



Appeal Decision

Site visit made on 6 October 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/W0340/W/20/3255122

Maple Corner, Maple Lane, Upper Basildon, Reading, RG8 8PF.

- 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 GS Property Developments Ltd. against the decision of West Berkshire Council.
 - The application Ref. 19/02947/FULD, dated 15 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is the erection of a new four bed dwelling including new access, hardstanding and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new four bed dwelling including new access, hardstanding and landscaping at Maple Corner, Maple Lane, Upper Basildon, Reading, RG8 8PF, in accordance with the terms of the application, Ref.19/02947/FULD, dated 15 November 2019, and the plans submitted with it, as amended, subject to the following conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area including the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - The effect on the living conditions of the occupiers of the adjoining property 1 Sykes Gardens.

Reasons

Background

3. The appeal site comprises a detached bungalow and its large garden which lie on the corner of Aldworth Road and Maple Lane on the edge of Upper Basildon. This is a mostly dispersed linear village within the AONB. The proposal is to subdivide the south-east element of the garden and erect a new detached house with a new access off Aldworth Road. It would have two floors of accommodation however the upper floor would be partly formed in the roof slope. The adjoining property to the south is 1 Sykes Gardens a relatively modern two storey detached property with access off a short cul-de-sac.

Policy context and housing land supply

4. The development plan includes the West Berkshire Core Strategy 2006-2026 adopted in 2012 (CS); the Housing Site Allocations Development Plan Document 2006-2027 (HSA) adopted in 2017; and saved policies in the West Berkshire Local Plan 1991-2006. The appellant says that the level of housing need put forward in the Core Strategy is out of date and that the housing requirement of 525 dwellings per annum (dpa) has been shown to be inadequate now as the more recent Strategic Housing Market Assessment (SHMA) has indicated a minimum requirement of 665 dpa. However, the main parties do not detail this issue further and I am unable to form a clear picture in this appeal as to whether the Council is not able to demonstrate an adequate housing land supply at the moment in accordance with section 5 of the National Planning Policy Framework (the Framework). Therefore, the relevant policies should not be considered as out of date.
5. The main relevant policies are those concerning the character and appearance of the area; that is policies CS14 and CS19 of the CS and C1 and C3 of the HSA. In the HSA Upper Basildon is regarded as a smaller village – suitable only for limited infill development. I am satisfied that the site lies within the village context and that the principle of the erection of a new dwelling is acceptable subject to specific factors concerning the site and its surroundings.

Effect on character and appearance

6. The local area is characterised by mainly detached houses with landscaped gardens bounded by high hedges and this part of the village has a verdant appearance. The appeal site is therefore read in a village context rather than the open fields to the south and the wider rural landscape of the AONB.
7. The existing bungalow occupies a large site on a corner and there is reasonable space to the property to the south which fronts the cul-de-sac of Sykes Gardens. Taking account of the wider setting of the village in the AONB, the plot size of the proposed dwelling, together with the residual garden of Maple Corner, are still characteristic of the area. Moreover, the local properties tend to be two storeys in height. The proposal continues this design while leaving sufficient space to maintain the setting of the bungalow. In relation to other local buildings the scale, bulk and design of the dwelling proposed is appropriate to the area, as demonstrated in the street scene elevation, and the design of the new house would sit comfortably in the street scene. The development would not look cramped in the immediate setting of the site, nor result in overdevelopment, which were fundamental concerns of the Council's Planning Committee.
8. In terms of the effect on trees within or overhanging the site, three of which are protected by a Tree Preservation Order, the Council's Tree Officer is satisfied that these trees are not threatened by the proposal and I concur with that conclusion.
9. The proposal would involve the creation of a new access to Aldworth Road however, this would be outside of the canopies of the existing mature trees on adjoining land along the frontage. The access and sight lines would require the removal of much of a roadside hedge leading up to the junction with Maple Lane but the hedge is of common rural species and the scheme provides for the planting of a replacement hedge and trees on the appellant's land along this

boundary. Thus, the visual change brought about by the loss of the hedge would be relatively short term and is unlikely to result in a suburbanising effect in the long term. The adjacent development at Sykes Gardens shows that landscaping along a highway can be successfully integrated with a vision splay for an access.

10. Overall, I find that with conditions on materials and hedge replanting, the proposed dwelling would be consistent with and would maintain the established character and appearance of the area and would not harm the local environment or the wider landscape character of the AONB. The proposal accords with the provisions of Policies ADPP5 in terms of the housing strategy in the AONB, and Policies CS14, CS19, C1 and C3 on general aspects of development and the need to protect the landscape character of the area.

Effect on living conditions

11. This issue is concerned with the specific relationship of the proposed house to the adjoining property No1 Sykes Gardens. This property is two storey with a large double garage to the front. On the north facing flank wall, it has a first floor window and a ground floor kitchen window, but the property's main aspects are to the rear and to the front. At the moment there is a substantial screen of vegetation along the party boundary made up from trees and large shrubs situated on both sides of the boundary.
12. While it is proposed to site the new dwelling closer to the boundary than the distance to the side of 1 Sykes Gardens, this proximity would be greater than the relationship between the other properties in Sykes Gardens. I recognise that the limited space is unlikely to be sufficient to retain or plant new shrubs/vegetation within the appeal site, but nevertheless the relationship between the proposed and existing houses would not be a harmful one. The aspects from the north facing windows in No.1 are already very restricted by the party boundary fence and vegetation within that site. The presence of the side wall of the appeal house will not make this materially worse, notwithstanding the Building Research Establishment (BRE) 'vision line' in informal guidance. It is similar to the relationship already established in nearby properties and where the main aspect is front and back.
13. Overall on this issue, I find that the occupants of 1 Sykes Gardens would retain a reasonable level of amenity at their property and the proposal would not harm their living conditions or be contrary to Policy CS14 when this is applied as a whole.

Other matters

14. Local people also raise other objections to the proposal. The proposed access is said to be dangerous, but I note that the highway authority does not object to the proposal subject to the imposition of conditions. I saw at the site visit that Maple Lane enters Aldworth Road at an oblique angle and visibility is restricted at this junction. However, the proposed access is about 60m away from this junction and it would enter the highway where it is relatively straight with good visibility. To my mind the proposed access would be little different to many other access points around the village and it has not been shown that it would have serious failings. The submitted layout plan also shows that there is adequate space within the site for vehicles to turn around and enter and exit in a forward gear, and the number of spaces shown is adequate for a property of

this size. Local people are also concerned about the disruption caused during building work but this is likely to be short term and on its own is not a sufficient ground to prohibit development if it is otherwise acceptable. Overall, I find that the proposal would not cause a danger to the highway and its users.

15. Residents are also concerned that there would be inadequate daylight to the proposed property and its garden partly caused by the shadowing effect of the existing trees. However, such overshadowing is a common issue in a verdant village as Upper Basildon and in this case there is clear space away from trees around the new house to the west and north-west. I am satisfied that the relationship of the property to the trees would not be likely to result in pressure for their removal.

Planning balance

16. On the main issues I have found that the site lies within the village of Upper Basildon and the principle of development is acceptable as it would constitute 'limited infilling'. Moreover, the size and shape of the plot is sufficient to accommodate a new dwelling and would be consistent with other new development locally. The new dwelling would sit comfortably in the street scene and would not appear cramped or amount to over-development. Although the proposal would result in the loss of some roadside hedge/landscaping to improve visibility, the proposal makes provision for suitable replacement planting. I have also found the relationship of the proposed dwelling to the neighbouring property of 1 Sykes Gardens is consistent with others in the area and would not harm the living conditions of the occupiers of this property.
17. In assessing the effect of the proposal on the AONB I have placed great weight on conserving and enhancing the landscape and scenic beauty of the AONB. Nevertheless, the proposal would conserve this sensitive landscape and not harm it.
18. I conclude that the proposal would accord with the relevant provisions of the development plan.
19. I have also taken account of the Framework and especially the need to boost the supply of housing and make efficient use of land. Although there are local concerns about the effect of the development, the proposal is supported by this national guidance when this is read as a whole.
20. Overall, the other considerations put forward, including the objections, do not outweigh the accord with the development plan and this indicates that the appeal should be allowed

Conditions

21. The Council recommends 18 conditions which I will consider under the same numbering. Moreover, the Council sets out the relevant provisions of the development plan associated with the reasons for the conditions. Some of the conditions are 'pre-commencement' ones but the appellant's agent has confirmed that these are acceptable.
22. In addition to the condition on the commencement of development (No.1) a condition to specify the plans that are approved (No.2) is necessary in the interests of clarity and I will impose this. Further details of the design of the

dwelling, the external materials to be used and site levels are necessary to ensure that the new dwelling fits in with its surroundings and I will impose Conditions 13, 16 and 18. New and retained landscaping/ tree protection, including through the implementation of the landscaping scheme and hard landscaping, is necessary to maintain the appearance of the area in the long term so conditions 3, 4, 5 and 14 are appropriate (with minor revision). Likewise, in the interests of highway safety it is reasonable and necessary to impose conditions 7 and 9 regarding the new access and visibility splays, and No.8 regarding the retention of adequate car parking and turning facilities for the new dwelling. Moreover, to encourage sustainable transport, condition No's 6 and 10 are reasonable to ensure the provision of electric vehicle charging points and storage for cycles.

23. In terms of drainage it is necessary to impose condition No.11 regarding the disposal of surface water drainage in order to avoid flooding. In order to minimise the effect of construction work I will impose condition 17 regarding the agreement and implementation of a Construction Method Statement and will impose condition 12 to regulate the hours in which construction work may take place to safeguard the amenity of the area. Finally, as the space around the new dwelling is adequate but limited, condition 15, which removes certain 'permitted development rights', is justified in this case and I will impose it to ensure that further building work does not result in the over-development of the site.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: • Proposed Block and Site Plan, reference 02-11 rev P14, received 13/02/2020 • Highways visibility splays for junction with Maple Lane, reference 02-12 rev P12, received 13/02/2020 • Proposed Roof Plan, reference 02-10 P12, received 13/02/2020 • Proposed Floor Plan, reference 03-10 P8, received 13/02/2020 • Proposed Elevations sheet 2 of 2, reference 05-11 P8, received 13/02/2020 • Proposed Elevations sheet 1 of 2, reference 05-10 P7, received 26/11/2019.
- 3) All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including on drawing number 438 02-11 (iteration P14 dated August 2018). Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 4) Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree protection and ground protection scheme identified on approved Tree Protection Plan Rev B Feb 2020. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
- 5) No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.
- 6) 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 development shall not commence until the visibility splays at the proposed access have been provided in accordance with drawing number MLUB/19/02 received on November 26th 2019. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.9 metres above the carriageway level.
- 8) The dwelling shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 9) The dwelling shall not be occupied until the proposed access has been completed in accordance with the approved drawings.

- 10) The dwelling shall not 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.
- 11) No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
 - b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
 - c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
 - d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
 - f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
 - g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
 - h) Include details of how the SuDS measures will be maintained and managed after completion.

These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises. The dwelling shall not be occupied until the sustainable drainage measures have been provided in accordance with the approved details. Thereafter the measures shall be managed and maintained in accordance with the approved details.
- 12) No demolition or construction works shall take place outside the following hours: 8:30am to 5:00pm Mondays to Fridays; 9:30am to 1:00pm Saturdays; nor at any time on Sundays or Bank Holidays.
- 13) No development shall take place until details of the finished floor levels of the dwelling hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 14) The dwelling hereby permitted shall not be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme

shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

- 15) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, outbuildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, E and F of that Order shall be constructed, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.
- 16) No development above ground level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved materials.
- 17) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
 - a) The parking of vehicles of 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;Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.
- 18) The dwelling shall not first occupied until the detailing of its elevations has been completed in accordance with the approved plans. This includes (but is not necessarily limited to) the provision of any bargeboards, lintels (materials, keystone details), string/soldier courses, fenestration, quoins, porches, plinths, chimneys (corbelling), eaves detailing, cills, hanging tiles (varying tiles/detailing) shown on the approved plans.