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# Appeal Decision

Site visit made on 1 September 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 October 2020**

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**Appeal Ref: APP/W0340/W/20/3251987**

**Garage site adjacent to 1 The Village, Hamstead Marshall, Berkshire RG20 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Dreamlodge Limited against the decision of West Berkshire Council.
  - The application Ref 19/03076/OUTD, dated 10 December 2019, was refused by notice dated 25 March 2020.
  - The development proposed is for the demolition of existing garages and erection of a two storey detached dwelling with three parking spaces.
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garages and erection of a two storey detached dwelling with three parking spaces at the garage site adjacent to 1 The Village, Hamstead Marshall, Berkshire RG20 0HN, in accordance with the terms of the application, Ref 19/03076/OUTD, dated 10 December 2019, subject to the conditions set out in the attached Schedule.

## Procedural Matter

2. The appeal seeks outline permission with all matters reserved except for layout and access. In so far as the submitted plans and drawings show details of matters other than the access and layout, I have treated those as being purely illustrative.

## Main Issues

3. The main issues are whether the development of a dwelling in this location is acceptable in principle, having regard to planning policy and its effect on the character and appearance of this rural area, with particular regard to the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

## Reasons

4. The plot where the detached house is proposed is set within the linear small village of Hamstead Marshall. The site is an area of hardstanding with some garages/outbuildings on it, set between two existing dwellings. The village does not have a settlement boundary though is within the AONB.

5. With regard to the principle of development, policy CS1 of the West Berkshire Core Strategy (CS) states that new homes should be primarily based within settlement boundaries or on land allocated for housing. In this case the site is outside of any settlement boundary or allocated site. However, it does not state that housing must exclusively be in the areas it lists.
6. Indeed, policy C1 of the Housing Sites Allocations DPD includes the provision that in settlements within the countryside where there is no settlement boundary some limited infill development may be considered, subject to criteria. It is my view that as the site is located between two existing plots with houses then this is a proposed infill development. Furthermore, as only one dwelling is proposed I would regard the scale as 'limited'.
7. With regards the criteria under policy C1, the proposal complies with the first criterion as this requires a development to be within a closely knit cluster of 10 or more dwellings, which is the case with this plot within an established village.
8. Criterion (ii) has regards to the scale of development and how it fits with the existing character of the village. This policy criterion does include reference to 'undeveloped plots' which the appeal site is not, being that there is an area of hardstanding and garages/outbuildings present. Nonetheless, considering the aim of the policy is to ensure against harm to the existing relationship between a settlement and the open countryside, amongst other things, it is my view that it is not the intention of this policy to prevent all infill development on previously developed plots.
9. With regards to the scale and character of development, it is important to note that this is an outline application and the design and scale of the proposal as shown on the plans are indicative only. It is stated clearly, however, that this is a two storey dwelling. If this is the case, there are other two storey dwellings set within comparable sized plots to the appeal site. The proposed dwelling, as indicated, would have sufficient gaps to either side of the plot and would not appear cramped. Overall, there is no reason to conclude that a dwelling of two storeys cannot be provided on this site to an appropriate scale and character, within what is a varied street scene.
10. In terms of criterion (iii) I am minded to agree with the appellant's interpretation of this, in that the site is set within the existing established row of dwellings. It is not to the side of the row, which would then extend it into the countryside if further dwellings were added. The proposed house would have a more noticeable frontage than the existing garages, but I would not regard this as being a case of a development which 'extends' the existing street frontage. This would also be no different from most infill proposals, which the policy does consider as being potentially appropriate in these rural settlements.
11. Finally, criterion (iv) requires that the plot size and spacing between dwellings is similar to adjacent properties and respects the rural character. As stated above, the indicative plans do demonstrate that a dwelling can be provided suitably spaced from adjacent dwellings and without being cramped within the plot. Furthermore, the appearance of the proposed dwelling is a reserved matter though from the submitted indicative plans I see no reason to conclude that an appropriate final design cannot be achieved for this site, which would respect its setting and be appropriate within the wider rural character of the area.

12. For these reasons, I would regard the proposal as limited infill within the settlement of Hamstead Marshall which does not conflict with the settlement hierarchy and strategic housing policies, including policies CS1, the Spatial Strategy ADPP1 and Area Delivery Plan Policies ADPP5 (for the AONB), all within the CS. The policy also accords with policy C1 of the Housing Sites Allocations DPD.
13. As mentioned above, the site is within the AONB. The proposed house would likely have greater volume and height than the existing garages and outbuildings on site. However, the plot is within a village with existing dwellings to either side. Within this setting the proposed dwelling, even at two storeys, would not result in any discernible harm to the special character of the AONB landscape when it is seen as clearly within an established village.
14. The current plot is spacious as there are no houses or other taller/bulkier structures on here, other than garages and outbuildings, which are low profile and take up less of the plot than the proposed house. However, as indicated, the proposed dwelling would still leave a relatively spacious plot and not overdevelop this site. Furthermore, the existing structures on site together with the large hardstanding area does not have a positive visual impact, which should be improved on with the proposed dwelling.
15. Overall, it is my conclusion that the proposed house would not have any adverse impacts to the character and scenic beauty of the AONB, or the general setting and street scene character within the village. In this regard the proposal is in accordance with Policies ADPP5, CS14 and CS19 of West Berkshire Core Strategy 2006-2026. Furthermore, the proposal at this stage is in general compliance with the North Wessex Downs AONB Management Plan 2019-2024, and the Quality Design SPD.
16. I recognise that there was a previous appeal decision, reference APP/W0340/A/09/2097621, which dismissed a dwelling on this site. However, as indicated this proposed dwelling would be significantly smaller than the previously proposed dwelling with a different access plan. There are clear differences between the proposals, which now improve significantly on what was previously proposed, and I have made my decision based on the merits of the case before me against the currently extant development plan policies.

## **Conditions**

17. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the Framework). The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
18. I have attached the standard time limit and reserved matters conditions for an outline proposal, and a plans condition where the details relate to access and layout, as this provides certainty.
19. A condition is attached to limit the construction hours which is necessary as the site is adjacent to two existing dwellings in what is a relatively quiet rural location.

20. There is a condition attached for the installation of an electric vehicle charging point, to provide for sustainable transport options. Similarly, there is a condition requiring the provision of cycle parking on site.
21. Due to the adjacent trees, including some that are located on neighbouring plots but with possible roots into the site, a tree protection condition has been attached to safeguard the trees that are to remain.
22. Finally, a condition requiring details of surface water drainage has been included, to ensure a proper drainage system and safeguard against any flooding impacts.
23. Although recommended by the Council, there are some conditions I have not included. This includes a condition to restrict permitted development rights for the new dwelling, as there are not the exceptional circumstances required to justify this condition. The materials condition has been omitted as these details are likely to be included with the subsequent reserved matters.
24. The Council also recommends a condition to secure minimum vision splays at the access. However, there is a lack of evidence or justification for this requirement. The access is existing, and I have no substantive evidence that there are any safety concerns with using this same access for a new dwelling.
25. The condition recommended for the landscaping scheme has also been omitted from the schedule as landscaping is a reserved matter and so this condition is not necessary.
26. The suggested informatives are noted but these are not included with appeal decisions. Nonetheless, I would suggest that the appellant take note of the informatives with the Council submission of suggested conditions and informatives.

### **Conclusion**

27. For the reasons outlined above and after considering all matters raised, the appeal should be allowed, subject to the conditions listed in the schedule below.

*Steven Rennie*

INSPECTOR

## **SCHEDULE – CONDITIONS**

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, where it relates to access or layout: 1020-2-PL100.
- 5) No demolition or construction works shall take place outside the following hours:  
Mondays to Fridays 0730 to 1800  
Saturdays 0830 to 1300  
There shall be no demolition or construction works or related activities carried out on Sundays, Bank Holidays, Public or National Holidays.
- 6) Prior to the commencement of the development hereby permitted, details of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.
- 7) The dwelling shall not be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the layout approved with plan reference 1020-2-PL100. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 8) The dwelling shall not be occupied until the cycle parking has been provided in accordance with details that shall first be submitted and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be kept available for the parking of cycles at all times.
- 9) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the

Local Planning Authority that it has been erected before any work commences. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

- 10) Prior to the commencement of the development hereby permitted, a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water runoff from the roof of the dwelling hereby permitted / within the application site. The dwelling hereby permitted shall not be first occupied until the scheme of surface water drainage has been implemented in accordance with the approved details. The approved method of surface water drainage shall be retained thereafter.

**END OF SCHEDULE**