

Appeal Decision

Site visit made on 4 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2016

Appeal Ref: APP/W0340/W/16/3151879

4 Moatlands Cottages, Mill Road, Burghfield, Reading RG30 3TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Didcock against the decision of West Berkshire Council.
 - The application Ref 15/02369/FUL, dated 26 August 2015, was refused by notice dated 7 December 2015.
 - The development proposed is the change of use from vacant land to residential land and erection of garage.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would effectively create a new dwelling in the countryside.

Reasons

Character and appearance - garage

3. The appeal site is situated at the end of a private road serving 2 pairs of semi-detached houses, close to the M4 motorway to the south. The site faces out onto a large field and backs onto Theale Lake.
 4. The scale of the proposed garage would be significant, being able to accommodate 4 cars in a double tandem arrangement. I acknowledge that the existing dwelling has planning permission to be extended, however, the garage would not achieve a subservient relationship with the same, being disproportionally large and at odds with its modest scale. As a consequence the garage would appear incongruous and would dominate the site and detract from the appearance and setting of the dwelling, despite the proposed physical separation. Such harm would not be materially alleviated by the use of sympathetic materials.
 5. I accept that the mature trees and vegetation around the site provide a good deal of screening to the wider countryside. However, the assertion that there
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are hardly any viewpoints from the public realm, is not, by itself, a good argument in favour of permission as such permissions could be granted too often, to the overall detriment of the character of an area.

6. Nevertheless, whilst accepting the effect would be largely localised, I do find that there would be material harm to rural character and appearance of the locality, contrary to: Saved Policy ENV.24 of the West Berkshire District Local Plan 1991 – 2006; Policy CS14 of the West Berkshire Core Strategy (2006 – 2026) Version for Adoption (CS); Policy C 6 of the Draft West Berkshire Council Proposed Submission Housing Site Allocations DPD; and West Berkshire Council's Replacement Dwellings and Extensions to Dwellings in the Countryside Supplementary Planning Guidance, July 2004 (SPG). These permit development that, amongst other things, has no adverse impact on rural character.
7. It follows therefore that I also find conflict with paragraphs 17, 56 and 58 of the National Planning Policy Framework (the Framework) which require high quality design that responds to the character of the area.

Character and appearance – residential garden

8. Although not quiet, being located in close proximity to the M4 motorway, the appeal site is situated outside of a defined settlement boundary and therefore within the countryside. The appellant has confirmed that the garage would be located on land that is already fenced off and is being used for the storage of building materials. This is consistent with the grounds of appeal which state that the garden has already been extended.
9. Even though the appellant acknowledges that he is unable to prove a ten year use, the lawfulness or otherwise of the use of the land as residential garden would not be a matter for me to consider under Section 78 of the above Act. It remains open to the appellant to apply for a determination under Sections 191/192 of the same Act in relation to this matter and my decision under Section 78 would not affect this.
10. I do though agree that it is unlikely that the land would be used for agricultural purposes, given the constraints of the site. Nevertheless, notwithstanding the current appearance of the site and the adjoining land, such domestic colonisation and encroachment within the countryside is harmful to the rural character and would be contrary to emerging DPD Policy C 8 which states, amongst other matters, that extensions to existing residential curtilages will only be permitted where it can be shown that there is no adverse impact on the character and local distinctiveness of the rural area. Moreover, it has not been demonstrated that the extension of the residential curtilage is required to meet Highway Authority or private amenity space standards or that the enlarged the garden would be similar in size to other typically prevailing in the immediate vicinity, so as to comply with the criteria of DPD Policy C 8 and Saved LP Policy ENV.22, which set out the circumstances where the enclosure of such land into residential curtilages will be permitted.

Whether the proposal would effectively create a new dwelling in the countryside

11. Given the location the garage relative to the dwelling and the nearest settlement, I can appreciate that Council's concern regarding the use of the building as dwelling. However, that is not the proposal currently before me

and I am satisfied that the use of the building could be satisfactorily controlled by way of condition and that such a condition would pass the tests set out in paragraph 206 of the Framework, including enforceability.

12. Accordingly, I do not find conflict with: Saved LP Policy HSG.1; CS Policies ADPP 1, CS14 and CS19; emerging DPD Policy C 3; West Berkshire Council's House Extensions SPG, July 2004; and the Framework insofar as such policies and guidance relate to new housing in the countryside and granny annexes.

Other matters

13. The Council's Questionnaire confirms that the site is not located within an Area of Outstanding Natural Beauty (AONB), however, the second reason for refusal refers to CS Policy ADPP 5, which relates to the North Wessex Downs AONB. I have not therefore considered this policy further.
14. I acknowledge that the garage may result in some benefit as an acoustic barrier to the noise from the M4 motorway, however, this would not outweigh the above stated harm.

Conclusion

15. Accordingly, for the reasons given above and having regard to all other matters before me, I dismiss the appeal.

Richard S Jones

Inspector