



Appeal Decision

Site visit made on 4 September 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/W0340/W/19/3231442

Land to the Rear of 378 London Road, London Road, Benham Hill, Thatcham RG18 3AA

- 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 Catherine Hall against the decision of West Berkshire Council.
 - The application Ref 19/00020/FULD, dated 4 January 2019, was refused by notice dated 4 March 2019.
 - The development proposed is three one bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the locality, the living conditions of future occupiers and those of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site is an undeveloped area of land which is open on two sides and which comprises the former rear garden of 378 London Road, a large detached building. The site fronts onto Fir Tree Lane with the generous garden of 380 London Road running behind the site and it is bordered to one side by the playing fields of a neighbouring school.
4. This area of Fir Tree Lane around the appeal site has a spacious, leafy character due to the established planting on areas of the boundaries of the appeal site and surrounding nearby dwellings, the views through into the playing fields and the trees which border the playing area. Furthermore, on the opposite side of the appeal site on Fir Tree Lane are several detached two storey dwellings which are set back from the road with mostly open frontages, with gaps in-between the dwellings to give views behind to their generous, leafy plots. Further along the road there are three storey dwellings with flat roofs.
5. The proposed two and a half storey building would be arranged over three floors of living accommodation with an expanse of glazing including balconies on each level of accommodation, albeit under the sloping roof. This level of glazing would serve to draw attention to the building's height, which would

uncharacteristically extend above neighbouring properties opposite, and with its steeper roof pitch, would appear incongruous when seen together with the smaller scale shallower roof pitches of the two storey dwellings opposite. In my view, this would have a resultant negative effect on the character and appearance of the immediate area, despite the appellant considering it to be sensitive and creative.

6. The proposed width and depth of the building would appear disproportionate to the size of the plot and would be in close proximity to its boundaries, uncharacteristically filling the appeal site and leaving little room for usable garden space. The building would appear cramped in relation to its plot and out of character with the surrounding pattern of development, and the more spaciouly considered dwellings nearby which are set within generous plots. This width and depth when combined with the proposed height would introduce a dominating and visually incongruous building in this open location.
7. The appellant contends that the proposed development would reflect the scale and footprint of the immediate adjoining properties. However, regardless of whether or not the footprints are comparable I find that, due to the combination of overall scale, form and massing, as well as the extent and design of the glazed elements, the proposal would have a harmful visual impact on the character and appearance of the area.
8. Despite the proposed use of traditional building materials, which is consistent with the guidance set out within the West Berkshire Supplementary Planning Document: Quality Design: Part Two Residential Development 2006 (SPD), it is the large areas of glazing and balconies, which whilst providing surveillance from habitable rooms and sufficient daylight for inside, would appear incongruous within the street scene, despite their orientation, and at odds with the smaller scale traditionally proportioned window openings in the immediate area. Additionally, whilst using roof forms referred to within the SPD, such as pitched roofs and gable ends, it is the proposed combination of roof forms at a steeper pitch which would appear at odds with the simpler shallower pitched roofs opposite the appeal site. As such the development would have a harmful impact on the character and appearance of the area.
9. The appellant has stated that the dwellings on the opposite side of Fir Tree Lane are 'out of character with the traditional forms and materials of the district and locality.' It is also presented to me that the dwellings have shallower pitched roofs than more traditional dwellings in the locality and that if these dwellings had steeper pitched roofs then the proposed development would be comparable in its ridge height, and that this would also follow the guidance of paragraph 1.11.2 of the SPD on traditional roof forms. This states that traditional roof forms tend to have steeper pitches (in excess of 30 degrees), and a traditional approach should be applied to new development unless there are overriding reasons to create alternative forms. I note that the proposed roof pitch is in excess of 30 degree and is therefore in compliance with this part of the SPD on traditional roof pitches. However, I consider that the proposed development would be immediately viewed in context with those dwellings opposite with shallow roof pitches, rather than any others in the locality, and therefore the proposed steeper roof pitch when combined with the building's height would appear incongruous in this case.

10. The appellant contends that the houses along London Road are comparable in their form and scale to the proposed development. Also, that the height of the apex of No 378 would be similar to the proposed development. However, I consider that the appeal site is more directly viewed from public viewpoints in relation to the lower dwellings along Fir Tree Lane, given its closer positioning and orientation.
11. I note the example of the 'contemporary interpretation of traditional form' in Oxford put forward by the appellant as a successful comparable example. However, that existing development appears to be a greater overall scale and I do not have all the full details before me of the scheme or its context in order to fully assess any comparisons. Therefore, I give it little weight and in any case I must assess the scheme before me primarily on its own merits.
12. For these reasons I find that the development would have a harmful effect on the character and appearance of the area and would conflict with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 adopted 2012 (CS). Whilst these policies do not require new development to slavishly copy their surroundings they do collectively seek, amongst other things, that new development is of high quality, sustainable design which makes a positive contribution to the area and is appropriate in its location, scale and design within the existing settlement form, pattern and character. It would also conflict with the National Planning Policy Framework 2019 (the Framework), which places an emphasis on good design.

Living conditions of future occupiers

13. The Council and the appellant disagree over the calculations of the area of amenity space provided. The Council believe that the area is short of the guidance of 75m² set out in the SPD, although they recognise only slightly at its calculation of 69m². The appellant calculates that the area provided would be 80m², including communal garden space of lawns and borders, and that there would also be outdoor space onto balconies of around 7m², which is encouraged by the SPD which states 'where appropriate, gardens and other outdoor private spaces (patios, decked areas, balconies, roof gardens) can be provided without compromising on density'. I do not have the detailed calculations but recognise that the quantity is close to the requirement. However, it is the quality of outdoor space that matters the most.
14. The garden areas are restricted to an overly narrow strip running along the boundary of the playing field, a narrowing area which runs alongside the rear boundary, and a small area in-between the proposed building and car parking area. These communal garden areas would not result in any meaningful outdoor garden space, for residents to accommodate domestic features and would not allow for opportunities for sitting outside in comfort in-line with the guidance within the SPD. In addition to the lack of usable area much of that which would be provided would be over-shadowed by the existing mature ever-green conifer trees.
15. Consequently, I find that the proposed development would have a harmful effect on the living conditions of future occupiers and would be contrary to Policy CS14 of the CS, which seeks, among other things, to ensure that new development has high quality, sustainable design which respects, enhances and makes a positive contribution to the quality of life of the area. There would also

be conflict with the principles set out in the accompanying SPD and with the Framework which seeks a high standard of amenity for future users.

Living conditions of neighbouring occupiers

16. The proposed development would be two and a half storeys in height with living accommodation arranged over three floors and with windows on all sides.
17. The distance between the building frontage of the proposed development is above 21 metres to No 378, and those dwellings along Fir Tree Lane, and is subsequently consistent with the guidance set out in the SPD which is intended to safeguard privacy. However, the SPD also indicates that greater distances may be necessary to achieve greater levels of privacy 'where the character of the area is of large houses with large mature gardens'.
18. However, the extent of the full height glazing at first and second floors on the west elevation, would result in almost half of the gable projection being glazed. This combination of height and extent of glazing would appear intrusive on the occupiers opposite leading to a sense of overlooking. This would be significantly harmful to their living conditions, because despite this being an open frontage in public view, the introduction of formal windows at such a position and height would lead to an increased perception of elevated overlooking. Although these windows would serve the lobby and stairs, with direct views likely from the landings, and not habitable rooms they would still be frequently used by the inhabitants on a daily basis. Whilst the balconies on the northern elevation would be visible in part from the road due to the angle of the development it would be the full height glazing which would have the greatest impact on the living conditions of the occupiers of Fir Tree Lane opposite the site.
19. A previous Inspector¹ has placed importance on the living conditions of the rear gardens for the occupiers of London Road due to the busy traffic along the street. The proposed extent and height of the glazing on the southern elevation, which includes Juliet balconies at first and second floor where occupiers of the development could stand fully in the opening, would have an intrusive impact on the occupiers of No 378 when within the garden, and would harmfully reduce their level enjoyment and privacy by creating an increased awareness of being overlooked. This would be exacerbated by the size of the openings which would increase the perception of overlooking. Although there are trees along the boundary to No 378 which do provide some screening, this is not sufficient to prevent a harmful level of overlooking and in addition these are not permanent features.
20. The eastern elevation would be orientated over the rear garden of No 380. The windows at first and second floor serve the kitchen. The submitted plans show that on the first floor the sink would be directly underneath the window and on the second floor the kitchen worktop would be underneath. These windows would therefore be well used by the future occupiers. The use of these windows when combined with their positioning at first and second floor would result in a harmful loss of privacy and enjoyment to the neighbouring occupiers by creating an increased awareness of being overlooked, this is despite the trees along the boundary which provide some screening. However, this is not enough to prevent a harmful level of overlooking and additionally these are not permeant features.

¹ Appeal reference APP/W0340/A/06/2032522

21. The fenestration treatment to the northern elevation on the first and second floors includes double doors leading onto open plan balconies. These balconies would directly overlook the adjacent playing fields. However, the playing fields have a communal function and there would be a similar relationship to those houses positioned opposite the road, which also look into the playing field. Therefore, there would not be harm in this respect.
22. I find that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers and would be contrary to Policy CS14 of the CS, which seeks, among other things, to ensure that new development has high quality, sustainable design which respects, enhances and makes a positive contribution to the quality of life of the area. There would also be conflict with the Framework which seeks a high standard of amenity for existing users.

Other Matters

23. The appellant has identified that the Framework supports development of land which is under-utilised and 'derelict'. I am also aware that the development could contribute to a balanced housing stock as a windfall site and contribute to the delivery of a mix of dwelling types and sizes. However, given the harm that I have found in relation to character and appearance and living conditions, and having regard to the Framework's clear emphasis on good design, I do not consider the development accords with the Framework taken as a whole.
24. There has been no objection from the Highway Authority subject to amongst other conditions to secure sufficient visibility display. The land within the visibility splay is partially under separate ownership with a third party representation received stating that the land will not be provided to support the scheme. The appellant sets out that this has been in long standing use and they have legal advice leading to having rights over it. I do not have all the information before me and given that I am dismissing for other reasons it has not been necessary for me to investigate this further. However, even if I did accept that it was deliverable my overall conclusion on the acceptability of the development would remain unchanged.
25. It is acknowledged that the site has been vacant for some time and some may consider it to be unsightly. The appellant states that the new development with its landscaping will vastly improve the amenity value of the site and act as a catalyst for improvements to the rear of its immediate neighbours. However, I do not consider that this is sufficient justification to outweigh the harm that I have identified.

Conclusion

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

L Crouch

INSPECTOR