The Planning Inspectorate

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: 17 February 2017

Appeal Ref: APP/W0340/D/17/3166783
Homerstead House, Hawkridge Hill, Frilsham, Hermitage, Thatcham RG18 9XA

- 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 and Mrs Paul Homersham against the decision of West Berkshire Council.
- The application ref: 16/02321/HOUSE, dated 18 August 2016, was refused by notice dated 19 October 2016.
- The development proposed is described as the erection of a wall along the front boundary (retrospective).

Decision

1. The appeal is allowed and planning permission is granted for a wall along the front boundary at Homerstead House, Hawkridge Hill, Frilsham, Hermitage, Thatcham RG18 9XA in accordance with the terms of the application, Ref 16/02321/HOUSE, dated 18 August 2016, and the submitted location plan drawing at 1:2500 and 1:500 scale, and the Proposed Brick Entrance Wall drawing at 1:100 scale showing the north and south elevations.

Procedural Matters

2. I noted on my visit that the wall the subject of this appeal has already been erected adjacent to a track, and either side of the vehicular entrance to Homerstead House. In addition there are brick pillars further along the track to the south-west. However, as the Council and appellants agree that they form no part of this scheme, and I have no drawings of them, I have not considered those pillars as part of the appeal. Neither have I considered further the third party references to driveways of which I have no details, and which form no part of the development before me. Whilst noting that the wall is in place, as they are superfluous, I have omitted the words 'the erection of' and 'retrospective' from my formal decision.

3. In an email dated 12 January 2017 the agent confirmed that the appellants are Mr. and Mrs. Paul Homersham as set out on the application form.

4. The Case Officer's Report sets out why the Council considers that the wall is not 'permitted development' by virtue of the General Permitted Development Order. However, at paragraph 4.20 of their Grounds of Appeal the appellants confirm that the wall does not meet the requirements for permitted development, and this matter is therefore not in dispute.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area, including whether or not it conserves the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

Character and appearance

6. The National Planning Policy Framework ('the Framework') states at paragraph 115 that Areas of Outstanding Natural Beauty ('AONB') have the highest status of protection in relation to landscape and scenic beauty, and that great weight should be given to their conservation. The North Wessex Downs AONB Management Plan (2014-2019) describes the area's special qualities as including a mix of open downland with some extensive woodland tracts, areas of open high chalk plain and some more intimate river valleys with pastures, along with some attractive villages and hamlets. I saw on my visit that this part of this AONB is loosely characterised by undulating areas of woodland and pasture, with scattered buildings sometimes partially enclosed by walls, and some small settlements.

7. Homerstead House is reached via a track which runs through an area of woodland. Just before the dwelling a public right of way joins the track from the north-east. The wall the subject of this appeal adjoins an existing outbuilding to the east, curves around to pedestrian and vehicular entry gates to the property, and then continues a short way to the west next to the track.

8. From the evidence before me, including the photographs at Appendix 3 of the Grounds of Appeal, I understand that there was previously a short section of red brick wall close to the outbuilding, which is depicted on the elevation drawing, and some sections of lower level post and rail fencing and plant growth. This wall is much longer than the one it replaced, and for people using the public right of way, it no doubt appears as a more permanent or harder boundary than what was there previously.

9. However, at Appendix 3 the appellants set out the detailed research that underpinned their choice of red Warnham Terracotta bricks and lime mortar, and the design ethos. I observed that the wall has been carefully constructed and with a considered design, including a dental course, rounded header bricks and rows of headers.

10. In my view, that intricate design, the breaks in the wall where there are entry gates, along with the changes in height and direction to reflect the topography and sinuous boundary, assist in softening its impact, including when viewed from the right of way. Given the width of the track, people will not necessarily be walking immediately next to the wall, and in many views from it the wall is seen with the nearby cluster of buildings at Homerstead House, or with a

backdrop of much taller trees. The wall's design and context ensures that it is reasonably assimilated into its surroundings, and will become more so as the bricks weather. Whilst the appellants refer to a grass bank between the track and the wall, it is unclear whether there is scope for any additional landscaping. However, if any plants were to grow there that would soften its impact further.

11. On my visit I was able to observe some other red brick boundary walls in the area, including adjacent to the road close to Hawkridge House. At Appendices 2 and 3 the appellants have provided photographic examples of other local walls and gateways, many of which are close to buildings. From that evidence and from my own observations, I am satisfied that this wall's height, length, materials and design are in keeping with the wider area.

12. Summing up, the development has undoubtedly significantly changed the immediate outlook from the adjacent section of public right of way, and I have noted the many representations to that effect, along with concerns regarding its 'suburbanising effect', and precedent. However, the wall's design and materials have been carefully researched with reference to others in these rural surroundings. In this location, close to the buildings at Homerstead House, it has not harmed the area's character and appearance.

13. In reaching my decision I have given great weight to the conservation of the North Wessex Downs AONB as required by the Framework. However, for the reasons above, having regard to its special qualities, I conclude that its landscape and scenic beauty have been conserved. Consequently the development does not conflict with Area Delivery Plan Policy 5 of the West Berkshire Core Strategy (2006-2026) 2012 ('Core Strategy') which sets out, amongst other things and in general terms, that within the North Wessex Downs AONB development shall conserve and enhance local distinctiveness and sense of place, and should respond to its context.

14. It also accords with the general requirements for high quality design which respects the area's character and appearance in Core Strategy policies CS 14 and CS 19 and in section 7 of the Framework, and with the broadly similar objectives in the Supplementary Planning Documents *Achieving Design Quality Part 1 (2006)* and *Residential Development Part 2 (2006),* particularly the references to appropriate high quality boundary treatment in rural areas at paragraph 1.8.2 of Part 2.

Other matters

15. Whilst I have noted a representation that the development has a 'kettling' effect on wildlife, I have no substantive evidence to support the view that this relatively short length of wall has significantly impacted local fauna.

16. The Public Rights of Way Officer states that although it is difficult to determine, the wall does not appear to have encroached onto the public right of way; and I have no persuasive evidence to support the view that it 'trespasses' on to the driveway belonging to Gamekeepers Lodge Farm. If the appellants entered private land without permission that is a civil matter, and neither that, any temporary disruption that has already occurred during construction, nor an alleged historic footpath diversion, are pertinent to the outcome of this appeal.

Conditions and conclusion

17. In conclusion, the wall has not harmed the character and appearance of the area, and it conserves the landscape and scenic beauty of the North Wessex Downs AONB. It therefore benefits from the Framework's presumption in favour of sustainable development and accords with the development plan. The appeal will therefore be allowed.

18. Although the Council has suggested the standard time limit condition for commencement, together with conditions requiring the scheme to be faced with materials to match the existing building and to be carried out in accordance with the approved plans, given that the development is already in place none of those are appropriate. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR