



Appeal Decision

Site visit made on 9 August 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 8 September 2022

Appeal Ref: APP/W0340/W/21/3286654

Sunfield, Townsend Road, Streatley, Reading RG8 9LH

- 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 Mr S Pratley against the decision of West Berkshire District Council.
 - The application Ref 21/01179/FULD, dated 23 April 2021, was refused by notice dated 13 August 2021.
 - The application sought planning permission for erection of one dwelling and garage and formation of new access without complying with a condition attached to planning permission Ref 17/01476/FULD, dated 10 August 2017.
 - The condition in dispute is No 2 which states that: Development of the approved dwelling shall be carried out in accordance with the following plans and drawings: The location plan, roof plan, block plan and drawing numbers 1.40, 1.45 and 1.50
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling and garage and formation of new access at Sunfield, Townsend Road, Reading RG8 9LH in accordance with the terms of the application, Ref 21/01179/FULD, dated 23 April 2021, without compliance with condition number 2 previously imposed on planning permission Ref 17/01476/FULD dated 10 August 2017 and, subject to the conditions set out in the attached schedule.

Procedural Matters

2. At the time of my site visit, it appeared that the proposed development sought by the proposal had commenced but has not been completed. As I cannot be certain that what has been built matches the plans submitted, I will determine the appeal based on the plans submitted with the appeal.
3. I note that one of the section drawings¹ shows a dormer on the rear of the garage as opposed to a skylight as shown on the proposed elevation and plan drawings². However, it is clear from the evidence before me that this is an error. The elevation and plan drawings would be the drawings that would be conditioned, in the event that I am minded to allow the appeal.

¹ Section C-C, 2.52 Rev C

² First and second floor plans 2.41 Rev D and Proposed Elevations. 2.60 Rev D

Background and Main Issue

4. Planning permission was granted in August 2017 for the erection of one dwelling and garage under application ref 17/01476/FULD. The appellant seeks to vary the plans condition attached to this permission in order to change the design of the garage permitted to allow an en-suite bathroom to be installed at first floor. The main issue, therefore, is the effect that varying the plans condition would have on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is a new detached dwelling currently under construction on a plot of land to the rear of Sunfield. The site is on the edge of Streatley and is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The character of the area is largely of detached properties in relatively large plots. Whilst there is a spaciousness to the character, the space between houses varies. There is also a variety in the style of properties in the area. Wayside is a new house to the north of the appeal site, which has a large detached pitched roof garage associated with it, positioned directly adjacent to the highway.
6. The proposal would increase the height and bulk of the garage as originally approved. However, the use of a hipped roof, would appropriately mitigate the effect of the larger garage. The garage roof would sit well below the roof of the main dwelling and would largely retain the spacious character and appearance of the area. Furthermore, the design of the revised garage with a hipped roof would reflect the design and form of the hipped roof on the new dwelling.
7. Based on the evidence before me, most notably the comparative elevations provided by the appellant³, the width of the garage would not take up any more of the plot than the garage previously approved. The positioning of the garage, whilst it would be further towards the front of the main dwelling, would still be set back sufficiently so that it would read as a secondary element to the main dwelling. It would continue to assimilate with the spacious character of the area and consequently, there would be no harm to the character and appearance of the area. This is especially given that the revised positioning of the garage would be seen in the context of the detached garage at the neighbouring Wayside, which is in a much more prominent position.
8. As the proposal would not harm the character and appearance of the area, for the same reasons as above, the proposal would also conserve and enhance the contribution the appeal site makes towards the natural beauty of the landscape within the AONB.
9. I note the concerns raised by a previous Inspector⁴, in particular their comments regarding the increase in height, width and design of a previous proposal. I also note that the Parish Council has commented that 'an almost identical planning application for the site has been refused at both the planning stage and subsequent appeal'. I do not have full details of this earlier proposal. However, based on the evidence before me, it appears that this decision related to a larger dwelling which notably resulted in a 2 storey property extending across the majority of the width of the plot at full height. This is a

³ Drawing 2.70 Front Elevation – Comparative Elevations.

⁴ APP/W0340/W/19/3230156

different design to the proposal before me now, thus their assessment and subsequent decision was based on a different proposal.

10. I therefore conclude that the proposed revised design of the garage would not harm the character and appearance of the area, including the North Wessex Downs AONB. The proposal would be in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (adopted 2012) which, in combination, seek to ensure that new development demonstrates a high quality and sustainable design that respects and enhances the character and appearance of the area, and ensures the landscape character of the district is conserved and enhanced.
11. The development is also in accordance with the principles within Chapter 12 of the National Planning Policy Framework (2021) (the Framework) which seek good design sympathetic to the local area. The proposal would also be in accordance with the principles within Chapter 15 of the Framework in regards to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regards to conserving and enhancing landscape and scenic beauty within the AONB.

Other Matters

12. Concerns have been raised over the potential for overlooking to neighbouring properties. As confirmed above, the proposal would involve a small Velux window, as opposed to a dormer window. The Velux would not significantly add to the overlooking from that which is possible from the already approved first floor windows of the main house to the neighbouring properties of Mayfield, North View (shown as Plemount House on the OS Plan) and Dunvegan House. I note the Council in their Officer's Report refer to the potential for the Velux window to be obscure glazed and non-opening. However, given my findings above, I do not consider this would be necessary. Furthermore, the Council did not suggest a condition regarding the Velux window on the list of suggested conditions put forward as part of the appeal.
13. Very minimal overlooking to Sunfield would be possible due to the obscure angle between the 2 properties. However, there would be no harm to their living conditions, in respect of overlooking. Whilst the revised garage would be slightly higher along the boundary with Sunfield, with a greater bulk, the higher roof of the garage would slope away from the shared boundary. The increased bulk would also be positioned away from Sunfield. The proposal would not, as a result of its appropriate height, position and scale, harm the living conditions of Sunfield, in respect of outlook.
14. The additional light pollution as a result of the rooflight would be minimal and would not be significant enough to warrant a refusal on this basis. Therefore, I can only attach limited weight to this concern.
15. I note some residents have questioned the intentions of the appellant. Whilst I note that there has been an earlier proposal on the site, as stated above, based on the evidence before me, this proposed a different design to the proposal before me now. Furthermore, as I have found that the proposal would not harm the character and appearance of the area, it would not create a precedent for other developments that could cause harmful effects in this regard.

Conditions

16. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. The Council have suggested the same conditions imposed on the earlier permission, except the time limit condition. They have clearly indicated which conditions have already been formally discharged and have provided the corresponding discharge of conditions application references. I have included reference to these where appropriate and relevant.
17. The plans condition has been attached in the interests of certainty. I have corrected an error regarding the site plan number. A condition to ensure compliance with the materials already approved by the Council is necessary in the interests of the character and appearance of the area.
18. The timing clause of the tree protection condition has been altered slightly to take in to account the fact that development has already commenced. I have also removed the 'tailpiece' phrases from this condition ('until such time as agreed in writing.....' and 'without the prior written agreement.....') which could allow significant changes to the protection of the trees without going through the statutory route to vary the condition, thus depriving third parties of the opportunity to comment. The tree protection condition is still considered necessary to ensure the existing trees on the site are protected for the remainder of the development.
19. Given that construction work is still underway, a condition to ensure continued compliance with the approved construction management plan is considered necessary to minimise the disruption to surrounding residents and in the interests of highway safety.
20. The conditions relating to the existing access and the new access, including the surfacing of the new access, are all still considered necessary and reasonable in the interests of highway safety. I have altered the timing clause of the visibility splay condition as development has already commenced. I have also added in the requirement for further details of the verge reinstatement work to be submitted and agreed in writing by the local planning authority.
21. The provision of the car parking as shown on the approved site plan prior to the occupation of the dwelling is considered necessary in the interests of highway safety. I cannot see any details of any cycle parking on the evidence before me. Therefore, I have amended the final condition to ensure that details of the cycle parking are submitted and approved by the Council prior to the occupation of the dwelling.

Conclusion

22. For the reasons outlined above, having regard to the development plan as a whole and to all other material considerations, the appeal is allowed. I shall therefore grant a new planning permission with condition 2 varied and subject to the conditions below.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; Ground floor plan 2.40 Rev C; First and second floor plans 2.41 Rev D; Site Plan as proposed 2.30; and Proposed elevations 2.60 Rev D.
- 2) The development shall be constructed in accordance with the materials agreed within discharge of conditions application 20/000660/COND1. Development of the approved dwelling shall take place in accordance with the approved schedule and samples.
- 3) The development shall be undertaken in accordance with the agreed Tree Protection methods submitted to and approved under discharge of conditions application 20/000660/COND1. All protective fencing shall be maintained and retained for the full duration of works. No activities or storage of materials whatsoever shall take place within the protected areas.
- 4) The development shall be undertaken in accordance with the agreed Construction Method Statement submitted to and approved under discharge of conditions application 20/000660/COND1.
- 5) The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The dwelling hereby permitted shall not be occupied until details of the reinstatement of the verge have been submitted to and approved in writing by the local planning authority. The reinstatement of the verge shall then be carried out in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained as such thereafter.
- 6) The development shall be undertaken in accordance with the agreed details submitted to and approved under discharge of conditions application 20/000660/COND1. The dwelling shall not be occupied until the surfacing arrangements have been constructed in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.
- 8) The dwelling hereby permitted shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with 'Site Plan as Proposed 2.30'. The parking and spaces shall thereafter be kept available for parking of private motor cars at all times.
- 9) The dwelling hereby permitted shall not be occupied until details of the cycle parking have been submitted and approved in writing by the local planning authority. The details submitted shall include the number of cycles to be stored, the location, and the type of store or stand. The dwelling shall not be occupied until the cycle parking arrangements have been provided in accordance with the approved details. The approved cycle parking must then be kept available for the parking of cycles at all times thereafter.