
Appeal Decision

Site visit made on 23 May 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: 20 June 2017

Appeal Ref: APP/W0340/W/17/3168372

Badili, Chapel Lane, Hermitage, Thatcham RG18 9RP

- 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 & Mrs Quaintance-Blackford against the decision of West Berkshire Council.
 - The application Ref 16/02383/FUL, received by the Council on 31 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is the replacement of existing detached dwelling with detached four bedroom chalet style dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing detached dwelling with detached four bedroom chalet style dwelling at Badili, Chapel Lane, Hermitage, Thatcham RG18 9RP, in accordance with the terms of the application, Ref 16/02383/FUL, received by the Council on 31 August 2016, and the plans submitted with it, subject to the conditions on the schedule attached.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of Roseville Cottage, having particular regard to light and outlook.

Reasons

Character and appearance

3. The architecture of the enclave of development surrounding the site is characterised by bungalows and 2-storey, detached houses with gabled-ended roofs. Some have their eaves springing from the heads of the ground floor windows, others from the heads of the first floor. There are also examples of small, gabled dormers on the front slope of the roof. Reflecting many of the vernacular details of its neighbours, the proposed house would not appear out of place.
 4. Though flat roofs are not part of the character of the surrounding development, the span of the flat roof proposed would be limited and its prominence diminished by the half-dormers, gables, chimney and hips which add interest to
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its roofscape and which reduce its bulk. The windows of the proposal would reflect the proportions of many of those in the neighbouring houses.

5. While the proposal is to enlarge the footprint and volume of development on the plot, and I note that the neighbour to one side is a bungalow, given the number of 2-storey houses surrounding the proposal, the additional height would not be incompatible with the heights of neighbouring buildings. It would retain lateral gaps between its flanks and the site boundaries and its hipped flanks and lowered eaves would diminish the effect of its height on its single storey neighbour.
6. Its site coverage and plot ratio would be compatible with the neighbouring plots and its articulated form would reduce its apparent mass. The neighbouring houses are set back by a variety of distances from the street, in which context the proposed building line being similar to the existing, would not appear out of character. These factors suggest that it would settle well alongside its neighbours and that it would not be at odds with the pattern of development in the surrounding area.
7. The site is in the North Wessex Downs Area of Outstanding Beauty (AONB). However, 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 Framework, and I note the Council raises no objection in this regard.
8. I conclude on this issue that there would be no harm from the proposal to the character and appearance of the area and no conflict with policy CS14 of the West Berkshire Local Plan Core Strategy 2012 (LPCS) which requires development to demonstrate high quality design that respects and enhances the character and appearance of the area. Nor would it be at odds with the design advice in section 7 of the National Planning Policy Framework (the Framework).

Living conditions of the occupiers of Roseville Cottage

9. The appellants' daylight and sunlight report shows that the loss of daylight through the relevant windows of Roseville Cottage would be negligible as assessed using the standards of the Building Research Establishment's guidance¹. As regards sunlight, the affected windows are north-facing, where the loss of sunlight is irrelevant. While the proposal would result in a small amount of overshadowing of the garden in the morning this would be limited and would be offset by the substantial area of garden unaffected.
10. Whilst the proposed house would add a storey and extend the footprint over the existing towards Roseville Cottage, the roof would be pitched away from the neighbour and have restrained eaves and ridge heights over a flank wall maintaining a good separation from the boundary. Given the existing building on site, the additional development in this proposal would not result in an overbearing impact on the outlook of the occupiers of Roseville Cottage.
11. I conclude that the proposed development would not harm the living conditions of the occupiers of Roseville Cottage, having particular regard to light and outlook. There would be no conflict with LPCS policy CS14 which requires development to make a positive contribution to the quality of life in West

¹ Site layout planning for daylight and sunlight, PJ Littlefair, 2nd Edition 2011, Building Research Establishment

Berkshire. Nor would the proposal be at odds with the core planning principle of the Framework which seeks a good standard of amenity for all existing occupants of land and buildings.

Other Matters

12. I visited the house to the other side of the proposal, Red Roof. Though the outlooks through its flank windows would change following the development, the compact and receding form of the proposed house would not be visually intrusive or overbearing, and its relatively modest height would not reduce the outlook to a harmful degree.
13. Given the gap retained to the side boundary by the footprint of the proposed house and its relatively modest eaves height and its roofs which would slope away from Red Roof, and taking into account the existing building, the loss of daylight or sunlight to the rooms within Red Roof would not be harmful. Whilst there would be some overshadowing of the garden of Red Roof in the afternoon, given its substantial area, the effect would be limited and not harmful.
14. I appreciate that the area around Hermitage has an almost rural character; however the site is within the settlement boundary and adjoins built-up development where a degree of overlooking of adjoining back gardens is not uncommon. Given the space in the gardens of neighbouring houses, their length, the boundary planting, and their distance from the windows of the proposal, any overlooking would not be harmful. I can identify no harm to the living conditions of the occupiers of Red Roof and the neighbouring houses from the proposal and no conflict with the LPCS or the Framework in this regard.
15. The proposal includes sufficient space in the plot to turn and park cars for the occupiers, and it would not alter the present availability of parking in the street or access to it. I note the concern over the potential loss of trees in the back garden of the appeal site, however there is no evidence that the proposal would result in harm to surrounding trees.

Conditions

16. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. For clarity and to ensure compliance with the Planning Practice Guidance (PPG), I have amended some of the Council's suggested wording.
17. In order to provide certainty, it would be necessary to impose a condition requiring the development be carried out in accordance with the approved plans. In such proximity to the surrounding dwellings and their back gardens, a condition to secure finishing materials would be necessary to safeguard the character and appearance of the area and to make the development acceptable. Because of their position in the construction programme and the lead-in times for materials, these details would need to be submitted and approved before the commencement of development.
18. Given the limited space available for parking in Chapel Lane as well as its width, a pre-occupation condition to provide and retain on-plot parking would also be necessary. However, given the space to be retained between the proposed house and the Lane, I do not consider it would be reasonable or

necessary to condition a temporary parking and turning area during the construction works. I note the proximity of the adjoining neighbours' gardens and openings to the proposed development and consider a working hours condition necessary to prevent harm to their living conditions.

19. Given the size of the proposed house and the proximity and scale of the surrounding houses, the potential to enlarge it further without adversely affecting the character and appearance of the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, the withdrawal of permitted development rights for enlargement under class A and class B would be necessary, and the condition would not prevent such development, but would bring it under planning control. However, the withdrawal of rights under class C (any other alteration to the roof of a dwelling house) would not be reasonable or necessary.

Conclusion

20. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1097-2-EX01 Existing Layout Plan and Elevations Site Location Plan and Block Plan; 1097-2-PL01 revB Proposed Plans Elevations and Block Plan; and, 1097-2-STR01 Street Scene View of Adjacent Dwellings.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1097-2-PL01 revB Proposed Plans Elevations and Block Plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements as provided for within Schedule 2, Part 1, Class A and Class B of that Order shall be constructed.
- 6) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays to Fridays and 08:30 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

End of Schedule of Conditions