



Appeal Decision

Site visit made on 16 July 2018

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Appeal Ref: APP/W0340/W/18/3196908

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 & Mrs Gidden against the decision of West Berkshire Council.
 - The application Ref 17/02076/FULD, dated 19 July 2017, was refused by notice dated 21 September 2017.
 - The development proposed is for a new dwelling and relocate access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effects of the proposal on firstly, the landscape character and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty including its effect on a protected tree and secondly, on highway safety.

Reasons

Landscape character and scenic beauty

3. The appeal site lies to the rear of the host property, which itself is of modern appearance and located within a long ribbon of contemporary detached dwellings. This row extends between open countryside and the village of Upper Basildon and whilst varying in size and style, the dwellings generally face the road with most having deep rear gardens. There are a few incursions into the rear of the plots by fairly recent housing, particularly in Knappswood Close and Morrison Close and a single dwelling located adjacent to Apple Tree Cottage, to the west of the appeal site. I was able to observe the nature and character of those developments during my site visit and understand that the latter development was in residential use previously. Beyond the appellant's garden and adjoining paddock the landscape becomes far more wooded, which is typical of this part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
4. The appeal site was the subject of an adverse appeal decision¹ for a much larger dwelling in 2016. The Inspector's site description remains relevant and from what I also noted, the site consists of an area which broadens out beyond

¹ APP/W0340/W/16/3155293

- the present rear garden into a paddock that is repeated in nearby properties. These paddock areas extend towards the woodland to the south.
5. The proposal would occupy most of the footprint of an existing horse stabling structure that lies behind the adjoining property, South Croft and within the settlement limits. The previous Inspector opined that due to the presence of similar developments nearby, a dwelling at this particular location would not present itself as an unacceptable form of 'backland' development and neither did he criticise the contemporary nature of the design of the proposed dwelling. However, what he did find was that that the scale and bulk would have an entirely different character by comparison with the modest low key nature of the equestrian building on site. I would agree with my colleague's assessment on the basis of how he described the development before him.
 6. Although the details of the previous appeal scheme are not before me, the present proposals show a two storey three-bed property of a highly contemporary style. Its scale and bulk are reduced through an imaginative arrangement of projections and use of both traditional and modern materials. Despite the apparent reduction in size however, the distances between the proposed dwelling and the rear of both South Croft and the host property would remain relatively small by comparison with the spacious arrangement of housing within the vicinity and neighbourhood. Moreover, the previous Inspector pointed to the limited gap between the side of Timberley and its side boundary and through which the access to the appeal site would be taken. Despite attention to design and size ratios, I also find that the dwelling as proposed and sited would give the impression of being cramped within the plot by comparison with the prevailing character of the area. The proposal before me has failed to respond to the previous Inspector's concerns that I also echo and I conclude that the proposal would result in a more built-up and enclosed appearance to the appeal site and its environs. My adverse conclusions are strengthened by the semi-rural character of this part of the village. Development at this location would have an unacceptable urbanisation effect.
 7. Turning to the hornbeam that stands prominently to the west of the proposed access and subject to a Tree Protection Order, the appellants have submitted a tree survey and tree protection proposals. The Council's Tree Officer has confirmed that in relation to the protected hornbeam, the proposals are satisfactory. However, the Council now raises concern in relation to the three beech trees located within the garden of Tree Tops. In particular, it believes the proposed development would be too close to those trees and despite the identification of root protection areas in the tree survey, it considers that the proposed house should be the subject of re-siting to avoid potential future nuisance as well as light reduction. However, the Council has not provided any contrary evidence that would lead to the undermining of the report's conclusions. Moreover, it is noted that the previous Inspector confined his concerns to the protected tree only. Accordingly, I am satisfied that the current proposals would not lead to unacceptable damage to the protected hornbeam whilst no convincing evidence has been presented as to the potential effects to the three beech trees or that the presence of these trees would seriously affect the living conditions of future occupiers of the proposed dwelling.
 8. Notwithstanding that the development would lie entirely within the settlement limits and my conclusions as to the likely effects upon both the protected tree

and the three beech trees on neighbouring land, I find that the proposal would seriously conflict with the design principles embodied in policy CS14 of the adopted west Berkshire Core Strategy (CS) as it would fail to provide a high quality design that would respect the density, character and landscape of the surrounding area. Further, the proposal would be inconsistent with the Council's adopted Supplementary Planning Document relating to Quality Design in that it would not respond positively to the residential character found in this area or in terms of having an acceptable relationship to the adjoining open countryside and landscape setting. Importantly, it would also fail to protect the setting of the AONB and therefore its special landscape character and scenic beauty, contrary to paragraph 115 of the Framework.

Highway safety

9. Under the previous appeal scheme, the Inspector noted that the visibility splays for the proposed shared access of 22.5m to the west and 19.3m to the east based in an 'x' distance of 2m from the edge of the carriageway would fail to meet the safe stopping distance for visibility splays specified in Manual for Streets² (MfS) of 2.4m x 43m. The current proposals show a revised access location, which has significantly increased the available visibility splays to 2.4m x 34.7m in an easterly direction and 2.4m x 51m in a westerly direction. Despite this, the Council maintains through its advice from the local highway authority that the full MfS requirements must be achieved.
10. The appellants suggest that the proposal would result in a net reduction in traffic using the proposed improved access as opposed to the existing situation. However, the reduction by the appellants' own admission is not significant and would not normally be sufficient to outweigh situations where visibility is so substandard as to comprise a danger to road users.
11. That said, in this case, the visibility splays that would be achievable are only marginally below the recommended standards. I acknowledge that traditionally, sightlines have been constructed with an emphasis on ensuring motorists had wide splays and generous sightlines so that they could react to hazards that are before them. I would accept the appellants' arguments that this tends to encourage higher speeds. Irrespective, I do not believe that the proposed visibility splays would lead to unacceptable risks to highway users and do not find that severe harm in the manner envisaged in the Framework would occur. The provision of an improved access for the host property would in my view constitute a significant benefit overall.
12. Accordingly, I do not believe that the proposed access would be unacceptably harmful to highway safety; quite the contrary, I consider that the proposal would offer a significant benefit in this regard. Consequently, the proposal would accord with CS Policy CS13 as it would improve the existing arrangements and thereby lead to the promotion of opportunities for healthy and safe travel.

Other matters

13. The previous Inspector did not find that harm to the living conditions of neighbouring properties would be caused by a much larger dwelling footprint and having regard to the size of existing rear gardens to those properties and

² Manual for Streets (2007) – Welsh Government, CLG and DoT

the opportunities for effective landscaping, I also find that harm is unlikely to ensue.

Planning balance and conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case, I have found that the appeal proposal would be clearly contrary to the development plan when read as a whole.
15. The proposal would provide a modest economic and social benefit from the provision of one new dwelling towards the supply of housing. However, this would make only a minimal contribution to the supply of housing within the Borough. Acknowledging the role that small sites can have to play in the overall supply of housing I have given this moderate weight. Limited short term economic benefits would result from construction work and subsequent local spending by the future household. I attach moderate weight to this.
16. However, given the level of harm that I have found in relation to the effects on local character and indeed to the wider AONB, the proposal would not result in real environmental benefit. This is despite my findings that the proposal will not lead to the loss of protected trees or trees that are of local importance. Moreover, despite finding that the proposal on balance would be unlikely to lead to conditions that would constitute a highway danger, the adverse effect on landscape character and scenic beauty of the AONB carries with it great weight. This would significantly and demonstrably outweigh the limited benefits that have been identified. Consequently, the proposed dwelling would not amount to sustainable development.
17. For the above reasons and having regard to all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR