not considered that the outbuilding would be out of scale with the rural area and street scene.
- 6.2.2. The outbuilding is now a single storey structure, and although no section plan has been provided the height and angle of the roof pitch is not considered to lend itself to habitable use of a first floor. The rear of the outbuilding in particular, although not necessarily visible from the street scene, has been reduced in scale from the previously refused scheme.
- 6.2.3. The set back from the road edge aids in maintaining some space between Bryar Cottage and the side boundary. Officers have carefully considered the contribution of the gap makes to the street scene. Although it is recognised that this gap would be taken up with a building, which was an area of concern as part of the previous application, the design and reduction in height and massing, coupled with the set back, means that the outbuilding is not considered to result in harm to the street scene or damage to the rural qualities of the area.

6.2.4. In terms of whether the outbuilding would have a materially greater impact upon the rural area than the original house, the increase in floor area has been calculated at 35%. The increase in volume has been calculated at approximately 48% over the original. On the floor area and volume the outbuilding would not lead to a disproportionate dwelling over the original. As explained above the design is not considered to result in significant harm to the character of the rural area.

### **6.3 Impact upon Listed Building**

6.3.1 The proposed outbuilding would be located to the side of Bryar Cottage, which is Grade II Listed. PPS5 aims to conserve the historic environment and its heritage assets.

6.3.2 In terms of the setting of the Listed Building, Policy HE10 of PPS5 encourages local planning authorities to treat favourably applications that preserve those elements of the setting that make a positive contribution to the asset. As highlighted in the case officer's report for the previously refused applications (10/01296/HOUSE and 10/01297/LBC2) the gap at the side of Bryar Cottage does make a positive contribution to setting of the Listed Building.

6.3.3 The main and fundamental difference between the previously refused scheme and the current scheme is the overall size and bulk. The link between the outbuilding and house has been removed since the previous application. Although the outbuilding is longer than the previous scheme, the overall height has been reduced, and building has been staggered so that the office section is reduced in height and width. It is no longer a two storey building. The Conservation Officer, in assessing the current proposal considers that, on balance, the separation of the outbuilding from Bryar Cottage, the reduction in height and mass, and set back into the site reduces the impact of the building on the setting of the Listed Building.

### **6.4 The Impact upon Neighbouring Amenity**

6.4.1 The property which would be most impacted by the development is the property directly to the north 'Sheldon'. The previous reason for refusal noted the following: "The outbuilding would have a significantly adverse impact upon neighbouring amenity. 'Sheldon' has small side windows, already providing limited light into the property. As the site is located south of 'Sheldon' the outbuilding would impede upon the level of light entering 'Sheldon' to a significant extent. Furthermore, due to the height and close proximity to the boundary, the outbuilding would have an overbearing impact on 'Sheldon'". The issue of light and overbearing has been assessed quite thoroughly, and for the reasons below, on balance, the scheme is now considered to be acceptable.

6.4.2 The agents claim that the past extensions at Sheldon have meant that an unreasonable number of windows now face Bryar Cottage. The agent considers this now has enabled such windows to 'acquire rights'. The history of the extensions at Sheldon is not relevant to the assessment of the current scheme, as the windows are present and therefore the impact upon light

entering them and outlook from them now requires consideration as it is a material planning consideration.

6.4.3 When considering the impact on light due to the path of the sun the outbuilding could impact upon light in the morning period. The host dwelling Bryar Cottage already restricts a level of light due to its position and height. Light will still be able to enter into the side windows of Sheldon in the afternoon/early evening, and the position of the outbuilding will not affect this existing situation. Although the block plan does not show the full extent of the extension at Sheldon, the floor plan does. Therefore, an accurate assessment has been made.

6.4.4 The previous case officer's report considered that the 45° light splay as advocated in the SPG House Extensions was significantly impeded on. However, upon further investigation such a splay is used to measure impact upon a rear window rather than a side window. The House Extensions SPG is silent on this matter. The Council's Building Control department has been approached to assess the impact of light entering the side windows of Sheldon using British Standards and the BRE publication 'Site Layout and Planning for Daylight and Sunlight' (1991). It is important to note that such documents are material considerations as they do not form part of the development plan. However, Local Plan OVS2 does consider impact upon neighbour amenity, and so light is an important issue to consider.

6.4.5 The garage would mostly be located within the shadow of Bryar Cottage. Furthermore, the pitch of the roof also enables light to flow into the side windows. The height of the fence should also be considered when assessing the existing situation and the proposed outbuilding. The height of the eaves corresponds to the height of the fence, and therefore the light entering Sheldon over and above this height should be examined.

6.4.6 The office section of the building would enable at least a 25° light splay to be achieved to the side windows of Sheldon. In reviewing the proposal Building Control officers consider that there would be limited to no detrimental impact from March to October, and there would be no loss of direct sunshine between 9am and 10am from November to February. The Building Control officer also notes that the angle of sky available to the side windows of Sheldon is slightly reduced, but will not reduce the available day light factor by more than 20%. The BRE publication shows that an 80% factor would be unacceptable.

6.4.7 The issue of light being able to enter into the side windows of Sheldon has been very carefully considered. Evidence such as site photographs taken at intervals throughout the morning (in winter when the sun is at its lowest), and Google Sketch-Up models tracking the angle of the sun, as well as the British Standards and BRE guidance have been examined carefully. The garage element would mainly stay within the existing shadow created by the main house, and the height and pitch angle of the office element is such that adequate light would still be available to enter into the side windows of Sheldon. It is acknowledged that the gap between Bryar Cottage and Sheldon aids in maintaining a distance where light can enter, though photographs submitted for the winter times demonstrate that the existing house does cast shadow over Sheldon to some extent. In summer the sun would be at a higher angle and

light would still be directed through the gap. In the case of the outbuilding the pitch enables light to be mainly unobstructed to the side windows of Sheldon. It is not considered that the outbuilding would have a significant impact upon light entering the section of the garden nearest the house. The office section is of limited height with a roof pitch allows light to enter into this space. This issue has been considered in greater detail than the previously refused scheme, and on balance, it is not considered that a reason for refusal based on adverse impact on light could be sustained on the proposed scheme as amended, in view of technical guidance and advice.

6.4.8 The issue of outlook is still a valid concern. There is no doubt that the outbuilding would be visible over and above the existing fence compared to the current view. Due to the height of the fence the roof section would be visible. Visual presence does not necessarily amount to material harm sufficient to justify refusal of a planning application. The angle of the roof pitch is such that the residents of Sheldon would not be confronted with a flank wall elevation. The roof slopes away to the ridge. The massing of the office section is less than the garage section, and is not as wide as the garage section. Furthermore, Sheldon is a 'L' shape, where there is greater distance between the rear section of the property and the side of the outbuilding, aiding in increasing separation between the property and proposed outbuilding. The front section of Sheldon would be 2.5m from the nearest wall of the proposed outbuilding, and the rear section of Sheldon would be 3.6m from the nearest wall of the proposed outbuilding.

6.4.9 Amended plans have been received during the course of the application to move the outbuilding 2 metres further into the site than the current position. It is accepted that the main bulk of the outbuilding would still be visible when looking out to the south-east from Sheldon. However, by moving the outbuilding back this improves the outlook from the front side windows over and above what was originally proposed. It is realised that objections are still raised to the outbuilding as a result of the amendments, though for reasons explained above, on balance, the proposal is considered acceptable.

6.4.10 On balance, because of the roof pitch and limited height, coupled with the set back, it is not considered that the outbuilding would have such an adverse overbearing impact upon Sheldon or result in such a loss of light as to sustain a reason for refusal.

6.4.11 There are no other neighbours which the outbuilding could have an impact on.

## **6.5 Impact upon Highway Safety**

6.5.1 There are no alterations to the access arrangements and Highways have raised no objections. Two spaces would be provided within the garage, and the space to the front is capable of accommodating a further three cars if necessary. Such spaces would be clear

## **7. Conclusion**

7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, although the issues are finely

balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons: The outbuilding is not considered to result in harm to the street scene, rural character of the area and, on balance, to the setting to the Listed Building (Bryar Cottage) due to the limited height and reduced massing over the previously refused scheme. Although longer in length than the previously refused scheme the two sections of the building with staggered heights and widths would limit the overall massing. On balance, the outbuilding is not considered to have a sufficient overbearing impact or result in a sufficient loss of light to the property to the north, 'Sheldon' to justify refusal on these grounds. The height, angle of the pitch of the roof, and set back into the site, as well as the location in the shadow of Bryar Cottage, aids in reducing impact upon the amenity of the residents of Sheldon. The proposal would not have an adverse impact upon highway safety and there is space for vehicles to park within the site.

## **8. Full Recommendation**

To **DELEGATE** to the Head of Planning and Countryside to **APPROVE PLANNING PERMISSION** subject to the following conditions:

1. The development hereby permitted shall be started within three years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawing numbers 21645-01A and 21645-02A received on 20<sup>th</sup> February 2012.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

3. The materials to be used in the development hereby approved shall be as specified on the plans or on the application forms.

Reason: In the interests of amenity in accordance with Policy CC6 of the South East Plan and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

4. The garage and office hereby approved shall be used solely for purposes incidental to the use of the existing dwelling. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage and office, nor shall they be used for additional bedroom accommodation or for any form of human habitation.

Reason: To ensure that the garage is kept for vehicle parking in the interests of road safety, to ensure that the outbuilding retains an incidental use and to protect the amenity of the residents of the adjoining property, in accordance with Policies OVS2 and TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

5. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision of the Order), no openings shall be inserted in the roof slope of the northern elevation of the outbuilding hereby approved

Reason: To prevent the overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Policy CC6 of the South East Plan 2009 Regional Spatial Strategy.

#### Informatics

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.

The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.