
Appeal Decision

Site visit made on 11 May 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/W0340/W/17/3166586

19 Battery End, West Berkshire, Newbury RG14 6NX

- 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 Mrs Waller against the decision of West Berkshire Council.
 - The application Ref 16/01446/FULD, dated 23 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the erection of 1 No.3 bed dwelling with parking, amenity space and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the Council's determination of the planning application, amended plans were considered showing the omission of a gable window. The appeal was considered on this basis. In response to the Council's reasons for refusal to the scheme, the Appellant has submitted a tree survey and aboricultural impact assessment within the grounds of appeal. Given this, this assessment has been taken into account in my decision and because the procedures for the submission of comments have allowed the Council and third parties to respond to this.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring dwellings, having regard to privacy and sunlight.

Reasons

Character and appearance

4. The appeal site comprises garden land behind a semi-detached dwelling at 19 Battery End and an access track alongside this property. The plot of land is bordered by properties in Battery End, Charles Street and Falkland Road. The access track continues from Battery End to Falkland Road. The surrounding area comprises a variety of differently designed dwellings but generally dwellings are located in large plots, with long rear gardens. Trees and boundary hedgerows, along with the spacious nature of plots, are attractive and locally distinctive qualities of the area.
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5. The proposed dwelling would be pleasantly finished with facing brick and clay plain tile roof and it has been designed in a chalet style with first floor accommodation within a roof with dormers and flank gables. However, it would subdivide an existing residential property into two smaller plots out of keeping with the more generous spaciousness of properties in the area especially along Battery End. Significantly, it would result in a dwelling located behind another in an area where such pattern of development is not prevalent.
6. There has been infill development in the area. In the vicinity of the appeal site, properties at 9 Charles Street and 21-25 (odd numbers) Falkland Road have plot sizes which would be smaller or similar in size to the appeal plot. However, the prevailing pattern of development is of larger plots and significantly, long gardens especially along Battery End. My attention has been drawn to some backland and smaller sized plots but these are not common place in the area surrounding the appeal site.
7. The rearward position of the dwelling and the loss of space would be visible from views up the access track from Battery End and Charles Street. From Charles Street, the rear face of the proposed dwelling would be sited adjacent to the common boundary with No 9. Given dwellings in the area generally have long rear gardens, this relationship would appear cramped and it would further highlight the uncharacteristic form of development proposed here. Consequently, the development would adversely affect the character and appearance of the area.
8. Having inspected the site, there would be no trees of public amenity value affected by this proposed development. I further note that the Appellant's tree survey, undertaken in accordance with the relevant British Standard, shows no trees of significance which supports my findings.
9. In conclusion, the development would harm the character and appearance of the area for all these reasons. Accordingly, the proposal would be contrary to policies ADPP1, CS 14 and CS 19 of the West Berkshire Core Strategy (CS) 2006-2026, which collectively and amongst other matters, require high quality and sustainable design that respects and enhances the character and appearance of the area, positive contribution to local distinctiveness and a sense of place, regard be particularly given to the sensitivity of the area to change, and development should be appropriate in terms of location, scale and design.

Living conditions

10. There would be a first floor window serving a bedroom on the south elevation. It would be positioned a significant distance from the rear of the dwelling at 19 Battery End and therefore would not cause any significant overlooking of this dwelling. However, by reason of the windows close proximity to the No 19's garden, there would be significant overlooking of this property. Although this property is within the control of the Appellant's, this cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature. Consequently, there would be harm.
11. During the determination of the planning application, amended plans showed the removal of a first floor gable window directly facing the garden and dwelling at 23 Falkland Road. On this basis, there would be no significant

overlooking of this property. In relation to 9 Charles Street, there would be no significant overlooking by reason of the first floor openings being restricted to rooflights, some of which would be high level (a hallway) and obscured glazed (ensuite). The dwelling would have first floor windows facing the garden of 19 Falklands Road but there would be sufficient separating distance to prevent significant overlooking. Finally, there are other neighbouring properties around the site from which the new dwelling would be visible. However, gardens and dwellings would be sufficiently separated and first floor windows obliquely positioned in relation to them. Thus, there would be no significant overlooking of these properties.

12. The dwelling would be sited close to the common boundary with 6 Charles Street and the dwelling there, where it would cause some loss of sunlight and overshadowing in the morning. However, the proposed dwelling would overlap with less than half the length of this neighbouring dwelling and it has a sloping roof that slopes away from this neighbouring property. Furthermore, there is already some loss of sunlight and overshadowing caused by boundary treatments. On this basis, there would be no adverse impact.
13. In conclusion, the development would harm the living conditions of the occupiers of 19 Battery End, having regard to privacy. Accordingly, the proposal would be contrary to policy CS 14 of the CS, which collectively and amongst other matters, require development to make a positive contribution to the quality of life.

Other matters

14. The existing track would require clearing, widening and resurfacing in order to provide an access to the proposed dwelling. With the new dwelling, there would be traffic moving up and down the track beyond the existing garage serving the dwelling at 19 Battery End. However, the additional noise generated by one dwelling would be small and therefore this would not have added to my objections to the proposal.
15. Under the National Planning Policy Framework (the Framework), there are three dimensions to sustainable development, economic, social and environmental. The proposal would boost housing supply bringing about economic benefits. A dwelling would provide accommodation for present and future generations in a sustainable location. However the adverse impacts of the development on the character and appearance of the area, and the living conditions of the occupiers of 19 Battery End would be significant for the reasons indicated. The economic and social benefits would be small by reason of only one dwelling being created. Taken together, these adverse impacts substantially outweigh the benefits from the scheme and moreover, are sufficient to significantly and demonstrably outweigh the benefits that have been identified if the test under the fourth bullet point of paragraph 14 of the Framework were to be applied. Accordingly, the proposal would not be sustainable.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR