

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	13/01795/FULD  Newbury Town Council	15 <sup>th</sup> October 2013	Proposed sub-division of 21 Western End, Newbury from a 3 bedroom house to two 1 bedroom apartments. Minor alterations to 21A and 21B. Erection of two 1 bedroom apartments on land at rear of 21, 21A and 21B Western End and to be provided with private amenity and parking.  21, 21A and 21B and Land at Western End, Newbury.  Mr A Butler

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01795/FULD>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reasons:

1. The proposed works would result in an overdevelopment of the site and cramped form of development which would be out of character and scale with existing residential development in the locality. The location of the site, on a corner plot, with development within 1 metre of the existing pavement would give rise to a visually dominant form of development which would demonstrably harm the character of the area and its environmental cohesiveness. As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
2. The proposed development would by virtue of form, siting, scale and associated parking requirements result in an increased intensity of use which does not reflect nor enhance the established environmental and residential character of the area. Furthermore, the proposed shared amenity space is not considered acceptable within this out of town centre location. This intensity of development would detract from existing and future residential amenity which should be reasonably enjoyed. As such the proposal is contrary to guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 2006-2026 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
3. The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning

**Ward Member(s):** Cllr. G. Mason  
Cllr. Dr. A. J. M Vickers

**Reason for Committee determination:** Called in by Cllr. Dr Vickers as the applicant has made improvements since the earlier refusal (upheld on appeal) and there are no objections from neighbours. The development would provide some much needed affordable privately rented accommodation. Similar schemes not much closer to town centre have even less amenity space.

**Committee Site Visit:** 7<sup>th</sup> November 2013

**Contact Officer Details**

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## 1. PLANNING HISTORY

05/02054/FULD	Extension to provide two flats.	Approved 15/11/05
12/01259/FULD	Proposed sub-division of 21 Western End from a 3 bedroom house to two 1 bedroom apartments, minor alterations to 21A and 21B and new two 1 bedroom apartments attached to 21A and 21B Western End and provided with private amenity and parking.	Refused 20/07/12

Application ref. 12/01259/FULD was appealed and the appeal dismissed on 31/5/13.

## 2. PUBLICITY

Site Notice Expired:	18 <sup>th</sup> September 2013
Neighbour Notification Expired:	17 <sup>th</sup> September 2013

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Town Council:** Objection/comment: vast overdevelopment; should be kept as amenity space; out of character; would create a precedent; insufficient parking; insufficient amenity space; garden grabbing.  
If the development were to proceed a £143 s106 contribution is requested towards improvements to the nearby open space at St George's Avenue.

**Highways:** This application follows recently refused application 12/01259/FULD where highway matters were agreed in principle.

**Car parking:** Six car parking spaces are proposed which equates to one space per dwelling. Given the size of these flats and the relatively sustainable location, this is acceptable. Although the application form states no new access to the highway will be created it looks as though a new drop kerb crossover is required to extend across the frontage of the site.

**Cycle storage:** The type of cycle stand proposed was agreed with the Council's Transport Policy Team under planning application 12/01259/FULD. This aspect is therefore acceptable.

**SSE:** Copies of the Record Plans were sent. The plans show the positions and normal depths for the buried cables when they were installed. It must be stressed, however, that alterations to road alignments, surface levels and buildings may have been made subsequent to the records being taken. If the developer finds plant or cables that are not marked or are incorrectly marked, then the developer is required to contact SSE as soon as possible to give SSE the opportunity to amend records.

**SuDS:** Response not yet received.

**Waste:** This application raises no concerns with regard to refuse and recycling collection and storage.

**Newbury Society:** The principle of this application for two new flats is the same as that of the previous application 12/01259, which was rejected both by you and on appeal. Our objections are therefore identical. The area which is proposed for the development is at present fenced off and contains various debris. We believe that it was originally intended for either parking or amenity space for the adjoining apartments. Behind it is a triangle of 75 sqm amenity space which is all that is available for the four apartments 21 A/B and 21 E/F. If two further apartments are built, then the same 75 sqm amenity space will have to serve six apartments. We believe that this would be insufficient, and contrary to the Council's Quality Design SPD2 (1.16). In our opinion, the space intended by this application should be reassigned for its original purpose, in order to improve the quality of life of the present residents.

**Access Panel:** Response not yet received.

**Thames Water:** Thames Water would advise that with regard to sewerage infrastructure and water infrastructure, we would not have any objection.

### **3.2 Developer Contributions**

<b>Transport:</b>	£1,100
<b>Education:</b>	£0
<b>Open Space:</b>	£583
<b>Libraries:</b>	£321
<b>Healthcare:</b>	£0
<b>Waste:</b>	£224.80
<b>Adult Social Care:</b>	£1419

### **3.3 Representations**

Support: One letter.

#### Summary of comments in support:

- Fully support the plans to build on the land backing onto Green Lane.
- The land is currently unused and fenced off – it was previously a public right of way and used for dumping and the land was going to waste.
- The property owner has purchased the land with the intention of building housing.

## **4. PLANNING POLICY**

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 (WBCS) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 2: Newbury
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix
  - CS5: Infrastructure Requirements and Delivery

- CS13: Transport
- CS14: Design Principles
- CS15: Sustainable Construction and Energy Efficiency

- 4.4 Paragraph 215 of the NPPF advises that, for the 12 months from the day of its publication, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:
- HSG1: The Identification of Settlements for Planning Purposes
- 4.5 The Supplementary Planning Document, West Berkshire: Quality Design is relevant to this application as is the Newbury Town Design Guide.

## **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 This application seeks full permission for the sub-division of 21 Western End from a three bedroom dwelling to two 1 bedroom apartments. Alterations would also be made to the existing 1 bedroom apartments at nos. 21A and 21B Western End. Further to this, a new two storey structure is proposed on land to the east of 21A and 21B, which would provide two 1 bedroom apartments. The apartments in each of the units would be split horizontally, with each unit being spread over one floor.
- 5.2 Vehicular parking for apartments A, B, D, E and F would be located on the gravelled area to the west of the site and vehicular parking for apartment C would be located between the rear of 21A and B and the new structure, which would contain apartments 21C and D.
- 5.3 Shared outdoor amenity space for apartments C, D, E and F along with cycle storage facilities would be located in the north-eastern corner of the site.
- 5.4 The application site consists of nos. 21, 21A and 21B Western End, as well as land to the rear of these properties and lies within an established residential area in the settlement boundary of Newbury. The surrounding area is characterised by two storey terraced and semi-detached dwellings of similar form and scale to no. 21 Western End, most of which also have off-street parking. There are also some two storey flats nearby with parking to the front.
- 5.5 The application site originally consisted of two separate plots, 21 Western End and an area of public open space. The residential curtilage of no. 21 was originally made up of the dwellinghouse with a garden to the east and a garden area to the south, along with a parking area to the west. Following the approval of application ref. 05/02054/FULD, an extension was added to the southern elevation of no. 21 and this was constructed over the existing southern garden area. This provided two new apartments. The area of public open space was located in the south-eastern corner of the site. This plot has been purchased by the applicant and now forms part of the application site.
- 5.6 Private amenity space is currently provided for the dwelling at no. 21 Western End but it does not appear to be provided for the two adjacent apartments, 21A and 21B. The area which was previously public open space is currently enclosed by a 2 metre high, close board fence.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- The principle of the development,
- The impact on the character of the area,
- The impact on neighbouring properties and residential amenity,

- The impact on highway safety and parking,
- Code for sustainable homes,
- Developer contributions,
- The presumption in favour of sustainable development.

## **6.1 Principle of the development**

- 6.1.1 The application site is located within the defined settlement boundary of Newbury. In accordance with Core Strategy Area Delivery Plan Policy 1 (ADPP1) and the principle guidance in the NPPF, development will be directed to the most sustainable locations and with preference to brownfield sites. Whilst part of the site may not necessarily be considered brownfield, in accordance with paragraph 215 of the NPPF, decisions are to be made in accordance with relevant policies within the West Berkshire District Local Plan. Policy HSG1 permits residential development on developed and undeveloped land within defined settlement boundaries subject to compliance with certain criteria. Further to this, Policy CS1 of the West Berkshire Core Strategy permits new homes on other suitable land within settlement boundaries.

## **6.2 Character of the area**

- 6.2.1 The application site is currently occupied by a three bedroom dwelling and two 1 bedroom apartments. The proposal is to alter the existing buildings to create two 1 bedroom flats in each and to add a new two storey building in order to create a further two 1 bedroom flats. The site is a corner plot, which is visible from a number of public vantage points and this part of Western End is generally characterised by two storey dwellings or apartment buildings, which are set back from the footway to allow parking or a small garden. The new two storey building being proposed would be sited in a highly prominent location and at its closest point would be only 1 metre from the footway, forward of the adjacent development and with only very limited opportunity for a front garden area. This part of the proposal would therefore result in an obtrusive form of development, which would be out of keeping with the general layout of development in the immediately surrounding area and giving a cramped feel to this part of Western End.
- 6.2.2 It is recognised that there are existing flats near to the application site. However, these benefit from open landscaped areas and parking courts, thus retaining the general established character of the area. In order to accommodate the six 1 bedroom flats proposed, there would be little opportunity for soft landscaping. This would add to the obtrusive and cramped feel that would result from the overdevelopment of this plot.
- 6.2.3 This application follows a previously refused application, 12/01259/FULD, which was also dismissed at appeal. The applicant contends that the new scheme has overcome the reasons for refusal attached to the previous application. Whilst the current proposal is certainly an improvement on the previous proposal, it is not considered that these concerns have been overcome. The new design of the two storey structure would now more closely follow the properties surrounding the application site and would enable a larger gap between the new structure and the existing properties on the site and the ridge and eaves heights would follow nos. 21 and 21a and B, giving a more uniform appearance. However, though this goes some way in improving the scheme, the overriding fact remains that this proposal would result in a cramped form of development, which would not appear wholly in keeping with the character of the area and which dominates the street scene to an unacceptable level.
- 6.2.4 Furthermore, in the Planning Inspector's report for the dismissed appeal of application ref. 12/01259/FULD, he notes that there are a few properties in one of the nearby roads, Braunfels Walk, which are sited fairly close to the footway. However, the Inspector concluded that such dwellings form part of the original layout of the area and do not appear prominent or intrusive within the street scene. Additionally, the Inspector considered several

properties in Parsons Close which directly abut the footway. However, again these form part of the original of the area and it was the Inspector's opinion that these buildings appear rather prominent and obtrusive within the street scene and, as such, was not persuaded that they lend any material weight to the appeal proposal.

- 6.2.5 Policy CS4 of the West Berkshire Core Strategy seeks to ensure that residential development contributes to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community. Furthermore, it states "Development will make efficient use of land with greater intensity of development at places with good public transport accessibility". It is acknowledged that this proposal would provide additional housing and is a sustainable location where higher levels of intensity can be expected. However, it is considered that this level of development would be too much for the site and the need for a mix of housing would not outweigh the harm to the character of the area that would result from this proposal.

### **6.3 Impact on neighbouring properties and residential amenity**

- 6.3.1 One of the core planning principles of the NPPF (paragraph 17) seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is further supported in the Council's SPD on Quality Design 'Part 2 Residential Development' and the Council's SPG on House Extensions.
- 6.3.2 The new building and windows have been positioned in such a way to ensure that there would be no significant adverse impact on any neighbouring properties. In terms of no. 21 Green Lane, which lies to the east, no new windows are proposed to be inserted into the eastern elevation of the new structure thereby ensuring no overlooking or loss of privacy. Whilst the new structure would be constructed close to the eastern boundary of the application site, it would lie adjacent to the backway and the rear garden of the neighbouring property. It is therefore considered that this proposal would result in no undue loss of light and the backway between the properties would ensure that there would not be an overbearing impact.
- 6.3.3 Though a number of new windows would be inserted into the northern elevation of the new structure, the distance between these openings and the rear garden of no. 20 Western End would ensure that this proposal would lead to no significant overlooking of this property.
- 6.3.4 The new structure being proposed would be located in the south-eastern corner of the site, leaving an area of approximately 75 sq. m in the north-eastern corner for shared outdoor amenity space for the new flats. The application plans also show other areas of shared amenity space both to the west of the existing units and to the west of the new structure. However, given that these areas are small and not private, it is not considered that they can meaningfully add to the amenity space being provided. It should be noted that even with these areas included, the shared outdoor amenity space would still fall below the required standards. Though this proposal would result in 6 flats being created within the site, the applicant contends that the existing flats at nos. 21A and 21B have already been granted consent without any provision of outdoor amenity space and therefore, the 75 sq. m of outdoor space being provided in this development would be for the use of the occupants of flats 21C, D, E and F only. The Council's Supplementary Planning Document: Quality Design provides a guideline figure of 25 sq. m for each 1 and 2 bed apartment. The 4 new units proposed would still be under-provided with amenity space and this would be likely to result in poor living conditions for future residents. Whilst it is acknowledged that lower levels of outdoor amenity space may sometimes be acceptable in town centre locations, it is not considered that the application site is sufficiently close to the town centre to warrant such a modest sized space. Further to this, the character of the area is generally one of reasonable sized outdoor amenity space and the lack of shared space being proposed only serves to highlight the cramped form of development being proposed.

- 6.3.5 Whilst it is accepted that the existing apartments at nos. 21A and 21B may not currently benefit from any outdoor amenity space, the fact alone does not automatically suggest that such low levels of outdoor amenity space should be provided for this new development.

#### **6.4 Impact on highway safety and parking**

- 6.4.1 The application has been reviewed by the Council's Highways Officer. It was noted that the application follows recently refused application 12/01259/FULD, where highway matters were agreed in principle.
- 6.4.2 Six vehicular parking spaces are proposed, which equates to one space per dwelling. Given that the apartments would be modest sized, 1 bedroom units in a sustainable location, this level of parking space is acceptable. The type of cycle stand being proposed was agreed with the Council's Transport Policy Team during the previous application at the site and would therefore be acceptable. It is therefore considered that this proposal would lead to no issues of highway safety.

#### **6.5 Code for sustainable homes**

- 6.5.1 Policy CS15 of the West Berkshire Core Strategy requires that all new residential development should be constructed to meet a minimum standard of Code for Sustainable Homes Level 4. Whilst this policy would not apply to the existing flats, or the conversion of no. 21, it will be required for the new structure being proposed. A pre-assessment estimator would normally be required to be submitted during the course of the application to demonstrate that the new structure could achieve the desired code level. No such report was submitted with this application but given the case officer's over-riding concerns with the application, this matter was not pursued further.

#### **6.6 Developer contributions**

- 6.6.1 Contributions have been requested from highways, open space, libraries, adult social care and waste. The contribution requests are considered to be justified in accordance with the impact of development on the surrounding highway network, areas of open space, library provision, adult social care services and waste collection. This is in accordance with the Council's SPD on developer contributions.
- 6.6.2 Given the overriding concerns with the other impacts of the development, the Council's Legal Services have not been instructed to begin drafting a Section 106 legal agreement as this would have proved abortive work for all parties. However, should the application be refused, this must be included as a reason for refusal as the proposal would fall contrary to Policy CS5 of the West Berkshire Core Strategy.

#### **6.7 Presumption in favour of sustainable development**

- 6.7.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.
- 6.7.2 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 6.7.3 Providing new housing in sustainable locations is a clear social benefit which supports strong, vibrant and healthy communities. The NPPF clearly seeks to significantly boost the supply of housing, and the application site is considered to be a sustainable location for



infill housing development. As such, it is considered that the proposal would have social benefits which weigh in favour of granting planning permission.

- 6.7.4 However, the economic benefits are considered to be limited given the size of the development and the lack of secured contributions and the environmental considerations have been assessed in terms of design, amenity and impact on the character and appearance of the area. This proposal is considered to run contrary to the environmental sustainability objectives and this would weigh heavily in favour of refusing planning permission.
- 6.7.5 Whilst there may be some social benefits as a result of this proposal, they are not considered to outweigh the negative environmental contribution that this development would bring. For these reasons, it is considered that the proposed development would run contrary to the aims of the National Planning Policy Framework.

## **7. CONCLUSION**

- 7.1 Having taken account of all the relevant policy considerations and other material considerations discussed above, this proposal would have an unacceptable impact and refusal is recommended.
- 7.2 Whilst the proposal currently being presented is considered to be an improvement on the previously refused scheme, 12/01259/FULD, the improvements made are not sufficient to overcome the reasons for refusal attached to this previous application. The proposal results in overdevelopment of the site and would lead to a cramped form of development, with insufficient outdoor amenity space being provided for the new units.

## **8. FULL RECOMMENDATION**

To **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reasons.

### **8.1 Reasons for refusal**

1. The proposed works would result in an overdevelopment of the site and cramped form of development which would be out of character and scale with existing residential development in the locality. The location of the site, on a corner plot, with development within 1 metre of the existing pavement would give rise to a visually dominant form of development which would demonstrably harm the character of the area and its environmental cohesiveness. As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006 -2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
2. The proposed development would by virtue of form, siting, scale and associated parking requirements result in an increased intensity of use which does not reflect nor enhance the established environmental and residential character of the area. Furthermore, the proposed shared amenity space is not considered acceptable within this out of town centre location. This intensity of development would detract from existing and future residential amenity which should be reasonably enjoyed. As such the proposal is contrary to guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 2006-2026 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

3. The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

### **Informatives**

1. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

DC