

Appeal Decision

Site visit made on 6 February 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/W0340/D/16/3163952

Straight Ash, Sucks Lane, Ashampstead Common, Reading RG8 8QT

- 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 G Willoughby and Mrs I Messer against the decision of West Berkshire Council.
 - The application ref: 16/00784/HOUSE, dated 16 March 2016 was refused by notice dated 29 September 2016.
 - The development proposed is the erection of a detached cartshed and store, with a home office above.
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Decision

1. The appeal is allowed and planning permission is granted for a detached cartshed and store, with a home office above at Straight Ash, Sucks Lane, Ashampstead Common, Reading RG8 8QT in accordance with the terms of the application, Ref 16/00784/HOUSE, dated 16 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 842-03 Rev B, 150518-01 and that version of drawing no. 150518-10 which depicts a lower ridge height and which includes a section through the building.
 - 3) No development above the brick plinth of the building hereby approved shall take place until details, including samples, of the timber, including finishing colour, to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
 - 4) The materials to be used in the external finishes of the roof of the development hereby permitted shall match those on the existing dwelling in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed at floor level or within the roof on the north-eastern elevation of the building hereby permitted, without planning permission being granted by the Local Planning Authority on an application made in that regard.
- 6) The building hereby permitted shall be used solely for purposes incidental or ancillary to the use of the existing dwelling.
- 7) No development to the roof of the building hereby permitted shall take place until detailed construction drawings showing two new bat roost voids and means of access have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bat roost voids and means of access have been provided in accordance with the approved details, and shall be retained thereafter.
- 8) Protective fencing in accordance with Appendix D of SJ Stephens Associates Arboricultural Impact Assessment June 2016 shall be implemented and retained for the duration of the development in accordance with drawing no. 842-03 Rev B. Within the fenced area, there shall be no excavations, storage of materials or machinery, parking of vehicles, or fires.
- 9) With the exception of the recommended works in Appendix B of SJ Stephens Associates Arboricultural Impact Assessment June 2016, no trees, shrubs or hedges shown as being retained on drawing 842-03 Rev B shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.
- 10) The building hereby permitted shall not be brought into use until the roof lights in the north-east roof have been fitted with obscured glazing, and rendered fixed or capable of being only partially opened in accordance with details to be first submitted to and approved in writing by the local planning authority. Once installed the obscured glazing and opening restriction shall be retained thereafter.

Procedural Matters

2. The proposal was amended during its consideration by the Council to reduce its height. The Council states that its amended ridge height would be 6.1m and that its eaves height would be 3m. Although the amended drawing bears the same number as its predecessor (Ref: 150518-10), it is clear that the Council's decision was based on that amended scheme. My decision is also.
3. I understand from the appellants' grounds of appeal that The Forge is a grade II listed building. However, no concerns have been expressed regarding the scheme's impact on that designated heritage asset. Given the distance of the proposal from that building, its limited height and scale, and the presence of boundary treatment, I agree that its setting would not be harmed.

4. The Council's first reason for refusal does not refer to the scheme's impact on the North Wessex Downs Area of Outstanding Natural Beauty ('the AONB'). However, it alleges harm to the area's rural character, and its reference to policy ADPP5 of the West Berkshire Core Strategy 2006-2026 (2012) ('Core Strategy'), which deals specifically with the AONB, indicates that it considers that it would be harmed. My reasoning therefore addresses this matter.
5. I have taken the application date from the decision notice and the appeal form as the application form was undated; and I have cited the appellants' names in accordance with an email from the agent dated 15 December 2016.

Main Issues

6. The main issues are the effect of the proposal on i) the character and appearance of the host property and the area, including whether or not it would conserve the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty; and ii) the living conditions at The Forge, with particular regard to the outlook from that property.

Reasons

Character and appearance

7. Straight Ash is a substantial detached dwelling, which has recently been significantly extended. It sits within a large plot, at the periphery of a loose cluster of properties, and in a woodland fringe setting.
8. The proposed building would be located towards the north-eastern corner of the plot where it would be seen through trees from the public right of way which passes through the woodland close to the site's eastern boundary. However, although a not insubstantial structure, it would be much narrower and lower, and would have a smaller footprint, than the main dwelling (even prior to its permitted extension). The dwelling would form its backdrop in many of those views. Its roofing materials would match the dwelling's roof, and its predominantly weather-boarded elevations would soften its appearance, ensuring that it would be well-assimilated into its sylvan setting.
9. The appellants refer to other similar structures in the area, and although no specific examples are cited, I observed other outbuildings in this cluster of properties on my visit, including a garage structure at The Forge in a broadly similar style, albeit different dimensions, to this scheme.
10. For those reasons the scheme would not harm the character and appearance of the host property or the area, and would not conflict with Core Strategy policies CS 14 and CS 19, which in broad terms require that development is of a good design, informed by its context, and that the distinctive landscape character of the area is conserved and enhanced. Although I have not been referred to any specific parts of the Council's Supplementary Planning Document – Quality Design Residential Development 2006 ('SPD'), I note that it takes a broadly similar approach. As the scheme would be proportionate to, and in keeping with, the dwelling, and would not harm the rural character of the area, it would also comply with policy ENV.24 of the West Berkshire District Local Plan 1991-2006 (2007).

11. Having given great weight to the conservation of the AONB, as required by paragraph 115 of the National Planning Policy Framework ('Framework'), I am satisfied that its landscape and scenic beauty would not be harmed. Given that conclusion, the scheme would also comply with Core Strategy policy ADPP5.

Living conditions

12. The Forge sits within a substantial plot, which includes a large area primarily laid to lawn to the north of the proposal. That area includes a pool, and domestic paraphernalia indicative of its use as the dwelling's main outdoor area.
13. The proposed building would be a significant distance from The Forge's rear elevation. It would be set-in slightly from the boundary on higher ground, and the upper parts of it would be visible above the fence from The Forge's rear garden. However, its upper floor would be contained within the roof which would slope away from the boundary. That would assist in limiting its apparent mass viewed from The Forge's garden. Consequently, having regard to the size of The Forge's garden, and regardless of whether any meaningful landscaped screening could be planted between the structure and the boundary, the scheme would not have a significant overbearing or dominating impact on the occupants of the adjoining property.
14. The north-east roof would contain two rooflights. The section drawing shows that they would be a minimum of 1.5m above the finished first floor level. At that height, and in that location, there would be some potential for overlooking of sensitive parts of the neighbouring property's rear garden, unless they were obscurely-glazed, and fixed or with restricted openings. However, that is a matter that could be addressed by a suitably worded condition. The scheme's gable would limit any view from the external staircase to the end section of The Forge's garden, and in normal use that view would be transient.
15. For those reasons the scheme, which would provide the appellants with storage, parking and office space, would not result in a significant impact on the living conditions at The Forge due to overbearing or overlooking. Consequently it would not conflict with Core Strategy CS 14's broad requirement that development respects its context and contributes to quality of life, or with the SPD's objective of ensuring that the living conditions of neighbouring properties are not compromised by an unduly restricted outlook.

Other matters

16. Whilst Ashampstead Parish Council raises concerns regarding the need for the proposal having regard to the permitted extension, I have dealt with the scheme on its merits.

Conditions and conclusion

17. I have considered the Council's suggested conditions against the Framework's tests. In addition to the standard time limit condition, as it provides certainty, I have imposed a condition specifying the relevant drawings.
18. My condition nos. 3 and 4 are necessary in the interests of the area's character and appearance and to ensure that the proposal would be assimilated into its surroundings. Although permitted development rights should only be exceptionally withdrawn, given the proximity of the proposal to The Forge's rear

garden, and the difference in ground levels, it is necessary, in the interests of the neighbours' living conditions, to withdraw permitted development rights for the construction of additional windows in the north-east elevation only – that being the side which would directly face the boundary.

19. The Council's suggested condition no. 6 would prevent the use of the structure as sleeping accommodation or for any trade or business. In my view, a condition requiring it to be used for purposes incidental to the dwelling would be sufficient to protect the neighbours' amenities. Other uses, or the creation of a separate planning unit, would in any event require planning permission.
20. Although the Council has suggested a condition stating that a planning application should be made for any external lighting, minor domestic external lighting, even if it were to be sought here, would not normally constitute development. Consequently I have not imposed that condition.
21. Given the Framework's objective to enhance biodiversity, and with regard to the site's setting and the consultation response from Natural England, I have imposed the Council's suggested condition no. 8 requiring the provision of bat roost voids.
22. Given the scheme's proximity to trees, which form a significant component of the area's character, the Council's suggested condition nos. 9 and 11 are necessary. These require the retention (or replacement) of trees in accordance with the submitted Arboricultural Impact Assessment, and that no potentially damaging activity take place within an area of protective fencing. However, given the requirements of those conditions, and for this relatively modest scale development, suggested condition no. 10 is unnecessary and unduly onerous, and I have not imposed it.
23. Finally, I understand from the Committee Update Report that the appellants suggested that the rear roof lights could be obscure-glazed. That was considered as a possible condition in the Committee report. For the reasons given here, such a condition, which would also require the rooflights to be fixed or to have a restrictive opening, is necessary to protect living conditions at The Forge.
24. Summing up, for the reasons above the scheme would not harm the area's character and appearance, would conserve the landscape and scenic beauty of the AONB, and would not cause significant harm to the adjacent occupiers' living conditions. Consequently, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR