
Appeal Decision

Site visit made on 1 February 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 14 March 2022

Appeal Ref: APP/W0340/W/21/3284235

Land adjacent to Coombe Cottage, High Street, Chieveley, Berkshire, RG20 8TE

- 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 Trustees of BA Ellison against the decision of West Berkshire District Council.
 - The application Ref 20/02288/FULD, dated 30 September 2020, was refused by notice dated 6 April 2021.
 - The development proposed is demolition of existing buildings and the erection of four detached dwellings with associated garages, amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposals upon the living conditions of the occupants of Coombe Cottage, Thatched House and Chiltern House with respect to outlook;
 - whether the proposed development would conserve and enhance the natural beauty of the landscape within the Wessex Downs Area of Outstanding Natural Beauty; and
 - whether the proposals would preserve or enhance the character or appearance of the Chieveley Conservation Area.

Reasons

The effect of the proposals upon the living conditions of the occupants of Coombe Cottage, Thatched House and Chiltern House with respect to outlook

3. The appeal site consists of a parcel of land situated to the south of Coombe Cottage. Historically, the parcel of land was associated with the detached dwelling known as Coombe House situated to the south of the appeal site. The site lies to the east of High Street, to the rear of the linear row of dwellings which run along High Street. These dwellings include Chiltern House, Thatched House and Coombe House.
4. There is an existing garden wall alongside the boundary with Thatched House and a close boarded timber fence along the boundaries with Chiltern House and Coombe House. Coombe Cottage is currently enclosed by a close boarded fence

and existing established vegetation, both of which would be retained. Chiltern House, Thatched House and Coombe House are all situated in relatively large plots, whereas Coombe Cottage is in a slightly more modest plot. I agree with the appellant that the levels vary across the site and that any level change between the site and the High Street is gradual. Nevertheless, I note that Thatched Cottage is slightly set down from the appeal site.

5. In terms of the impact on the occupants of Chiltern House, the eastern boundary to the rear garden of Chiltern House is angled and the proposed H4 dwelling would be sited parallel to this angled boundary. H4 would be a 1.5 storey house which would help to limit its impact however, the bulk of H4 would be positioned at the narrowest part of the rear garden associated with H4, meaning that would it lie relatively close to the shared boundary with Chiltern House.
6. I agree with the appellants statement that seeing a development does not make it harmful. However, while privacy may not be affected, I consider that as a result of the siting, massing, and proximity of the proposed H4 dwelling to the rear garden of Chiltern Cottage, it would appear to loom over the rear garden and would be overbearing to the outlook of the occupants of Chiltern House when viewed from the windows along the rear elevation and from their rear garden. I acknowledge that a new native hedge is proposed along the western boundary with Chiltern House (as well as Thatched House). However, this would not be sufficient to overcome my concerns.
7. In regards to the impact on the occupants of Thatched House, I acknowledge the design details that have been incorporated to take in to account the acknowledged level differences such as setting the proposed H3 house down in order to be at a similar level to Thatched Cottage and H3 only being a 1.5 storey house. The closest structure to the shared boundary with Thatched House would be a single storey detached car port associated with H3. Due to the sympathetic siting of H3, with the main bulk of the house situated a sufficient distance from the shared boundary and at a right angle to Thatched House, whose main outlook is to the south, the proposals would not be significantly harmful to the outlook of the occupants of this property.
8. The angle and positioning of the siting of proposed dwellings H1 and H4 and their relationship with Coombe Cottage would allow the outlook of the occupants of Coombe Cottage to not be significantly harmed by the proposed development.
9. I note that the Council do not find any harm in respect of overlooking. However, the neighbouring occupants have raised it as part of their representations. Whilst there might be sight lines from the proposed development to the surrounding properties, due to the separation distances and the angles of the windows, it is not considered that the neighbouring properties would be overlooked to a degree that their living conditions would be harmed. It is also worth noting that all of the window to window separation distances would be in accordance with the recommended minimum distances set out in the Quality Design-West Berkshire Supplementary Planning Document Series: Part 2 Residential Development (2006) (SPD).
10. I also acknowledge that the occupants of Coombe House to the south have raised concerns that the proposals, most notably proposed dwelling H2 to the south of the appeal site, would overlook their garden and swimming pool. Due

to the separation distances between H2 and the boundary with Coombe House, the position of the windows and the retention of the mature vegetation along this boundary, there would be no direct overlooking to a degree that would warrant a refusal on this basis.

11. In view of the above, whilst it is considered that the living conditions of Coombe Cottage and Thatched House would not be harmed, I do find harm to the living conditions of the occupants of Chiltern House, with respect to outlook. The development would conflict with Policy CS14 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (Core Strategy DPD) (2012) which states that development should make a positive contribution to the quality of life in West Berkshire and with the guidance within the Quality Design SPD which states that new development should ensure that neighbouring residential properties are not compromised by unduly restricted outlook. It would also be contrary to paragraph 130 (f) of the National Planning Policy Framework (the Framework) (2021) which states that development should have a high standard of amenity for existing and future users.

Whether the proposed development would conserve and enhance the natural beauty of the landscape within the Wessex Downs Area of Outstanding Natural Beauty

12. The village of Chieveley, including the appeal site, is covered by the Wessex Downs Area of Outstanding Natural Beauty (AONB) designation. Policy ADPP5 of the Core Strategy DPD sets out the spatial strategy for development in the AONB and states that the Council's Strategic Housing Land Availability Assessment (SHLAA) identified a range of development opportunities which would be assessed through the Housing Site Allocations Development Plan Document (Site Allocations DPD) (2017).
13. The site is a relatively contained site which relates well to the settlement. A tall boundary wall runs along the eastern boundary of the site, with open countryside beyond. As a result of this close relationship with the built up form of the village, the site has recently been included within the revised settlement boundary for the village, amended through the Site Allocations DPD. I note the appellant draws my attention to the history behind the revised settlement boundary and I have had significant regard to this in my assessment of the proposals. This includes an extract from the SHLAA in relation to the site which concludes that 7 dwellings could be incorporated on the site. The Site Allocations DPD does not allocate any sites when they are expected to deliver 5 dwellings or under. However notably, the Council's hearing statement in relation to the matter of Chieveley as part of the examination of the Site Allocations DPD states that 'by including the site within the settlement boundary, it provides scope for some limited development within the new settlement boundary'.
14. The Council argue that the proposals offer a much more 'urban edge' than the existing properties to the west. As stated above, the whole village is covered by the AONB designation, and a higher density of development exists elsewhere in the village, as illustrated by the appellant. Whilst it is appreciated that the site represents a transition in to the surrounding countryside, there are examples of higher density development on the village edge elsewhere in the village, such as Middle Farm Close and The Green. The Chieveley Village Design Statement (2002) acknowledges that the average density of dwellings

within the settlement boundary is less than 10 dwellings per hectare. The proposed development would be 9 dwellings per hectare so the proposals would accord with this general density. I am therefore satisfied that the development of the appeal site for the density of development as proposed would not represent a departure from the range that already appears to be present in the village.

15. In terms of the scale of dwellings themselves, it is considered that as they would be seen in the context of the large detached houses which are immediately adjacent to the appeal site, the scale of the proposed development would be appropriate to its context. The Council state that they are concerned with the garages and carports proposed, considering them to be an 'unnecessary built form' in this location. However, they would be seen in context with the surrounding detached houses, a number of which also have detached garages associated with them, such that the proposed outbuildings would be acceptable. Furthermore, the Village Design Statement recognises that the majority of the dwellings in Chieveley are detached. Proposed landscaping and existing vegetation would also help soften any 'hard edges' from the surrounding countryside.
16. The Council refer me to the North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024 and states that the remoteness and tranquillity associated with the AONB is fundamental to its character. However, the management plan also states that new housing should be within existing settlements. As the proposed development would be within the revised settlement boundary for the village, it is considered acceptable and in accordance with the objectives of the Management Plan.
17. Therefore, in view of the above, I conclude that the proposed development would conserve and enhance the natural beauty of the landscape within the Wessex Downs AONB. The proposals would be in accordance with the objectives set out by Policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy DPD which together seek to ensure development respects and enhances the character and appearance of the area. They also seek to conserve and enhance the local distinctiveness of the area. Policy CS19 specifically sets out to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The proposal would also be in accordance with Part 1 of the Quality Design SPD, and the Chieveley Village Design Statement which together state that new development should conserve its setting within the surrounding landscape. The proposals would also be in accordance with the principles within Chapter 12 of the Framework which seeks good design sympathetic to the local area and with paragraph 176 of the Framework in regards to conserving landscape and scenic beauty within the AONB.

Whether the proposals would preserve or enhance the character or appearance of the Chieveley Conservation Area

18. A small portion of the south of the site is within the Chieveley Conservation Area (CA). The Council's Conservation Officer state that the proposals would be contrary to the current 'grain' of development, which they state consists of large frontage properties with large back gardens backing on to open countryside.

19. In a similar vein to the impact on the AONB set out above, it is considered that as the site now falls within the settlement boundary of the village, the development of the site would be in accordance with the spatial strategy for the area. By including the appeal site within the settlement boundary, a degree of impact on the CA would have been expected. As assessed above, as I consider that the siting, density and design of the proposals would be acceptable in the context of the site, it is considered that the proposed development would preserve the character and appearance of the Chieveley CA. Any views from the High Street would be fleeting and the proposed development would not be seen as isolated as it would be seen in the context of the existing built form along the High Street. The site would maintain the character of large back gardens backing on to open countryside.
20. The 'tandem' development as alleged by the Council is not justified in these circumstances given that the site has recently been incorporated in to the settlement boundary for the village so the principle of developing the site has been accepted by the Council. By the very nature of the appeal site being situated to the rear of the linear properties along the high street, the development of the site was always going to result in a 'tandem' development.
21. In view of the above, I therefore conclude that the development would avoid harm to the significance of the CA and would preserve the character and appearance of the Chieveley CA. The proposals would therefore be in accordance with policies CS14 and CS19 of the Core Strategy DPD, which seek to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The proposals would also meet with the objectives of Part 1 of the Quality Design SPD and the Chieveley Design Statement which both have the objective to ensure that all new development should take in to account the local character and context.
22. For the same reasons, the development would also accord with paragraph 199 of the Framework which states that great weight should be afforded to the conservation of designated heritage assets.

Other Matters

23. I acknowledge the modest contribution that the proposed 4 dwellings would make to the Council's Housing Land Supply and the associated socio-economic benefits that this would bring. However, such benefits would not be significant enough to outweigh my conclusion on the harm to the living conditions of the occupants of the neighbouring property.

Conclusion

24. For the reasons set out above, whilst I have found that the proposal would preserve the character and appearance of the Chieveley Conservation Area, would conserve the natural beauty of the landscape within the Wessex Downs Area of Outstanding Natural Beauty and would not harm the living conditions of Coombe Cottage or Thatched House, this would not outweigh the harm that I have identified to the living conditions of Chiltern House. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

Laura Cuthbert
INSPECTOR