

Planning Appeal Decisions

Committee: Eastern Area Planning Committee on 25th August 2021

Officer: Bob Dray, Team Leader (Development Control)

Recommendation: Note contents of this report

1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. Further decisions have also been received and these will be reported in a later report. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council's Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision	Costs
20/00388/FULD Appeal: 3261314 Written reps	Five Acres, Bath Road, Woolhampton Erection of two detached 3 bed dwellings.	Delegated refusal	Dismissed 01/03/2021	N/A
20/00929/HOUSE Appeal: 3260589 Written reps	1 Kirton Farm Cottages, Pingewood Two storey rear extension	Delegated refusal	Dismissed 02/03/2021	N/A
20/00999/FULD Appeal: 3258447 Written reps	11 Turnfields, Thatcham Construction of a one-bedroom single storey dwelling and associated parking.	Delegated refusal	Dismissed 03/03/2021	N/A
20/00635/FUL Appeal: 3258591 Written reps	29 Skylings, Newbury Three bedroom detached self-build dwelling.	Delegated refusal	Dismissed 03/03/2021	N/A
19/02216/FULD Appeal: 3265708 Written reps	Land at 4 High Street, Hermitage Demolition of outbuildings and erection of 2 no. 4 bedroom dwellings and associated works.	Delegated refusal	Dismissed 30/04/2021	N/A
20/01958/HOUSE Appeal: 3266752 Written reps	Lothlorien, Slanting Hill, Hermitage Extension to side of house with linking extension to existing garage.	Delegated refusal	Allowed 05/05/2021	N/A
20/02278/HOUSE Appeal: 3265420 Written reps	Brookfield House, Mans Hill, Burghfield Common Erection of garage with store and home office above; creation of associated driveway.	Delegated refusal	Dismissed 18/05/2021	N/A

<p>20/01920/OUTD</p> <p>Appeal: 3265397</p> <p>Written reps</p>	<p>Land adjacent to Hunts Cottage, School Hill, Midgham Green</p> <p>Outline application for the erection of a dwelling and garage on land adjacent to Hunts Cottage, School Hill, Midgham Green together with access from School Hill and associated landscaping. Principle and means of access to be considered.</p>	<p>Delegated refusal</p>	<p>Dismissed 01/06/2021</p>	<p>N/A</p>
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Housing in the countryside

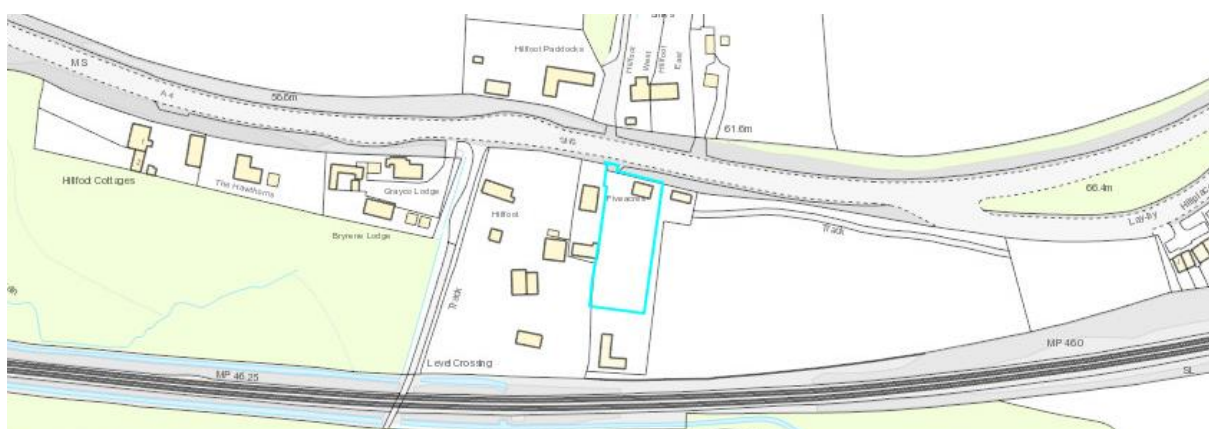
- The decision at **Hunts Cottage** turned on the interpretation of the criteria in Policy C1 for **limited infill development** in the countryside, in the context of the presumption against new residential development outside of settlement boundaries. In this instance, there was no dispute between the Council and Appellant that the proposal would, subject to reserved matters, comply with the criteria set out at Policy C1, ii, iii and iv. Moreover, there was no dispute that the appeal site fronts an existing highway. The dispute, therefore, relates to whether the appeal site is within a closely knit cluster of 10 or more existing dwellings.



- The Inspector commented that the appeal site is located between one existing dwelling to the west and four to the east. Hunts Cottage is located beyond the dwellings to the east. Given the close physical and visual relationship between these properties, the Inspector considered that they form a closely knit cluster of six dwellings. There are also properties located on the east side of New Hill Road that form a second cluster of dwellings. The Inspector recognised that from certain vantage points within the immediate locality, the dwellings either side of the road can be seen in the same view. However, given the distance between the two clusters, the intervening road and areas of open land, they appear as two separate and distinct clusters. As such, the Inspector agreed with the Council that the appeal site is not within a closely knit cluster of 10 or more existing dwellings.
- The Inspector rejected Appellant's contention that the site had good accessibility to services and facilities, noting that no details of any available public transport to these

areas from Midgham Green had been provided. He commented that there is a lack of pavements and street lighting in and around the village, so that walking or cycling to other areas would be difficult. The Inspector concluded that future occupants of the proposed dwellings are therefore likely to rely on private motor vehicle to access every day services and facilities, including employment.

5. The Inspector also rejected the Appellant's arguments that Policy C1 was inconsistent with the NPPF in that it was suggested to set out an overly blanket restraint on any residential development outside of settlements, or that the Council's spatial strategy (ADPP1 and ADPP6) was inconsistent with the overarching aims of the NPPF. The Inspector pointed to the exceptions for housing in the countryside given by Policy C1 in concluding that this did not constitute "blanket protection", which would be inconsistent with the NPPF. Moreover, the Inspector considered that the Council's spatial strategy seeks to direct development to the most appropriate locations and protect the rural character of the countryside, both of which were consistent with the NPPF. The Inspector acknowledged that his view was consistent with previous Inspectors that the policies were consistent with the NPPF and should be afforded full weight.
6. The Inspector recognised that the proposed development had received local support and no objections from technical consultees. It was also suggested that the current appearance of the appeal site detracts from the character and appearance of the area and that the proposal would remedy this. However, the Inspector stated that development proposals may be unacceptable in planning terms despite local support. Further, the appearance of the appeal site could be improved without the proposed development and is essentially a maintenance matter. The Inspector did not raise any concerns with the setting of Hunts Cottage as a Grade II listed building, or in terms of neighbouring amenity. He also considered that the proposed development could, subject to reserved matters, respect the character and appearance of the area, and achieve a net gain in biodiversity. However, the Inspector stated that these factors would be required of all development and therefore these were neutral factors in his overall conclusion.
7. In **Five Acres**, the Appellant accepted that the proposal was contrary to Policy C1, but suggested that the proposal was in accordance with Policy C2. This policy states that small scale **rural exception housing schemes** will be permitted adjacent to rural settlements to meet a local housing need. Affordable housing within the scheme must remain affordable in perpetuity and rural exception sites are expected to deliver 100% affordable housing.



8. The appellant stated that he was willing to enter into a legal agreement to secure the proposed dwellings as affordable housing in the event of the eventual sale or rental of

the proposed dwellings. However, there is no planning obligation presented at appeal to this effect and the Inspector stated that the suggested terms would fail to secure the dwellings as affordable housing in perpetuity, as they would only come into effect if the dwellings are sold or rented following their initial occupation by the proposed self-builders. As such, he afforded limited weight to this matter.

9. The Inspector was not persuaded by the Appellant's suggestion that the Local Plan does not make any specific provision for **self-build and custom housebuilding**. The Council had referred the Inspector to an appeal decision in which this matter was considered and where the Inspector found that the development plan does allow for the provision of self-build/custom build, although no specific mention is made. Rather, the plan requires an appropriate mix of housing based on the needs of various and different groups in the community, including those wishing to build their own homes. The Inspector in this case commented that there was nothing sufficiently compelling in the evidence before him to reach a different conclusion.
10. The Inspector also concluded that the proposal would cause harm to the character and appearance of the area. He stated that the appeal site provides a visual transition between the dwellings to the west and the open countryside to the east, and that by extending the existing frontage further along the A4, it would be visually intrusive. It would also exacerbate the large parking area to the front of the dwellings. He also found that the spacing between the proposed dwellings would not reflect the more informal layout of the existing dwellings to the west which contributes to the area's sense of openness and rural character.
11. Given the close proximity of the busy A4 and the railway line, the Inspector was also concerned with noise and vibration, and therefore considered a noise assessment necessary to more accurately assess and understand the living conditions of future occupants. Without such an assessment the Inspector concluded that the proposal was contrary to Policy OVS.6 (Noise) of the Local Plan.

Housing within settlement

12. At **11 Turnfields**, a proposed single storey infill development between The Moors and Turnfields was refused due to concerns with harm to the character and appearance of the area, residential amenity, and highway standards. With respect to amenity, the Inspector was satisfied that obscure glazing on a side window would prevent overlooking of an existing dwelling, and that despite nearby maisonettes and a detached property being on lower ground levels, the proposed dwelling would not be imposing or overbearing on these neighbours. However, the Inspector did consider that several large first floor windows in a neighbouring property would result in direct views at a short distance into the main garden area of the proposed property, significantly limiting the levels of privacy. The Inspector disagreed with the Council's concerns on character and appearance, he recognised that having a gable facing the road would contrast with the terrace adjacent to the site, but commented that dwellings beyond the site were orientated differently. The change in scale to a bungalow was also not judged to be harmful. With respect to parking, the Inspector noted that the proposed two off-street parking spaces would exceed the Council's parking standards, but agreed with the Council that there would be limited space to the front of the proposed parking spaces to manoeuvre. In the absence of evidence to the contrary (e.g. tracking plot diagrams), the Inspector concluded that the layout would require repeated movements, and that this would be likely to conflict with other road users where there is no street lighting or designated pedestrian footway.

13. In **4 High Street, Hermitage** the Inspector disagreed with the Council's contention that the two proposed dwellings would harm the character of Hermitage through backland development and the erosion of the wooded backdrop. The Inspector recognised that the appeal site extends beyond the road frontage towards an area of very mature woodland, which forms a discernible backdrop for the village which is particularly apparent nearer the post office and pub. However, whilst the Village Design Statement indicates that the village is linear, the Inspector commented that this is not restricted to a single plot depth frontage building line, particularly in the vicinity of the appeal site. They also concluded that the height and siting of the dwellings would not significantly harm the view across the site towards the backdrop of trees, as the tree canopy would be higher. However, the Inspector did dismiss the appeal because they agreed with the Council's concerns regarding living standards for the intended occupants of the development and another adjacent house that is currently under construction. A separation distance of 8.6m between two storey dwellings was judged to be overbearing and create an inappropriate sense of enclosure to the adjacent dwelling. Both dwellings would suffer a lack of privacy.
14. At **29 Skylings**, Newbury, a proposed detached dwelling accessed from Martingale Chase was refused due to concerns with character and appearance, amenity and inadequate parking. The Inspector agreed with the Council in all respects. In terms of character, the detached dwelling was judged to be at odds with the settlement pattern comprising regular terraces and spacious plots. In terms of living conditions, the proposed dwelling would introduce first floor windows in close proximity to the boundary giving direct an uninterrupted views into the neighbouring garden. The Inspector commented that, while some mutual overlooking is inevitable and tolerable in residential areas, this proposal would significantly increase the level of overlooking and reduce the privacy occupiers currently experience. Despite other relationships with other existing dwellings not being particularly harmful, this concern was deemed unacceptable. In terms of parking, the Inspector had regard to the Council's adopted standards, the proposed intensification of parking on the site to two dwellings, and observed on-street parking issues, concluding the proposal would be harmful to highway safety.

Non-designated heritage assets

15. **Brookfield House** is identified in the West Berkshire Historic Environment Record, and is as such a non-designated heritage asset (i.e. a building having a degree of significance meriting consideration in planning decisions, because of its heritage interest, but which is not otherwise listed/designated). Its significance is derived principally from its age, its unique design and appearance, and its prominent location within the countryside. The proposed development would comprise the erection of a detached outbuilding, with five parking bays on the ground floor. The roof space of the building would be used to provide storage and a home office. The Inspector agreed with the Council that, whilst the proposed garage block would be lower in height than the host dwelling, the appeal proposal would result in a building of considerable height, bulk, scale and mass. It would extend above surrounding boundary treatment and due to its size, it would extend the height and spread of built development along the boundary of the site, which would be clearly visible from Mans Hill. The Inspector concluded it would be an incongruous form of development in local context. With respect to the impact on the significance of Brookfield House as a non-designated heritage asset, the Inspector commented that the proposed outbuilding would be of a considerable size and scale, in particular its height, with the roof level of the proposed building being comparable to the second floor of Brookfield House. As a result, the Inspector agreed with the Council that, despite the overall design and appearance of the proposed building being in keeping with the features of Brookfield House, the proposed outbuilding would appear as a prominent building, clearly visible in local views. As such, it would detract from the

overall legibility of Brookfield House and, due to its size, would harm the significance of the building as a non-designated heritage asset.

Householder development

16. In **1 Kirton Farm Cottages** a substantial rear extension was proposed to one of a pair of semi-detached dwellings. The existing host dwelling was markedly smaller than its neighbour, which had a wider frontage. The neighbour also had an existing extension to the rear but set away from the common boundary. The proposed development sought to emulate the neighbouring extension, but given the smaller host dwelling would be positioned immediately along the boundary. As the proposed two storey extension would protrude a substantial distance to the rear, and would extend across its full width, at the same height, with a footprint marginally smaller than the existing dwelling, the Inspector concluded that it would be a large and bulky form of development that would not be subservient to the host dwelling, and would be visible from an adjoining public footpath. The Inspector commented that the historical extensions to the neighbour did not justify the proposal or outweigh the harm. Given the position of the proposed extension immediately alongside the boundary, as well as its design and height, the Inspector also agreed with the Council that it would represent a visually intrusive, overbearing and overshadowing form of development. A letter of support from the affected neighbour did not alter the Inspector's decision given the conflict with adopted policies.

17. At **Lothlorien** the Inspector disagreed with the Council that an extension linking a substantial dwelling with an existing outbuilding, which due to changing ground levels was single storey scale at the front and three storey scale at the rear, was harmful to the AONB. The Inspector also disagreed with privacy concerns regarding windows and balconies given a mutual level of overlooking, the angles oblique angle of overlooking, and because balconies would only be in occasional use.