

13/00662 Pins Ref 2202179	Mildenhall Court, 11 Oxford Street, Lambourn RG17 8XS	Development of land carried out without complying with conditions subject to which a previous planning permission was granted.	Dele. Refusal	Dismissed 19.12.2013
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Main Issues

The Inspector considered that the main issues in this case are whether the condition in dispute is necessary in the interests of preserving or enhancing the character or appearance of the Lambourn Conservation Area and safeguarding the living conditions of occupiers of neighbouring properties, with particular regard to noise disturbance.

Background

Conditional planning permission was granted on 12 August 2008 for the demolition of buildings within the appeal site and the erection of 9 flats and the provision of 9 car parking spaces for new residents plus one space for the occupier of 11 Oxford Street (07/02442/FULD). A number of planning conditions were discharged by the Council in April 2011 including a scheme for the means of treatment of the hard surfaced areas of the site, Condition No. 7 the subject of this appeal (10/02578/COND1). The scheme approved comprised tarmac surfacing within all parking and turning areas and the demarcation of parking spaces.

The development is in place and occupied. Due to ground and weather conditions last winter the driveway and parking areas were formed of gravel on top of type 1 aggregate. The appellants seek the retention of this surfacing as opposed to undertaking the tarmac hard surfacing in accordance with the details approved in April 2011.

Reasons

Character and appearance

The appeal site is located close to the centre of the picturesque settlement of Lambourn, which is characterised by predominately 2-storey buildings located at the back edge of the pavements. Hard landscaping is the predominate form of surfacing including within many of the side roads and alleys. Whilst gravel surfacing may be appropriate in some domestic and rural settings, in the Inspector's judgement, its use over a large shared parking area in the centre of Lambourn is out of character with its context. He was also mindful that, over time, the gravel surface will become compacted at varied rates and could become unsightly without regular maintenance, particularly close to the entrance.

For these reasons he concluded that gravel surfacing of the driveway and parking area fails to preserve the character and appearance of the Conservation Area and has an unacceptable effect on the appearance of the area in general. Its retention would be contrary to the aims of Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (2007), Policies CS14 and CS19 of the West Berkshire Core Strategy (2012) and the National Planning Policy Framework.

Due to its essentially urban location he was satisfied that the gravel surfacing does not have an unacceptable effect on the appearance of the North Wessex Area of Outstanding Natural Beauty. This lack of harm does not outweigh the harm identified above.

Living conditions

The driveway runs between 2 residential properties. Whilst gravel surfaces generally create more noise when vehicles pass over, it is clear that in this case sufficient compaction has occurred to limit this effect. For these reasons he was satisfied that the gravel does not lead to

harmful levels of noise disturbance and therefore does not have an unacceptable effect on the living conditions of occupiers of neighbouring properties. This does not however outweigh his concerns in respect of the first main issue.

Other matters

It has not been demonstrated that the gravel surfacing would have substantive drainage benefits in comparison to the approved scheme. Although gravel is permeable, he attached significant weight to the comments of the Council's highways engineer regarding the lack of infiltration that is likely to result as the sub-base becomes compacted.

Although the gravel surfacing does not include marked out car parking bays, signage has been installed so that it is evident how the parking is arranged. The Inspector was satisfied that this situation does not lead to harm to highway safety.

A revised drawing of the driveway and parking area has been provided which shows tarmac surfacing on the driveway only and the retention the gravel surfacing within the parking area. In the context of this form of appeal, where permission is sought retrospectively to carry out the development without complying with Condition No. 7, it was not in his view appropriate to consider alternative proposals unless clearly sought at the application stage, consulted on and assessed by the Council. In this case the status of the revised drawing is not clear.

Conclusion

For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should fail.

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