
Appeal Decision

Site visit made on 15 October 2019 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/W0340/W/19/3234841

Clairewood, Hampstead Norreys Road, Hermitage, Thatcham, RG18 9RZ

- 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 and Ms Andrew and Catherine Balcam and Balson against the decision of West Berkshire Council.
 - The application Ref 18/03268/FULD, dated 29 November 2018, was refused by notice dated 10 April 2019.
 - The development proposed is described as, "This application is for the demolition of the existing single storey dwelling and garage and its replacement with two semi-detached dwellings. Included within the proposals are works to lift and thin the crown of TPO within the garden."
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing single storey dwelling and garage and replace with two semi-detached dwellings, and also lift and thin the crown of a TPO tree within the garden at Clairewood, Hampstead Norreys Road, Hermitage, Thatcham, RG18 9RZ, in accordance with the terms of application Ref 18/03268/FULD, dated 29 November 2018 and subject to the conditions set out in the attached Schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr and Ms Andrew and Catherine Balcam and Balson against West Berkshire Council. That application is the subject of a separate decision.

Procedural Matters

4. The names of the appellants have been taken from the appeal form, as those contained on the application form (Mr and Mrs Balson) were quoted in error. A letter from the appellants dated 7 August 2019 confirms this matter. I have considered the appeal on this basis.
5. During the course of the application, the description of development was revised to reflect the development that required planning permission and the works to the tree protected by a Tree Preservation Order (TPO). The Council

describe the proposal as, "Demolish existing single storey dwelling and garage and replace with two semi-detached dwellings, and also lift and thin the crown of a TPO within the garden." I have assessed the proposal on this basis.

Main Issue

6. The main issue in this case is the effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons for the Recommendation

7. The appeal site comprises a detached one and a half storey dwelling located on the west side of Hampstead Norreys Road, within the AONB. I observed this to be a residential road with woodland to the west. There is a variety of housing styles along this stretch of Hampstead Norreys Road, including two storey dwellings and bungalows with hipped and gabled roof forms. The dwellings are largely set back from the road with views through the plots to the woodland beyond. This is an important feature of the area and adds positively to its spacious character and appearance.
8. The footprint of the proposed dwellings would be comparable to the coverage of buildings across the plots of nearby properties, retaining space between the respective buildings to ensure that the spacious qualities of the area would be retained, and allowing views of the woodland beyond. Moreover, the new dwellings would be set back from the road, similar to nearby properties.
9. The proposed dwellings would be two storeys in height with accommodation in the loft. Although roof lights are proposed on the front and rear elevation, the new dwellings would have the appearance of 2 storey properties and the height of the resultant buildings would reflect the variety of ridge heights in the area. The new dwellings would share a vehicular access and there would be no sub-division to the front of the site but they would clearly be read as a semi-detached pair as opposed to a large detached dwelling because the main entrance to both dwellings would be on the front elevation with a canopy above, providing a clear visual cue that they were two separate properties.
10. Given the above I find that the new dwellings would respect the spacious character and appearance of the street scene and area. They would be of a high-quality design which respects the character and appearance of the area. The landscape and scenic beauty of the AONB would be conserved by the proposal. There would be no conflict with the aims of Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006 - 2026) Development Plan Document Adopted July 2012 (CS), Policies C1 and C3 of the West Berkshire District Council Housing Site Allocations Development Plan Document (2006 – 2026) Adopted May 2017, the Quality Design – West Berkshire Supplementary Planning Document (June 2006), the Design Pointers contained within the Hermitage Village Design Statement 'A Village Design Statement for Hermitage' (2004) and The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014 - 2019. These policies and guidance seek, among other things, to ensure that the scale of development is related to the site's current character and surroundings, demonstrates high quality and sustainable design that respects and enhances the character and appearance of the area, including the landscape and AONB and makes a positive contribution to the quality of life in West Berkshire.

Other Matters

11. Concerns have been expressed regarding the impact of the proposal on a tree in the rear garden which is protected by a Tree Preservation Order, albeit limited evidence has been submitted to substantiate this claim. The dwellings would be located further away from the protected tree than the existing dwelling and on the basis of the evidence before me, I have no reason to find differently to the Council's Tree Officer that the proposal's impact on the tree would be acceptable subject to a suitably worded planning condition being imposed to secure adequate protection of trees on the site throughout the construction process.
12. It is suggested that residents of the proposed dwellings would need to rely on private motor cars, due to a poor local bus service, however no evidence has been provided to substantiate this concern. In this regard, it is clear that the appeal site is within the settlement for Hermitage where the principle of new residential is acceptable in line with CS Policy ADPP1. It is therefore likely that the Council took issues such as accessibility to public transport into account as part of its consideration of its development strategy for the area. The appeal does not turn on this matter.
13. The proposal would provide three parking spaces for each dwelling which would be suitable for both occupiers of the dwelling and their visitors to park in. In the absence of evidence to demonstrate that on street car parking in the area has reached saturation point or has resulted in harm to highway safety, I find that any on street car parking associated with the new dwellings would be unlikely to result in highway safety concerns. It is noteworthy that the Highway Authority raised no concern in this regard.
14. A number of the comments submitted to the Council at the time of the application refer to the effect of the proposal on the living conditions for occupants of neighbouring dwellings, including loss of privacy and outlook, and loss of daylight and sunlight. Due to the scale, height and hipped roof design of the proposed dwellings and their relative location to the neighbouring properties, the proposal would not affect the outlook afforded to the occupants of those dwellings to the degree that harm to their living conditions would be adversely affected. Moreover, the first floor windows would be located just forward of the half way point along the side elevation of the proposed dwellings. These windows would serve en-suite bathrooms. In this location, only oblique views towards the neighbouring dwellings and their rear gardens would be possible. Such views would be unlikely to reduce privacy to either the rooms within the dwellings or their rear gardens to a detrimental degree, particularly given the proposed use of the rooms that these windows would serve.
15. In respect of the roof lights, these are intended to provide light to the bedrooms within the loft space. Given their location within the roof plane they would be unlikely to provide views down into the gardens of the neighbouring properties. As a consequence, the existing levels of privacy experienced by nearby occupiers would be unlikely to be compromised by these windows.
16. It is alleged that there are Great Crested Newts close to the appeal site. I note that the Council considered this matter during its assessment of the planning application and concluded that, as there was no water body on site, no further

information was required in this regard. There is no compelling evidence before me to suggest that a different approach should now be taken.

17. It is also reported that the statement submitted by the appellant contains a number of inaccuracies. The Council determined the application on the basis of the evidence before it and I have considered the appeal proposal accordingly. Such issues are not determining matters in this case.
18. It has also been suggested that a more Senior Planning Officer at the Council should have assessed the application. This is not a matter for me to determine. The Council will have its own complaints procedure for parties who are not satisfied with how the application was processed.

Conditions

19. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. These include the standard plans condition which I will attach for certainty. To ensure that the development would be sympathetic to its surroundings and to safeguard the visual qualities of the area, conditions are necessary to ensure that the finished floor levels of the new dwellings match those in the plans and that a schedule of materials and a landscaping scheme (including hard surfacing) are submitted to and approved by the Council. A surface water drainage scheme is also necessary to ensure that surface water will be managed in a sustainable manner.
20. A number of conditions are suggested relating to the construction phase of the development. These include the provision of a construction method statement, tree protection measures and working hours. These seek to safeguard the amenity of adjoining land uses, the health and vitality of the TPO tree and are reasonable and necessary.
21. In the interest of highway safety conditions are necessary in respect of on-site car parking, access construction and the provision of visibility splays. Although the Council suggest that the visibility splays should be provided prior to the commencement of development, there is no substantive reason why this should be the case. Consequently, I will require that they are provided prior to the occupation of the dwellings. In the interests of sustainability conditions relating to cycle parking and the provision of electric vehicle parking charging points are also necessary.
22. The Council also suggest removing permitted development (PD) rights for extensions to the dwellings, and outbuildings. Paragraph 53 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. I consider that in this instance, the proposed restriction of PD rights is justified. It would prevent future pressure for work to be carried out to the TPO tree and would protect the private outdoor space for future occupiers of the dwellings. I have, however, amended the wording of this condition, as suggested by the Council, to remove the reference to alterations to the dwellings. It is clear that the purpose of the condition is to protect the TPO tree and private amenity space. To my mind, these could only be threatened by extensions to the dwellings and new outbuildings. Other alterations to the dwellings, which may otherwise be permitted development would not have the same effect.

23. A condition is also suggested that the proposed first floor windows and roof lights in the side elevations should be fitted with obscure glazing and are made non-openable below 1.7 metres from floor level. In light of my findings above, conditions controlling the glazing of these windows and roof lights is not necessary.
24. A condition is also suggested that no windows shall be inserted above ground floor level in the north and south (side elevations). Planning permission is afforded for the insertion of windows at dwellinghouses by Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, this is subject to the condition that any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This would provide sufficient protection for neighbouring properties in the event that further windows were to be installed above ground floor level at the proposed dwellings. Consequently, I do not consider that the suggested condition is necessary.
25. For clarity, I have amended the wording to a number of the suggested conditions so that they comply with the tests set out in the Planning Policy Guidance and the Framework.

Recommendation

26. For the reasons given above, I recommend that the appeal should be allowed with the conditions set out in the attached Schedule.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the conditions included in the attached Schedule.

RC Kirby

INSPECTOR

Schedule

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 approved plans and documents listed below:

213 001, 282 005A, 282 006A, 282 007A, 282 008A, 282 009A.
3. The finished floor levels in the approved dwellings shall match those shown in the approved plans and be retained as such thereafter.
4. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application and samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials and be retained as such.
5. No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:
 - a) completion of the approved landscaping within the first planting season following the completion of the development; and
 - b) any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.Thereafter the approved scheme shall be implemented in full.
6. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water within the application site. The scheme shall be implemented before the dwellings hereby permitted are occupied in accordance with the approved details and be retained as such thereafter.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
 - a) The parking of vehicles and site operatives and visitors
 - b) Loading and unloading of plant and materials

- c) Storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - e) Wheel washing facilities
 - f) Measures to control the emission of dust and dirt during construction
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works.
8. No demolition or construction works shall take place outside the following hours:
- 7:30am to 6:00pm Mondays to Fridays;
- 8:30am to 1:00pm Saturdays;
- There shall be no demolition or construction works at any time on Sundays or Bank Holidays.
9. No dwelling shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above the carriageway.
10. Prior to the commencement of development, including any demolition, protective fencing shall be implemented and retained intact for the duration of the construction of the development in accordance with the tree and landscape protection scheme identified on approved drawing plan 282 005A, Proposed Site Plans by Absolute Architecture received on 01.03.2019. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
11. No dwelling shall be occupied until the vehicle parking has been surfaced, marked out and provided in accordance with the approved plans. The parking area shall thereafter be kept available for the parking of vehicles at all times.
12. No dwelling shall be occupied until the access has been constructed in accordance with the approved drawings. Thereafter the approved access shall be retained at all times.
13. The existing vehicular access at the site shall be stopped up and abandoned prior to the first occupation of the dwellings. The footway shall, at the same time as the stopping up and abandonment, be reinstated in accordance with details and a timescale to be agreed in writing by the Local Planning Authority. Thereafter the access shall remain stopped up.
14. No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.
15. No dwelling shall be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be implemented in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

16. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 or any subsequent version thereof, no extensions shall be made to the dwellings hereby permitted and no outbuildings shall be erected/constructed within the rear gardens of the dwellings, which would otherwise be permitted development under Schedule 2, Part 1, Class A and E of that Order.