
Appeal Decision

Site visit made on 8 October 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/W0340/W/20/3250230

Inglewood Farm Cottage, Templeton Road, Kintbury, Hungerford RG17 9SJ

- 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 & Mrs D Selby against the decision of West Berkshire Council.
 - The application Ref 19/02144/FULD, dated 20 August 2019, was refused by notice dated 10 March 2020.
 - The application sought planning permission for replacement dwelling without complying with a condition attached to planning permission Ref 19/00277/FULD, dated 30 May 2019.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:*
Drawing No 180137-02 received on 18th February 2019;
Drawing No 180137-01 received on 18th February 2019;
Drawing No 180137-100 Rev A received on 18th February 2019;
Phase 1 Bat Survey Report prepared by ABR Ecology Ltd dated 6th January 2019, received on 18th February 2019 and
Arboricultural Impact Assessment prepared by Helen Brown Treescapes Reference HBD1833IAR3 dated 19th January 2019 received on 18th February 2019
 - The reason given for the condition is: *For the avoidance of doubt and in the interest of proper planning.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address in the banner heading above is taken from the application form, and is the address used by the Council in their decision notice. It is noted from the submitted plans, Council's Officer Report and supporting information that the highway adjacent to the appeal site is commonly known as Inglewood Road. For the avoidance of doubt, the appeal decision refers to the highway adjacent to the appeal site as Inglewood Road as shown on the submitted plans.

Background and Main Issue

3. Planning permission has been granted for a replacement three bedroom two storey detached dwelling. The appeal seeks to vary condition 2 of the permission, which relates to the approved drawings for the replacement dwelling. The proposed variation of the condition in dispute would enable the

approved replacement dwelling to be enlarged to include a new rear projection and for the approved development to include an additional parking space in its grounds (the proposal).

4. The main issue is the effect of varying the condition to allow the changes including the new parking layout and additional wing on the character and appearance of the area, including the North Wessex Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site comprises an existing cottage style dwelling situated adjacent to Inglewood Road, Kintbury. The appeal site is located outside of any settlement and is therefore within the open countryside. The site includes a large rear garden with a number of mature trees. The northern boundary of the site with Inglewood Road, and the western boundary is that of mature hedgerows and trees.
6. There is sparse development surrounding the appeal site, and from my site visit it was apparent that the area has a distinctive open rural feel. Located approximately 300 metres to the west of the site is Inglewood House, which is separated from the appeal site by considerable amount of open verdant fields.
7. Planning permission was granted for a replacement dwelling, which would comprise a two storey rectangular shaped house with a plain tiled hipped roof. The amended plans which are the subject of this appeal would create a new wing which would extend in a broadly southern direction by a distance of approximately 8.5 metres. It would have a ridge height slightly lower than the main roof of the house. The amended plans would also include a new parking space, which would be located adjacent to the existing driveway. In order to facilitate this new car parking space, it would be necessary to remove two mature trees on the site frontage.
8. Policy C7 of the West Berkshire Council Housing Site Allocations DPD pertains to the replacement of existing dwellings within the countryside. It states, amongst other things that there is a presumption in favour of the replacement of an existing dwelling of permanent construction. Replacement dwellings will be permitted providing that the replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on the character and local distinctiveness of the rural area.
9. It is not disputed between the parties that the principle of a replacement dwelling in this location is acceptable, and that the original proposal complies with this policy. The appeal proposal would substantially increase the size of the replacement dwelling, and the Council have raised concerns that this would result in a dwelling which is not proportionate in size and scale to the existing dwelling. The proposal would represent an increase of floor space by approximately 253% compared to the original dwelling. As such they consider the proposal is harmful to the character and appearance of the area.
10. Policy C7 does not provide a definition nor metric in which proportionality is measured. However, the explanatory text states that the key components of proportionality are scale, massing, height and layout of a development. There are no rules that can be applied as to the acceptable size of a replacement

dwelling. Any size increase has to be considered on the basis of the impact of a particular property in a particular location. Clearly, the definition and degree of harm is a matter of planning judgement based on the site specifics.

11. The proposed new wing to the house would be a substantial increase to the overall footprint of development on the appeal site. It would extend development approximately 8.5 metres away from the main house and would result in a large L shaped dwelling. I consider that the scale of the proposal when compared to the somewhat modest existing dwelling would result in a disproportionate size dwelling. The totality of development would, in my view, add considerable built form within this predominantly sparsely developed rural area which would significantly harm the character and appearance of the area.
12. Whilst the appeal site is well screened on its northern and western boundary, it was evident from my site visit that the appeal site is visible from Inglewood Road from the West. As the proposed wing would be extending away from the direction of the road towards the south, this would increase its visibility from this public viewpoint, and would be adding considerable built form into a current verdant garden space.
13. Furthermore, the proposed additional car parking would require the removal of mature vegetation on the boundary with Inglewood Road. Currently the mature vegetation reinforces the rural nature of the plot, and the removal of these trees would open the frontage of the plot up. The provision of additional hard standing and parked cars on this frontage would be at odds with the current rural nature, and would add a degree of urbanisation to the street scene. This would not be in keeping with the existing character and appearance of the area.
14. I note that the original permission included a pre-commencement condition requiring a scheme of landscaping to be provided. The appellant contends that such a scheme would adequately mitigate any harm from the proposed car parking, and would allow the Council control over matters of landscaping to reduce any urbanising effect along this frontage. No indicative landscaping plans have been provided, and from the information submitted I am not certain that a landscaping scheme could be delivered which would adequately screen this part of the amended scheme.
15. The appeal site is located within an AONB and Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the National Planning Policy Framework (the Framework) specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas.
16. A landscape and Visual Appraisal¹ (LVA) has been submitted in support of the application which concludes the overall magnitude of effect is considered to be slight – negligible in an area of medium/high – medium receptor sensitivity, and that any localised effects have been effectively addressed through the design and landscape mitigation. However, I feel that this does not adequately consider the extent of the importance of views from the AONB and the effect the proposal would have on these.

¹ Prepared by WH Landscape Consultancy Ltd, reference 18.826 Rev A

17. It is not disputed that the site is relatively well screened from both the north and the east. However, towards the west are open expansive fields, and the proposal would clearly be visible from this direction as shown in viewpoint 3 of the LVA. Whilst the site is partially screened by vegetation, the appeal proposal would require the removal of several of the large trees which would screen the proposed new wing of the dwelling. In my view, both the scale and mass of the proposed wing would be highly visible from this location, and additional planting would not mitigate its harmfully intrusive built form.
18. Whilst the proposed wing would have a lower ridge height than the main house, it would include design features such as a chimney and dormer windows which would draw the eye and further emphasis increase its height. As such, given the harm I have identified to the rural character of the area I consider that the dwelling would fail to conserve and enhance the AONB by detracting from its rural character and scenic beauty.
19. The appellant has drawn my attention to appeal decisions in Snelsmore Common², Pangbourne³ and Lower Green Inkpen⁴ in which the Inspectors have accepted larger replacement dwellings which, as a percentage, are larger than the increase of this proposal. Interested parties have also drawn my attention to Lake House where the Council found a larger replacement acceptable. I have not been provided with the full details of those cases, so cannot be certain of the circumstances which led to them being found acceptable. Thus, I do not find that these examples can be considered directly relevant to the appeal proposal.
20. The appeals at Snelsmore Common and Inkpen date back to 2013 and rely on a Local Plan policy which has been superseded. In any event, in each of these cases, the issue on whether replacement dwellings are appropriate or not is site and proposal specific and depends on a range of factors. All applications and appeals must be determined on their own merits which is what I have done.
21. The appellant contends that as there is already consent for a larger dwelling, the impact of the proposed wing should be considered against this fallback position. As such it has been put to me that when this wing is considered against the larger approved house, it cannot be considered as a disproportionate enlargement. However, I do not find this to be the case. The totality of development on this site, does in my view, harm the character and appearance of the area, regardless of this fallback position.
22. The appellant asserts that the proposal would provide environmental benefits through measures that will be brought forward as part of the amended plans. This includes the use of photovoltaic tiles, the use of a mechanical ventilated heat recovery system, grey water harvesting and insulation which would exceed the requirement of the building regulations. Whilst these measures are noted, this would only represent a minor benefit and does not outweigh the significant harm I have identified above.
23. The appeal site is located adjacent to the Grade II listed gate pier and overthrow which spans the road, as such I have had regard to my statutory

² APP/W0340/A/13/2195524

³ APP/W0340/W/13/3202871

⁴ APP/W0340/A/13/2199951

duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I am satisfied that given the proximity of the dwelling from this heritage asset that the amended plans would have a neutral effect on the significance of this designated heritage asset. I note the Council have not raised any concerns in this regard.

24. Accordingly, I find that varying the condition to provide amended plans would harm the character and appearance of the area, and fails to conserve and enhance the scenic beauty of the AONB. There is conflict with policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (CS) and policy C7 of the HSADPD. Together these policies seek, amongst other things that development is of a high quality design, which respects and enhances the character and appearance of the area, and is appropriate in terms of its setting within the wider landscape. It would also be contrary to paragraph 172 of the Framework which seeks, amongst other things that great weight is given to conserving and enhancing the scenic beauty of AONB's.

Conclusions

25. As Condition No.2 is necessary to protect the character and appearance of the area, and to conserve and enhance the scenic beauty of the AONB, it is necessary in the interests of proper planning. So, I shall not vary or remove Condition No.2.

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

S Shapland

INSPECTOR