
Appeal Decision

Site visit made on 18 October 2016

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th December 2016

Appeal Ref: APP/W0340/W/16/3155293

Timberley, Pangbourne Road, Upper Basildon, Reading RG8 8LN

- 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 Mr Andrew and Mrs Ros Gidden care of Nicholas Bolt Ltd against the decision of West Berkshire Council.
 - The application Ref 16/00176/FULD, dated 22 January 2016, was refused by notice dated 25 April 2016.
 - The development proposed is construction of five-bedroom, two storey detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the landscape character and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty, including its effect on a protected tree.
 - Whether this is an appropriate location for housing in light of the settlement strategy, and having regard to Development Plan policies and the National Planning Policy Framework.
 - The effect of the proposal on highway safety conditions on Pangbourne Road, having regard to the visibility obtained from the repositioned access.
 - The effect of the proposal on the living conditions of occupiers of the adjoining residential properties, having regard to overlooking and outlook.

Reasons

Landscape character and scenic beauty

3. 'Timberley' is a detached dwelling of modern appearance. It is within a long row of mostly modern detached dwellings, which extends between open countryside and the more built-up areas of Upper Basildon village. The dwellings in the row are of differing sizes and styles and are mostly situated facing the road, in deep and spacious plots. Although the rear gardens are largely open and undeveloped, there are incidences in the locality of development on land at the rear of the frontage dwellings. These include
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dwelling in Knappswood Close and Morrison Close, as well as a recently erected dwelling located adjacent to Apple Tree Cottage¹, to the west of the appeal site. Nonetheless, the proximity of the existing housing to open countryside, with a tract of woodland beyond, contributes to the semi-rural character of the surroundings. The village and the surrounding countryside are in the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

4. The appeal site largely consists of an area of land roughly the shape of an inverted 'T', located beyond the end of the back garden of 'Timberley'. The back gardens of neighbouring dwellings are on either side, with paddocks to the rear extending towards the woodland. Part of the appeal site is currently occupied by timber buildings largely associated with an equestrian use, with the remainder, apart from the vehicular access, largely being laid to rough grass. Although the existing use of the appeal site has been described by the appellant as a garden, for the most part it currently has a rural appearance more akin to that of countryside. In visual terms, the appeal site therefore relates more to the adjacent countryside than the nearby gardens.
5. The proposed dwelling would partly occupy the footprint of the equestrian buildings and would therefore be located behind 'Timberley' and the adjacent dwellings. However, given the existence of similarly located dwellings in the vicinity, the 'backland' location of the proposed dwelling would not, in itself, be at odds with the prevailing pattern of local development. The Council have criticised the flat roof and modern detailing in the contemporary design of the proposed dwelling. However, there are a variety of buildings of different design and appearance in the vicinity including a dwelling of contemporary design adjacent to Apple Tree Cottage, which has some similarities with the appeal scheme. Therefore, I would not regard the design of the proposed dwelling as being inherently at odds with its surroundings.
6. I acknowledge that the proposed dwelling was reduced in size and re-sited following pre-application advice from the Council. Nevertheless, it would provide five-bedroomed accommodation arranged over two storeys, with a double garage and home office over. Consequently, it would have a substantial scale and bulk. This would be much greater than that of the existing equestrian structures on the appeal site, which due to their modest scale are low key, non-assertive features. Incorporation in the design of a partly curved, low profile roof form, a green wall and timber on parts of the elevations together with the partial excavation of the ground floor level, would only serve to marginally offset the overall scale of the proposed dwelling.
7. The distance between the front of the proposed dwelling and the rear boundaries of 'Timberley' and 'South Croft' would be quite small when compared with the much deeper front gardens typical of development in the surrounding area, including other nearby dwellings situated behind the frontage housing. Moreover, there is a limited gap between the side of the existing dwelling and the boundary, through which the proposed dwelling would be accessed. Taken together with its overall scale, this would all give the proposed dwelling the impression of being rather 'cramped' on its plot in comparison with the more well-spaced characteristics of the adjoining residential development. As a result, the proposed dwelling would give a more built-up and enclosed appearance to the appeal site and its environs. This

¹ Permitted by the Council under reference 13/02613/FULD.

- would be entirely at odds with its current spacious and semi-rural characteristics.
8. The rear boundary of the proposed dwelling's garden would be set back from the end of the residential gardens to the east but it would project substantially beyond the end of residential gardens immediately to the west. It would therefore be adjoining land in rural use on two sides. There are no buildings proposed in the rear garden of the dwelling. 'Permitted development' rights in respect of buildings incidental to the enjoyment of the dwelling, which would be more limited in the AONB in any event, could be restricted by condition. However, such a condition could not be used to control the progressive domestication of the garden, by for example the construction of paths, patios, rockeries and ornamental planting. The use as a garden is also likely to bring with it attendant domestic paraphernalia, including seating, tables, play equipment and washing lines. All of these factors would result in the garden having an unduly 'suburban' appearance. This would substantially erode the rural character of the appeal site and would appear as a residential intrusion into the countryside, thus causing further harm to the character and appearance of the surrounding area.
 9. The garden of the proposed dwelling would not extend further beyond the adjacent gardens than that of the new dwelling at Apple Tree Cottage. However, from the details that I have been supplied with it appears that, in that case, the site was already in a residential use prior to its development. Consequently, in my view the recently built dwelling is not directly comparable with the appeal scheme in respect of the visual impact of its garden on the adjacent countryside. In any case, the recently built dwelling has resulted in some erosion of the countryside, an effect that would be significantly compounded by the appeal scheme.
 10. The Hornbeam in the front garden of 'Timberley' is the subject of a Tree Preservation Order (TPO)². Whilst the Council has referred to TPO 'trees' in the plural in the decision notice and there are three Beech trees in an adjacent garden, it is clear that at present, the Hornbeam is the only protected tree within or adjacent to the appeal site.
 11. The Hornbeam stands to the west of the existing access. It makes a significant contribution to local amenity. The proposed alterations to the access arrangements to facilitate access to the proposed dwelling as well as 'Timberley' would come close to the tree canopy. A root protection zone (RPZ) is shown on the submitted plans. The works to the access are shown as being outside of the RPZ. The appellant states that the RPZ has been calculated using BS5837:2012. Whilst that might be the case, the calculation does not appear to have been undertaken following a proper arboricultural survey of the tree. Without such a survey, the actual extent of the tree's root system, which might due a number of factors differ from that other trees, cannot be known. To my mind, there is therefore a significant doubt as whether the RPZ shown on the plans accurately reflects the extent of the tree's root system.
 12. I accept that, in any event there might be methods by which drives and parking areas can be formed within an RPZ without causing significant damage to trees. However, it is unclear whether these would have a practical application in the case of the appeal scheme, where a relatively significant

² Council reference 201/21/0894.

amount of excavation below existing ground levels and new hardsurfacing is likely to be required in association with repositioning of the access. A planning condition requiring the submission of details of the tree protection measures would not address the potential harm, as if planning permission were granted the effect would be to permit works which could potentially cause damage to the tree notwithstanding its TPO status. Consequently and in the absence of evidence to the contrary, there is a substantial risk that the excavation and hardsurfacing associated with the works to reposition the access would cause significant damage to the root system of the tree. This would threaten its future health and wellbeing and its continued contribution to the character and appearance of the area.

13. I have given little weight to the Council's concerns regarding possible future pressure for horse-related structures on the rest of the appellant's land. Such structures are likely to require express planning permission. The Council would therefore have the opportunity to control future development. Nevertheless, for all of the preceding reasons, the proposal would be viewed as an alien feature in the context of local development and as a residential encroachment into the surrounding countryside, unacceptably eroding the character and appearance of the area. Consequently, it would fail to conserve the landscape and scenic beauty of the AONB. This is a matter to which significant weight should be attached, in accordance with legislation and paragraph 115 of the National Planning Policy Framework (the Framework).
14. Therefore, the proposal would conflict with Policies ADPP5, CS14 and CS19 of the adopted West Berkshire Core Strategy (CS), as it would not be of a high quality design that would conserve and enhance the special landscape qualities, the local distinctiveness and character, sense of place and setting of the AONB, and would not respond positively to the local context.
15. The Council also refer to a conflict with CS Policy CS18 and whilst I do not disagree, I have limited information on how the appeal site contributes to the wider green infrastructure network. Further, the Council refer to a conflict with saved Policy ENV.20 of the adopted West Berkshire District Local Plan (LP). This concerns redevelopment of buildings in the countryside and would not be relevant to the proposal, as the buildings in question are within the settlement boundary. Nevertheless, the proposal would not accord with saved LP Policy ENV.22, because the enclosure of agricultural land into the residential curtilage would result in a significant adverse landscape impact.
16. Furthermore, the proposal would be inconsistent with the advice in the Council's adopted Quality Design-West Berkshire Supplementary Planning Document (SPD), in particular section 1.4, concerning the relationship of new development to open countryside and landscape setting and 1.10 concerning building type and height. It follows that the proposal would also therefore be inconsistent with the Framework guidance at Section 7 concerning the requirement for good design.

Settlement strategy

17. CS Policy CS1 seeks to provide new homes on suitable previously developed land and other suitable land within settlement boundaries. According to the District settlement hierarchy set out in CS Policy ADPP1, Upper Basildon is a 'smaller village', suitable only for limited infill development, subject to the character and form of the settlement. In the open countryside, only

appropriate limited development will be allowed, focussed on addressing identified needs and maintaining a strong rural economy. CS Policy ADPP5 identifies further opportunities for infill development and development on previously developed land within the AONB, with smaller villages continuing to support the needs of their residents and surrounding communities for facilities and services.

18. The Council have referred to the settlement boundary in its emerging Housing Site Allocations Development Plan Document (DPD), which has been submitted for Examination. However, at this time, the settlement boundary for Upper Basildon still remains that identified on the LP Proposals Map. The proposed dwelling would be wholly within the settlement boundary defined in the LP, where the principle of residential development would be accepted. However, it would be behind existing housing and the back garden would lie beyond the settlement boundary. Consequently, the proposal would not strictly accord with CS Policy ADPP1, because it would not amount to 'infilling' in the sense of filling a small gap between an existing group of housing and its garden would encroach into the countryside, where only limited development focussing on identified needs and maintaining a strong rural economy, will be allowed. As a result, the proposal would also fail to accord with CS Policies CS1 and ADPP5.
19. However, solely relying on a settlement boundary as a means of controlling residential development in rural areas does not fully reflect the approach in the Framework, in particular paragraph 55, of promoting sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. In this respect, CS Policies CS1 and ADPP1 are not fully consistent with the Framework and I shall give them weight accordingly.
20. The appeal site is adjacent to the built-up part of the village. The proposed dwelling would have a similar level of access to local services, facilities and employment opportunities and links to public transport as the adjacent housing. Consequently, the proposed dwelling could not reasonably be described as a 'new isolated home in the countryside' as defined by paragraph 55 or as being in an inherently unsustainable location in transport terms.
21. Nevertheless, in order for the proposal to achieve all of the objectives of sustainable development, the three mutually dependent roles set out at paragraph 7 of the Framework-economic, social and environmental-must all be considered. The proposal would provide some economic benefits, notably by generating and sustaining jobs in the construction sector, albeit in the short term, and bringing limited additional wealth from incoming residents into the local economy in the medium to longer term.
22. The proposal would also provide some social benefits. Although the Council says that it has a five-year land supply, the proposal would nevertheless make a very small contribution to the supply of new housing in the Council's area in general and in the AONB in particular. The increase in population and increased use of village services and facilities that would flow from the proposal would also enhance the vitality of the village. However, the proposal would not fully achieve the social role, as it would not create a high quality built environment. Moreover, having regard to the failure to conserve the landscape character and scenic qualities of the AONB, the proposal would not achieve the environmental role. Therefore, the proposal would not achieve all of the three

mutually dependent objectives required to accord with the principles of sustainable development.

Highway safety

23. The submitted plans show visibility splays for the repositioned access, which would be shared by both the existing and the proposed dwelling, of 22.5 metres to the west and 19.3 metres to the east, based on an 'x' distance of 2 metres from the edge of the carriageway. However, this represents a reduction over the current visibility obtainable from the existing access, which is shown as 35.5 metres to the west, albeit that there would be an improvement over the current level of visibility to the east, which is shown as currently being 6.6 metres.
24. To achieve the safe stopping distance (SSD) recommended in Table 7.1 of the Manual for Streets (*MfS*), the repositioned access would have to provide visibility splays of 43 metres in each direction. Paragraph 7.7.6 recommends that an 'x' distance of 2.4 metres should be used in most built-up situations, as in the case of the appeal site. The levels of visibility afforded by the altered access would therefore fall well below the *MfS* recommended levels.
25. Although Pangbourne Road has a speed limit of 30 mph, it is long, relatively straight and wide and it lacks footways or street lighting in the vicinity of the appeal site. This all suggests that the visibility levels from the access should meet the required standard in *MfS*. The appellant has pointed to a reduction in traffic using the access as a result of the removal of the existing equestrian structures and their replacement with a dwelling. However, in my view and having regard to the level of daily movements normally associated with a dwelling, a significant reduction would be unlikely to occur in this instance.
26. Consequently, whilst visibility from the existing access is substandard, in my view the proposal offers no significant benefits in terms of highway safety. Therefore, it would be unacceptably harmful to highway safety and would not accord with CS Policy CS13, because it would not improve and promote opportunities for healthy and safe travel.

Living conditions

27. The front elevation of the proposed dwelling would be less than 20 metres from the rear elevation of 'Timberley'. The adjoining dwellings 'South Croft' and 'Cleobury' are sited much closer to Pangbourne Road, thus their rear elevations would be significantly further from the site of the proposed dwelling. During my visit, I viewed the appeal site from the rear facing windows and rear garden of 'Cleobury'. The only first floor windows in the proposed dwelling facing towards neighbouring properties would serve bathrooms or light a staircase and could thus be obscure glazed. Conditions could be imposed to secure the use of obscured glazing. Consequently, the proposed dwelling would not result in any unacceptable loss of privacy to the occupiers of 'Timberley' or the neighbouring dwellings.
28. The proposed dwelling would not be sited immediately adjacent to the rear boundary of 'Timberley' or the boundaries of the neighbouring properties. The overall size and bulk of the proposed dwelling apparent from neighbouring properties would be substantially offset, by its location towards the end of their reasonably long gardens and also by the existing planting along their

boundaries. Its overall apparent scale would be further minimised in relation to neighbouring properties by the low-profile roof design and the reduced ground floor level. As a result, the proposed dwelling would not appear as an unduly oppressive or overbearing feature when viewed from the living areas or gardens of the adjoining residential properties.

29. Consequently, whilst I can understand the concerns of the occupiers of the adjoining residential properties, I find that the proposed dwelling would not harm their living conditions through either an unacceptable loss of privacy or overbearing impact and it would therefore accord with CS Policy CS14 in this regard.

Planning balance

30. There would be some limited benefits arising from the proposal, notably an increase in the supply of housing, and there would be no unacceptable harm to the living conditions of the occupiers of neighbouring dwellings. However, the adverse impacts on the landscape character and scenic beauty of the AONB carry great weight and together with the adverse impact on highway safety conditions would significantly and demonstrably outweigh the small scale benefits, when assessed against the policies in the Framework and the Development Plan taken as a whole. Consequently, the proposed dwelling would not amount to sustainable development as defined in the Framework.

Conclusion

31. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR