Apell Ref: APP/W0340/A/10/2127353
Greensleeves, Reading Road, Lower Basildon, Reading RG8 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Harley James Ltd against the decision of West Berkshire Council.
- The application Ref 10/00265/FULD, dated 4 February 2010, was refused by notice dated 1 April 2010.
- The development proposed is construction of a single 4 bedroom dwelling to the rear of Greensleeves with associated parking and amenity. New access for the existing and proposed dwellings.

Decision

1. I allow the appeal and grant planning permission for construction of a single 4 bedroom dwelling to the rear of Greensleeves with associated parking and amenity. New access for the existing and proposed dwellings at Greensleeves, Reading Road, Lower Basildon, Reading RG8 9ND in accordance with the terms of the application Ref 10/00265/FULD, dated 4 February 2010, subject to the conditions set out in the schedule at the end of this decision.

Procedural matters

2. The applicant submitted a signed and dated unilateral undertaking making provision for financial contributions towards transport, education, library services, public open space provision, health care facilities and adult social care provision. The Council accept this undertaking as satisfactorily addressing reason for refusal 3 on the decision notice. I have therefore taken this undertaking into account when making my decision.

3. On the 9 June Planning Policy Statement 3 Housing (PPS3) was reissued following amendments that include the definition of previously developed land in annex B, which now excludes private residential gardens from that definition. I have therefore taken account of this policy change as a material consideration when making my decision. The parties have also been notified of these amendments and I have taken their views into account when making my decision.

4. The decision notice refers to policies CC6 and BE1 of the Regional Spatial Strategy for the South East of England. As this plan has subsequently been abolished by the Secretary of State, I have not referred to them here.

Main issues

5. I consider these to be a) the effect of the proposed development on the living conditions of occupiers of the adjacent property, Pelynt House, by virtue of
overbearing impact and b) its effect on the character and appearance of the area and on that of the adjacent Area of Outstanding Natural Beauty (AONB).

**Reasons**

6. The appeal site comprises part of the garden of Greensleeves, a brick built cottage of some age, located on the junction of Church Lane and the Reading Road within the settlement boundary of Lower Basildon. There is a general consensus that the settlement pattern of the village is predominantly linear in character, though the depth of development begins to thicken below and to the east of Park Wall Lane, there being development behind the petrol station, off Harlstock View and Stone House, a recent housing development. Where Park Wall Lane joins the Reading Road residential development returns up the lane, consolidating the built form of the village at this point. The appeal site itself is located at the only other road junction in the village and is flanked on the other side of the lane by Basil Corner, a dwelling or small holding set back and slightly below the level of the road amid mature planting. To the north of the appeal site, again flanking the lane, lies a stand of mature trees covering the rising abutment of the railway bridge crossing the main Paddington – south west railway line. Beyond the railway lies the open meadow of the Thames valley with the Parish Church and the river, all within the AONB.

**Effect on living conditions**

7. The wing of the proposed dwelling facing the boundary of Pelynt House would stand at a height of 7.3 metres at the ridge, 4.3 metres at the eaves and its gable a distance of some 3 metres from the boundary hedge. This gable would also stand at a distance of approximately 21 metres from the flank elevation of the adjacent dwelling. The two properties are separated by a mature hedge of some depth and stature incorporating a variety of species. There is no dispute that the upper portion of the gable and the hip of the roof of the lower wing of the proposed dwelling would be visible from the ground and first floor of Pelynt House and from points in the garden immediately in front of it to the east, or that it would be seen against the backdrop of trees to the north. The upper section of the wing being visible, would undoubtedly have visual presence. However, because of its height, its hipped form and distance from the habitable rooms of the house, this would not amount to an overbearing presence causing material harm to the living conditions of occupiers of Pelynt House. I accept that the primary outlook of Pelynt house is towards the east and so towards the proposed development, and that the ground floor rooms are at present used extensively during the day. Nevertheless, I maintain the view that in this instance, visual presence does not amount to material harm.

8. Although concerns were raise that it may also result in a loss of sunlight to the garden of this property, such assertions were not supported by any evidence, and from my assessment at the time of the site visit, if any overshadowing were to result, this would be very limited and restricted to the fruit trees at the northern end of the garden. Once again, no material harm to living conditions would result. For both these reasons therefore in relation to the first issue, I consider the proposed development to be in accordance with policy OVS2 of the West Berkshire District Local Plan (WBDLP), specifically criterion (h) thereof.
Effect on character and appearance

9. As has been noted above, Lower Basildon is a settlement of predominantly linear character, though this settlement pattern changes and grows in depth towards the east. Critical to the acceptability of development within the village settlement boundary is its conformity with that character. A specific threat to that character, identified in a previous Inspector’s decision (Appeal Ref: APP/W0340/A/09/2094677) is that of tandem development. Such was the prevailing character of the village that, he considered, this form of development (that is ‘the erection of one dwelling behind another without proper road frontage and served by an access drive’) would ‘only serve to destroy the present character of the village’. Critical to this case therefore is whether the development proposed is considered to be tandem or otherwise.

10. When the proposed development is considered against the definition of tandem development set out above it cannot be said to conform with it. The access to the proposed dwelling is shared with that of Greensleeves and is set within the frontage of the lane. Although a thin finger of railway land separates the appeal site from Church Lane the plot still addresses this lane frontage, with the south eastern gable visible in clear juxtaposition with it. Whilst I accept that the principal elevation may not frontally address the lane, I do not accept this qualifies the development as tandem, nor is it inconsistent with the established character of its environs. This gable end relationship with the frontage is established by the orientation of Pelynt House itself next door and by Basildon Cottage on Park Wall Lane, which exhibits a similar part-gable facing arrangement. Moreover, the pattern of development established by the proposed dwelling, Greensleeves and Basil Corner, grouped as they would be around the junction of Church Lane and the Reading Road, would have a resonance with the established pattern of houses around the junction of the Reading Road and Park Wall Lane.

11. More significantly the proposed development would be sufficiently set back within the site for it to be effectively screened from view from the key perspective along the Reading Road from the south east. Here, except in close proximity to the Church Lane junction, the proposed dwelling and Greensleeves would not be seen in full visual juxtaposition with each other, further mitigation any suggestion of twin, tandem or dual development. Furthermore, the articulation, detailing and materials proposed all serve to integrate the proposed house with the prevailing Arts and Crafts neo-vernacular architecture that so strongly defines the character of the village. On this basis therefore I consider the proposals accord with the key aims of Planning Policy Statement 1 Delivering Sustainable Development in relation to design, with policy OVS2 of the WBDLP, specifically criterion (a) thereof. I also consider it complies with the ‘Recommendations for the Future’, specifically points 8 and 9 thereof, of the Village Design Statement for Basildon which, as adopted supplementary guidance, and because of its degree of local public ownership, I accord a significant amount of weight.

12. I accept that the proposed development would, to a small extent, extend the building line of this part of the settlement (defined by Pelynt House and Basil Corner) towards the open countryside of the AONB. However, the site is effectively screened from the open countryside by the dense stand of trees on the railway embankment, whilst the rising mass of the embankment, the
railway bridge and indeed the railway itself all serve to buffer the urban form of the settlement from the open landscape of the AONB beyond. No material harm to the natural beauty of the landscape or countryside would result; the development would thus accord with Government policy set out in Planning Policy Statement 7 Sustainable Development in Rural Areas.

Unilateral undertaking

13. I have considered the terms of the signed and dated unilateral undertaking in the light of the tests set out in Circular 05/2005, including the three which have now been placed into law by Regulation 122 of the Community Infrastructure Levy Regulations 2010. These three tests require the obligation to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it. The Undertaking before me includes obligations in respect of transport, Education, open space, libraries, health care and adult social care.

14. The Council have submitted detailed statement to support the case for these contributions, and all are appropriately justified in terms of their calibration in terms of scale and need. I am also satisfied that the Council has demonstrated a linkage between the development and its impact and the six areas where contributions are sought. In respect of the transport contributions, I understand that projects within Basildon include highway safety improvements relating to pedestrian and cycle provision along the Reading Road. In respect of educational needs the contributions will be directed towards increasing capacity at identified local secondary schools. In respect of open space provision, funds are allocated to the Parish Council and the key initiative here is for the provision of allotments, which the parish are actively pursuing. Contributions to library services are to be targeted at increasing book numbers, both for the mobile library service and the nearest facility at Pangbourne. Health care and adult social care provision is to be targeted, as I understood from aural evidence at the Hearing, at GP services in Pangbourne. No specific facilities are identified for the contributions for adult social care, but given the nature of the provision of such services as set out in the Council’s Topic Paper 13, formally adopted by the Council, I am satisfied there is an appropriate linkage with the proposed development. I therefore find the unilateral undertaking meets the tests identified above.

Conclusions

15. The proposed development lies within part of the former garden of Greensleeves, requiring consideration of the proposals in light of the reclassification of this land in the revisions to PPS3 referred to above. I, like the Council and the appellants, consider that a PPS3 consideration does not form the basis of the reasons for the refusal of this case, nor is it expressly cited in evidence as a consideration before me. Whilst I accept that policy OVS1 states a preference for the use of ‘brownfield’ sites as opposed to those defined as ‘greenfield’, it is acknowledged by the Council that the site lies within the settlement boundary of the village, where the principle of development is accepted subject to compliance with other policies. Moreover, the focus of the Council’s case in respect of issue b is the effect of the development on the character of the village and on the adjacent AONB. This argument relies on the nature of the development (whether it is tandem or not)
and on the relationship with the adjacent countryside. The character of the
garden or its contribution to the wider character of the village is not identified
as a key consideration by the Council, and I agree with their interpretation. On
this basis therefore, I do not consider the revised definition of previously
developed land to have a primary or material bearing on the outcome of this
case, and have determined the appeal accordingly.

16. For the reasons given above and having considered all matters raised, I
conclude that the appeal should be allowed.

Conditions

17. Allowing the appeal I attach a condition requiring that the development be
carried out in accordance with the approved plans in the interests of sound
planning and for the avoidance of doubt; conditions requiring the submission of
materials, floor levels in relation to existing and details of means of enclosure
and hard and soft landscaping, all it ensure a satisfactory appearance to the
development; a condition requiring the submission of a scheme for the
protection of trees on the site to ensure their wellbeing during the course of
construction; conditions requiring the submission of a construction site
management plan and a restriction on times of construction to safeguard the
living conditions of adjacent occupiers and conditions requiring the stopping up
of the existing access, the submission of details of surfacing arrangements for
the vehicular access, the provision of visibility splays and the provision of cycle
parking, all in the interests of highway safety and lastly to ensure adequate
provision of cycle storage on the site.

David Morgan

Inspector

Schedule of conditions

1) The development hereby permitted shall begin not later than three years from
the date of this decision.

2) The development hereby permitted shall not be carried out except in complete
accordance with the details shown on the submitted plans, plan numbers:
location plan 4554 1B, 4554 2D and 4554 7A and topographical survey
192RR01A, tree survey prepared by CBA Trees and Ecology Phase 1 report
prepared by Aluco Ecology.

3) No development shall take place until samples of the materials to be used in the
construction of the external surfaces of the building hereby permitted have been
submitted to and approved in writing by the local planning authority.
Development shall be carried out in accordance with the approved details.

4) No development shall commence on site until details of floor levels in relation to
existing and proposed ground levels are submitted to and approved in writing by
the local planning authority.
5) No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site is submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the fencing or other means of enclosure have been erected to the satisfaction of the local planning authority.

6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the treatment of hard surfacing and materials to be used, a schedule of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

   a) Completion of the approved landscape scheme within the first planting season following the completion of the development;
   b) Any trees, shrubs or plants that die or become seriously damaged within the first five years of this development shall be replaced in the following year by plants of the same size and species.

7) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the local planning authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall be specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the local planning authority that it has been erected. It shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the local planning authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the local planning authority.

8) The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway and/or verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the local planning authority.

9) No development shall commence on site until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the local planning authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

10) The dwelling shall not be occupied until the visibility splays at the access have been provided in accordance with the approved drawings. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

11) No development shall commence on site until details of the cycle parking and storage space to be provided within the site have been submitted to and approved in writing by the local planning authority. Thereafter the cycle parking and storage space shall be provided prior to the development being brought into use in accordance with the approved details and retained for that purpose at all times thereafter.
12) No development shall commence on site until details to show a temporary parking area and turning space provided and maintained concurrently with the development of the site, are submitted to and approved in writing by the local planning authority. Such approved parking and turning space shall at the commencement of the development be provided and thereafter retained in accordance with the approved details until the development has been completed and shall during the time be used for parking of all employees, contractors and operatives or other visitors during all periods that they are working at or visiting the site.

13) No development shall take place until a Method of Construction Statement, to include details of:
   a) loading and unloading of plant and materials
   b) storage of plant and materials within the site
   c) programme of works (including measures for traffic management)
   d) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented during the construction period.

14) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays and Bank or National Holidays.
APPEARANCES

FOR THE APPELLANT:
Mr D Wakefield
Ms Kim Morris
Ms Sara Dutfield
Ms Helen Harris

FOR THE LOCAL PLANNING AUTHORITY:
Ms Cheryl Willett
Mr B Conlon
Mr R Dray

INTERESTED PERSONS:
Mr P Twitchett
Mrs C Kerr
Mrs S Freeman

Documents submitted at the Hearing

1. Notification of detail of Hearing - WBDC
2. Location Plan of appeal site ref: (Appeal Ref: APP/W0340/A/09/2094677) - WBDC
3. Points of clarification of financial contributions in relation to the unilateral undertaking - WBDC