

NEWBURY 19/00411REM Pins ref: 3234658	5 Normay Rise, Newbury Berkshire	Approval of details pursuant to Condition No. 3 of a planning permission 17/01808/OUTD (allowed at appeal).	Ctte. Refusal	Dismissed. 03.12.2019
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Preliminary Matters

The Inspector was referred to the previous appeal at the site which granted outline planning permission for one dwelling with all matters other than access reserved.

The Appellant has submitted amended plans that might accompany a future application. However, he only considered the plans that the Council based its decision on.

Main Issues

The main issues are: (i) the effect of the proposed dwelling on the character and appearance of the surrounding area; (ii) the effect of the proposed dwelling on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

Character and Appearance

The appeal site forms part of the rear garden of 5 Normay Rise (No. 5), a detached dwelling located within a large modern residential estate. The site would have a frontage onto Willowmead Close.

Although there are some dwellings incorporating individual designs, located further to the north along Normay Rise, the houses closer to the appeal site along Willowmead Close and at its junction with Normay Rise, have a more uniform and homogenous appearance. Dwellings are two storey, large in scale, and constructed in facing brick. Their design is unobtrusive and largely incorporating a front elevation consisting of equally proportioned and spaced windows, a simple pitched roof and a single storey integral garage which projects from the front elevation. Spacing between dwellings is modest with flank / side walls positioned close to adjoining boundaries. Some of the dwellings have been extended with large two storey side and front extensions, however, these are in the minority, and the immediate area retains much of the original design of the estate. The Inspector considered that the uncomplicated simplicity in the design of dwellings in the vicinity is an intrinsic feature of the area's character.

The proposed dwelling would be lower in height compared to its neighbours and accommodate first floor rooms within its roof space. The front elevation has a more intricate appearance, in contrast to adjacent dwellings. It would incorporate two storey projecting gables at either end of the dwelling, cedar and brick elevation treatment, a dormer style window breaking the front eaves line and a variety of window openings that includes an atrium window extending above the ground floor of the dwelling. When seen in relation to neighbouring dwellings, these notable differences in the proposal's appearance would be discordant and unfamiliar amongst the overtly uniform dwellings in the area. Consequently, it would harmfully unsettle the distinct character of Willowmead Close, and this part of Normay Rise.

It is acknowledged that the National Planning Policy Framework (the Framework) encourages innovative design, and the Inspector noted in this instance the benefits of the glazing and some of the sustainable material proposed. However, the Framework, also requires consideration to be given to an area's prevailing character. In this case, the proposal with its partly asymmetrical roof profile, breaks along the eaves line and projections on its front elevation, differ markedly to the orderliness portrayed by dwelling design in the area.

Guidance submitted by the Council refers to properties in the area being of 1960s era housing incorporating individual designs. While he noted this in the wider area, it was clear from his site visit that houses adjacent to the appeal site were more uniform in their appearance. Accordingly, the Inspector found harm in that the proposal would not be in keeping with the prevailing architectural theme.

The Inspector noted the Appellant's case that the design of the dwelling's roof has taken account of the proximity of No. 2 Willowmead Close, in order to prevent harmful overshadowing on this property. Notwithstanding this, there are considered other means to safeguard living conditions of neighbours whilst also having a design that would be more harmonious with the immediate area.

Despite the harm identified in terms of the dwelling's appearance, it would have a building footprint, height and mass that would be generally consistent with the scale of existing dwellings along Willowmead Close and Normay Rise.

In terms of the dwelling's layout, it is recognised that the proposal would have a shallower rear amenity space, in contrast to the deeper gardens of neighbouring properties. However, it would be in excess of 100sq m, have a comparable rear garden width to neighbouring plots and include a spacious front garden/forecourt area. These would all combine to create an acceptable layout arrangement that would not be harmful in the context of the surrounding area.

The proposed dwelling would have its eastern flank wall positioned on the boundary with No. 5, while the western flank wall would be separated from No. 2 by a side walkway. Although the proposal would be close to its side boundary, dwellings along Willowmead Close occupy a large proportion of their plot widths, making for small gaps between properties. The proposal would not be inconsistent with the existing layout arrangements in the street in that respect. Furthermore, the corresponding walkway to the side of No. 2 and rear garden of No. 5 would introduce an acceptable space between the proposal and its neighbours. Consequently, the proposal would be broadly consistent in terms of its spatial relationship with other dwellings along the street.

Where the proposal would face onto Willowmead Close, there is no rigid or consistent front building line, with the tendency for dwellings to slightly step forward and back from each other. Therefore, where part of the proposed dwelling would marginally project in front of No. 2, the Inspector found that this would not be at odds with the existing building line.

He noted that the Council find that landscaping is acceptable subject to additional details agreed by condition, and he had no reason to disagree with this view.

Even though the Inspector found the proposal to be acceptable in terms of its scale, layout and landscaping, these are neutral effects that would not overcome the harm he had identified in respect of the dwelling's appearance.

On this matter, the Inspector concluded that the proposal would cause material harm to the character and appearance of the area. It would therefore be contrary to Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2012, and the Newbury Town Design Statement (NTDS). The policies and guidance, when taken together and amongst other things, require development to follow the existing settlement pattern, respect local design and character, and retain and enhance architectural quality. The proposal would also be contrary to the Framework which requires development proposals to be sympathetic to local character.

Although the NTDS is not part of the adopted development plan for the area, the Inspector nevertheless recognised it as a material consideration in the assessment of the appeal.

He did not find Policy C1 of the Housing Site Allocations Development Plan Document (2006-2026), adopted May 2017 (DPD), to be relevant in concluding on this matter, as it relates to the strategic delivery of new housing and settlement hierarchy. Also, Policy C3 of the DPD has not been referred to as this relates to the design of housing in the countryside. The site is not within the countryside as the Council confirm it to be within the settlement boundary of the town of Newbury.

Living Conditions

As he had not been referred to any specific development plan policies by the Council in relation to the living conditions main issue, he assessed the proposal, in this respect, against the Framework.

The rear elevation of the proposal would face the rear garden area of No. 7 Normay Rise (No. 7) and have a separation distance of between 5m and 7m from this neighbouring garden. There are trees along the boundary of the appeal site and the boundary of No. 7, some of which, he understood are subject to a tree preservation order (TPO). These would obscure direct overlooking from proposed bedroom windows into No 7's garden, even accounting for seasonal variations in leaf coverage. The Inspector considered that a condition that would safeguard the protection of the trees along the boundary within the application site, would ensure that this screening is maintained.

The Inspector noted during his site visit that No. 7 has a patio area that is likely to be in regular use. The proposed dwelling would face this and the rear elevation of No. 7 at an oblique angle, whilst also maintaining a separation distance in excess of 10m. Considering the boundary trees, the physical separation and the position and orientation of windows and amenity space, he was satisfied that any effect on the privacy of occupiers at No. 7 would be within acceptable limits. Moreover, bearing in mind the suburban character of the local environment, complete freedom from intrusion is rarely possible. The Council have referred to a loss of outlook, however, the Inspector had not been presented with any specific details that led to this conclusion. Nevertheless, the proposal would maintain acceptable distances from adjacent amenity spaces and habitable rooms, to ensure that it would not unacceptably enclose space or have a harmful physical impact upon neighbouring occupiers.

Therefore, the appeal scheme would not have an unacceptable effect on the living conditions of neighbours in terms of the effect on their privacy and outlook. As a result, he found no conflict with the Framework, which requires that development proposals create places with a high standard of amenity for existing and future occupiers.

The Council has referred to their House Extensions Supplementary Planning Guidance, adopted July 2004 (the SPG), however, he had not referred to this in concluding on the second main issue, as it specifically relates to residential extensions not new dwellings.

Conclusion

The Inspector had found that the proposed development as it relates to the effect on neighbouring privacy and outlook, would not have a harmful impact on neighbouring living conditions. The proposal would also be acceptable in terms of its scale, layout and landscaping. However, this is outweighed by its appearance, which is inconsistent with the more uniform design of surrounding dwellings and would result in significant harm to the character and appearance of the area. For the reasons given, he concluded that the appeal should be dismissed.