

12/03053 Pins Ref 2195524	Balholme, Snelmore Common, Donnington, RG14 3BD	Demolition of the existing dwelling and outbuilding and (construction of) a replacement dwelling and garage store.	Dele. Refusal	Allowed 14.11.2013
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Main Issue

The two reasons for refusal seemed to the Inspector to lead to a single main issue, being the effect of the proposed development on the character and appearance of the countryside in which the site lies.

Development Plan

The development plan comprises the West Berkshire Core Strategy and the saved policies of the Local Plan. Relevant policies limit development, and specifically housing, in the countryside outside settlements but permit replacement dwellings in specified circumstances and subject to certain criteria. An SPG concerning replacement dwellings and extensions to houses in the countryside was issued in 2004 and carries weight.

Reasons

Balholme is a sizable and simple detached chalet of brick and pantile construction standing on a modest plot in an isolated location to the north of Donnington Village. It is approached along a long and narrow track (which is also a bridleway) leading on past the house onto Snelmore Common, an SSSI. Mature woodland extends to the rear boundary of the site and provides the attractive backdrop to the building and its plot. The track serves a small number of houses and gives access to a golf course and, importantly, Donnington Castle (some distance to the south of the site), a scheduled ancient monument cared for by English Heritage.

The Council's concern is that, by virtue of its size and form, the proposal when compared to the existing house is disproportionate and, thereby is harmful to the qualities of the area. However, it neither defines disproportionate nor seemed to the Inspector to relate its consideration of the actual impact of the replacement building back to the language of its own policy and supporting text, or SPG.

In definitional terms, and having regard to content of the SPG, for a proposal to be disproportionate there must be something to which to relate it: if one looks at the existing house on its own, whoever's figures one relies upon, the replacement would represent a significant increase in size. Even if one approaches the comparison exercise on the basis of inclusion of the existing outbuilding (and then logically also of the new one) which the SPG does not entirely discount, there is still a large nett increase. Either way it is in the upper order of increases in size which the Council would regard as being disproportionate. However, then to go on to suggest that schemes of that order do not comply with policy or guidance did not seem to him logical, nor can such an approach be drawn from the words of the policy. Indeed the policy and its supporting text seemed to the Inspector very deliberate in their language, specifically indicating that circumstances, context and impact will differ between cases, such that a judgement as to what is "disproportionate" will be required in each case.

On that basis it seemed to him that the Council has failed to do the very thing that its policy requires of it: to judge the *actual* impact of the increase in size on its surroundings, and only then to decide whether it would be of such scale as to cause material harm, such that it would represent an unacceptable "disproportionate" increase in size.

For his part, he saw that the impact of the existing building, given its proportions and palette of materials, subtle and discrete in their hues, is extremely modest when set in front of the backdrop of mature and tall woodland trees. That backdrop is extensive, such that the building is an all but insignificant feature in a very expansive vista and landscape. Even when seen in relatively short views from the bridleway, one's attention and gaze are drawn to the huge and highly attractive landscape, both woodland and surrounding open land, rather than to the building. Turning to the proposal, the house would be slightly taller, rather longer and differently configured when compared with the existing house (which is a simple rectangle on plan, somewhat dilapidated and of little design merit or interest). It would resemble a traditional barn, though would comprise a modest central core with canted wings extending from its 2 flanks. Not only does this produce an interesting and unusual form, but it would have the effect of containing the visual extent of the large building, when seen either from afar or from the closer points of the bridleway. Furthermore, the materials proposed to be used (weatherboard and pantile) are both traditional and certain to help immediately to assimilate the building with its rural setting.

In his judgement, this would mean that, whilst those with knowledge of the site would likely notice a modest difference in visual impact upon completion of the scheme, that difference would be relatively subtle and neither those people, nor those without prior knowledge, could reasonably conclude that the building was an intrusive, let alone a harmful, element of the highly attractive but extremely robust landscape.

Turning briefly to the question of outbuildings, that which currently exists is low in height but large and utilitarian in its design and form. It dominates a corner of the site and has nothing in common either with the surrounding landscape or with the house. The proposed redevelopment is plainly intended to create a pair of buildings which are of a piece, such that the outbuilding's form would sit well with its host house and the landscape. In the Inspector's judgement the scheme succeeds in achieving that.

On that basis he concluded that the proposed development would not harm and, in introducing an interesting building to replace an unprepossessing one, would enhance the appearance of the locality. As such, it satisfies, rather than conflicts with, the relevant development plan policies, specifically Core Strategy policies CS14 and CS19 (design and respect for local distinctiveness and landscape). As a replacement dwelling, whilst it is beyond any settlement listed in HSG.1, he did not see that it conflicts with policy ADPP1 (indeed as previously developed land it would comply with it) and, for the reasons set out above, having regard to the policy's supporting text (paragraph 2.50.3), there is no conflict with policy ENV23. The same reasoning led him to conclude that, whilst increases of the order proposed would "*normally* be regarded as disproportionate" in the words of the SPG (but with his emphasis added), there would be no harm here, indeed arguably an improvement, such that the objectives of the SPG would not be infringed.

Other matters

Though the site abuts the SSSI, there is no substantiated suggestion that the proposal would affect, let alone harm, the nature conservation interest of the designated area, nor did he consider that it would. Conditions can be attached to ensure that bat interests are protected.

No party suggests that the proposed dwelling would itself affect the Castle, as a Scheduled Ancient Monument, though there are concerns over the use of the track serving it. Whilst he noted that English Heritage questions the legitimacy of the claim of a right of access, the

appellant has provided documentation to corroborate his claimed right and has also offered (i) an alternative route if required, and (ii) a construction transport management plan. Though the access track is indeed narrow and winding in parts, the Inspector saw nothing which would lead him to conclude that it would not be suitable to carry construction traffic associated with the proposed demolition and construction of a single dwelling. The question of the right to use it is not a planning matter. Another nearby resident has concerns over a water supply and meter, but again that is not a planning matter.

Conditions

The Council has suggested a number of conditions, to which the appellant has raised no substantive concerns. The Inspector considered all to be justified though have adapted some to meet the requirements of C.11/95, and provided reasons in the attached schedule. He noted particularly that recent storms have seriously damaged at least one of the trees which were intended to be retained and the discharging of the relevant conditions will clearly need to have regard to that fact. Noting the appellant's suggestions concerning alternative access to the site and the number of delivery trips required, he adapted the construction method condition to include construction access arrangements so as to allow the Council to finalise a scheme.

Conclusion

Overall, he concluded, for the reasons set out above, that the proposed development would respect the character and appearance of the area and would meet the development plan policies. Accordingly the appeal was allowed.

Costs Decision

Bearing in mind his decision to allow the appeal, the Inspector concluded that the Council had acted unreasonably, had not brought substantiated or reasoned evidence to demonstrate the harm that it alleged would result, nor to explain its view that the proposal fails to meet the development plan policies and SPG which it cited. It has thus caused unnecessary expense to be incurred by the appellant in having to pursue the appeal and hence costs were awarded to the appellant.

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