



Appeal Decision

Site visit made on 23 February 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/W0340/W/20/3258591

29 Skyllings, Newbury RG14 2BB

- 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 Miss Grace Kirby against the decision of West Berkshire Council.
 - The application Ref 20/00635/FUL, dated 28 February 2020, was refused by notice dated 30 June 2020.
 - The development proposed is described as one 3 bedroom detached residential self-build dwelling for my own use. The dwelling location would be part of the back garden land at 29 Skyllings, Newbury RG14 2BB. This back-garden land area backs onto Martingale Chase Newbury RG14. The access for the new dwelling would be via a driveway which already exists in Martingale Chase. This existing driveway also has existing off street hard standing parking for 2 or 3 car spaces within the site / new proposed dwelling's land which can be viewed. The new dwelling footprint size is 48 square metres with internal space of 82 square metres. The new dwelling would have 130 square metres of amenity space. The existing 29 Skyllings dwelling would remain as it is, but its amenity space would be reduced to 110 square metres of amenity space. The existing 29 Skyllings dwelling would retain its access, which has always been via the footpath to Skyllings' street, with on-street parking in Skyllings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Proposed Site Plan drawing no 1100_004 was provided. Although not before the Council when determining the application, the plan was for clarification purposes and did not alter the main elements of the scheme from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take these plans into account. I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of nearby properties, with particular regard to privacy; and
 - Highway safety, with particular regard to parking provision.

Reasons

Character and Appearance

4. The set back of Skylings properties from the road and rear boundaries, along with the landscaping within plots gives a spacious feel to the streetscene to the front and rear of the appeal site. Properties in Skylings are set out in regular terraces with the same building line and orientation and generally have their main garden area to the rear. The consistency and spaciousness of the streets currently contribute positively to the character and appearance of the area.
5. In contrast to this the proposed dwelling would be detached, the only property on this side of Martingale Chase and located behind another property. This and the close proximity of it to the existing dwelling and the roadside boundary would considerably reduce the spaciousness the absence of large scale built form creates at present.
6. There is some variation in the size of plots and garden areas nearby and those proposed would be comparable to some. Nevertheless, the depth and linear arrangement of the gardens in this row of properties are broadly the same. The size and layout of both the proposed plot and that which would remain for 29 Skylings would be at odds with this arrangement.
7. The proposed dwelling would utilise materials and features that are found at properties along Martingale Chase. Moreover, it would be of a similar scale to nearby dwellings and there is far greater variety in design to properties along Martingale Chase. Notwithstanding this, the gable end would face the road with limited first floor openings on this elevation. This would not accord with the predominant orientation of properties in Skylings or Martingale Chase. Consequently, the dwelling would be seen as an anomaly in the streetscene.
8. The appeal scheme would unfavourably contrast with and erode the clear and distinct pattern of development in Skylings and also appear unrelated to development along Martingale Chase. It would appear cramped in comparison to, and incongruous with, the pattern of development in the area.
9. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy (CS) where they, in part, seek to ensure development relates, respects and enhances the site's character and surroundings. The scheme would fail to accord with the SPD¹ where it states it will be necessary to consider how existing garden land contributes to the character of an area.
10. It would also fail to accord with the National Planning Policy Framework (Framework) where it requires development to be sympathetic to local character.

Living Conditions

11. The rear garden for 31 Skylings is enclosed and private at present with boundary treatments and landscaping helping to screen views. The proposed dwelling would introduce first floor windows in close proximity to the rear garden giving relatively direct and uninterrupted views. While some mutual

¹ Quality Design - West Berkshire Supplementary Planning Document

overlooking is inevitable and tolerable in residential areas, this would significantly increase the level of overlooking and reduce the privacy occupiers currently experience.

12. Views towards the garden of 27 Skylings would be angled with the direction of overlooking being primarily towards the outbuilding at the end of the garden. There is also a more open boundary treatment with the appeal site meaning that there are already some views between the gardens. As such, the scheme would not lead to considerable increased overlooking.
13. The separation between the proposed property and those opposite on Martingale Chase would prevent any significant overlooking. The lack of windows on the elevation facing 29 Skylings would prevent overlooking in that direction.
14. Nonetheless, the proposed development would significantly harm the living conditions of the occupiers of 31 Skylings with regard to privacy. The scheme would be contrary to Policy CS14 of the CS where it requires new development to make a positive contribution to the quality of life. It would also fail to accord with the SPD where it states at the rear of a dwelling the expectation of the resident will be that they should experience a high level of privacy. Finally, the scheme would also be contrary to the Framework where it seeks to create places that provide a high standard of amenity for existing users.

Highways Safety

15. While some properties in Skylings have off street parking, a number do not. Prior to the existing access on to Martingale Chase 29 Skylings did not have off street parking and the evidence before me suggests that vehicles associated with it could park on Skylings now. However, the existing dwelling does have off street parking now and the scheme would result in the loss of it. Even if the new dwelling were occupied by the appellant, the scheme would lead to parking requirements for 2 dwellings rather than 1 at present.
16. While reference is made to the proximity of services and facilities to the site, the parking standards given in Policy P1 of the HSA² are based on a system of zones linked to the accessibility of the District. There is no compelling evidence before me to indicate the zone allocation is incorrect for the appeal site.
17. In the absence of detailed drawings showing dimensions for the off-street parking area, my observations were that the area could accommodate approximately 2 vehicles. While it has been suggested that this area could be widened the plans before me do not show this. Although the parking provision for the new dwelling would be marginally below the 2.5 spaces required by the parking standards, the shortfall is minor, and this would be sufficient.
18. However, no off-street parking would remain for the existing dwelling and cars associated with it would need to park on the street. Pedestrian access to the dwelling would still be from the footway to Skylings. Therefore, the parking associated with it would be likely to occur on Skylings.
19. At the time of my site visit, which I appreciate is only a snapshot in time, I saw that while there were a small number of spaces available, much of the on-street parking areas were occupied, including some parking on the pavements.

² West Berkshire District Council Housing Site Allocations Development Plan Document

20. Given the limited on-street spaces available, I consider parking of the vehicles associated with the existing dwelling would lead to instances of dangerous and obstructive parking such as on yellow lines, at road junctions or on footways. This would contribute to highway congestion and as a result would compromise highway safety for road and pavement users.
21. Along Martingale Chase, there were some spaces available when I visited. Nevertheless, it is unlikely parking for 29 Skylings would take place here given the distance to the pedestrian access to the property.
22. The proposal would be harmful to highway safety with regard to parking provision. The scheme would be contrary to Policy CS13 of the CS and Policy P1 of the HSA where they, in part, require developments to provide appropriate parking provision as well as promoting and improving safe travel. The proposal would also fail to accord with the Framework where it seeks to minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

23. I appreciate that the appellant wishes to have a garden and dwelling that are more easily manageable for them and the circumstances that led to them seeking to secure off street parking. Notwithstanding this, these personal benefits are not a justification for setting aside the significant harm that the proposal would cause.
24. The proposal would contribute to the supply of housing in the area. However, as it is for a single dwelling the contribution would be small. Moreover, there has not been any substantive evidence to indicate that there is a specific need for, or shortage of, this type of property in the area. There are no reasons for refusal relating to issues such as drainage, flooding, ecology and loss of landscape features. Nevertheless, a lack of harm is a neutral effect.
25. That other dwellings in the area may not be able to accommodate such a proposal does not alter my consideration of this scheme which I have dealt with on its own individual merits.
26. I do not have full details of the schemes or the considerations that led to the approval of the developments highlighted to me at Hampton Road and St Marys Road. Nonetheless, they are not seen in the same streetscene as the appeal site and are located some distance from the site in a different context. As such, they are not directly comparable to the appeal scheme.
27. A lack of opposition or support for a development in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons. While the appellant has concerns over the handling of the application by the Council, I have determined the appeal on the evidence presented to me.

Conclusion

28. For the above reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR