

**EASTERN AREA PLANNING COMMITTEE
ON 21ST MARCH 2012**

UPDATE REPORT

Item No:	(2A & 2B)	Application No:	11/02395/HOUSE and 11/02396/LBC2	Page No.	35 & 47
-----------------	----------------------	------------------------	---	-----------------	--------------------

Site: Bryar Cottage, North Street, Theale

Planning Officer Presenting: Dave Pearson

Member Presenting:

Parish Representative speaking: Mr Barry Morris

Objector(s) speaking: Jake Brown
Bernadette Rowan

Supporter(s) speaking: Mr Alston

Applicant/Agent speaking: Simon Hynes
Lisa Witham

Ward Members: Councillor Keith Chopping

Update Information:

1.0 REPRESENTATIONS

1.1 Since the committee report was written a further objection was received to each the householder and the listed building consent application. The objector did not consider the amendments to overcome the issues regarding loss of daylight and overbearing impact, and the impact upon the listed building. Therefore, the objection still remains. The amendments have been discussed in the main committee report, and therefore the issues raised have been assessed.

2.0 PREVIOUS REFUSALS

2.1 Following a query at the committee site visit the previous reasons for refusal are outlined below.

2.2 Previous householder application 10/01296/HOUSE was refused for the following reasons:

1. The outbuilding, by virtue of its design, height, bulk and massing, and inappropriate materials would create an overly dominant and prominent feature, which would not be subservient to the host dwelling. The site represents an important open gap in the street scene, which contributes positively to

the varied built form of the village. The outbuilding would fill this gap to the detriment of the street scene and therefore the character of the area. The proposal therefore fails to comply with PPS1, PPS7, Policies OVS2 and ENV24 (c) of the West Berkshire Local Plan 1991-2006 Saved Policies 2007, and the guidance contained within the SPG on 'Replacement Dwellings and Extensions to Dwellings in the Countryside' as the development, when taken with the existing dwelling, would have a materially greater impact on the rural character of the area.

2. The outbuilding, by virtue of its design, height, bulk and massing, and inappropriate materials, would have an adverse impact upon the setting of the Listed Building (Bryar Cottage). The filling of the gap between the dwelling and boundary would also have a negative impact upon the setting of the Listed Building. The proposal therefore fails to comply with PPS5, and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

3. 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'. Therefore, the proposal fails to comply with PPS1, Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and the guidance contained within West Berkshire Council's SPG 'House Extensions'.

The previous application for Listed Building Consent 10/01297/LBC2 was refused for the following reasons:

1. The Grade II listed building is regarded as a designated heritage asset as defined by PPS5. PPS5 gives a presumption in favour of conserving the significance of such assets. The outbuilding, by virtue of its height, bulk, massing, design and materials is not considered to be sympathetic to the setting of or the character and appearance of the Listed Building. Furthermore, the gap between the dwelling and the side boundary is considered an important space in the street scene, contributing positively to the setting of the Listed Building. The outbuilding would fill this gap, thereby adversely affecting the setting of the Listed Building. The proposal would therefore fail to conserve the special nature of the Listed Building and does not comply with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, PPS1 and PPS5.

Such previous refusals are important material considerations, although each application should be determined on its own merits. As outlined in the report the changes to the design, height, bulk and materials are now considered, on balance, to overcome the previous concerns.

3.0 FURTHER DETAILS

3.1 Following the committee site visit the eaves of Bryar Cottage are 3.4m above ground level, with the ridge height of the roof closest to the outbuilding at 6.3m. The highest point of the roof is 7.5m over the gable fronted section on the right hand side of the house.

3.2 The agent has clarified that in the position where the building is proposed a concrete hardstanding exists 150mm above the ground level. This hardstanding will be removed and the garage slab will be at the level of the driveway. The eaves height of the garage will be as the drawings and at the same height of the fence. The slab level of the office to the rear will be higher, as shown on the drawings. The agent does recognise that it can be difficult to survey adjacent properties where access is not always available, but is confident that the eaves height of both Bryar Cottage and Sheldon are at the correct level, as both were surveyed.

3.3 In terms of the 45° splay from the upper rear window of Sheldon the SPG on house extensions (section 5) states that the 45 degree line should be taken from the middle of ground floor windows of habitable rooms. Due to the height of the outbuilding, particularly the rear section, and the orientation of the rear of Sheldon to face the east, it is not considered that the outbuilding would adversely affect light entering the upper windows of neighbouring Sheldon.

3.4 Although now expired, part of the planning history relates to a 1996 permission for a relatively similar sized outbuilding (reference 148811). The side windows were present at Sheldon at this time. Such a permission has limited weight as a material consideration, as firstly it has expired, and secondly planning policies have changed since the time of this permission. Both Supplementary Planning Guidance notes on 'house extensions' and 'replacement dwellings and extensions to dwellings in the countryside' have been published since this permission. However, Local Plan Policy OVS2 has not changed, neither has the BRE report 'site layout and planning for daylight and sunlight', published in 1991. It is not clear if such a document was used in the assessment of permission 148811.

4.0 RECOMMENDATION

4.1 The recommendation remains unchanged.