
Appeal Decision

Site visit made on 3 October 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 26 October 2017

Appeal Ref: APP/X0360/D/17/3181958

Charfield Cottage, Charvil Lane, Sonning RG4 6Th

- 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 M Melton against the decision of Wokingham Borough Council.
 - The application Ref 170895, dated 23 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is proposed demolition of existing attached single storey building and part catslide roof and erection of one and a half storey side extension with front dormer.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was refused for three reasons. One related to the effect on protected species, bats. With the grounds of appeal the appellant submitted a letter from an environmental consultancy who had undertaken an inspection of the property. This showed at the time of the survey that a single long-eared bat was recorded, seen to emerge and re-enter. It was therefore concluded that the property is a day roost used by individual brown long-eared bats and possibly a single bat and not an important roost (such as a maternity roost).
3. The report concluded that proportional mitigation measures can be incorporated into the development to ensure that favourable conservation status can be maintained and this achieved by the imposition of a condition.
4. The Council was given the opportunity to respond to this additional information and indicated, subject to the imposition of a condition, "there is no longer a valid reason for refusal on ecology grounds". Consequently, I will not take this issue further.

Main Issues

5. In light of the above, the main issues are:
 - the effect on the character and appearance of the building and area; and
 - whether the proposal makes appropriate provision in respect of the adjoining Scheduled Ancient Monument (SAM).

Reasons

Character and appearance

6. The appeal property is located at the western end of a small enclave of dwellings on the south side of Charvil Lane. The properties are well separated set among a number of mature trees giving the immediate area a sylvan feel. To the west and south are open fields which allow medium distance views of the property from the south and southwest from the A4 and the footway/cycleway that runs alongside.
7. The dwelling is set back from Charvil Lane at a slightly higher level than the highway. It is a detached two storey dwelling, with a large catslide roof extending down on the eastern side so that this element is only single storey. There is a detached double garage in front of this single storey element.
8. The proposal is to demolish the single storey side element and construct what is described as a one and a half storey element. However this is a misnomer in that while the front elevation has its eaves between ground and first floors and there is a dormer window in the roof plane, the rear elevation is a full two storeys. The ridge of the dwelling is only slightly set down from the ridge of the existing roof; the documentation indicates this set down would be 0.15 m. There would also be a chimney which would rise above the ridge and be higher than an existing chimney on the west elevation.
9. The Council has referred to its Borough Design Guide Supplementary Planning Document June 2012 (the SPD). It is indicated that the SPD was adopted following public consultation with a number of key objectives including to promote good design and to respect and be sympathetic to the character of the area in which the development is situated. As these principles are in accordance with paragraphs 17 and 58 of the National Planning Policy Framework (the Framework), which seek high quality design responding to local character and history, I am able to give the SPD significant weight.
10. The SPD in its section on alterations and extensions to existing dwellings indicates that "alterations or extensions should be clearly subservient to the form and scale or [sic of?] the original building in most situations, although there may be exceptions where it is more appropriate to design a seamless continuation" and "the roof form of the extension should take its form from the main building. In certain circumstances contrast may be desirable, as for instance where there is an opportunity for green roofs, solar panels or solar water heating."
11. The main wing of the property runs from front to back with the large catslide roof to one side giving the current building an asymmetric appearance. This is partially hidden from Charvil Lane by the garage and the hedgerow along this front boundary. While the rear elevation would even up the rear elevation of the property, on the front there would be a number of different elements that would not resolve satisfactorily. In particular there is an existing one and a half storey asymmetric gable element and the junction of this with the new roof pitch would be extremely awkward. The eaves for the new element would not tie into any existing feature and would add to the confusion of different eaves lines.

12. In addition the proposed ridge is not set down by a significant amount from the existing one, with the proposed chimney acting in counterpoint so that the roof appears taller than it actually is. This means that it would appear bulky and would not be subservient to the existing dwelling and thus would be contrary to the guidance in the SPD, represent poor design and be harmful to the appearance of the existing property and thus the character and appearance of the immediate area around the dwelling. No special or specific circumstance has been put forward as to why a contrast may be desirable other than the design of the building is currently asymmetric. Of itself this is not sufficient to outweigh the harms set out above.
13. When viewed from the south and southwest the proposal would only be able to be seen from over the fields for a short distance along the A4 as the existing main wing of the house would obscure the extension from one side and the mature trees from the other. This means that the effect of the proposal would not be harmful to the character and appearance of the wider area.
14. However, the design of the proposal would be harmful to the character and appearance of the existing property. As such it would be contrary to Policies CP1, CP3 and CP11 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document January 2010 (the CS). These policies require development to maintain or enhance the high quality of the environment, to be of an appropriate built form, and not to result in an inappropriate increase in the scale of the original building. It would also be contrary to the SPD as set out above. Finally, it would be contrary to paragraphs 17, 58 and 64 of the Framework as set above and which indicates that permission should be refused for development of poor design.

Archaeology

15. The Council indicates that the site is located next to a substantial area of cropmarks which are a Scheduled Ancient Monument (SAM 176) and this has not been disputed by the appellant. All SAMs are designated heritage assets under the terms of the Framework. I have not been provided with any further details of the SAM or its extent and thus must work on a precautionary basis. This is because SAMs are by definition of national importance and paragraph 132 of the Framework states that great weight should be given to the conservation of such monuments. This paragraph goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The significance of the SAM can be defined by its age, survival and condition but I have no information as to what this may be.
16. The Council report states that no development should be allowed until an archaeological work programme has been implemented in accordance with a written scheme for investigation. Consequently, the appellant indicates that this matter could be resolved through the use of an appropriately worded planning condition.
17. Advice on the use of conditions is given in paragraph 206 of the Framework and the relevant section of the national Planning Practice Guidance. Among the tests for condition is that any condition should be precise and be reasonable, in the sense that it should not put a disproportionate burden on an applicant¹.

¹ Key Questions table referred to in Reference ID: 21a-004-20140306

The difficulty is that without information as to the extent and nature of the SAM beyond the generalised description of “cropmarks”, I cannot be sure that such a condition would meet these tests. For example, I do not know what works, if any, may be required to the SAM and thus whether they would be proportionate to the proposal, or precisely what may be involved.

18. Without this information I cannot be sure what effect the development may have on the designated heritage asset, and thus the degree of harm, if any. I am therefore unable to weigh the benefits of the proposal in line with the advice in paragraphs 132, 133 and 134 of the Framework.
19. As such it is not possible to determine that the proposal would not be harmful to archaeology. As such it would be contrary to Policies TB24 and TB25 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan (February 2014) which indicate that it should be demonstrated that the proposals would at least conserve, and where possible enhance the important character and special historic interest of the monument and that the presumption that appropriate measures will be taken to protect remains in situ. It would also be contrary to the Framework as set out above.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR