



Appeal Decision

Site visit made on 11 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: July 2021

Appeal Ref: APP/W0340/W/20/3265904

Hayward Green Farm, Watery Lane, West Woodhay, Newbury RG20 0BJ

- 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 Charles Brown against the decision of West Berkshire Council.
 - The application Ref 20/01694/HOUSE, dated 23 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is alterations to the external elevations of eastern pavilion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been appointed to determine two appeals on this site. The other appeal reference is APP/W0340/W/20/3265892. I have considered each proposal on its individual merits and prepared separate decisions.
3. The appellant submitted an additional block plan¹ to the Council part way through the planning application process. For the avoidance of doubt, I have had regard to this plan in the determination of this appeal.
4. On my site visit I observed that the existing garage doors at the front of the outbuilding had been removed and the openings had been partially blocked up with masonry to match the existing building. As such, I am determining this appeal on a part-retrospective basis.

Application for costs

5. An application for costs was made by Mr Charles Brown against West Berkshire Council. This application is the subject of a separate decision.

Main Issues

6. The main issues are: (i) the effect of the development upon the character and appearance of the area, including whether the proposal conserves or enhances the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty; and (ii) whether or not the development would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs Area of Outstanding Natural Beauty.

¹ Dwg No: LH001 10:005

Reasons

Character and appearance

7. The appeal site is occupied by a substantial detached dwelling, known as Lake House, which is set amongst spacious landscaped grounds and surrounded by fields and woodland. The site is located within the open countryside and the North Wessex Downs Area of Outstanding Natural Beauty (the 'AONB'). To the front of the dwelling there is a central courtyard and an existing outbuilding which is known as the 'East Pavilion'.
8. The Council explain that planning permission² was granted in May 2018 for the erection of a further outbuilding to the front of the dwelling, which will be known as the 'West Pavilion'. At the time of my site visit, I observed that construction works had commenced in respect of the West Pavilion.
9. Once completed the respective East Pavilion and West Pavilion outbuildings would flank the principal elevation of the Lake House and be sited either side of the central courtyard to form a grand entrance to the front of the main dwelling. The approved plans for the West Pavilion show that it would have a symmetrical layout and mirror the design and appearance of the East Pavilion with five pairs of full-height timber doors along the front elevation.
10. It is proposed to undertake alterations to the external elevations of the East Pavilion, which would see the existing timber doors and unadopted openings replaced with window openings and French-style patio doors.
11. The proposed alterations would materially change the external appearance of the East Pavilion. Consequently, the East Pavilion would no longer mirror the external appearance of the West Pavilion outbuilding, which is currently under construction. Despite this, the bulk, scale and massing of the buildings and the overall architectural style of the two buildings would remain comparable, and, thus the buildings would maintain a cohesive and balanced appearance.
12. Moreover, the traditional style and proportionality of the proposed fenestration would be of a high quality and the East Pavilion would appear well related to the main dwelling.
13. The Council have expressed concern that the proposed elevational changes would result in a building that no longer reads as an ancillary outbuilding, subservient to the main dwellinghouse.
14. I wholly disagree with the Council's position. The bulk, scale and massing of the outbuilding would remain unaltered and when viewed from the front of the house, it would be visually apparent that the East Pavilion was an ancillary outbuilding to Lake House, which is a substantial dwellinghouse which has a dominant relationship with the East Pavilion.
15. For these reasons, I conclude that the proposal would have an acceptable effect upon the character and appearance of the area. In addition, I find that the proposed changes to the design and appearance of the East Pavilion building would have a neutral impact upon and thus would conserve the natural beauty of the North Wessex Downs AONB.

² Council Ref: 18/01441/HOUSE

16. Therefore, the proposal would accord with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (the 'CS') and Policy C3 of the West Berkshire District Council Housing Site Allocations Development Plan Document (the 'DPD'), in so far as they collectively require new development, including the design of housing in the countryside, to be of a high quality design that respects the character and appearance of the area and landscape character of the District.
17. In respect of this main issue, the Council's statement of case refers to Policy C6 of the DPD. However, this policy relates to the extension of existing dwellings within the Countryside. Consequently, I consider that the policy is not applicable in respect of the appeal proposal, which relates to alterations to an existing outbuilding.

Remoteness, tranquillity and dark night skies of the North Wessex Downs AONB

18. Area Delivery Plan Policy 5 of the CS sets out the Council's Spatial Strategy in respect of the North Wessex Downs AONB. In respect of the environmental strategy, it states, amongst other things, "Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty".
19. The appellant argues that the proposed changes are of a 'minor nature' and when viewed in the context of the whole site, which includes the Lake House, they contend that the proposal would not give rise to any adverse impacts in respect of the strong sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. I disagree with this position.
20. Whilst the proposal would not increase the extent of built form at the appeal site, it would nevertheless result in a significant increase in the extent of glazing on the existing building. In particular, the proposal would see a large number of timber doors and several unadopted window openings, all of which would prevent most light spillage from the building due to their opaque properties, replaced with glazed windows and doors, which would result in light spillage to occur from the use of internal lighting during night hours.
21. To this regard, I note that no technical information has been put forward by the appellant to demonstrate that the impact of light spill from the existing building would be comparable to that if the proposed changes were to occur. Moreover, no substantive evidence has been provided to demonstrate how any light spillage could be mitigated against.
22. Given the above, I am unable to conclude that the development would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. As such, I cannot conclude that the proposal would accord with Area Delivery Plan Policy 5 of the CS.
23. Accordingly, the proposal would be inconsistent with paragraph 180 of the National Planning Policy Framework which states "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as

the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Planning Balance and Conclusion

24. I have found that the design and appearance of the proposed changes to the East Pavilion building would have an acceptable impact upon the character and appearance of the area and would conserve the natural beauty of the North Wessex Downs AONB. Nevertheless, a lack of harm is a matter of neutral consequence and does not carry weight in favour of the proposal.
25. However, I have been unable to conclude that the proposal would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR