
Appeal Decision

Site visit made on 15 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/W0340/D/17/3172110

Noakes Hill Cottage, Noakes Hill, Ashamstead, Reading RG8 8RY

- 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 M Calvert against the decision of West Berkshire Council.
 - The application Ref 16/03600/HOUSE, dated 22 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is for the removal of existing outbuilding and the erection of a detached annex and extension to existing store; with associated hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing outbuilding and the erection of a detached annex and extension to existing store; with associated hard and soft landscaping at Noakes Hill Cottage, Noakes Hill, Ashamstead, Reading RG8 8RY in accordance with the terms of the application, Ref 16/03600/HOUSE, dated 22 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
175 PL 001 Existing Location Plan; 175 PL 002 Proposed Block Plan; 175 PL 003 Existing Plans; 175 PL 004 Existing Elevations; 175 PL 005 Proposed Plans; 175 PL 006 Proposed Elevations; 175 PL 007 Proposed Site Section A; 175 PL 008 Proposed Visualisations; 175 PL 009 Proposed Visualisations; 175 PL 0010 Proposed Visualisations ;175 PL 0011 Proposed Visualisations; 175 PL 0012 Proposed NE Elevation; 175 PL 0013 Existing Site Plan; 175 PL 0014 Proposed Site Plan; 175 PL 0015 Proposed Landscape Plan; 175 PL 0016 Proposed Visualisations, and; 175 PL 0017 Proposed Visualisations
 - 3) The detached annexe and the extension to the existing store building hereby approved shall only be used for ancillary residential purposes and shall remain in use as such associated with the residential dwelling known as Noakes Hill Cottage and associated buildings.
 - 4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning
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authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 5) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 6) All the trees shown on the existing site plan 175 PL 013 to be retained shall be protected by strong fencing in accordance with the line marked proposed tree protection and BS5837:2012. The fencing shall be erected in accordance before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Application for costs

2. An application for costs was made by Mrs M Calvert against West Berkshire Council. This application is the subject of a separate Decision.

Procedural matters

3. During the appeal the Council has adopted the West Berkshire Housing Site Allocations Development Plan Document (DPD). The parties have been given the opportunity to make further representations concerning the DPD and these considerations have been taken into account in this decision. I do not consider that either party has been prejudiced by this additional information.

Main Issues

4. The main issue in this appeal is whether the proposed development would represent the overdevelopment of the plot and thereby have a significantly harmful effect on the character and appearance of the area including the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

5. The appeal site comprises an existing single storey outbuilding within the grounds of Noakes Hill Cottage, a Grade II Listed Building and itself, located on the western side of Noakes Hill some 100 metres north of the junction with Holly Lane, on the eastern side of the village of Ashamstead. The site falls within the open countryside for planning purposes and within the Wessex Downs Area of Outstanding Natural Beauty (AONB). A public footpath runs in an east-west direction immediately to the north of the blue line boundary.
6. The application is clear that it proposes a residential annex and it was submitted to the Council as a householder development. The Council validated the application on this basis.
7. The Framework at paragraph 115 states that "great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." West Berkshire Core Strategy (CS) Area Delivery Plan Policy (ADPP) 5 seeks to protect the landscape qualities of the AONB and

- ensure that new developments are of a high design quality that contributes to local distinctiveness.
8. The proposal would see the demolition of the existing outbuilding situated to the east of the garage/workshop and its replacement by a timber clad 'L' shaped structure that would sit slightly below the ridge of the garage/workshop. The Council's reasons for refusal and evidence assert that the size of the building would exceed its policies and guidance directed at limiting the size of extensions and that it would also represent a significant increase in built form that would appear overbearing from the public footpath and out of context within the AONB.
 9. The Council's officer report sought to justify a refusal of permission partly on the basis of a calculation based on the increased floorspace of the extension to Noakes Hill Cottage. However Policy C6 of the DPD is a more nuanced policy for the purposes of extensions to existing dwellings in the countryside and no longer includes the formulaic methodology advocated in the Council's previous now superseded policy and guidance. Amongst other things, the new policy tests require extensions to be subservient to the main dwelling and designed to reflect the existing dwelling using materials appropriate within the local context and having no adverse effect on the setting, the space occupied within the plot boundary, on rural character and historic interest of the building (this is dealt with further in the next section of this decision) and its setting in the wider landscape.
 10. The accommodation is sizeable. It would provide 2 bedrooms, 2 bathrooms, a living studio area and a "study". However it is well designed and would occupy an area of under-used garden and replace an existing outbuilding. There would be no felling of any trees of significance and those that exist would be protected during construction works. In this context, the new building would preserve the area's character when viewed from the public footpath. Changes to the building's surroundings would lead to a degree of enhancement compared to the somewhat neglected outbuilding and other space around this structure.
 11. The Council appears to accept that the appeal proposal would not result in a new dwelling in the countryside. However, in accepting the status of the proposal as an annex, it then expresses concern with regards to a lack of curtilage and the range of facilities that are proposed. In these respects, the annex would provide facilities for independent day-to-day living but sharing some of the facilities of the main dwelling house, the extensive grounds and the communal parking. I am satisfied that the proposed development would provide an annex that would be ancillary to the existing dwelling. Moreover, it would share what are extensive grounds associated with the main dwelling.
 12. Consequently, I do not consider that the proposed development would harm the natural beauty of the AONB as it would preserve the rural character of the locality and in turn the natural beauty of the area. It would therefore comply with CS Policy ADPP 5. Moreover in terms of design, the proposal would comply with CS Policies CS14 and CS19 that together seek to ensure that new developments demonstrate high quality design that respect and enhance the character and appearance of the area whilst contributing positively to local distinctiveness and landscape character. Importantly, it would satisfy the criteria of DPD Policy C6 and therefore comply with this policy.

13. Given my findings, I do not consider that CS Policy ADPP 1 is relevant to this appeal as these policies relates to the Council's settlement strategy.

Other matters

14. I am required to consider the effects of the proposed development on the setting of Noakes Hill Cottage, a heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework establishes that the significance of a heritage asset can be harmed or lost through development within its setting. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
15. The site lies within the boundary of Noakes Hill Cottage. The Council concedes that the site lies outside the curtilage of the listed building and the existing structure is not therefore a curtilage building as such. I would agree with this conclusion. The significance of this particular listed building is derived from its traditional materials palette and construction techniques, its restrained vernacular detailing and prominent siting that sits close to and above Noakes Hill within extensive grounds containing mature trees.
16. The effect of the proposed development would be to replace an existing structure that is not particularly attractive, given its condition. This would be limited to a somewhat larger area than the footprint of the existing outbuilding but where the immediate surroundings contain mature trees that would be retained. It would not result in the loss of any buildings or landscape features which contribute to the special historic interest of the heritage asset and there is no evidence to suggest that the proposal would harm the significance of Noakes Hill Cottage. In giving great weight to the asset's conservation, I consider that the proposal would not erode the setting of the listed building to a harmful degree or cause harm to its significance.
17. Thus for the above reasons, and mindful of my duty arising from Section 66, I consider that the proposed development would preserve the setting of the listed building and also with DPD Policy C6. This policy seeks to ensure that an extension has no adverse impact on the historic interest of any particular building. It would also comply with section 12 of the Framework.

Conditions

18. The Council has suggested a single condition that seeks to restrict the use of the property as an annex to the main dwelling. This is consistent with the advice on the use of conditions in the Planning Practice Guidance and is necessary to ensure that a new dwelling is not created in this open countryside location. In addition to the standard time period for commencement of development, a condition specifying approved drawings is necessary to provide certainty. A condition is also necessary to ensure that details of external materials are submitted for prior approval in the interests of character and appearance. For similar reasons a condition is also necessary to ensure that the soft planting scheme is carried out and that the tree protection measures shown on the drawings are implemented.

Conclusion

19. For the reasons set out above and having regard to the all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR