

NEWBURY 18/02060/OUTD  PINS Ref 3212680	3 Chesterfield Road Newbury Mrs J Joy	Outline application with all matters reserved. Two storey 4 - 5 bed detached house with crossover.	Dele. Refusal	Dismissed 27.12.18
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### Procedural Matter

The application, the subject of the appeal, was made in outline with all matters reserved. The Inspector considered the appeal on the same basis and assessed the drawings as merely illustrative insofar as they refer to the reserved matters.

### Main Issues

The main issues are whether the proposed development would preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area (CA), with particular regard to:-

- the effect of the proposed house; and,
- its effect on the yew tree to be retained.

### Reasons

#### *The effect of the proposed house*

The Inspector appreciated that the patterns of development in the CA vary. However the variety does not undermine its architectural and spatial character. Indeed, there is coherence within each section and an overall distinctiveness across the whole of the CA which is enriched by its constituent parts. In this section, between Thompson Lodge and 29 St. John's Road, the pattern of development is distinctive for the spaciousness between the large, elegant houses set in large gardens planted with trees and shrubs.

While the proposal is indicated to retain some gaps beside the neighbouring houses, it would effectively close the existing gap and reduce the garden space beside No. 3, which makes a significant contribution to the significance of the CA. It would undermine its distinctive spacious character. The Inspector took into account that all matters are reserved and that siting and scale are only indicative. Nonetheless, he could not see how a proposal of the scale indicated could be developed without harm to the distinctive spacious character and significance of the CA.

He acknowledged that the proposal may reflect the development pattern across the road and further along this side. However, the appeal site lies within the CA, to which in this section, the open space and garden beside No. 3 makes a significant contribution in terms of both its landscape and spatial character.

The Inspector therefore concluded that the proposed development would harm the distinctive spatial character of the CA. While he saw less relevance of policy CS18 of the West Berkshire Core Strategy 2012 (CS) which concerns green infrastructure and to which the Council refers, it would nonetheless conflict with CS policies CS14, CS19 and ADPP2. These expect development to respect the historic environment of the town, the character and landscape of the surrounding area, to contribute to local distinctiveness, and to conserve and, where appropriate, to enhance heritage assets.

#### *The effect on the Yew tree to be retained*

In the garden of No. 3 stands a 12m high Yew tree, in good condition. It contributes to the landscape of large gardens containing trees and shrubs which characterise this section of the CA. Taking account of its spread indicated in the appellant's Arboriculture Report, the erection of the house in the position indicated would intrude into its dense, evergreen canopy, which has a relatively low crown. Apart from the damage this may cause, there would likely be pressure to fell the tree to relieve the effect of its overshadowing of the rooms on the same side of the house.

Moreover, a substantial area of the root protection area (RPA) of the Yew, which stands only a few metres from the existing house, would be under the new house. Given that the proposal indicates access and parking for 3 cars within the RPA, and even taking into account the present storage below its canopy, there is a risk that the tree would be substantially harmed or lost, and its contribution to the significance of the CA diminished.

The house could be designed to maximise openings with alternative aspects, and it could be sited further back into the plot to avoid conflict with the canopy and RPA of the Yew. However, such a deep position within the plot may conflict with the characteristic front building line depth of the houses on the adjoining plots, which may harm the distinctive pattern of development of this section of the CA and its significance. Moreover, it may harm the living conditions of the occupiers of the houses in the adjoining plots.

Without evidence that mitigation could overcome the risks to the health of the Yew as identified above, the proposed development would be likely to lead to its demise. It would therefore be in conflict with CS policies CS14, CS19 and ADPP2.

### **Conclusion**

The proposed development would harm the distinctive spatial and landscape character of the CA, and therefore fail to preserve it in accordance with the requirements of section 72 of the Act, the special attention to which, the Courts have determined, the Inspector is required to give considerable importance and weight.

In the context of paragraph 193 of the National Planning Policy Framework he would, in relation to the CA as a whole, define the magnitude of the harm identified as less than substantial. Nevertheless, paragraph 196 still requires that any such harm be considered against any public benefits a scheme may bring. However, no public benefit has been put forward to be weighed against the harm identified.

The proposal would provide a modest social benefit of one additional dwelling to local housing supply. It would bring economic benefits too, from the spending in the local economy of future occupiers who would have access to a range of local amenities and public transport, which would have environmental advantages.

However, it would harm the CA, which would place it in clear conflict with the development plan. It would conflict with the environmental dimension of sustainable development set out in paragraph 8 of the Framework and there are no considerations which outweigh the harm identified.

For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.

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