

Appeal Decision

Site visit made on 21 March 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: 24 April 2017

Appeal Ref: APP/W0340/W/16/3164943
Pataya, Bucklebury Alley, Cold Ash RG18 9NJ

- 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 R Atkinson against the decision of West Berkshire Council.
 - The application Ref 16/00315/FULD, dated 2 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is the residential development of a single dwelling house and erection of extension to Pataya.
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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 of the area, and
 - the living conditions of surrounding occupiers.

Reasons

The character of the area

3. The appeal site straddles the settlement boundary of Cold Ash and lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is set between a leafy, green lane and a public footpath which enclose houses of varying scale, distinctive for their broad separation in generally substantial plots containing trees and shrubs which create a green and spacious transition to the countryside.
 4. The introduction of this backland form of development would undermine the distinctive pattern of development in the vicinity which is characterised by houses which have a direct bearing on Bucklebury Alley or Drove Lane. Moreover, the siting of the proposed house, uncharacteristically close to Pataya and with its frontage facing towards the rear and flank walls of Pataya, would appear at odds with the spacious separation of the surrounding housing and the orientation of their frontages, which tend to address Bucklebury Alley or Drove Lane, rather than a neighbouring house.
 5. I have taken into account the substantial size of the site compared to the varying plot sizes in the surrounding area. There is no evidence that the plot ratio or site coverage of the proposal or the extensions to Pataya would be
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cramped or out of character in terms of scale with the surrounding pattern of development. However, the siting of the proposed house would make it appear uncharacteristically cramped towards Pataya, and at odds with the distinctive surrounding pattern of development.

6. Given the woods on the opposite side of Drove Lane, I disagree that the area has an urban character. I understand that the boundary line of the settlement crosses the site and that the new house would be located within it. However, this does not mitigate the resulting, awkward relationship of the siting of the proposed house, in spatial terms, to Pataya, which would be incompatible with the prevailing siting of houses in the surrounding area. I accept that the proposal would not be visually prominent, but its relationship to Pataya would be visible from Drove Lane and from surrounding dwellings.
7. I note that the site is inside the AONB. The proposal would be well contained within a developed area of the settlement, and would conserve the landscape and scenic beauty of the AONB. In respect of this issue, I see no conflict from the proposal with paragraph 115 of the National Planning Policy Framework (the Framework). Nor can I identify any harm to existing trees or shrubs in Bucklebury Lane which might result from the proposal.
8. I conclude that the proposal would harm the character of the area. While I can see no conflict from the proposal with Policies ADPP1 and ADPP5 of the West Berkshire Local Plan Core Strategy (2006-2016) adopted 2012 (CS) which concern the spatial strategy and the AONB, it would be at odds with CS Policies CS14 and CS19. These expect development, amongst other things, to respect and to enhance the character of the surrounding area and to give particular regard to location in the context of the existing settlement form, pattern, and character.
9. It would also conflict with advice in the Framework which suggests that development should respond to local character¹ as well as the guidance in the Planning Practice Guidance² which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

The living conditions of surrounding occupiers

10. The arrangement of the openings to the habitable rooms in Pataya would ensure that there would be no material loss of privacy to its occupiers from the proposed house. While the windows of two bedrooms in the proposed house would face towards Pataya, their orientation would be oblique to the main area of Pataya's garden and they would be set sufficiently distant from it not to cause a material loss of privacy.
11. While the proposed house would feature in the outlook from the rear of Pataya, the principal aspects of Pataya's closest habitable rooms would face away from the proposed house. The siting of Pataya maximises the area of garden with a southerly aspect and reduces the north-facing garden behind the house. While the proposed house would appear in the outlook from part of the rear area of Pataya, the area stands between a garden store and the garage of the extended Pataya. Given the distance of the proposed house from the boundary

¹ National Planning Policy Framework, paragraph 58

² Planning Practice Guidance, paragraph 007, ID 26-007-20140306

- of Pataya and that its closest section would be single storey, the outlook from Pataya would not be harmed by the proposal.
12. There would be no upper floor windows in the end elevation of the proposed house. This would prevent direct overlooking of Goran. While there would be the potential for some indirect overlooking from the first floor bedroom windows in the front elevation of the proposed house, given its oblique angle to Goran and its distance from the boundary, there would be no risk of a harmful loss of privacy.
 13. I appreciate that the outlook today from Goran towards the site of the proposed house is largely undeveloped, and this would change as a result of the development. However, I note the fall of the land across the site and the degree of planting on the boundary of Goran. Given the distance of the proposed house from Goran, together with its end-on orientation towards Goran and the form of its roof which would slope away from Goran, I do not consider that the outlook from within Goran or from its garden would be harmed by the proposal.
 14. Pataya is set so far back into its plot that its relationship to St Anton is unusual in that the front elevation of Pataya faces towards the rear elevation of St Anton. Pataya already has a first floor bedroom window in its flank wall facing towards the side boundary of the neighbouring house, St Anton, and dormer windows in the roof on its return elevation. The side extension proposed to Pataya would extend the flank wall closer to the garden of St Anton and introduce a full-height window in the flank together with an additional dormer containing a 'Juliette' balcony with glazed double doors.
 15. While I note the openings in St Anton facing Pataya, given the separation distance between them and the extensions at Pataya, I identify no harm to the privacy or outlook of the occupiers within the house, St Anton. Similarly, given the scale of the proposed extension and its distance from the side boundary, it would not harm the outlook from the back garden of St Anton.
 16. Notwithstanding this, the timber boundary fence and few shrubs along the boundary between the two plots would be an ineffective screen to the direct overlooking from the flank window into the back garden of St Anton. I appreciate that the balcony with inward opening double doors would provide advantages of letting-in space and light, and it would be oblique to St Anton. However, it would invite occupiers to enjoy views from the balcony, including to the back garden of St Anton, to a far greater degree than the less expansive openings of the dormer windows beside it. Given its proximity to the side boundary, it too would result in a harmful degree of overlooking into the back garden of St Anton.
 17. I acknowledge the appellant's suggestion for a condition for an alternative window in place of the inward opening doors in the dormer. However, there are no details of an alternative and I am not satisfied that this would not deprive those who should have been consulted on such a change, the opportunity of such consultation. In any event, it would not relieve the overlooking from the flank window, which I have found would be harmful to living conditions.
 18. I conclude on this issue that the proposed development would harm the living conditions of the occupiers of St Anton through overlooking into their back

garden. While I see less relevance in regard to this issue with saved Policy HSG1 of the West Berkshire Local Plan (1991-2006) adopted 2007 and CS Policies ADPP1 and CS19 to which the Council refers and which concern the spatial strategy, the historic environment and landscape character, the proposal would nonetheless conflict with CS Policy CS14. This Policy concerns design and layout and requires new development to make a positive contribution to the quality of life in West Berkshire. It would also conflict with one of the core planning principles of the Framework; that planning should always seek to secure a good standard of amenity for all existing occupants of land and buildings.

Other matters

19. I have taken the views of local residents into consideration, and I have already dealt with what I regard as the main planning issues. I understand the concern of neighbours about the potential impact of the development from additional traffic and manoeuvring, however, there is no evidence that the roads could not cope with the additional traffic likely to result from the development. A suitably sized passing place and turning area could be secured by condition.
20. I note the objections regarding surface water and the level of Drove Lane; however, without substantive evidence to the contrary, I consider that appropriate conditions could mitigate any risk of surface water flooding. Similarly, while the site benefits from several mature trees, their retention could be secured by appropriate conditions.

Conclusion

21. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable harm it would cause to the character of the area and the living conditions of the occupiers of St Anton, which is in clear conflict with the policies 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