

Appeal Decision

Site visit made on 10 October 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 1 December 2016

Appeal Ref: APP/W0340/W/16/3152852

Land to the South of Hatchets Barn, Greenwood Road, Tilehurst, Reading RG30 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs A Peddley & Mrs C West against the decision of West Berkshire Council.
 - The application Ref 15/01676/OUTD, dated 17 June 2015, was refused by notice dated 2 March 2016.
 - The development proposed is erection of one detached dwelling and associated carport.
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Decision

1. The appeal is allowed and outline planning permission granted for the erection of one detached dwelling and associated carport at land to the south of Hatchets Barn, Greenwood Road, Tilehurst, Reading RG30 4JG in accordance with the terms of the application Ref 15/01676/OUTD dated 17 June 2015 subject to the conditions in the schedule at the end of the decision.

Preliminary Matters

2. The application was submitted in outline with access and layout to be determined at this stage. Appearance, landscaping and scale are reserved for subsequent consideration.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the surrounding area; and
 - b) whether future occupiers would be likely to experience acceptable living conditions particularly in respect of outlook and external amenity space.

Reasons

Character and Appearance

4. The appeal site is located to the south of the property known as Hatchets Barn and slopes upwards towards the northern boundary. There is considerable vegetation across the site including a number of trees which are subject to a Tree Preservation Order (TPO). These are on the frontage to Greenwood Road.
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On the eastern side of Greenwood Road is a pair of semi-detached dwellings facing Bath Road to the south.

5. Properties on the eastern side of Greenwood Road are within the administrative area of Reading Borough Council and also within the Horncastle Conservation Area. The conservation area has an informal rural character with key features being an area of green space and a historic street pattern. Residential buildings are of a domestic scale and character and predominantly of cottage style. In contrast the properties to the north and west of the appeal site are generally larger properties set within sizeable plots and not particularly visible from the highway because of their set back and extensive boundary screening. These properties exhibit a variety of forms and are single or double storey with pitched or hipped roofs. This area is identified in the West Berkshire Council Supplementary Planning Document (SPD) Quality Design: Part 3 Residential Character Framework as being semi-rural and very low density.
6. Greenwood Road provides an attractive approach and boundary to the conservation area with the trees on the western side providing an important setting to, and softening of views out of, the conservation area.
7. The proposed development would provide a detached dwelling and associated carport set back a minimum distance of four metres from the frontage with Greenwood Road. Access would be from the southern part of the frontage. The proposal would require the removal of three trees covered by the TPO with two new trees proposed in compensation.
8. To the east of the appeal site is East Lodge a Grade II listed building. Given the distance between this building and the appeal site, together with the extensive vegetation between the proposed development and the listed building I do not consider that the proposal would impact on the setting of the listed building.
9. The proposed development would sit within a smaller plot than some of the properties to the north and west. As the appeal site is already separated from Hatchets Barn by fencing and boundary vegetation the visual relationship between Hatchets Barn and the appeal property is limited. Furthermore, the proposed development would not appear cramped when approached from Bath Road as it would be seen in the context of the higher density development on the eastern side of Greenwood Road.
10. The Council's tree officer has not objected to the removal of the TPO trees as they are of low quality as I saw when I visited the site. I do not consider that their removal and the introduction of replacement trees would be harmful to the character of the area generally or to the setting of the conservation area.
11. The Council has indicated that in the future there could be pressure for trees to be lopped or felled on safety grounds to address potential problems associated with leaf and branch drop. However, this is not a reason to withhold planning permission for this proposal.
12. Consequently, I find no conflict with Policy CS14 of the West Berkshire Core Strategy, July 2012 (the Core Strategy) which requires new development to demonstrate high quality which respects and enhances the character and appearance of the area. Nor would there be conflict with Policy CS19 which seeks to ensure that the diversity and local distinctiveness of the landscape

character of the district including heritage assets and their settings is conserved and enhanced where appropriate. The proposals would also be in accordance with Policy ADPP1 of the Core Strategy which requires the scale and density of development in urban areas to be related to the site's accessibility, character and surroundings. In respect of Policy CS18 which seeks to protect and enhance the district's green infrastructure I find that the loss of the trees is acceptable in view of their low quality and the proposal to provide replacement trees.

13. Policy HSG1 of the West Berkshire District Local Plan, 2007 supports new housing development within Tilehurst subject to it having regard to a number of criteria including the residential character of the area. For the reasons given I find no conflict with this policy. The proposals would also be in line with the advice contained within the SPD on Quality Design: Part 2 Residential Development and Part 3 Residential Character Framework which together require new residential development to have regard to local context and character and with the National Planning Policy Framework (the Framework) which seeks to secure design quality.

Living Conditions

14. The Council has indicated that based on the layout provided with the principal windows serving living rooms and bedrooms facing north-east the canopy spread of the protected horse chestnut tree (T8) would be in close proximity to the north-east elevation. The Council considers that the proximity of the dwelling to protected trees would severely overshadow habitable rooms within the property and garden area creating an environment which would be unacceptable for future occupants in terms of outlook.
15. As the application was submitted in outline form with floor plans and elevations being indicative the positioning of rooms and windows is not for approval at this stage and therefore the effect of nearby trees on the outlook for future residents cannot be established. However, based on the evidence before me I do not consider that the proposed development would be subject to a degree of overshadowing which would have an unacceptable effect on the living conditions of future occupiers.
16. The SPD provides guidelines on the minimum sizes for gardens in new development in order to ensure that houses are provided with sufficient outdoor amenity space. In the case of two-bedroom dwellings a minimum of 70sq.m is sought. Whilst the appeal site is constrained by the sloping bank towards Hanchets Barn and mitigation for the badger sett which would limit the usable amenity space I do not consider that space beneath the canopies of trees is necessarily unusable. On this basis I find that the proposed development would provide acceptable living conditions for future residents in terms of external amenity space.
17. The proposal therefore meets the requirement of Core Strategy Policy CS14 to ensure that new development demonstrates good design in the way in which it functions and contributes to the quality of life and would not conflict with the objectives of Policy CS18 which seek to protect green infrastructure. Additionally the proposal would meet the objectives of the SPD on Quality Design with regard to the provision of outdoor amenity space.

Other Matters

18. The impact of the proposed development on the badger sett within the site, issues relating to access and highway safety and the effect of the scheme on drainage which were raised in representations are all matters which can be addressed through appropriate planning conditions. No other matters raised in representations would provide sufficient grounds for dismissing the appeal.

Conditions

19. I have had regard to the conditions suggested by the Council in the light of the Framework and Planning Practice Guidance (PPG). I have also had regard to comments from the main parties about conditions since my site visit.
20. Conditions relating to the submission of reserved matters and the timing of commencement are needed due to the outline nature of the application (Conditions 1, 2 and 3). A condition specifying the relevant drawings is required as this provides certainty (4). Conditions are also required to minimise the effects of the proposed development on the living conditions of neighbouring residents and to address matters of highway safety during construction (5 and 6) and when the scheme is completed (7 and 9).
21. A condition to ensure that appropriate cycle parking is provided and maintained is necessary to ensure that the development reduces the reliance on private motor vehicles (8). It is also necessary to require the submission and approval of details of surface water and foul drainage to ensure the proper drainage of the site (10). Conditions are required in order to protect trees (11, 12 and 13) and to avoid harm to badgers (14). It is not necessary to have a condition relating to the details of landscaping as this will be dealt with at the reserved matters stage.
22. PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In this respect it is necessary for conditions 6, 10, 11, 12 and 13 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application. I do not consider that conditions 8 or 9 need to be conditions precedent and therefore I have amended them.

Conclusion

23. For the reasons set out above, and having taken into account all other matters raised, the appeal is allowed.

Kevin Gleeson

INSPECTOR

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application(s) for approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun on or before the expiration of two years from the date of the approval of the last of the reserved matters.
4. The dwelling hereby approved shall be carried out in accordance with the approved drawing numbers Location Plan 13638-100 Rev B and Site Plan 13638-02 Rev B and with any plans and documents approved in respect of any reserved matters application or any further conditions attached to any further reserved matters approval.
5. The hours of work for all contractors and persons working on the site for the duration of the site development shall be limited to: 0730 to 1800 on Mondays to Fridays, 0830 to 1300 on Saturdays and no work shall be carried out on Sundays or Bank Holidays.
6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
 - (a) Parking of vehicles of site operatives and visitors;
 - (b) Loading and unloading of plant and materials;
 - (c) Storage of plant and materials used in constructing the development;
 - (d) Erection and maintenance of security hoarding including any decorative displays and facilities for public viewing;
 - (e) Temporary access arrangements to the site, and any temporary hardstanding;
 - (f) Wheel washing facilities;
 - (g) Measures to control the emission of dust and dirt during construction.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.
7. The dwelling hereby approved shall not be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan 13638-02 Rev B. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
8. Details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the

approved details have been implemented and the approved cycle parking shall be retained in perpetuity.

9. The development shall be carried out in accordance with visibility splays of 2.4m by 43m in both directions on to Greenwood Road indicated on the approved plan 13638-02 Rev B and the land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.
10. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
 - b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
 - c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
 - d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
 - f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
 - g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
 - h) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
 - i) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwelling hereby permitted is occupied in accordance with a timescale to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

11. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall

take place within the protected areas without the prior written agreement of the Local Planning Authority.

12. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.
13. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.
14. The badger mitigation described in section 5.4 of the Extended Phase 1 Habitat Survey by Ecoconsult and dated March 2015 and received by the Council on 29 July 2015, shall be implemented in full. The permanent post and rail fencing and hedge and scrub planting shall be retained thereafter.