



Appeal Decision

Site visit made on 8 February 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022.

Appeal Ref: APP/H1705/W/21/3285753

Land to south west of Castle Cottages, Newtown, Newbury

- 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 John James of Stanley John Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/00544/FUL, dated 15 February 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described as 'Erect a new 1.5 storey, 4 bedroom brick built house in a similar location to that of application 18/02095/OUT approved by appeal APP/H1705/W/19/3222118'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new 1.5 storey, 4 bedroom brick built house in a similar location to that of application 18/02095/OUT, at Land to south west of Castle Cottages, Newtown, Newbury, in accordance with the terms of the application, Ref 21/00544/FUL, dated 15 February 2021, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The development was described on the application form as 'Erect a new 1.5 storey, 4 bedroom brick built house in a similar location to that of application 18/02095/OUT approved by appeal APP/H1705/W/19/3222118'. On the decision notice and appeal statement it was described as 'Erection of new detached 4 bedroom dwelling'. Notwithstanding this variation, the proposed development is clear from the submitted drawings and the appeal has been determined on the basis of the submitted drawings.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

4. The site is a parcel of land to the rear of 3 and 4 Castle Cottages. Unmade tracks run to the west and south of the site, with the gardens of 2, 3 and 4 Castle Cottages to the east and north. The site is enclosed by fencing, hedgerow and trees, and is currently laid to grass with an area of hardstanding. I am informed that the site previously contained an outbuilding and has an established use as garden.

5. The surrounding area consists of a small collection of dwellings and a Village Hall, accessed off unmade tracks. The dwellings are set out in no particular pattern and there is considerable variety in terms of building scale and height, materials, design, age, plot size and layout. Some dwellings front onto the tracks and others are side on. The topography of the area means that buildings are at different ground levels, with some set below the level of the tracks. Combined with the varied dwelling heights, this leads to a lack of consistency at roof ridge level across the area. The combination of these factors results in an area with a semi-rural feel, but no strong or unifying character and appearance.
6. The proposal would be a detached, two storey, 4 bedroom dwelling, with single storey elements to the side and rear. A paved drive, parking area, cycle shed and bin storage would be located to the front, with access off an existing unmade track. A reasonable sized garden with patio would be located to the sides and rear.
7. Given the lack of a uniform or defining character in the surrounding area, the proposed dwelling would be in keeping with the local context. The use of dormer windows set within the eaves of the front elevation reflects a design feature of the dwellings at 3 and 4 Castle Cottages, as does the use of red brick and clay roof tiles. Despite the differences in ground level, the size, height and layout of the proposed dwelling would not be at odds with any established pattern in the surrounding area. The scale of the proposed dwelling would be proportionate to the size of the plot, in an area with a mix of garden sizes.
8. The proposal would result in new built form, but this would be located between existing buildings, rather than extending out into the countryside. In addition, reasonable levels of separation would remain between the proposed dwelling and surrounding buildings. Consequently, the semi-rural character of the surrounding area would not be lost.
9. Existing hedgerow and trees around the boundary would largely be retained and additional landscaping provided, particularly along the northern boundary with 3 and 4 Castle Cottages. This would result in a good level of screening, reducing the impact of the proposals when viewed from surrounding dwellings and the tracks.
10. The site is within the setting of Newtown Village Hall, which as a locally listed building is a non-designated heritage asset. The proposed dwelling would be at a higher level than the Hall and would increase the amount of built form within the vicinity. However, the proposed dwelling would be viewed in the context of other dwellings, including several which are closer to the Hall, and the existing access track which runs between the Hall and the site. There is also a good separation distance and screening provided by mature vegetation along the western site boundary, which is to be retained. As a result, whilst the proposal would be visible from the Hall, it would not cause harm to the significance of the setting of the non-designated heritage asset.
11. I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area. Consequently, the development would comply with Policy EM10 of the Basingstoke and Deane Local Plan 2011 to 2029 (LP) which, amongst other things, seeks to ensure that development is informed by the local context in terms of scale, layout and appearance and contributes towards local distinctiveness.

Other material considerations

12. The Council acknowledge that they are unable to provide a five year housing land supply at present. Therefore, the local policies relating to housing provision are considered to be out of date and Paragraph 11d of the National Planning Policy Framework (the Framework) is engaged. In accordance with Paragraph 11d, permission should be granted unless Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst the benefits of one additional dwelling are small, they nevertheless carry modest weight in favour of the development. As set out above, there is no clear reason for refusal and the proposed development would not result in any unacceptable adverse impacts. Therefore, the Paragraph 11 presumption in favour of sustainable development applies, and weighs in favour of granting planning permission.

Other Matters

13. The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the setting of the nearby Grade II Listed Building referred to as 'Thatched Cottage'. I have assessed the evidence before me alongside the observations made during my site visit. The gardens of 1 and 2 Castle Cottages, and an access track, sit between the site and the Listed Building. Given this separation distance, and the screening provided by mature vegetation, the proposal would have a neutral effect on the significance of the setting of the Listed Building and therefore would preserve its character and appearance.
14. Questions have been raised about the principle of a dwelling at the site. The site has extant outline planning permission for the erection of a dwelling, granted on appeal (ref APP/H1705/W/19/3222118). The application subject to this appeal is a separate full application, but the extant outline permission is a material consideration. The previous appeal decision, and the officer report to Development Control Committee (11 August 2021) for the application subject to this appeal, both concluded that the site could be classed as previously developed land and a dwelling would be acceptable in principle. I have been presented with no substantive information which would lead me to conclude any differently.
15. It has also been noted that the scale and design of the proposal subject to this appeal is different to that which was granted outline permission. The outline application described the dwelling as 'a detached chalet bungalow style dwelling', which this proposal evidently is not. However, the outline permission considered only access and layout in detail, not the scale and design of the dwelling itself. The application subject to this appeal is a separate full application. The appeal has been assessed on the basis of the submitted plans, with the scale and design of the proposed dwelling given full consideration.
16. Objections have been raised regarding disruption during construction and the impact of the proposal on drainage, biodiversity, trees, hedges and the access track. These matters can be adequately controlled via the imposition of suitable conditions. Objections have also been raised regarding overlooking and overshadowing of neighbouring dwellings, but the Council did not refuse the application on this basis. My assessment leads me to conclude that the

separation distances, combined with screening, would be sufficient to ensure acceptable levels of neighbouring privacy and amenity.

Conditions

17. The Council have suggested a range of conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
18. I have applied standard conditions 1 and 2 in relation to plans and timescales in the interests of proper planning and in order to provide certainty. I have applied conditions 3, 6, 7, 13 and 16 in relation to the approval of materials and landscaping details, and the protection of trees, hedges and biodiversity, in the interests of maintaining the character and appearance of the area. Conditions 9, 10 and 11 have been applied to ensure the provision of suitable parking, cycle storage and rubbish/recycling storage.
19. To safeguard the living conditions of neighbouring occupants, conditions 4, 14 and 15 have been applied to ensure that appropriate construction management arrangements and suitable working and delivery times are put in place. Conditions 5 and 12 have been applied in order to ensure the implementation of suitable sewerage and drainage systems, and condition 8 to comply with the Council's sustainable water use policy (EM9 of the LP).
20. I have limited the use of pre-commencement clauses to where they are essential for the condition to achieve its purpose. However, the boundary trees and hedges need to be retained, the access track is narrow and unmade, and the area does not currently have access to mains sewage. For these reasons, it is necessary to secure tree and hedge protection, construction management arrangements, and sewage details, before work on site starts. Therefore, conditions 3, 4 and 5 are prior to commencement conditions.
21. The Council suggested that a condition be applied to remove permitted development rights for buildings, structures or other alterations under Class A, B, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. They also suggested that obscure glazing should be conditioned for windows in the top floor western elevation. Given the size of the dwelling, the size of the plot, and the distance to other dwellings, neither of these conditions can be justified as being necessary.

Conclusion

22. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan - Drawing Number: 2071/PL/01 Rev A
 - Site Plan - Drawing Number: 2071/PL/03 Rev E
 - Proposed Floor Plans - Drawing Number: 2071/PL/04 Rev D
 - Proposed Elevations - Drawing Number: 2071/PL/05 Rev C
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
3. No development, including any site clearance, shall take place until an arboricultural method statement is submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall outline how trees and hedges will be protected during the development, including any engineering solutions deemed appropriate, and shall include an appropriately scaled tree and hedge protection site plan. The method statement shall be produced in accordance with BS5837 "Trees in Relation to Design, Demolition and Construction". The development shall be carried out in accordance with the approved details and tree and hedge protection measures shall be implemented prior to commencement of, and retained for the duration of, the construction works.
4. No development, including any site clearance, shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
 - (a) provision of facilities for contractor parking on site;
 - (b) arrangements for deliveries associated with all construction works to be made on site;
 - (c) access and egress arrangements for plant and machinery;
 - (d) location of temporary site buildings, compounds, construction materials and plant storage areas;
 - (e) erection of signs warning drivers of the presence of pedestrians and the need to give way;
 - (f) the implementation of a low-speed limit.All works shall take place in accordance with the approved method statement.
5. No development, excluding site clearance and implementation of approved tree and hedge protection measures, shall take place on site until full details of the method of disposal of foul sewage, together with an assessment of impact upon the water environment, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
6. No development above damp proof course shall take place until a schedule of materials and finishes to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.

7. Notwithstanding the approved plans no hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be implemented before the dwelling is occupied and retained thereafter in accordance with the approved details.
8. The development shall not be occupied until a technical report and certification of compliance, by an independent and suitably accredited body, demonstrating that the dwelling has achieved the water efficiency standard of 110 litres of water per person per day (or less), has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained thereafter in accordance with the approved details.
9. The development shall not be occupied until the parking and turning area has been implemented in accordance with the approved Site Plan (Drawing Number: 2071/PL/03 Rev E). The parking and turning area shall be retained thereafter for such purposes.
10. The development shall not be occupied until details of the refuse/recycling collection point(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and shall be retained thereafter in accordance with the approved details.
11. The development shall not be occupied until provision for secure cycle storage, (3 long term and 1 short term) has been provided on site. The cycle storage shall be retained thereafter.
12. The development shall not be occupied until provision has been made to manage surface water drainage within the curtilage of the dwelling, which manages surface water at the existing infiltration rates without increasing flood risk. The surface water drainage system shall be maintained in perpetuity.
13. Notwithstanding the approved plans no soft landscaping works shall commence on site until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - Specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, including replacement trees where appropriate.
 - Set out a maintenance programme detailing all operations to be carried out in order to allow successful establishment of plantingThe approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
14. Construction works, including site preparation, shall take place only between 0730 and 1800 on Monday to Friday, and between 0800 and 1300 on Saturday, Sunday and recognised public holidays.

15. Deliveries of construction materials or plant and machinery, and the removal of any spoil from the site, shall take place only between 0730 and 1800 on Monday to Friday, and between 0800 and 1300 on Saturday, Sunday and recognised public holidays.
16. The development shall be carried out in accordance with the biodiversity mitigation and enhancement measures contained within Chapter 6 Mitigation Recommendations of the Ecology Report by Davidson-Watts Ecology Ltd dated 5/7/2018.

*****End of Conditions*****