
Appeal Decision

Site visit made on 10 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/W0340/W/21/3279937

Land adjacent to Summerfield, The Ridge, Cold Ash, RG18 9HT, 452070, 169513

- 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 T A Fisher & Sons Ltd against the decision of West Berkshire District Council.
- The application Ref 21/01203/REM, dated 23 April 2021, was refused by notice dated 16 July 2021.
- The application sought planning permission for the change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works, without complying with some of the conditions attached to planning permission Ref 19/00832/REM, dated 5 January 2021.
- The conditions in dispute are Nos 1, 4 and 5 which state that:
 1. The development hereby permitted shall be carried out in accordance with the approved plans listed below: 18-P0023-100 Rev D – Colour site plan; 18- P0023-101 Rev F – Proposed site information plan; 18-P0023-102 Rev B – Plot 1; 18-P0023-103 – Plot 2; 18-P0023-104 – Plot 3; 8-P0023-105 Rev A – Plot 4; 18-P0023-106 Rev A – Plot 5; 18-P0023-107 Rev E – Street scene Sections; 18-P0023-108 Rev A – Proposed garages plots 1 to 2; 18-P0023-109 Rev A – Proposed garage plot 5; 18-P0023-110 Rev E – Soft landscaping; 18-P0023- 111 Rev C – Hard landscaping; 18-P0023-112 Rev D – Access plot 1 to 2; 18- P0023-113 Rev D – Access plots 3 to 4; 18-P0023-114 Rev D – Access plot 5; 18-P0023-115 – Proposed entrance gates; 18-P0023-CP – Context Plan.
 4. No development or other operations shall commence on site until a detailed scheme of landscaping for the site that accords with the landscaping strategy set out on drawing no. 18-P0023-110 REV E has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.
 5. Within 3 months of development commencing, the instant hedge as shown on drawing 18-P0023-110 REV E shall be planted as shown to include at least 6 native varieties of shrubs with a minimum height when planted to be at least 1.5metres and any maintenance regime is to be carried out as per the grower's specification. Any plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works, at Land adjacent to Summerfield, Cold Ash, Berkshire RG18 9HT without complying with conditions Nos 1, 4 and 5 as set out in 'reserved matters' permission 19/00832/REM, but otherwise subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs is made by T A Fisher & Sons Ltd against West Berkshire District Council. This costs application is set out with a separate decision.

Preliminary Matters

3. The proposal is to amend conditions that relate to a reserved matters approval under appeal ref: APP/W0340/W/20/3256565. This followed the refusal of the reserved matters application by the Council ref:19/00832/REM. The original outline application approved for the five houses on this site is ref 16/02529/OUTD. There was also a refused application for three detached garages for the dwellings approved, ref 18/02211/FUL, which I have also taken into consideration.
4. The appellant has explained that the reason for this Section 78 application before me with this appeal is to alter the design and scale of two of the proposed garages, such that they would include a first floor for a home office. This applies to the garages proposed for plots 2 and 4 only. Each garage would have a raised ridge by approximately 1m from that proposed, and also include a rooflight, dormer and external staircase. For this, the appellant is seeking to amend Condition 1, which is the 'plans condition', so this can include the amended plans to show the garage amendments.
5. There is no development on site as yet.

Main Issues

6. The main issue is the effect of the development with the proposed amendments on the character and appearance of this area.

Reasons

7. The site is a section of field to the edge of the village of Cold Ash, in what is a semi-rural location with ribbon development along The Ridge to both sides of this highway. The five approved houses would all front The Ridge with their garages to the sides of the houses, therefore being visible from within the streetscene.
8. The proposed amended garages to both plots 2 and 4 would be taller than that approved, but not by a substantial degree. Being in a set back position from the road, this increase in height would have a negligible visual impact. There is also the additional volume and bulk through the use of gabled rather than hipped roofs for these two garages. This additional volume and the taller ridges

than approved for these two garages would result in large outbuildings, but they would still be set down from the ridges of the houses they would be associated with. They would also still be clearly subservient outbuildings to these approved houses. The amended garages may be taller than some nearby existing dwellings, but they would be most clearly visually related to the houses at Plots 2 and 4. There are also many two storey houses in this varied street scene which would be taller than these amended garages, with some tall existing outbuildings in the area also.

9. The garages would be set back behind the front of the houses and be positioned between the dwellings, thereby not being overly prominent from The Ridge, nearby public rights of way, or from other wider landscape views. Furthermore, there would still remain views through between the plots to the countryside beyond, as is evident from the submitted plans, allowing views through to the countryside to the south.
10. The proposed garage dormers would be to the rear and so not overly prominent within the street. Furthermore, whilst they would be large dormers, they do not appear excessively large in relation to the roofslopes they are to be positioned on.
11. The proposals would not have any adverse effect on the natural beauty of the setting of the North Wessex Downs Area of Outstanding Natural Beauty, with the proposed amended garages not being of an excessive size, whilst also being of a suitable design and maintaining suitable gaps between these residential buildings to allow views through.
12. As I have concluded that the proposed amended garages would not be harmful to the character and appearance of the development or the wider area, there is no requirement for specific justification for why the additional space is needed for future occupiers as home offices.
13. Overall, the proposed amendments to the garages as proposed at plots 2 and 4 would sufficiently respect the character of this semi-rural streetscene and not be harmful to the character and appearance of the area. The design and scale of the garages would not conflict with West Berkshire Core Strategy policies ADPP2, CS14, CS19, and HSA7 of the Housing Site Allocations DPD. These policies set design principles for new development; ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced; amongst other things.
14. The proposal for the amended garages also accords with policies HOU1, HOU2, SPGR3, SGPR4, SDM3, GAP2 and GAP3 of the Cold Ash and Ashmore Green Village Design Statement. These policies require new housing development to maintain and enhance the present character of the villages, that the height of new buildings should be in proportion to their surroundings, that development should be appropriate in scale, form and siting to the adjacent properties, and that garages should not be visually obtrusive, amongst other things.
15. The proposal is also in general accordance with the National Planning Policy Framework on the issues of design and character, for example.

Landscaping Conditions (Nos 4 and 5)

16. With regards the reasons for refusal 2 and 3 the Council has found that there has been insufficient landscaping information submitted to address both

Conditions 4 and 5. However, it is clear from the evidence before me that the appellant is not attempting to provide the necessary detail to discharge these conditions. The inclusion of a plan reference in both Conditions 4 and 5 which the appellant is seeking to replace with a new revision of this plan (as this plan includes the amended garage details also) Ref P0023-110 REV G, is the reason why these conditions have been included in the application. There does not appear to be any attempt to change the landscaping details from that previously submitted or to provide details needed to address the requirements of Conditions 4 and 5.

17. As such, since I have concluded that the amended garages are acceptable in design and scale terms, then the latest revised plan can be included in a revised conditions list, with there being no substantive change to the landscaping details in this plan revision from previous. This includes an 'update' to Conditions 4 and 5 to refer to the revised plan submitted by the appellant for this appeal.
18. I understand that there is a section of hedgerow which has been omitted from the revised plan, which the appellant says is an omission which was not intended. However, the conditions would remain, with Condition 4 requiring a detailed scheme of landscaping which is for the Council to agree or refuse. Furthermore, the extent of 'instant hedge' referred to in Condition 5 is still shown on the revision of the plan submitted with this appeal, with the reimposed condition still requiring 6 native varieties of shrubs for example.
19. For these reasons, the evidence demonstrates to me that the proposal relates only to the garages and not to any landscaping amendments or details needed to discharge landscaping conditions. The proposal subject to this appeal is therefore not contrary to the relevant policies of the National Planning Policy Framework, or to policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSA7 of the Housing Sites Allocations DPD, or policies HOU1 and SDM5 of the Cold Ash and Ashmore Green Village Design Statement.

Conditions

20. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
21. The appellant has provided evidence that details relating to some of the conditions attached to allowed appeal ref: APP/W0340/W/20/3256565 have been agreed by the Council. However, these conditions require these details to be implemented and also retained on site, but there is no development on site at the time of my site visit. As such, these conditions have not been fully discharged and so it is prudent to reimpose the conditions in full, which I have therefore done. It is now for the appellant and Council to discuss the way forward for these conditions following this appeal being allowed.
22. The conditions under outline approval 16/02529/OUTD are not affected by this Decision and still therefore apply to the development.

Conclusion

23. For the reasons given I conclude that the appeal should succeed.

Mr S Rennie

INSPECTOR

SCHEDULE – CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule:
18-P0023-100 Rev F – Colour site plan; 18-P0023-101 Rev H – Proposed site information plan; 18-P0023-102 Rev B – Plot 1; 18-P0023-103 – Plot 2; 18-P0023-104 – Plot 3; 18-P0023-105 Rev B– Plot 4; 18-P0023-106 Rev A – Plot 5; 18-P0023-107 Rev F – Street scene Sections; 18-P0023-108 Rev B – Proposed garage plots 1; 18-P0023-109 Rev A – Proposed garage plot 5; 18-P0023-110 Rev G – Soft landscaping; 18-P0023-111 Rev F – Hard landscaping; 18-P0023-112 Rev D – Access plot 1 to 2; 18-P0023-113 Rev D – Access plots 3 to 4; 18-P0023-114 Rev D – Access plot 5; 18-P0023-115 – Proposed entrance gates; 18-P0023-CP – Context Plan, 18-P0023-208 - Proposed Garage Plot 2.
- 2) Prior to above foundation level development taking place on the dwellings hereby permitted, details of electric vehicle charging points shall have been submitted to and approved in writing by the Local Planning Authority. Each individual dwelling hereby permitted shall not be occupied until the electric vehicle charging point(s) has been provided in accordance with the approved drawings for that respective dwelling. The charging point(s) shall thereafter be retained and kept available for use by electric vehicles.
- 3) Notwithstanding the information shown on the supporting plans, prior to the first occupation of any dwellings hereby permitted, details (indicating the position, design, materials and type) of all boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before any dwelling hereby permitted is first occupied. The approved boundary treatments shall thereafter be retained as such.
- 4) No development or other operations shall commence on site until a detailed scheme of landscaping for the site that accords with the landscaping strategy set out on drawing no. 18-P0023-110 REV G has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.

- b) Any trees shrubs or plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.
- 5) Within 3 months of development commencing, the instant hedge as shown on drawing 18- P0023-110 REV G shall be planted as shown to include at least 6 native varieties of shrubs with a minimum height when planted to be at least 1.5metres and any maintenance regime is to be carried out as per the grower's specification. Any plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.
- 6) Any gates to be provided at accesses where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least five metres from the edge of the public highway.
- 7) The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the external areas above first floor flat roofs over any single storey rear extensions to the dwellings hereby permitted shall not be used as first floor balcony areas/sun terraces or similar external domestic use.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the first floor windows in the east facing elevation of plot 1 (facing towards Ridge End Barn) and west facing elevation of elevation of plot 5 (facing towards Summerfield) shall be of a top opening design only and shall be fitted with obscure glazing before each respective dwelling is first occupied and thereafter shall be retained in this form. Any replacement windows shall also be of top opening design and incorporate obscure glazing.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement (including side and rear extensions), improvement or other alteration of the dwelling houses, additions or buildings or enclosures incidental to the enjoyment of the dwelling houses, or enlargement/alterations to the roofs (including dormer windows) of the dwelling houses falling within Classes A, B and E shall be permitted unless otherwise submitted to and approved in writing by the Local Planning Authority.

END OF CONDITIONS