

CASE OFFICER'S (LXH) REPORT ON APPLICATION NUMBER 24/01855/HOUSE



**Site: 15 Tayberry Grove
Mortimer
Reading
RG7 3WT**

MEMBER EXPIRY DATE - 16.10.2024

INTRODUCTION

This application seeks retrospective householder planning permission for a single storey timber framed garden room, situated within the boundary of the rear garden.

PLANNING HISTORY

N/A

PROCEDURAL MATTERS

EIA:

Given the nature and scale 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.

Publicity:

A site notice was displayed on 24th September and the deadline for representations expired 15th October.

CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. 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 floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

Based on the information submitted, it appears that the development would not be CIL liable. However, 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

CONSTRAINTS AND DESIGNATIONS

- o Burghfield Nuclear Hazard Zones (middle)
- o AWE Burghfield Buffer (5km)
- o CIL - East Kennet Valley
- o Minerals Safeguarding Area
- o Special Protection Area
- o Within the settlement boundary of Mortimer

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.

Policies ADPP1, ADPP6, CS13, CS14, CS17, CS18, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

Policies C1 and P1 of the Housing Site Allocations DPD 2006-2026.

Policies TRANS.1, OVS.5, and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

The following are relevant materials considerations:

- o The National Planning Policy Framework (NPPF, Dec 2023)
- o The Planning Practice Guidance (PPG)
- o Quality Design SPD (2006)

CONSULTATION RESPONSES

Stratfield Mortimer Parish Council - neutral position, want to know if the development complies with planning policy.

PUBLIC CONSULTATION RESPONSES

Total received: 3 (and the applicant's response to the received objection)

Object: 1

Support: 2

Ambivalent: 0

Summary of support comments:

- o The garden room is not an eyesore and is of an appropriate scale, particularly given the presence of other nearby sheds and garden buildings;
- o No overlooking;
- o No loss of sunlight;
- o No loss of views;

Summary of objection:

- o Inappropriate scale;
- o Eyesore;
- o Not in keeping with nearby sheds and outbuildings;

- o Perceived to be in breach of planning regulations;
 - o Perceived purposeful inaccuracy/invalidity of plans;
 - o Concerns regarding why permission has been sought retrospectively;
 - o Concerns regarding the property being owned by a social housing association, and potential failure to notify them of the development;
 - o Inaccuracy on the application form - states that the site cannot be seen from a public road/footpath when it supposedly can be;
 - o Impact on neighbours;
 - o Permitting the development would set a 'dangerous precedent'
 - o Loss of property value;
- The applicant's response to the received objection essentially refutes the points made by the objector. The points made which are relevant to planning can be summarised as follows:

- o The objection contained few points which could be classed as valid objections;
- o Clarified that the originally submitted plans were deemed to be invalid as no scale bar was included;
- o Stated that the application was made retrospectively as the applicant did not realise that permitted development rights had been removed for this estate;
- o Regarding the site being owned by a social housing association and this association's awareness of the development, the applicant stated that their understanding is that they have remained within the rights of the changes they can make, and they have properly notified the association.
- o Stated that they said that the site cannot be seen from a public road/footpath as, while part of the garden room can be seen, the entirety of the site cannot;
- o Stated why they think the garden room is of an appropriate scale;
- o Stated that the garden room being visible from an upstairs window of a neighbouring dwelling should not be a valid concern;
- o Considerable screening of the garden room by tall trees on the boundary;
- o Refuted that decreased property value is a valid concern.

PRINCIPLE OF DEVELOPMENT

Policy ADPP1 directs development into settlements, with Mortimer being identified by the settlement hierarchy in this policy as a Rural Service Centre. The development site lies within the settlement boundary of Mortimer - the proposed development lies within a settlement boundary is considered to be acceptable in principle. In this case, the construction of a building incidental to the use of the primary dwelling, within the curtilage of the primary dwelling, is acceptable, subject to its impact on the character and design of the application site and its surroundings, and the residential amenity of neighbouring occupiers.

DESIGN, CHARACTER AND APPEARANCE

The site comprises the existing two storey semi-detached dwelling with parking space to the front and private amenity space, containing the garden building which is the subject of this application, to the rear. The dwelling adjoins No.16 via its east elevation, and the site is bounded to the north and south by the rear gardens of neighbouring dwellings with said dwellings lying beyond, and to the west by neighbouring dwellings.

Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It also sets out that the design and layout of proposals should respond not just to the immediate area but the wider locality, contributing positively to local distinctiveness and sense of place.

Policy CS14 also confirms that development proposals will be expected to:

- o Make good provision for access by all transport modes, ensuring environments are accessible to all and give priority to pedestrian and cycle access.
- o Make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area, as well as any historic and cultural assets.
- o Provide, conserve and enhance biodiversity.

The existing garden room is of an appropriate and relatively modest scale in terms of its width, depth and height, and of a scale which is typical for garden rooms and other outbuildings. The proposed materials are appropriate for the building's use and garden location. Whilst the garden room does somewhat reduce the private amenity space to the rear of the dwelling, it could be easily removed in the future if a future occupant wanted more garden space. Furthermore, it could be considered an extension of the private amenity space, as this space would not be entirely lost as residents are able to enjoy the private amenity space while in the garden room.

In light of the above, it is not considered that the garden room has an unacceptable impact on the character and appearance of the site, surrounding area or streetscene, in accordance with Policy CS14.

NEIGHBOUR'S AMENITY

Policies CS14 requires developments to not significantly impact the residential amenity of neighbouring occupiers, stating that it should make a positive contribution to the quality of life in West Berkshire.

Given the garden building's single storey scale and setting away from neighbouring dwellings, it is not considered that it appears as overbearing or causes overshadowing or a loss of light. It is also not considered that the garden room allows overlooking as it is of a single storey scale, and it only features one window on the front elevation, and views from this opening would be limited by the boundary treatments around the rear garden.

In response to the neighbour objection, the following comments are made:

- o Inappropriate scale - the scale of the garden room is considered to be modest and appropriate for an outbuilding.
- o Eyesore - the design of the garden room is considered to be appropriate.
- o Not in keeping with nearby sheds and outbuildings - this is not considered to be the case.
- o Perceived to be in breach of planning regulations - the garden room is considered to accord with the relevant planning policies.
- o Perceived purposeful inaccuracy/invalidity of plans - this application has been assessed based on valid plans, and the reason for invalidation was of a technicality.
- o Concerns regarding why permission has been sought retrospectively - retrospective planning applications are a key and common part of the planning system, and decisions should not be prejudiced based on an application being made in retrospect. There is no requirement in planning legislation for an application to be considered in an alternative manner because it is retrospective, nor does the planning legislation apply penalties or delegate to local planning authorities the power to apply penalties for applications being made in a retrospective fashion.
- o Concerns regarding the property being owned by a social housing association, and potential failure to notify them of the development - this is not relevant as any individual can apply for planning permission on land that they do or do not own, provided notice has been served - in this case it appears that the correct notice has been given. However, land ownership is a civil matter between the owners of the land and property concerned.

- o Inaccuracy on the application form - states that the site can't be seen from a public road/footpath when it supposedly can be - this is something of a non-issue, the applicant's reasoning for their answer is considered to be acceptable.
- o Impact on neighbours - it is not considered that the garden room has any significant impact on neighbouring residential amenity.
- o Permitting the development would set a 'dangerous precedent' - all applications are assessed on a discretionary basis, so the granting of permission for this application would not mean that similar developments in the future would be automatically approved. Each application must be considered on its individual merits and the relevant material planning considerations at the time of application.
- o Loss of property value - this is not a material consideration in the decision of planning applications.

Overall, it is not considered that the garden room has an adverse impact on neighbouring amenity, in compliance with Policy CS14.

HIGHWAY MATTERS

Policy CS13 sets out that development that generates a transport impact will be required to:

- o Reduce the need to travel.
- o Improve and promote opportunities for healthy, safe and sustainable travel, and improve travel choices (particularly within, between and to main urban areas and rural service centres).
- o Demonstrate good access to key services and facilities.
- o Minimise the impact of all forms of travel on the environment and help tackle climate change.
- o Mitigate the impact on the local transport network and the strategic road network.
- o Take into account the West Berkshire Freight Route Network (FRN).
- o Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance.

Policy P1 of the Housing Site Allocations DPD confirms the parking standards for new residential development, stating that the layout and design of parking spaces should follow the parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets, in order to create good quality homes and neighbourhoods.

It is not considered that the garden room has any adverse impact on highways, in accordance with policies CS13 and P1.

HERITAGE

Policy CS19 states that development proposals should be informed by and respond to:

- o The distinctive character areas and key characteristics identified in relevant landscape character assessments.
- o Features identified in various settlement character studies.
- o The nature of and the potential for heritage assets identified through the Historic Environment Record for West Berkshire and the extent of their significance.

The site does not contain or lie in close proximity to any listed buildings or heritage assets, nor does it lie within a Conservation Area. As such, it is not considered that the proposal would have any impact on heritage, in accordance with Policy CS19.

ECOLOGY

Policy CS17 sets out that development proposals which may harm locally designated sites, habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna, will only be permitted will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic

benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. This policy also states that all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity.

Policy CS18 seeks to protect and enhance the district's green infrastructure, stating that developments which result in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.

The site is not located within proximity of any SSSIs and the garden room has not impacted any trees. In addition, the garden room is a small scale development. As a result, the proposed development does not raise concerns regarding ecology, as per the requirements of policies CS17 and CS18.

PLANNING BALANCE AND CONCLUSION

Having regard to the relevant development plan policy considerations as well as the other material considerations referred to above and the clear reasons in favour, the development proposed is considered to be acceptable and is recommended for approval.

Copy for Stratfield Mortimer Parish Council
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