



Appeal Decision

Site visit made on 25 November 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/W0340/W/22/3297675

Leyfield, Road known as Post Office Road, Inkpen, Hungerford RG17 9PZ

- 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 Brian Gerhardt against the decision of West Berkshire District Council.
 - The application Ref 21/02855/FUL, dated 10 November 2021, was refused by notice dated 23 March 2022.
 - The development proposed is 'Replacement dwelling and associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling and associated works at Leyfield, Road known as Post Office Road, Inkpen, Hungerford, RG17 9PZ in accordance with the terms of the application, Ref 21/02855/FUL, dated 10 November 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, which lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises an existing detached bungalow set within a relatively large sized plot to the east of 'Post Office Road'. The site adjoins farmland and open fields to the north and east, with the surrounding area having a verdant and rural character. The site, along with much of West Berkshire, is within the AONB.
4. A small cul-de-sac of dwellings is located directly opposite the appeal site. Further clusters of dwellings are located nearby to the north and south. Those dwellings within the near vicinity of the site, whilst retaining a general rural vernacular, vary significantly in their precise scale, style, and appearance. This includes dwellings displaying a variety of roof forms.
5. Policy C7 of the Housing Site Allocation Development Plan Document (adopted 2017) (HSA) allows for the replacement of existing dwellings in the countryside, subject to meeting specific criteria. This includes that replacement dwelling should be proportionate in size and scale to the existing dwelling and not have an adverse impact upon the character and local distinctiveness of the rural area or its setting within the wider landscape.

6. The Council deem that the proposed replacement dwelling is proportionate in scale to the current property at the site. From the evidence before me the Council's concerns seemingly lie with the proposed roof form, which it considers would dominate the proposed dwelling and be visually intrusive in the surrounding area.
7. Pertinently, there is an extant permission for a replacement dwelling at the site (ref: 21/01484/FUL). That permission is for a two-storey dwelling of an overall similar scale and footprint as the current proposal. However, the current proposal involves changes to the previously approved roof form, including changes to its roofline, removal of dormer windows and the addition of a further chimney. I consider the extant permission to offer a realistic fallback position. It is therefore a key material consideration in the determination of the current proposal.
8. The appeal dwelling would have a higher roof line than the existing property. Nevertheless, its ridge height would remain the same as the previously approved scheme at the site. Furthermore, the proposed hipped nature of the roof would also appear less bulky than that previously approved and would more closely resemble that of the existing bungalow at the site.
9. It is recognised that the proposed development is of a more modern design and would not mimic that of the existing bungalow. Notably, the existing bungalow's roof provides much of its massing, whereas the proposed building would have a proportionately smaller roof form. However, the bungalow itself is not highly characteristic of the built form in the surrounding area.
10. The Council has also highlighted that the boundary hedge to the front of the property could be removed and thus the proposal could result in greater visual intrusion than the previously approved scheme. Be that as it may, this is not proposed, nor do I find it likely to take place given the level of privacy that the hedge provides to the dwelling's garden space. In any case, I do not deem that the proposal is of a design that would cause harm to the character of the area.
11. Overall, I find that the scale and design of the replacement dwelling to be appropriate to its context. It therefore would not harm the character or appearance of the area. Accordingly, it would also preserve the natural beauty of the AONB. Consequently, the proposed development accords with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (adopted 2012) and policies C3 and C7 of the HSA. These policies, amongst other matters, require new development to be of a high-quality design, that respects and enhances the character and appearance of the area, as well as being appropriate in terms of its locational setting.
12. The proposal is also deemed to satisfy the requirements of the National Planning Policy Framework in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs.

Conditions

13. The Council has provided draft conditions in the event planning permission were to be granted. For clarity and precision, and to ensure compliance with the PPG, I have undertaken some minor editing of the suggested conditions where necessary.

14. In addition to the standard time limit, a condition requiring development be complete in accordance with the approved plans is needed in the interest of clarity and certainty.
15. A condition is necessary to prevent the demolition of the existing dwelling until such time as a European Protected Species (EPS) Licence is provided to the Council authorising the activity, or a statement is provided by the relevant licensing body to demonstrate such a licence is not required. This is in the interest of safeguarding protected species.
16. A pre-commencement condition relating to the provision of a construction management plan is needed in the interests of highway safety and the living conditions of nearby residents. Likewise, a pre-commencement condition in relation to the surfacing arrangements for the vehicular access to the highway is reasonable and necessary in the interests of highway safety.
17. A condition requiring the approval of a scheme of protection for trees at the site is reasonable to safeguard trees in the interest of the character and appearance of the area. Finally, a condition requiring approval of the external facing materials is also needed in the interest of the character and appearance of the development and surrounding area.

Conclusion

18. For the reasons outline above, having regard to the development plan and all other material considerations, the appeal is allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – Drawing No. 1912A 100, dated 18/02/2017;
 - Block Plan – Drawing No. 1912D 101 Revision D, dated 26/10/2021;
 - Landscape Plan - Drawing No. 1912E 102 Revision E, dated 27/10/2021; and
 - Proposed Plans and Elevations - Drawing No.1912E 103 Revision E, dated 27/10/2021;
- 3) The demolition of the existing dwelling shall not commence unless the Local Planning Authority has been provided with either:
 - (a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to proceed; or
 - (b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 4) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:
 - (a) A site set-up plan during the works;
 - (b) Parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
 - (f) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (g) Hours of construction and demolition work
- 5) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been

erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

- 6) No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.
- 7) Prior to their use in the construction of the dwelling hereby permitted, a schedule of the external surface materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Samples of relevant materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.