
Appeal Decision

Site visit made on 11 August 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/W0340/W/20/3251129

1 and 2 Church Street Mews, Church Street, Theale, Reading RG7 5BF

- 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 & Mrs John Dickinson against the decision of West Berkshire Council.
 - The application Ref 19/02915/HOUSE, dated 22 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is detached four bay garage to provide parking for 1 and 2 Church Street Mews with first floor annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area, including the setting of the Lamb Conservation Area.
 - living conditions of the occupiers at No.3 Church Street Mews, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located at the northern end of Church Street Mews, which comprises a small cluster of houses set behind Church Street. The appeal proposal is for a detached four bay garage, with first floor annexe, and would be located at the front of Nos.1 and 2. The appeal proposal would abut the rear garden of No.3. I observed during my site visit that the appeal site is currently used for the parking of vehicles, and there was also a large container storage unit present.
4. The existing character of Church Street Mews is that of low density housing, orientated in a linear fashion along the road. The presence of parking courtyards and gardens reinforces the low density of development in this location, and provides for a spacious form of development. The appeal site and its current function as an area of parking provides a useful visual break of development between No.2 and No.3, and contributes to the spaciousness in this location.

5. The proposal for a detached building with first floor element would be of a considerable scale and mass. Given the proposed size of the building, it would be more akin to a new dwelling than an ancillary outbuilding. The size of the proposal would compete visually with the existing dwellings, and as such it is not in keeping with the surrounding character of the area. It would introduce a large bulky detached building into this existing open parking area. The scale and bulk of the proposal would intrude on the spaciousness, and would therefore appear as an incongruous addition to the street scene. The scale and massing of the proposal would therefore harm the character and appearance of the area.
6. The appeal site is adjacent to, but outside of, the Lamb Conservation Area. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as Conservation Areas, great weight should be given to the asset's conservation. Whilst there is no explicit statutory duty in respect of the setting of a Conservation Area, the Framework is clear that the setting of a heritage asset can contribute to its significance. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced.
7. The Lamb Conservation Area is characterised by buildings of a traditional style, mainly set in large open plots. The open areas make an important contribution to the character and appearance and the significance of the Conservation Area. The open areas which are prevalent in this location therefore provide a positive contribution towards the setting of the Conservation Area. The proposal would introduce significant built form into one of these open areas, and would remove an important open gap which would harm the setting of the Conservation Area. Given the scale of the proposal, this harm would be less than substantial.
8. Paragraph 196 of the Framework states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The appellants contends that the proposal provides benefits by providing secure parking for the occupiers of No.1 and No.2 Church Street Mews. Whilst this can be considered a benefit for these occupiers, it would not in my view, provide a wider public benefit. Consequently, I find that the suggested benefits would not outweigh the harm that I have identified above.
9. Accordingly, I find that the proposal would harm the character and appearance of the area including the setting of the Lamb Conservation Area. It would conflict with Policies ADPP4, CS14 and CS19 of the West Berkshire Core Strategy Development Plan Document adopted July 2012 (CS), and paragraphs 193 and 196 of the Framework. Together these policies seek, amongst other things, that development is of a high quality design which is appropriate in scale and design in the context of the existing settlement character, and gives great weight to the conservation of heritage assets. There is conflict with the West Berkshire Quality Design Supplementary Planning Document (SPD) which seeks, amongst other things that development is of a high quality design.
10. The Council's reason for refusal makes reference to the West Berkshire House Extensions SPD. I do not find this relevant, as the proposal is for a new outbuilding not an extension to an existing dwelling.

Living conditions

11. The proposal would abut the rear of No.3 Church Street Mews. The height of the proposal is such that it would be considerably higher than the existing boundary fence in this location. Whilst I appreciate that the scheme has been modified to provide a hipped roof, the proposal would still introduce a significant structure which would be highly visible within this neighbouring property. The height and mass of the proposal would, in my view, lead to a sense of enclosure within the garden of this property.
12. The appellants contend that the presence of mature vegetation within the garden has already impacted the living conditions of the occupiers of No.3. Whilst it was apparent during my site visit that there is existing mature vegetation within this garden, this is not a solid screen of vegetation and does not lead to a loss of outlook nor a sense of enclosure. The proposal with its considerable height and mass is not directly comparable to the amount of vegetation I observed on site, and their impacts on outlook are markedly different.
13. Consequently, I find that the proposal would harm the living conditions of neighbouring occupiers of No.3 Church Street Mews, having particular regard to outlook. It would conflict with Policy CS14 of the CS which seeks, amongst other things that development makes a positive contribution to quality of life.

Other Matters

14. The appellants have raised concerns at the way the Council has advised and determined the planning application. This is not a matter within the remit of this appeal, and my consideration of the proposal which has to be assessed on its planning merits which what I have done.
15. I note the appellants desire to provide an annex space for an elderly relative. Whilst I have given these personal circumstances careful consideration, little weight can be attached to such personal circumstances. The harm I have identified to the character and appearance of the area including the setting of the Lamb Conservation and living conditions of neighbouring occupiers is at odds with the development plan and is a matter of significant weight against the proposals.

Conclusions

16. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR