The Planning Inspectorate

Appeal Decision

Site visit made on 14 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/W0340/W/16/3164195
Greenways, Theale Road, Burghfield RG30 3TN

- 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 Henry Cyfka against the decision of West Berkshire Council.
- The application Ref 16/01473/FULD, dated 24 May 2016, was refused by notice dated 22 July 2016.
- The development proposed is the removal of storage sheds/garage and erection of a 2-bedroom dormer bungalow.

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
   - the living conditions of the occupiers of Greenways, with particular regard to privacy and outlook, and
   - the living conditions of future occupiers of the proposed development, with particular regard to privacy and outlook.

Reasons

Character and appearance of the area

3. My impression of the site and the surrounding area is that it is a small cluster of loose-grained housing, distinctive for the generally linear pattern of its development along Theale Road, set between open, agricultural fields. The houses in the east part, in which the site is located, are set well back from the road with long gardens behind.

4. The proposed development of a house in the back garden of the existing house and between the back gardens of adjoining houses would reduce the spacious character of the back gardens of the houses in this part of Theale Road, which appear not to be occupied by houses. The development of a house behind Greenways would erode the legibility of the characteristic pattern of development of the area where houses generally front directly to the road.

5. I accept that there is variability in the depths of the back gardens, and I saw that there has been some development behind the strip of houses fronting the road,

including at Pilgrim's Farm, as well as at the Plat which can be partly viewed from the road. However, in relation to the pattern of development of the area as a whole, these are minor exceptions, isolated from one another; they do not establish a second and third tier of development which should be followed. Nor do they alter the strongly linear pattern of development of the cluster of houses, characterised by their fronting directly to the road.

6. I acknowledge that many of the houses have outbuildings in their back gardens, but the character of an outbuilding in terms of use, access, activity and movement in the garden of a house is quite different from a separate dwelling in the garden of a house. I note that the scale of the proposed house, its footprint, and height, would be modest relative to many in the area and that its materials would reflect its surroundings. In this respect, its appearance would not be materially at odds with the appearance of neighbouring buildings, and in the wider context, it would not appear cramped in its site.

7. Notwithstanding this, because of its break from the distinctive, general pattern of development, the proposed backland development would harm the character of the area. It would be in conflict with Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) adopted 2012 (CS). These require development to respect and enhance the character and appearance of the area, and that particular regard will be given to matters including ensuring that development is appropriate in terms of location, scale, and design in the context of the existing settlement form, pattern, and character.

8. It would also conflict with paragraph 58 of the National Planning Policy Framework (the Framework) which says that development should respond to local character and with the Planning Practice Guidance[1] which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

Living conditions of the occupiers of Greenways

9. The ground floor window in the elevation facing Greenways would be screened by the proposed boundary planting and would be obscure glazed, restricting any overlooking towards Greenways. The skylights in the roof slope facing Greenways would be more than 26.5m from the rear elevation of Greenways which would reduce the risk of overlooking into the rooms of Greenways and its first floor balcony to an acceptable degree. Furthermore, the cills of the skylights would be set high in the slope, limiting the risk of overlooking into the garden of Greenways. Given the separation distance and the location of windows, actual and perceived overlooking would not be harmful.

10. The closest wall of the proposed house, at around 26.5m from the rear elevation of Greenways, would be a sufficient distance away not to reduce the outlook from the rooms of the house to a harmful degree or to have an overbearing presence in the back garden. Furthermore, the proposed house would have a suppressed ridge height with the plane of the roof opposite Greenways running directly to the eaves of the ground floor. This modelling would reduce further the presence of the proposal in the outlook from the house and the garden of Greenways.

11. There would be no harm to the living conditions of the occupiers of Greenways, with particular regard to privacy and outlook, and no conflict with CS Policy CS14

[1] Planning Practice Guidance, paragraph:007, ID 26-007-20140306

which requires development to make a positive contribution to the quality of life in West Berkshire. Nor would there be conflict with one of the core planning principles of the Framework; to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions of future occupiers of the proposed development

12. The ground floor opening serving a WC would be obscure-glazed and screened from being overlooked by the proposed planting on the boundary. The cills of the skylights would be sufficiently high to prevent overlooking into the spaces they would light, especially so given the separation distance from Greenways.

13. The ground floor window in the elevation of the proposed house facing Greenways would be screened by the existing hedge and would be obscure glazed, naturally restricting any outlook. The high levels of the cills of the skylights would limit the outlook from the areas they serve, however as these are a landing and a bathroom, in which outlook is a less than critical factor, there would be no harm to living conditions. The garden would be on the opposite side of the house from Greenways, in which Greenways would have very limited bearing, and cause no harm to outlook from the garden.

14. I conclude on this issue that there would be no harm to the living conditions of future occupiers with particular regard to privacy and outlook, and no conflict with CS Policy CS14 or with the core planning principle of the Framework concerning the amenity of future occupants of land and buildings.

Other Matters

15. The Council is concerned that the access from Theale Road would be too narrow to let cars pass when entering and exiting which may result in cars waiting on the road. It also objects to the lack of visibility of traffic for drivers exiting onto Theale Road.

16. The appellant has provided information late in the appeal process to show that the opening could be widened by adjusting the posts and reducing the hedge to provide a 4.1m clear width as sought by the Council. Similarly, the information shows that were the thick hedge on the front boundary to be trimmed back by around 750mm, visibility of 120m from a point 2.4m back from the highway could be achieved in both directions. These works could be secured by a condition, which would in this respect, make the development accord with CS Policy CS13 concerning safe travel, and make it acceptable in planning terms. However, as I am dismissing the appeal, this matter has not been determinative.

Conclusion

17. The development would provide a benefit of one self-build, low-carbon house to local housing supply and there would be no harm to the living conditions of the occupiers of either Greenways or the proposed house. However, this is outweighed by the unacceptable harm it would cause to the character of the area, which is in clear conflict with the policies of the whole of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR