
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/17/3168995
67 Chapel Street, Thatcham RG18 4JS

- 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 G Brown against the decision of West Berkshire Council.
 - The application Ref 16/02125/FULD, dated 25 July 2016, was refused by notice dated 19 October 2016.
 - The development proposed is the erection of a bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at 67 Chapel Street, Thatcham RG18 4JS in accordance with the terms of the application, Ref 16/02125/FULD, dated 25 July 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs G Brown against West Berkshire Council. This application is the subject of a separate Decision.

Main Issues

3. These are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of the White House and the Coach House with particular regard to overlooking; and,
 - the living conditions of future occupiers with particular regard to the size of the back garden and overlooking.

Reasons

Character and appearance

4. While development along Chapel Street and Elms Avenue fronts directly to the street, there are a number of houses developed between Kennet Close and the buildings along Chapel Street. Nos 1 and 2 The Hideaway sit behind the terrace of houses fronting Chapel Street, as do No 69b and the pair of recently completed houses immediately adjoining the appeal site.
 5. Given the development that has taken place between the buildings on Chapel Street and those on Kennet Close, the location of the proposal would not be at
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odds with the pattern of development of the area; indeed it would appear to be one of many houses developed in the area of land behind the buildings along Chapel Street.

6. Its footprint and its plot ratio would be compatible with the surrounding houses and its height would be within the range of its neighbours. While two sides of the proposed house would be set relatively close to the boundaries it would retain ample space around its other sides to prevent it appearing cramped. The overall effect would be little different from the two recently completed houses adjoining the appeal site which are each set relatively close to their boundaries on two sides. The proposal would not conflict with the spatial character of the area.
7. It would also retain sufficient space from the Coach House to prevent any coalescence between surrounding buildings. While it would be visible from the street, it would not be prominent and its scale, with a low eaves and small dormers, would be sensitive to its location behind the street-facing buildings. I have had regard to the established character towards the street and the wider locality, but I have also taken into account the recent developments near the site, to the rear of the street, which form part of its surrounding character too.
8. I conclude that there would be no harm from the proposal to the character and appearance of the area, and no conflict with policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy 2012 (LPCS). These say that particular regard will be given to the location of development in the context of the existing settlement pattern and which require 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 the White House and the Coach House

9. While first floor bedroom windows would face towards the Coach House, the area they would overlook is used for car-parking, sheds and for entry into the house, whereas the back garden is well screened behind the house. The proposed windows would be set at such an acute angle, and at such a distance from the side windows of the Coach House that any overlooking into them would be extremely limited and not harmful. The windows of the Coach House directly opposite the proposed bedrooms serve a hall and a bathroom which already have screening and where privacy would not be materially harmed. There would therefore be no harmful overlooking or perception of being overlooked from the proposal to the Coach House.
10. The back garden of the White House is largely screened by mature trees and shrubs and the distance from its first floor windows to those of the proposed house would be sufficient to ensure that there would be no materially harmful overlooking or any perception of being overlooked.
11. I conclude on this issue that there would be no harm to the living conditions of the occupiers of the White House and the Coach House with particular regard to overlooking. There would be no conflict with LPCS policy CS14 which requires development to make a positive contribution to the quality of life in West 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.

Living conditions of future occupiers

12. The Council measures the useable garden area of the proposal as 70m², substantially less than the guideline area of 100m² recommended in its Quality Design – West Berkshire Supplementary Planning Document Part 2 2006 (SPD), whereas the appellant gives the main garden area as 110m². The area of the garden to the west of the proposed house appears to exceed the area suggested in the SPD. Moreover, the SPD emphasises that it is the quality of the space which matters most and that its garden sizes are a general guide. The additional areas of garden to the opposite side of the house would accommodate the bin and bicycle stores with sufficient space for uses such as drying washing; this would increase still further the area of useable or main garden and its quality.
13. The garden would be lined on three sides by mature trees and shrubs but would be sufficiently deep and wide not to have an over-enclosing effect. Given the mature, boundary planting and the limited use of the shared drive, the garden would provide an acceptable degree of privacy. Because of the distance of the openings of the proposed house from the windows of the surrounding houses and the boundary planting, the rooms within the proposed house would not be harmfully overlooked.
14. I conclude on this issue that there would be no harm to the living conditions of future occupiers with particular regard to the size of the back garden and overlooking. There would be no conflict with LPCS policy CS14 which requires development to make a positive contribution to the quality of life in West Berkshire. Nor would the proposal be at odds with the core planning principle of the Framework which seeks a good standard of amenity for future occupants of land and buildings.

Other Matters

15. The occupiers of the houses in Kennet Close behind the proposed house would be screened along the boundary by a timber fence, and an evergreen hedge around 5m in height. Even if the hedge were removed the skylight in the roof slope facing Kennet Close would have a cill level of 1.6m above floor level, which would reduce the opportunity for overlooking to Kennet Close to a marginal level, which given the separation distance, would not be harmful. There would be the potential for some noise from the use of the garden of the proposed house, however, this would be little different to the character of the surrounding land where back gardens adjoin.

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. 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. The drawings adequately describe the facing materials and boundary treatments of the proposal so a materials and boundary treatments condition is unnecessary.
17. The trees on the site provide privacy to surrounding occupiers, as well as a soft edge to the development and a resource for wildlife, and should be retained. A

risk of archaeological remains has been identified, so a precautionary condition is required to ensure appropriate recording. Though the site is undeveloped it is surrounded by dwellings and accessed from a busy road. Therefore a condition for a construction method statement incorporating working hours, delivery access and pollution control is necessary to protect highway users and the living conditions of neighbours. For these conditions to be effective they should be cleared before the commencement of development.

18. In the interests of sustainable development a condition to secure sustainable drainage is also necessary. There is limited space available for parking in surrounding streets and given the volume of traffic on Chapel Street, a pre-occupation condition to provide and retain on-plot parking and turning would also be necessary. Without a garage, the bike store would reduce the reliance on the car and is necessary in the interest of sustainable development; however, its retention would be unnecessarily restrictive in a development of a single house.
19. Given the size of the proposed house and the proximity of its boundaries and the surrounding houses, the potential to enlarge the house 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. Given the proximity of the surrounding dwellings, and in the interests of protecting the privacy of neighbours, a condition for the control of roof lights and upper floor windows is necessary. These conditions would not prevent enlargement or the installation roof lights and windows, but would bring this under planning control.
20. Notwithstanding this, there is sufficient space around the proposal to make the withdrawal of rights under class E (buildings etc. incidental to the enjoyment of a dwelling house) unreasonable and unnecessary.

Conclusion

21. The proposed development would cause no environmental harm but would support economic activity through construction and it would bring social benefits by providing an additional house in accordance with paragraph 47 of the Framework which anticipates a significant boost to the supply of housing. For the reasons given above, I conclude that the proposal would be sustainable development 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: 1961-04 revB Existing Location and Block Plans; 1961-05 revA Proposed Site Plan and Floor Plans; 1961-06 Proposed Elevations and Sections; and, 1961-07 Proposed Block Plan.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No site clearance, preparatory work, or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
- 5) No site clearance or development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Construction Method Statement shall provide for:
 - loading and unloading of plant and materials;
 - measures to control the emission of dust and dirt during site-stripping and construction;
 - construction working hours.
- 6) The approved Construction Method Statement shall be adhered to throughout the site stripping and construction period for the development.
- 7) The dwelling shall not be occupied until a scheme of surface water drainage, incorporating sustainable drainage principles, shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority and shall thereafter be retained.
- 8) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1961-05 revA Proposed Site Plan and Floor Plans 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.
- 9) The dwelling shall not be occupied until the bicycle store has been provided in accordance drawing no. 1961-05 revA Proposed Site Plan and Floor Plans.

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- 10) 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.
- 11) 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 first floor windows/dormer windows other than those expressly authorised by this permission shall be constructed on the north, south and east elevations.

End of the schedule of conditions