

12/03105 Pins Ref 2201775	66 Valley Road, Newbury, Berkshire RG14 6EU	Removal of an existing lean-to and detached garage and erection of a two storey 3 - bedroom dwelling.	Ctte. Refusal	Allowed 18.12.2013
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### **Main Issues**

The Inspector considered that the main issues in this case were:

- (i) the effect of the proposal on the character and appearance of the area;
- (ii) whether the proposal would comply with development plan policy relating to financial contributions towards local services and infrastructure; and
- (iii) whether the proposal would meet sustainable design and energy efficiency objectives.

### **Reasons**

#### *Character and appearance*

The appeal property comprises a 2-storey semi-detached house with a double garage to the side. It occupies a corner location at the junction between Valley Road and Henshaw Crescent and is situated in a residential area comprising a mix of semi-detached and detached dwellings and short terraces. The area is characterised by wide grassed verges which create a high degree of openness between properties on opposing sides of the roads.

The proposal would involve the removal of a double garage and the single storey lean-to at the end of the existing house and the erection of a 2-storey 3- bedroom detached house. This would be similar in height, bulk, massing and appearance to surrounding properties and its front and rear elevations would follow the respective building lines of the existing house and its exposed flank elevation would be set slightly behind the front building line of the terrace to the rear. The spacing between the proposal and the existing house would be similar to that between other buildings in the area.

Although the footprint of the proposed dwelling would extend slightly beyond the existing fence line, a significant area of grass verge would be retained. In his judgement, due to its siting, layout and size the proposal would maintain an acceptable degree of spaciousness and would not harm the open and spacious quality of the area. For these reasons he concluded that the proposal would have an acceptable effect on the character and appearance of the area. It therefore complies with Policy CS14 of the West Berkshire Core Strategy 2006-2026 (CS), which seeks development that respects and enhances the character and appearance of the area, and the aims of the National Planning Policy Framework (the Framework).

In coming to this conclusion his colleague's comments in respect of the earlier appeal in 2011 (ref: APP/W0340/A/11/2146355), which related to a more substantial scheme, have been taken into account. As each application and appeal must be determined on its individual merits he was satisfied that the proposal would not set a precedent for future development in the area.

#### *Local services and infrastructure*

The second reason for refusal states that, in the absence of a legal agreement, the proposal fails to mitigate the impacts that the development would have on local services and infrastructure. In support of this the Council has submitted detailed statements supporting the need for financial contributions towards educational facilities, adult social care, library facilities, public open space, health care facilities and the highways network. These are based on Supplementary Planning Document: *Delivering Investment from Sustainable Development* (June 2013) (SPD).

The appellants have provided a completed Unilateral Undertaking (UU) which would secure financial contributions towards all the aforementioned local services and infrastructure and would broadly accord with the amounts sought by the Council. In respect of the education contribution the information provided with the Council's questionnaire indicated a payment of £218.77 based on there being sufficient places within all the catchment schools. Subsequent information provided with the Council's statement indicates that there is now an insufficient number of places within the infant catchment school and therefore a £2992.15 payment is sought. Although he recognised that circumstances change, no reason is given for the sudden shortfall in infant school places. In addition he did not consider it reasonable for the Council to amend its demands during the appeal process given the need for the appellant to provide a UU within a set time frame. Therefore he attached limited weight to the Council's second submission.

For the reasons set out above, and having regard to the SPD and all other matters he was satisfied that the obligations provided for by the UU are fairly and reasonably related to the proposed development in scale and kind and satisfy the statutory tests and guidance set out in Regulation 122 of the Community Infrastructure Regulations (2010) and Paragraph 104 of the Framework. The proposal therefore complies with the aims of CS Policy CS5.

#### *Sustainable design and energy efficiency*

Under CS Policy CS15 new minor residential development is required to satisfy Code for Sustainable Homes Level 3 (CfSH). Given the proposal comprises a simple detached house, and there is nothing before him to indicate that CfSH requirements cannot be met, he was satisfied that the objectives of Policy CS15 and the Framework can be met by the imposition of the planning condition included in the attached schedule.

#### **Other Matters**

As drivers of vehicles leaving the appeal site would benefit from good visibility in both directions, he was satisfied that the proposal would not have an unacceptable affect on pedestrian safety.

#### **Conditions**

He considered the conditions suggested by the Council having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions* and adjusted their wording where necessary in the interests of clarity and brevity. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plan, for the avoidance of doubt and in the interests of proper planning.

In order to preserve the character and appearance of the area conditions requiring the submission and approval of hard and soft landscaping, materials and boundary treatments are necessary. To protect the living conditions of neighbouring residents during the construction period a Construction Method Statement will be secured. Sustainable drainage measures are necessary to mitigate the loss of permeable surfaces.

#### **Conclusion**

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

#### **Costs Application**

The Inspector did not accept that a Costs Application was warranted in this case and refused to award costs to the appellants.