
Appeal Decision

Site visit made on 19 November 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 11th December 2019.

Appeal Ref: APP/W0340/W/19/3235500

Ullathorne, Kendrick Road, Newbury RG14 6PW

- 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 Burnard against the decision of West Berkshire Council.
 - The application Ref 19/00938/FULD, dated 5 February 2019, was refused by notice dated 5 July 2019.
 - The development proposed is erection of a new 2 storey detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of neighbouring occupiers with respect to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is in a group of dwellings contained between Andover Road, Kendrick Road and Garden Close Lane. Although a few properties have relatively small plots, the prevailing character of the area is of substantial dwellings on large plots. While gardens vary in shape, most are generous in size, resulting in a sense of spaciousness. Mature trees, hedges and other planting give the appeal site and surrounding gardens a verdant character and form a pleasant, green backdrop to the houses when seen from surrounding roads.
4. The proposal would introduce a dwelling into the group of rear gardens, which does not currently contain any substantial buildings. Although there is some variation in the distance dwellings are set back from the road, the tandem arrangement proposed is not found elsewhere in the area. The appellant refers to Walnut Cottage, however although that dwelling is set well back from the road, it is not directly behind any other dwelling. Therefore, the proposal would be a marked change to the pattern of development in the locality.
5. The footprint of the proposed dwelling would be comparable with some of the larger properties in the area, however the appeal site is similar in size to the smaller plots locally. Consequently, the proposed dwelling would occupy a larger proportion of the site than is characteristic of the area. While the

proposed garden would comply with the minimum size requirements in the Quality Design – West Berkshire Supplementary Planning Document (SPD) Part 2, it would be significantly smaller than those of surrounding properties. As a result, despite being set in somewhat from the site boundaries, the proposed dwelling would appear cramped in comparison to the more spacious plots in the surrounding area.

6. While the flat roofed sections of the proposed dwelling would have little visual impact, the pitched section of roof would be comparable in height to 269 Andover Road. The proposed dwelling would interrupt what is at present a relatively open aspect across rear gardens to substantial trees. It would be seen from neighbouring dwellings and from the public realm in gaps between properties and would be a sizable and prominent structure in these relatively undeveloped gardens. Accordingly, it would be an incongruous and intrusive feature that would detract from the spacious, verdant character of the area.
7. Native trees and other soft landscaping are proposed along the boundaries with Nos 267 and 269 and with Ullathorne. While this would help to soften the outline of the proposed dwelling, given its location in relation to the boundaries, the space available for planting to mature would be relatively limited. As such, there is insufficient evidence to demonstrate that the planting would be effective in screening the proposed development sufficiently to mitigate against the adverse impacts identified above.
8. Dwellings in the area are varied in design but share common features such as pitched roofs and use of brick and render walling. Therefore, the roof form and materials proposed would be consistent with the local area. The contemporary elements of the design would not be readily appreciated from the public realm and as such would not have a significant adverse impact on the character of the area.
9. The proposed dwelling would therefore significantly harm the character and appearance of the area. It would conflict with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) adopted 2012 (CS), which, amongst other things, seek to achieve high quality and sustainable design that respects and enhances the character and appearance of the area, and ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. It would conflict with the advice in the SPD Part 1 to achieve good design and the SPD Part 2 to respect the physical massing of the existing residential area. Furthermore, it would conflict with the provisions of paragraph 127 of the National Planning Policy Framework (Framework) which requires development to add to the overall quality of the area and be sympathetic to local character.

Living conditions

10. Full length first floor bedroom windows would face Beech Hedge, but at a distance well in excess of the 21 metre guideline distance between windows in the SPD Part 2. While the size of the proposed windows could give rise to some perception of overlooking, given the separation distance there would be no direct or harmful overlooking of the windows of Beech Hedge. The proposed windows would look towards the end of the sizeable garden of Beech Hedge, but such views would be partially obscured by the trunks of the large conifers in that area. This type of relationship is not unusual in residential areas and as

such, the limited overlooking of the end of the garden would not materially affect the privacy of the occupants of Beech Hedge.

11. Another 2 first floor windows would face towards the end of the long rear garden of 271 Andover Road. The shape of the proposed dwelling and the distance from the proposed windows to the boundary would prevent overlooking of the windows of No 271 and most of its garden. The garden of No 271 is already overlooked to some extent from neighbouring properties, albeit at a greater distance. Therefore, the limited additional views of the end of the garden achievable from the proposed windows would not materially affect the privacy of the occupiers of No 271.
12. There would be no windows facing Nos 267 or 269, or the existing dwelling Ullathorne and therefore no overlooking of these properties. Had the proposal been otherwise acceptable, additional windows in the roof could have been restricted by planning condition to prevent future overlooking of those properties.
13. Turning to the issue of outlook, the proposed dwelling would be sited close to the boundaries with Ullathorne and Nos 267 and 269 Andover Road. Each of these properties has, or would have, shorter gardens than others in the area. Nonetheless, the proposed dwelling would be some distance from those properties. It would only extend across approximately half the width of their rear boundaries, with the roof sloping away. Consequently, while the proposed dwelling would be prominent in the outlook from those properties, it would not be unduly dominant or overbearing. As such the proposal would not have a significant adverse impact on the outlook from Ullathorne or Nos 267 or 269.
14. The proposed dwelling would extend along approximately half the length of the garden of No 271. It would however be oriented so that the gable end would face towards that boundary, with the longer arm of the proposed dwelling set well into the site. Consequently, the main mass of the proposed dwelling would be off to the side when seen from No 271. As such, it would not significantly affect the outlook from that property.
15. Accordingly, the proposal would not harm the living conditions of neighbouring occupiers with respect to privacy and outlook. I therefore find no conflict with that part of Policy CS14 of the CS which requires development to make a positive contribution to the quality of life in West Berkshire, or with the requirements of Framework paragraph 127 to provide a high standard of amenity.

Other Matters

16. The proposed driveway would run along the boundary of the site within the Root Protection Area of several trees subject of a Tree Preservation Order¹. The submitted Arboricultural Method Statement demonstrates that the driveway could be constructed without adverse impacts on the protected trees. Had the proposal been otherwise acceptable, compliance with the method statement could have been secured by planning condition.
17. The proposal would contribute to local housing supply within the settlement boundary in a location with good access to local facilities and services, and would generate economic benefits through construction and occupation. It

¹ TPO 201/21/0491

would therefore accord with the Framework objectives to boost housing supply, make efficient use of land and support the development of windfall sites in existing settlements. The contribution of one dwelling would however be small, and consequently carry limited weight. This would not outweigh the harm to the character and appearance of the area.

Conclusion

18. I have found that the proposed dwelling would harm the character and appearance of the area. While I have found that there would be no significant adverse impact on the living conditions of the occupiers of neighbouring properties in respect of privacy and outlook, this does not outweigh the significant harm that I have identified in character and appearance terms. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L McKay

INSPECTOR