



Appeal Decision

Site visit made on 5 July 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 07th October 2019

Appeal Ref: APP/W0340/W/19/3226205

Land at Hugh Fraser Drive Tilehurst Reading RG31 4QZ

- 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 Andrew Cottrell against the decision of West Berkshire Council.
 - The application Ref 18/02681, dated 4 October 2018, was refused by notice dated 4 December 2018.
 - The development proposed is construction of 2-storey detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2-storey detached dwelling on land at Hugh Fraser Drive Tilehurst Reading RG31 4QZ in accordance with the terms of the application, Ref 18/02681, dated 4 October 2018, and the plans submitted with it, subject to the 13 conditions appended to this decision letter.

Main Issues

2. The main issues are the effect of the development:
 - on the character and appearance of the area and
 - upon the living conditions of adjoining users with particular regard to overlooking and privacy.

Reasons

Character and appearance

3. The development would be located within an area of established late twentieth-century residential development. Some dwellings have a regular configuration around the turning head on Hugh Frazer Drive from which the proposed development would be accessed. However, the intervening oak trees and position between dwellings accessed from Langley Hill Close, many of which have been extended or altered in various ways, means the proposed dwelling would be visually associated within a different, and altered, arrangement of built form to that found on the east side of Hugh Fraser Drive.
4. The dwelling would also be at an angle to the general rectilinear arrangement of dwellings, but aligned to the boundary of a corner plot. The enclosing and screening effect of the retained trees would, to my mind, create a setting for the dwelling that means this change in the character of the development pattern would neither be obtrusive or harmful.

5. A previous appeal decision¹ concluded that a single storey dwelling on the appeal site would contrast with the existing pattern of development. The configuration of the built form was also a factor in conclusions as to the incongruity of that proposal. That decision was however based on policies now superseded and, importantly, prior to the introduction of the National Planning Policy Framework which places significant emphasis on the delivery of housing.
6. The development would introduce a degree of change to the local development pattern. However, given the overall character of the area and the suburban nature of the surrounding development I am not persuaded that change would be harmful. I conclude the proposal does not conflict with the provisions of Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) (CS) which requires proposals to make efficient use of land whilst respecting density and character. Nor do I consider there to be any conflict with Policy CS19 of the CS which seeks to protect heritage and landscape character and is of limited relevance to the appeal location.

Living Conditions

7. The proposed dwelling would be constructed alongside the angled boundary to 11 Langley Hill Close (No.11), separated by a few meters from its flank wall. Outlook from No.11 to front and rear would not be affected by the proposal. Whilst there is a first floor window in the flank wall and the proposed dwelling would partly intrude into its current outlook, it seems to me the effect of the development would be minor as there would still be a substantial gap between the proposed dwelling and No.17 Hugh Fraser Drive retaining views towards the boundary oak tree, nor would there be any overshadowing of the main garden area of No.11.
8. The Council object, on the grounds of occupier amenity, to the appellant's suggestion that windows could be obscure-glazed to reduce overlooking. However, two windows are those of the first-floor bathroom and shower-room. The first-floor bedroom window on the north-east elevation, which presents a minor risk of overlooking of the rear garden area of No.10 Langley Hill Close (No.10) would be a second window to that bedroom and it seems to me no harm to living conditions would arise from that being also obscure-glazed. First floor windows on the south-east elevation of the proposed dwelling would allow a degree of overlooking of the foregarden to No.17 Hugh Fraser Drive (No.17) and its immediate neighbour (No.16) but at a distance of many metres. Noting that the space is already open to view from the highway this additional overlooking would not be intrusive. These windows would also be at an oblique angle to the main façade of No.17 and this would protect privacy of interior use.
9. I therefore conclude the proposed development would not conflict with Policy CS14 of the CS or with 'Quality Design - West Berkshire Supplementary Planning Document Part 2' (2006) which taken together seek to ensure design quality and protect the privacy and outdoor amenity.
10. The proposal would therefore accord with the development plan as a whole, and in consequence, for the reasons given, the appeal is allowed.

¹ APP/W0340/A/10/2132074 (Appeal dismissed)

Conditions

11. The Council have suggested a number of conditions which I have considered and adjusted as appropriate. In addition to a 'plans' condition to ensure the development proceeds on the basis of this decision and conditions for the completion of access, parking, and cycle storage, are appropriate. Due to the constrained nature of the site it is also appropriate that no extensions or ancillary buildings are erected without express permission. For the same reason a construction method plan is needed to protect the amenity of adjoining residents during works. Measures for the protection of trees, for the approval of drainage, boundary treatments and materials used in the external fabric are appropriate to protect visual amenity, privacy, and minimise flood risk. The Council have proposed a precautionary condition in relation to the potential for discovery of contamination during development and this is not inappropriate in the circumstances. I have included a condition for the obscure-glazing of certain windows to address concerns as to overlooking.

Andrew Boughton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans all dated October 2018: Drawing 01 (elevations and site plan); Drawing 02 (Floor Plans); Drawing 03 (Block plan and roof plan).
- 3) The development hereby permitted shall not be first occupied unless and until the access has been constructed in accordance with the approved drawings and the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 4) The development hereby permitted shall not be first occupied unless and until the cycle storage shown on the approved drawings has been completed. The cycle storage shall thereafter be retained for that use for the life of the development permitted.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - measures to control the emission of dirt and dust;

- construction working hours
- the tree protection measures.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) If contamination is found at any time during site clearance and construction, the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval.
- 7) Works shall be carried out in accordance with the approved 'remediation method statement' (submitted to comply with condition 6) and a final validation report shall be submitted to the local planning authority before the dwelling is occupied.
- 8) No development above ground shall take place until details and samples of all external facing materials, including the fenestration 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 details.
- 9) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C or E of the Town and Country (General Permitted Development) Order 2015, or any subsequent version thereof, no additions or extensions shall be made to, additional windows inserted at first-floor level, or outbuildings erected in the curtilage of, the dwelling hereby approved without planning permission having first been granted.
- 10) No development above ground shall take place unless and until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) Prior to their installation, details of all new boundary treatment including any entrance gates, shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved materials and installed prior to the first occupation of the dwelling hereby permitted.
- 12) 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.
- 13) First-floor windows shown on the NE front elevation, the NW side elevation and SW rear elevation appearing on the approved Drawing 01 shall be fitted with obscured glazing for the life of the development.