

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/02586/FUL Hungerford	19 <sup>th</sup> January 2024	Erection of a single detached three bedroom house (125 Strongrove Hill) and associated works  Land Adjacent to 123 Strongrove Hill  Hungerford  David Withers
<sup>1</sup> Extension of time agreed with applicant until 8 <sup>th</sup> March 2024			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02586/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=S4459DRD0MN00>

<b>Recommendation Summary:</b>	To delegate to the Development Manager to REFUSE PLANNING PERMISSION
<b>Ward Member(s):</b>	Councillor Denise Gaines Councillor Tony Vickers Councillor Dennis Benneyworth
<b>Reason for Committee Determination:</b>	Called-in by Ward Member. Reason: This application has the support of Hungerford Town Council and has garnered some local support.
<b>Committee Site Visit:</b>	10 <sup>th</sup> July 2024

#### Contact Officer Details

<b>Name:</b>	Sian Cutts
<b>Job Title:</b>	Senior Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Sian.cutts@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 The application site is situated to the south of the A4 Strongrove Hill along a footpath (HUNG/33/2) which provides access to 6 other houses, and there is a seventh house within this group of houses which is accessed directly from the A4.
- 1.3 A pair of semi-detached houses stood on the site historically, but were removed in the first half of the 20<sup>th</sup> century, possibly before 1939. The site is now overgrown and wooded, and there are no remains of the semi-detached houses. The site has been left to revert to a natural state for more than 80 years, so can no longer be considered as previously developed land.
- 1.4 To the south of the site is the River Dun and Freeman's Marsh a SSSI.
- 1.5 This application seeks planning permission for the erection of a 3 bedroom detached house. The accommodation is proposed over two floors, with the first floor utilising the roof space. A traditional pitched roof with dormer windows is proposed on the south (front) elevation, whilst the rear comprises a two-storey flat roof addition. A first floor balcony is proposed which can be seen on the south and east elevations. It is proposed to level the site to construct the house.
- 1.6 A 2 metre high acoustic fence and replacement fence is proposed along the boundary with the A4. The site plan indicated parking to serve three cars, with an electric vehicle charging point, a green roof, and a rainwater catchment tank and sewage treatment plant. The development is proposed to be served by a private water supply.
- 1.7 It is proposed to widen the vehicular access to the A4, and a bonded surface of 4.6 metres wide for a length of 6 metres is proposed.
- 1.8 The house is proposed to be built using an insulating concrete framework, and the exterior clad with brick on the ground floor and a clad or coloured finish at first floor. The south elevation of the roof is proposed to be slate tiles with a photovoltaic solar panel, the flat roof section is proposed to be rubber, with a sedum covering.
- 1.9 The applicant has requested that the application is considered as a design of exceptional quality in accordance with paragraph 84 of the NPPF.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
77/07181/ADD	One Dwellinghouse	Refused 18/01/1978 Appeal Dismissed

		15/06/1978
80/012966/ADD	One dwelling house	Refused 04/06/1980
80/13937/ADD	One Dwelling	Refused 05/11/1980 Appeal dismissed 17/09/1981
85/24272/ADD	Dwelling Naturalists study home	Refused 24/07/1985
21/00185/FULD	Erection of 2 no detached 3 bedroom dwellings (nos. 124 and 125) and associated works	Refused 26.11.2021 Appeal Dismissed 21/07/2023

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.
- 3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.
- 3.3 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s Statement of Community Involvement. A site notice was displayed on 6<sup>th</sup> December 2023 at the access to the site, with a deadline for representations of 29<sup>th</sup> December 2023. A public notice was displayed in the Newbury Weekly News on 7<sup>th</sup> December 2023; with a deadline for representations of 21<sup>st</sup> December 2023.
- 3.4 **Neighbour Notification:** One neighbouring property was notified of the application.
- 3.5 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to

make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.6
New Homes Bonus	Yes	No	3.8
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.6 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.7 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £50,625 and indexed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.8 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.9 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.10 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.11 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.12 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.13 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.14 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of one dwelling.
- 3.15 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Hungerford Town Council:</b>	No objections
<b>WBC Highways:</b>	Approval subject to conditions
<b>Lead Local Flood Authority:</b>	1 <sup>st</sup> Response: Require evidence of infiltration testing compliant with BRE365 standards, and further drainage details are required.  2 <sup>nd</sup> Response: No objection
<b>Environmental Health:</b>	No objection, recommend informative about use of private water supply.
<b>Trees:</b>	No objection subject to compliance with the Arboricultural Method Statement and Arboricultural Impact Assessment
<b>Environment Agency:</b>	No comment
<b>AONB Board:</b>	No response received
<b>Archaeology:</b>	No objections
<b>Public Rights of Way:</b>	No response received
<b>Ramblers Association:</b>	No response received
<b>Thames Water:</b>	No response received
<b>Waste Management:</b>	No response received
<b>Natural England:</b>	No response received
<b>Ecology:</b>	Object: Insufficient information detail and evidence of any survey being conducted in line with any relevant guidance.
<b>Conservation &amp; Design Officer</b>	The design of this development is not considered to be of exceptional quality, in line with the NPPF (2023, para. 84).
<b>Environment Team:</b>	No response received

### ***Public representations***

- 4.2 Representations have been received from nine contributors, eight of which support, and one of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised as objections:

- There has not been a house on the site for more than 100 years.
- The road to the houses is the responsibility of the residents, it is a footpath.
- The previous house was closer to 126.
- Alterations made to the ground.
- Previous refusal on the site

4.4 The following issues/points have been raised in support:

- Improvements to the road access and from Strongrove Hill to the A4, making it safer and more accessible.
- Make a positive and sensitive enhancement to the area.
- Previously had a building on the site.
- The town is in need of more houses.
- Enhance the rural community.

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- WBC Sustainable Drainage Systems SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development.
- Impact on the character and appearance of the area
- Sustainability of the design
- Trees
- Highway Safety and PROW
- Drainage
- Ecology
- Neighbouring Amenity

## ***Principle of development***

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused. It states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is related to the transport accessibility of the settlements (especially by public transport, cycling and walking), their level of services and the availability of suitable sites for development. Policy ADPP1 also states that the majority of development will take place on previously developed land.
- 6.3 Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Furthermore, it would not be considered as previously developed land as the site has returned to its natural form following the demolition of the previous pair of semi-detached dwellings more than 80 years ago.
- 6.4 Policy CS1, places a presumption against new residential development outside settlement boundaries, unless the proposal falls within one of the exceptions set out in the policy. The exceptions are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary. Officers consider that this proposal does not fall under one of the exceptions listed.
- 6.5 Policy C1 goes on to state that in settlements in the countryside with no defined settlement boundary limited infill development may be considered only where:
- it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
  - the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
  - it does not extend the existing frontage; and
  - the plot size and spacing between dwellings is like adjacent properties and respects the rural character and street scene of the locality.
- 6.6 It is considered that the development fails to comply with the above criteria.
- 6.7 It is important to note that the previous application on the site for two dwellings (21/00185/FULD) was dismissed as the Inspector concluded that residential development on this site was contrary to Policy C1. A copy of the Appeal decision is included at Appendix 1. He concluded that the group of houses south of the A4 at Strongrove Hill consist of a group of 7 dwellings and not 10 as required by the policy, and that the separation between the terraced and detached dwellings, and the separation caused by the access, would not be a closely-knit cluster of 10 or more dwellings, concluding that:
- 6.8 *“7. ...within this group of existing dwellings, the plot sizes are varied in shape and size but given the lack of close-knit clustering, the development would not be within an otherwise built-up frontage. The development would not be infill given the number and spacing of dwellings within this hamlet, and therefore, there would be conflict with HSA Policy C1 and CS Policy ADPP1.”*

- 6.9 The proposed development conflicts with HSADPD Policy C1 as it is not an appropriate form of limited infill development within the countryside. Furthermore, the development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The proposal is contrary to Policy C1 and Policy ADPP1 as it does not accord with the spatial strategy set out within the development plan policies.
- 6.10 During the consideration of this application, the applicant requested that the proposals were considered in the light of exceptional design considerations. Paragraph 4.17 of the HSADPD in the supporting text to Policy C1 says, “*there may be a special circumstance, where a new home of truly outstanding design standards, reflecting the highest standards of architecture is proposed. These will be considered on their individual merits.*”
- 6.11 The NPPF paragraph 84 advises that the development of isolated homes in the countryside should be avoided unless in specified exceptions which includes that,
- “e) the design is of exceptional quality, in that it:*
- *Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*
- 6.12 To assess whether the proposal meets the test set out in the NPPF of ‘design of exceptional quality’ the following material considerations need to be taken into account.

### ***Impact on the character and appearance of the area***

- 6.13 Policy ADPP5 is the spatial strategy for the North Wessex Downs Area of Outstanding Natural Beauty (AONB), now known as a National Landscape. Relatively limited housing growth is planned within this protected landscape. Recognising the area as a national landscape designation, the policy envisions that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
- 6.14 Policy CS14 says that development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The policy highlights that good design also refers to the way it functions and that the wider context should be considered not just the immediate area.
- 6.15 Policy CS19 says that to conserve and enhance the diversity and landscape character of the area particular regard will be given to the sensitivity of the area to change, and ensuring that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.16 Policy C3 of the HSADPD also sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard will be had to the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.

- 6.17 This application is also seeking to meet the NPPF test of a design of exceptional quality set out at paragraph 84 of the NPPF.
- 6.18 The proposed dwelling would be sited adjacent to a group of existing dwellings, with the houses to the far west of the lane of mid-19th century origin and a modern brick cottage with thatched roof adjacent to the site, with a pair of semi-detached houses to the east of the site also of mid-19<sup>th</sup> century origins. The application has referred to these dwellings in a descriptive way, but has not analysed the local vernacular or character by reference to material, composition, articulation, fenestration, roof forms and does not provide a landscape visual impact analysis to allow consideration of the property or its setting through views within the National Landscape.
- 6.19 The proposed dwelling has a traditional front elevation with a pitched roof, low eaves and dormer windows. However, to the rear and right-hand side it comprises a large, bulky and cumbersome two storey flat roof element. The result is an incoherent mix of different forms, creating an odd, bulky dwelling. The rear elevations have no visual interest in materiality, detailing and articulation and the mix of the traditional and modern features result in a visual clash. In addition, there is a lack of horizontal and vertical alignment in the features and openings.
- 6.20 The proposed dwelling is larger in scale than the neighbouring dwellings, with a footprint similar to the combined footprint of 122-123 Strongrove Hill. The dwelling is proposed to be sited closer to the footpath than the other dwellings, with a separation distance averaging at 4m from the PROW, and further forward than the other properties fronting the PROW. Whilst the dwelling has the appearance of 1½ storeys to the front it is 2 storeys at the rear and the side, and the rectilinear forms of the side extension increases the visual perceptions of the bulk of the house.
- 6.21 In dismissing the previous appeal on the site, the Inspector referred to the dominance of the dwellings, due to the restricted depths of the plots and proximity of the dwellings to the PROW (the eastern house was situated 3.5 m to 1.75 metres from the PROW, with the eastern house set further back than the dwelling now proposed). It is considered that given the Inspector's conclusions on that proposal, the dwelling now proposed would also be visually dominant within the group of dwellings on Strongrove Hill, given its size and proximity to the PROW.
- 6.22 The proposed materials are render to the Insulated Concrete Formwork system, with brick slips at ground floor level, the roofing material is photovoltaic roof slates to the front with a rubber cover planted with sedum for the flat roof sections. The materials for the window frames have not been identified at this stage. Whilst conditions seeking details of materials can normally be imposed on schemes for new residential development, this is not appropriate for applications seeking consent for houses of 'exceptional' design quality. All matters of design, including materials, should be considered holistically at the outset.
- 6.23 Whilst the applicant has provided a rebuttal to the design consultation response which has been provided, this has mainly referred to the details that have already been provided about the context of the site and justification for the design. However, the response does not overcome the previously stated assessment that the proposal would not represent a design which would significantly enhance the immediate setting and be sensitive to defining characteristics of the local area. The supporting evidence to Policy C3 sets out the list of verifiable evidence to support their proposals, which includes an assessment of the landscape and visual effects of the proposal. No such Landscape and Visual Impact Assessment (LVIA) has been submitted with this application to demonstrate that the proposal would enhance the setting and be sensitive to the defining characteristic of the local area which is within the National Landscape. It is normal practice for an LVIA to be submitted with an application

seeking consent for a dwelling seeking consideration under paragraph 84 of the NPPF. The landscape information submitted with the application should also demonstrate that the design and location of the proposed dwelling has been fully informed by its immediate and wider landscape context.

- 6.24 The proposed dwelling would result in a dominant feature within the group of dwellings on Strongrove Hill, and whilst this could be softened through some landscaping, the bulk and appearance of the rectangular elements of the flat roof section would be evident to the west, and the overall massing and bulk would be prominent in the lane. It is not considered that this design would enhance its immediate setting. Given the mixture of discordant design features and the position of the dwelling in the site it would be a prominent feature within the streetscene, resulting in harm to the National Landscape.
- 6.25 Overall, it is not considered that the proposal represents high quality design, let alone the very high bar of 'exceptional' design quality required by paragraph 84 of the NPPF.

### **Sustainability of the Design**

- 6.26 Policy CS14 requires development proposals to seek to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency and incorporation of renewable energy. The case for the exceptional design of the dwelling includes the sustainability features of the development. The applicant claims that the building is being designed to Passivhaus principles. It is proposed to use air source heat pumps, photovoltaic panels, triple glazed windows, so the construction is proposed to be thermal bridge free (which improves insulation), and a mechanical ventilation with heat recovery system. This includes an Insulated Concrete Formwork for the buildings which provides a high degree of insulation, suitable for low energy homes. The proposal states that water will be provided via a borehole, and waste water will be dealt with through the provision of a grey water, a rainwater collection and storage system, as well as a package plant.
- 6.27 Whilst the proposal is incorporating these sustainability features, some of the evidence submitted with the application refers to outdated documents and policies such as EN8, OVS9, OVS10 PPS22 and 2005 BRE Eco home standard, which have now been superseded. The proposal also refers to Passivhaus standards but does not provide any evidence that the initial design is to be certified to this standard.
- 6.28 The proposal does not refer to the regulated and unregulated energy or the embodied energy contained within the fabric of the building and there is no reference to how these measures will meet or exceed what is required by Building Regulations. The NPPF definition of exceptional quality refers to reflecting the highest standards in architecture which would help to raise the standard of design more generally in rural areas. Whilst these proposed sustainability measures are beneficial, there is no evidence that the measures meet or exceed the highest standards in design, as required by paragraph 84 of the NPPF. Indeed, many of the measures that are proposed to be incorporated are now very prevalent and required as standard provision for all residential development and as part of Building Control regulations.
- 6.29 It is therefore considered that the proposed design will not provide any new and innovative techniques to help others to understand such construction techniques. It therefore fails to comply with the very high design standards expected by paragraph 84 of the NPPF.

### **Trees**

- 6.30 Policy CS18 seeks to ensure that the green infrastructure will be protected and enhanced. Whilst the site has become overgrown there are some mature trees within

the site. The application has been submitted with an Arboricultural Method Statement and an Arboricultural Impact Assessment which indicates that the trees including those along the boundary with the A4 are proposed to be removed, and replacement planting is proposed, although no details are provided. The Tree Officer has not raised any objections to the proposal, with conditions to ensure that the recommendations within the report are implemented and with conditions to secure a landscaping scheme, the development will not be harmful to the trees.

### ***Highway Safety and PROW***

- 6.31 Policy CS13 refers to any development that has an impact on the highway network, and Policy P1 requires parking to be provided for new residential development. The site is accessed via an existing track which serves the residents of Strongrove Hill, this track is also Footpath HUNG/33/2. It is proposed to modify the entrance to the A4 so that the access is widened to 5 metres and laid with a bonded surface for a 6 metre length. The Highways Officer has not raised any objections to the proposal, and details of the material to be used can be secured through conditions. The parking and cycle storage which is proposed can also be secured through conditions. The Highways Officer has also requested a condition requiring the submission of a Construction Method Statement for the construction phase of the development. With the use of appropriate conditions the proposal accords with the relevant policies.

### ***Drainage***

- 6.32 Policy CS16 requires that development proposals do not increase the flood risk elsewhere. The application site is close to the River Dun and is situated within Flood Zone 1. The previous application for two dwellings, included land to the south of the access track within the application site, which is within Flood Zones 2 and 3, and the proposed SuDS which was routed within that area, and Freeman's Marsh which is a SSSI. The Inspector dismissed the appeal as insufficient information had been provided about that drainage proposal and a Flood Risk Assessment was required. The current application has a different red line area, which is wholly within Flood Zone 1. A sustainable drainage strategy has been provided within this application, which includes infiltration testing, the proposals are considered to provide a sustainable drainage system which will not increase flood risk within Freeman's Marsh.

### ***Ecology***

- 6.33 Policy CS17 requires that biodiversity assets across the District will be conserved and enhanced. The policy also requires that all new development should maximise opportunities to achieve net gains in biodiversity. The policy says that opportunities for biodiversity improvement will be actively pursued within Biodiversity Opportunity Areas, which includes the adjacent Freeman's Marsh. The ecological survey which has been submitted with the application has been assessed by the Council's Ecologist. They have concluded that the information submitted does not present any evidence of an ecological appraisal conducted by a suitably qualified ecologist, and the documents which have been submitted lack sufficient detail of assessments, such as the scope of the works, details of the methodology, timings of the survey and weather conditions, results of the survey, and discussion of the survey results and conclusions on the local ecology and details of avoidance, mitigation and ecological enhancements for the proposal. The proposal therefore fails to provide evidence that biodiversity on the site will be conserved and enhanced, and so is contrary to Policy CS17.

### ***6.34 Neighbouring Amenity***

Policy CS14 also requires that new development makes apposite contribution to the quality of life in West Berkshire, and The Quality Design SPD sets out guidance for assessing the impact on living conditions of adjoining occupiers. The proposed

dwelling is sited within the plot at sufficient separation distance from 126 Strongrove Hill that there will not be significant loss of sunlight and daylight to that property. The proposed house has been designed with the window of bedroom 2 facing towards the garden of 126 Strongrove Hill with a separation distance of 4 metres. This will result in overlooking to that garden. However, a condition can be imposed which requires the window to be obscure glazed, to prevent overlooking and a loss of privacy to that dwelling.

### ***Town Council representations***

6.35 Hungerford Town Council have confirmed that they have no objections to the proposal.

## **7. Planning Balance and Conclusion**

- 7.1 This application is proposing a new dwelling in the countryside outside of any settlement boundaries. The site is not previously developed land as defined by the NPPF. It does not constitute a form of development which is permitted by policy C1, as Strongrove Hill does not constitute a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway, and so is contrary to the spatial policies set out in the development plan.
- 7.2 The application has failed to demonstrate that the proposal will not be harmful to biodiversity assets, as a preliminary ecological appraisal carried out by a suitably qualified ecologist has not been carried out, and so the Council does not have sufficient information to demonstrate that the proposal will not be harmful to biodiversity or protected species.
- 7.3 The applicant has requested that the proposal is considered as a design of exceptional quality, which is truly outstanding, reflecting the highest standards in architecture and raises the standards of design more generally in rural areas. The proposed materials for the dwelling are considered to be appropriate in the context of the surrounding development, however due to its massing, position within the plots, and mixture of design elements the proposed dwelling will not enhance the immediate setting of the site within the National Landscape, and so raise the standard of design.
- 7.4 The applicant has indicated that the design of the house to use low energy fabric, with high levels of insulation supplemented by air source heat pumps, photovoltaic panels and an Insulated Concrete Formwork (which the applicant has indicated has received some interest from Newbury College as training examples for students). The application claims that the dwelling will be built to highest environmental standards as a low energy home, however this has not been substantiated in terms of the standards that it will meet, and it has not been fully demonstrated that the sustainability of the build will reflect the highest standards. Whilst there has been some interest in the project from Newbury College, it is not clear that what is proposed is truly outstanding in terms of the standards of energy efficiency which are proposed. There is no evidence that the proposal has been designed by a qualified architect in demonstrating that the proposals reflect the highest standards in architecture. The developer was also invited to submit the details of the application to the Design Review Panel for an independent assessment of the proposals with regards to whether or not it meets the tests set out in paragraph 84 of the NPPF. The developer declined this opportunity.
- 7.5 The application as submitted has not fully demonstrated that the design is of an exceptional quality that is truly outstanding and reflects the highest standards in architecture and raises standards more generally in the rural area, and the proposal does not significantly enhance the immediate setting. Whilst the proposal will provide one additional dwelling, which would make a relatively small contribution to the overall

housing land supply, and provide a dwelling for self-build, it is not considered that the proposal would overcome policies C1 and ADPP1 as the design is not of an exceptional quality, and so the proposal is not in accordance with the development plan policies or the guidance contained within the NPPF.

## 8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Refusal Reasons**

1.	<p><b>Principle of development</b></p> <p>The proposed new dwelling is to be sited on land which is situated outside of any defined settlement boundary.</p> <p>Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy. Under the settlement hierarchy, the site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.</p> <p>Policy C1 of the West Berkshire HSA DPD (2006-2006) places a presumption against new residential development outside settlement boundaries, unless the proposal falls within an exception, such as limited infill in settlements in the open countryside, subject to criteria being met. It states that in settlements in the countryside with no defined settlement boundary, limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with the exception criteria of Policy C1 as the application site is not within a closely knit cluster of 10 or more dwellings, the development would not be within an otherwise built-up frontage, and would not be infill given the number and spacing of dwellings within this hamlet.</p> <p>The application therefore conflicts with Policies ADPP1 and C1 of the Housing Sites Allocation DPD (2006-2026).</p>
2.	<p><b>Not a dwelling of exceptional design</b></p> <p>The proposed dwelling will result in a prominent form of development within Strongrove Hill which due to its scale, massing and appearance would not enhance its immediate setting and be sensitive to the defining characteristics of the local area. The design of the dwelling has not been demonstrated to be truly outstanding, in terms of its appearance, materiality or relationship to the surrounding landscape. The variety of pitches of roofs and dormers and mixture of modern and traditional features result in a visually discordant appearance. In addition, the information submitted with the application fails to demonstrate that the sustainability measures meet the highest standards for sustainable construction and energy reduction.</p> <p>The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area. The proposal fails to demonstrate that it is a design of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture. It is contrary to paragraph 84 of the</p>

	NPPF, and Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026) and Policy C1 of the Housing Sites Allocation DPD (2006-2026)
3.	<p><b>Harm to character of area and lack of LVIA</b></p> <p>The proposed dwelling would be visually dominant within the group of dwellings on Strongrove Hill, given its size and proximity to the Public Right of Way. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape. The addition of a dwelling on this site would be out of character with the surrounding natural and undeveloped character of the area. It would not add to the overall visual quality of the area and will significantly harm the naturalised rural character and appearance of the area. The development would not adequately conserve or enhance the area and its character and a dwelling in this location would not respond well to the local character and context.</p> <p>Furthermore, the application has not been accompanied by an industry standard Landscape and Visual Impact Appraisal to demonstrate that the proposal would enhance the setting and be sensitive to the defining characteristic of the local area which is within the National Landscape. The proposal fails to demonstrate that it will conserve and enhance the local distinctiveness, sense of place and setting of the North Wessex Downs National Landscape.</p> <p>The application is therefore contrary to the NPPF, Policies ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy C3 of the Housing Sites Allocation DPD (2006-2026)</p>
4.	<p><b>Insufficient ecology survey</b></p> <p>The submitted ecological documents do not present any evidence of an ecological appraisal conducted by a suitably qualified ecologist and the presented documents lack sufficient detail of assessments and appraisals in accordance with the latest guidance. There is insufficient ecological information to inform the proposals and to allow for the Local Planning Authority to make an appropriate judgment of the impact of the development on protected species and habitats, and so is contrary to Policy CS17 West Berkshire Core Strategy (2006-2026) and the advice contained within the NPPF.</p>

### **Informatives**

1.	<p><b>Proactive</b></p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p><b>CIL</b></p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the</p>

	development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.
3.	<p>Refused Plans</p> <p>The following plans/documents have been considered in the determination of this application:</p> <p>Location Plan received 23<sup>rd</sup> November 2023  Block Plan Revision Ver: 1.1 received 15<sup>th</sup> January 2024  Proposed Ground Floor Plan revision 1.2 received 15<sup>th</sup> January 2024  Proposed North &amp; South Elevations Revision 1.2 received 15<sup>th</sup> January 2024  Proposed East and West Elevation Revision 1.2 received 15<sup>th</sup> January 2024  General Plan Revision ver 1.1 received 15<sup>th</sup> January 2024  Section through location Revision Ver 1.1 received 15<sup>th</sup> January 2024  Land Survey received 15<sup>th</sup> January 2024  Ecological Survey received 9<sup>th</sup> November 2023  Construction Management &amp; Design document received 9<sup>th</sup> November 2023  Highways Statement received 9<sup>th</sup> November 2023  BS 5837 Trees in Relation to Desing Demolition &amp; Construction Recommendations Report received 9<sup>th</sup> November 2023  Mechanical Ventilation with Heat Recovery document received 9<sup>th</sup> November 2023  Beco Wallform document received 9<sup>th</sup> November 2023  BioAir document received 9<sup>th</sup> November 2023  Design Statement received 9<sup>th</sup> November 2023  Beco Wallform ICF System Insulated Concrete Formwork Agreement received 9<sup>th</sup> November 2023  Evidence for an Exceptional Home received 5<sup>th</sup> March 2023  Sustainable Drainage Strategy received 15<sup>th</sup> January 2023  Supplementary to an Exceptional Home received 8<sup>th</sup> April 2024</p>