

APPEAL DECISIONS WESTERN AREA-COMMITTEE

COLD ASH 15/03023 Pins Ref 3153278	Land south of Grovelands, Pear Tree Lane, Newbury Mr and Mrs Kurt Wallin	Proposed new residential, fully sustainable, three bedroom dwelling (self build) with associated parking and amenity.	Dele. Refusal	Dismissed 4.11.16
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Main Issues

The main issues are:-

- whether the proposal is appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside; and
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of neighbouring residents at No. 78 Pear Tree Lane (The Bungalow), with particular reference to outlook.

Reasons

Development plan and national policy

The appeal site comprises an overgrown field situated to the north of No. 78 Pear Tree Lane, approximately 35m outside the settlement boundary as identified by Saved Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 (LP). The preamble to this policy states that outside the settlement boundaries, development will only be acceptable in exceptional circumstances.

The appellant, however, drew the Inspector's attention to the decision of the High Court in the Firlands Farm case where the judgement states that the Inspector was entitled to give Policy HSG.1 little weight due to its age. Nevertheless, having regard to the relatively advanced stage of plan preparation, the Inspector in this case was able to give a good measure of weight to Policy C1 and the settlement boundaries of the Proposed Submission Housing Site Allocations DPD. Policy C1, which will replace Saved Policy HSG.1 upon adoption of the Housing Site Allocations DPD, sets out a presumption against new development outside the settlement boundaries, subject to a number of exceptions, none of which are applicable to the appeal proposal. The appellant has also confirmed that the emerging Housing Site Allocations DPD has undertaken a review of the settlement boundaries and currently proposes to retain the boundary in this vicinity. The Inspector was not provided with any evidence that this position has changed or is likely to change.

Furthermore, West Berkshire Core Strategy (2006-2026) (CS) Policy ADPP1 states that most development will be within or adjacent to the settlements included in the settlement hierarchy, which includes Newbury as an 'Urban Area'. In this regard, the appeal site is not within the settlement and there is a material separation distance between the appeal site and the nearest part of the settlement boundary. Moreover, the policy states that the majority of development will take place on previously developed land, which is not applicable to the appeal proposal.

In any case, whilst not specifically precluding development beyond existing settlement boundaries, CS Policy CS1 does state that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and the area delivery plan policies. In this regard, the District Settlement Hierarchy of CS Policy ADDP1 states that in the open countryside, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. The Inspector had no evidence to suggest either would be applicable to the appeal proposal.

The appellant states that the other critical consideration regarding the principle of development is the site's relationship to the built up area of Newbury and adjacent dwellings. However, CS Policy

ADDP1 does not permit appropriate limited infilling in the countryside as suggested and for the reasons below, the Inspector found that the proposal would be harmful to the character and appearance of the area.

The Inspector accepted that the site is located within approximately 35m of the settlement of Newbury, but he was not convinced that the site offers a sustainable location for new development, with residents able to access day to day facilities with ease, as suggested by the appellant. Rather, the absence of footpaths and street lighting along this unmade narrow section of Pear Tree Lane would make it unattractive to pedestrians and would be unlikely to encourage cycling. He also had not been provided with any evidence of any readily accessible public transport service. It is likely therefore that occupiers of the proposed dwelling would in practice be very reliant on a private car. Consequently, the proposal would not contribute to sustainable travel patterns.

For these reasons, and those set out below, the Inspector found that the proposal would not meet the social and environmental objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraph 7 of the National Planning Policy Framework (the Framework). Not being sustainable, it follows that no such presumption, as anticipated in paragraph 14, applies.

Therefore, even if he were to apply only limited weight to Saved Policy HSG.1 and any conflict with it, he concluded that the proposal would not be appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside, being contrary to the Framework and CS Policies CS1 and ADPP1 and emerging Policy C1 of the Proposed Submission Housing Site Allocations DPD.

Character and appearance

The character of Pear Tree Lane changes along its length. To the south of the appeal site it is typically suburban with detached and semi-detached dwellings situated on either side of the road. At around No. 58 Pear Tree Lane, urbanising features such as footpaths and street lighting no longer exist and the tarmac road becomes an unmade track resulting in a distinct shift towards a semi-rural character. Save for No. 53, residential development is confined to the eastern side of the lane. Beyond No. 78 Pear Tree Lane, at the point of the appeal site, development becomes more sporadic and shifts further towards a rural character.

The appeal site occupies part of the substantial gap that presently exists between Grovelands and No. 78, both of which are bungalows and are relatively subservient in scale and appearance. Although the appeal site frontage is marked by post and wire fencing it is generally open in character and elevated above Pear Tree Lane, thereby allowing clear views of the existing field and to the woodland beyond. Its present undeveloped state makes a notable contribution to the character and appearance of the area.

The Inspector appreciated that the scheme proposes to use environmentally friendly technologies and that efforts have been made to minimise the overall scale of the proposed dwelling which would continue a similar set back to the flanking dwellings. Nevertheless, the proposed dwelling, in combination with the garage and gym building, would introduce a significant amount of built form into a site where none presently exists. This urbanisation of the site alone would result in substantial harm.

The Inspector accepted that the site benefits from significant screening by the surrounding woodland in views from the east and from the north beyond Grovelands and that the mature trees on the western side of the lane would likely screen wider views from that direction. However, the elevated nature of the site and size of the proposed buildings are such that they would be very prominent along this part of Pear Tree Lane, which is also a Public Right of Way. Whilst, taken in isolation, the design of the proposed dwelling and use of materials are acceptable, the very contemporary and contrasting approach would have the effect of drawing further attention to it, making it a conspicuous and dominant feature.

Therefore, even accepting that the effect would be largely localised to this part of Pear Tree Lane, the Inspector concluded that the harm to the character and appearance of this area would be

significant and in conflict with: CS Policies ADPP1, CS 14 and CS 19; LP Policy HSG1; and West Berkshire Supplementary Planning Document (SPD), Quality Design. These require, amongst other matters, that development respects and enhances the character and appearance of the area and that local distinctiveness of the landscape character is conserved and enhanced. It follows therefore that he also found conflict with paragraph 58 of the National Planning Policy Framework (the Framework) which requires development responds to the character of the area.

Living conditions

Due to the topography of the area, the proposed garage and gym building would be significantly elevated above the neighbouring bungalow to the south at No. 78, which has a number of windows which face towards the appeal site. However, the southern side of the appeal site is separated from No. 78 by a relatively narrow strip of overgrown land and at the nearest point the respective buildings would be positioned approximately 15m apart. The intervening southern boundary also includes a number trees and bushes which are proposed to be retained.

Whilst at 6.2m high the garage and gym building would undoubtedly be visible above this existing boundary, the main aspect for the majority of the windows along the northern elevation of No. 78 would be orientated towards the bank and in front of the proposed building and as such would be largely unaffected. For the windows further back in this elevation, the separation along with the relatively shallow depth of the garage and gym building and the retention of the existing boundary planting, would ensure that there would not be a materially harmful effect in terms of outlook.

Due to the positioning of the proposed building in relation to the main rear garden of No. 78, and the separation that would be achieved, he also did not find that the development would materially harm the enjoyment of that space.

The Inspector therefore concluded on this main issue that the proposal would not be harmful to the living conditions of the occupiers of the neighbouring property and would not conflict with CS Policies ADPP1, CS 14, or LP Policy SHG1, the Design Quality SPD and the Framework, insofar as these policies seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

The Inspector noted the letters of support for the appeal proposal but the issues raised do not outweigh the above stated harm, whilst the absence of harm in relation to living conditions, access, parking and the provision of bin and cycle storage facilities, are neutral factors in the planning balance.

Conclusion

For the reasons given above and having regard to all other matters before him, he dismissed the appeal.

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