

Pins Ref 2215120	1 Dalby Crescent, Newbury, RG14 7JR	Replacement of an existing dwelling with the construction of 4 new units and associated car parking.	Ctte. Refusal	Dismissed (No s106) 24.06.2014
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### **Procedural Matters**

The Inspector noticed some discrepancies in the application plans including that sky light windows shown on the elevation drawings for Plots 3 and 4 are not indicated on the roof plans and a first floor bathroom window shown on the floor plan for Plot 2 is not indicated on the elevations drawing. As these aspects were not central to her reasoning, she considered the appeal based upon the same plans considered by the Council and did not consider there to be any prejudice to any party by her doing so.

Since the date of the decision, the Council has adopted a charging schedule in respect of Community Infrastructure Levy (CIL), with an implementation date of April 2015. The Government's Planning Practice Guidance (the Guidance) was published after the appeal was made. The content of the Guidance has been considered but in the light of the facts in this case does not alter her conclusions.

### **Main Issues**

The main issues are the effect of the proposal on: local infrastructure, with particular regard to adult social care services, library services, refuse and recycling facilities, public open space, education and highways/transport; and on the character and appearance of the area.

### **Reasons**

#### *Local Infrastructure*

Policy CS 5 of the West Berkshire Core Strategy (2006-2026) (CS) indicates the Council's commitment to working with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development. The explanation to this policy states that new development needs to be supported by adequate infrastructure of all kinds and that development should not be permitted unless essential infrastructure can be completed in pace with new development.

The Council has included within its statement a detailed justification in respect of the contributions sought towards adult social care services, library services, refuse and recycling facilities, public open space, education and highways/transport. The basis for the contributions as set out by the Council references Topic Papers supporting the Delivering Investment from Sustainable Development Supplementary Planning Document – Adopted June 2013 (the SPD).

The contributions sought in respect of public open space, libraries, refuse and recycling facilities, highways/transport and education all detail specific purposes related to the proposed development and explain the basis for the contributions more generally. Although the justification in respect of adult social care services gives less specific purposes, in view of the nature of this contribution and given the explanation provided, this would appear to be an appropriate request for a contribution. However, although the library services contribution requested appears acceptable in principle, it does not seem to account for the demand created by the existing dwelling on site. As such, without a detailed explanation for this approach, the Inspector was not satisfied that this contribution would be fairly and reasonably related in scale and kind to the proposed development.

As such, in considering the contributions sought against the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010, she was satisfied that these, save as indicated as regards the library services contribution, are necessary to make the proposal

acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

The Inspector therefore concluded that the proposal would materially increase demand on local infrastructure, with particular regard to adult social care services, library services (although not to the extent of the contribution requested), public open space, education and highways/transport. Although she noted that the appellant originally understood a planning obligation could be provided following permission being granted, the Council has confirmed the correct position. As such, given that no planning obligation has been provided towards the items required, the proposal is contrary to Policy CS 5 of the CS. It would also conflict with the SPD and National Planning Policy Framework (the Framework) which also include similar underlying aims.

#### *Character and appearance*

The appeal site is a fairly large plot located at the head of Dalby Crescent, which is a long cul-de-sac. The site is currently occupied by the existing detached dwelling at 1 Dalby Crescent. There is a reasonable variety of property types within the immediate area including primarily semi-detached two storey properties and semi-detached bungalows, with detached dwellings at the head of Dalby Crescent. The detached and semi-detached dwelling units that the proposal would introduce onto the site would not therefore be out of character with the prevailing property types in Dalby Crescent.

Plots 1 and 2 would not be however Plots 3 and 4 would be visible from within Dalby Crescent and it is apparent that more of these would be seen from this view point than can be seen of the existing dwelling. However, the highest points of these properties would be only very slightly higher than that of the adjacent bungalow at 3 Dalby Crescent. As such, although properties on the right side of the crescent (when heading in the direction of the appeal site) are two storey but set below street level and those on the left are bungalows, the proposed dwellings would not appear to be out of scale with the surrounding properties, notwithstanding that the land rises towards the appeal site.

The Inspector considered the comments of the Inspector in respect of the previous appeal on site (Reference: APP/W0340/A/13/2195040) and as to whether the extent of the amendments made to the scheme adequately address his concerns. Given the scale proposed, including relative to the surrounding properties and the resultant height relative to No 3, subject to appropriate conditions, she did not consider that any visual discordance would result in the street scene. Although only Plot 4 has been moved back and this property would have a smaller front garden space than many others in the area, nevertheless, the Inspector considered that the proposed set back of this property would further assist in softening the effect of the development, thus again alleviating the previous Inspector's concerns.

As such, the Inspector considered that the scheme would not result in any undue dominance in the skyline. Further, given the size of the plot, space that would be provided for each unit, and distances to other properties, she had no reason to disagree with the previous Inspector's view that the proposed density would not be excessive in this location. Although the proposed dwellings would be visible from Greenham Road, they would not materially alter views from this road in that other dwellings are at least partially visible from here. Wider views from Pyle Hill would also not be significantly altered, given that little of the proposed dwellings would be seen.

The Inspector therefore concluded on the second main issue that the proposal would respect the character and appearance of the area. It would therefore accord with Policy CS 14 of the CS and saved Policy HSG1 of the West Berkshire District Local Plan 1991-2006, which seek, amongst other things, high quality development of an appropriate scale which has regard to the existing

residential surroundings of the area. In this respect, it would also accord with the Framework, which includes similar aims.

### **Other Matters**

The Inspector took into account the cited provisions of the Framework, together with the planning history of the site. She noted that the Council apparently does not have a specific policy in relation to the development of residential gardens and have considered that the proposed development would make a small contribution to the housing mix in the area, in line with the strong emphasis on boosting the supply of housing in the Framework. Nevertheless, given her findings above in relation to the effect on local infrastructure and the tri-partite definition of sustainable development contained in the Framework, although the appellant appreciates the use of sustainable construction methods, she did not consider that the proposal represents the sustainable development in respect of which there is a presumption in favour.

Although Plot 1 would be sited fairly close to the boundary with No. 3, given the ground levels and distances involved, the Inspector did not consider that any harm would result to the living conditions of the occupants of No. 3 or indeed to any other nearby residents, if appropriately conditioned. She also took into account concerns from residents including in relation to access and parking, but given the proposed number of off-street parking spaces, likely numbers of cars, and in the absence of any detailed evidence as to parking problems, she did not consider that the proposal would result in any significant issues.

The Inspector noted that the Council apparently has a five year deliverable supply of housing and that the proposal would not be on a brownfield site but these would not be reasons to resist otherwise acceptable development. In the absence of specific concerns in relation to the degree of information as to the reduced scale of the dwellings proposed and effect of the increased density, she had no reason to consider that inadequate information has been provided in this respect. The question of need is not a matter for her in determining the appeal and the concern as to precedent is due only very little weight as planning proposals fall to be determined on their own individual merits.

### **Conclusion**

Although the appeal proposal would respect the character of the area and would afford some limited benefits, this does not outweigh the material harm found in respect of the effect on local infrastructure provision. For the above reasons and taking into account all other matters raised, the Inspector concluded that the appeal should fail.

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