



Appeal Decision

Site visit made on 17 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/W0340/W/19/3241355

Windmill Place, Hillgreen, Leckhampstead, Newbury RG20 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Christopher Finch against the decision of West Berkshire Council.
 - The application Ref 19/00787/FULD, dated 14 March 2019, was refused by notice dated 21 May 2019
 - The application sought planning permission for a detached garage for two cars and a tractor mower with a granny flat above without complying with a condition attached to planning permission Ref 18/00730/FULD, dated 24 August 2018.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall be carried out in accordance with the approved drawings; Drawing title "Location Plan". Drawing number 000 PL03. Date received 17th August 2018; Drawing title "Proposed Site Plan with Garage". Drawing number 017 PL03. Date received 17th August 2018; Drawing title "Proposed Garage Plans and Sections". Drawing number 018 PL07. Date received 6th August 2018; Drawing title "Proposed North and South Elevations". Drawing number 022 PLO02. Date received 3rd July 2018"*
 - The reason given for the conditions is: *"For the avoidance of doubt and in the interest of proper planning"*.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage for two cars and a tractor mower with a granny flat above in accordance with the application Ref 19/00787/FULD dated 14 March 2019, without compliance with condition number 2 previously imposed on planning permission Ref 18/00730/FULD dated 24 August 2018 and subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site lies within the open countryside in the North Wessex Downs Area of Outstanding Natural Beauty (AONB), and comprises part of Windmill Place, which is a large detached property. The building has recently been erected as a replacement dwelling. The site is set well back from the road and is surrounded by open fields, the boundaries of which are identified by hedgerows and established trees. Access to the site is via a private drive,

which is lined to the south by a well- established hedgerow. On the southern side of the hedgerow is a Public Right of Way (PROW). To the north east is the hamlet of Hillgreen.

4. This appeal proposal would alter the approved design of planning permission 18/00730/FULD, which granted permission for a detached garage, to serve the replacement dwelling. The design changes would involve the replacement of three roof light windows with dormer windows, and the insertion of two new rooflights. A number of internal alterations to the layout of the building are also proposed.
5. The footprint of the consented garage building is an L-shape and is positioned in the opposite corner of the plot to the main dwelling, which creates a relatively enclosed area to the front of the dwelling. The new dormer windows would face onto this enclosed area. There is substantial screening to the south of the appeal site. Therefore, due to the design and position of the garage and the presence of surrounding landscaping, views of the proposed dormer windows would be limited. The proposed additional rooflights would be positioned on the eastern elevation of the building. This elevation faces towards the road and is the most visible part of the garage. I note that there are already three rooflights in this elevation. The design of the rooflights is such that they lie flush with the roof and would appear as part of it. Therefore, due to their design, they will not be readily visible and would not detract from the overall design qualities of the building. As a result, the proposal would cause no harm to the character and appearance of the area.
6. The adjoining dwelling comprises a sizeable 2 storey property, with the approved garage being a single storey building, with accommodation provided within the roof. Whilst the new dormer windows would change the appearance of the building, they would not extend above the existing roof height of the approved garage. As a result, the garage would remain subservient to the main building and would maintain its appearance as a garage.
7. For the reasons outlined above, I therefore conclude that the proposed development would not harm the character and appearance of the area and would preserve the natural beauty of the North Wessex Downs AONB and, in this respect, is in accordance with Policies CS14, CS19, and ADPP5 of The West Berkshire Core Strategy (2006-2026), Policy C6 of the Housing Site Allocations DPD (2006-2026) and paragraph 172 of National Planning Policy Framework (the Framework) 2019, which seek to protect the openness and rural characteristics of the area, and to ensure that new development conserves and enhances the landscape and scenic beauty of the AONB.

Other Matters

8. I note that planning permission has recently been granted for further changes to the design of the garage. These approved changes include a reduction in the overall ridge height of the building. From the information before me, it would appear that it is not possible to implement both this appeal scheme and the recently approved proposal, due to the fundamental design differences between the respective plans.

Conditions

9. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have no information before me about the status of the other conditions imposed on the original planning permission (notwithstanding the fact that the garage is currently under construction). I shall therefore impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
10. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. To safeguard the character and appearance of the area, it is necessary to attach a condition to require the materials to be controlled as per the application form. For the avoidance of doubt and in the interest of precision, it is also necessary to ensure that the building is used in accordance with the approved drawings.

Conclusion

11. I conclude, for the reasons outlined above, that the appeal should be allowed.

Adrian Hunter

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 approved drawings:
 - Drawing title "Location Plan". Drawing number 000 PL03. Date received 17th August 2018.
 - Drawing title "Proposed Site Plan with Garage". Drawing number 017 PL03. Date received 17th August 2018.
 - Drawing title "Proposed Garage Plans and Sections". Drawing number 018 PL07. Date received 6th August 2018.
 - Drawing title "Proposed Elevations". Drawing number 022 PL03. Dated February 2018.
3. The materials to be used in the development hereby permitted shall be as specified on the plans and the application form.
4. The outbuilding hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Windmill Place and the informal agricultural maintenance of the land outlined in blue in Drawing number 000 PL03, received on 17 August 2018. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.
5. The development shall be used in accordance with the floor plans submitted in drawing number 018 PL07, "Proposed Garage Plans and Sections", received on 6 August 2018. No domestic accommodation or storage shall occur in the northern section ground floor and mezzanine level of the approved outbuilding. The use of this section of building shall be for the storage of agricultural machinery, tractors, trailers, tools and other miscellaneous equipment associated with the keeping of agricultural land.
6. The development shall be used in accordance with the floor plans submitted in drawing number 018 PL07, "Proposed Garage Plans and Sections", received on 6 August 2018. It shall be used for purposes ancillary to the residential use of the dwelling known as Windmill Place in accordance with the approved plans. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.