



Appeal Decision

Site visit made on 24 February 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/W0340/W/22/3301366

The Hollies, Webbs Lane, Beenham, Reading, RG7 5LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Zahir Elsayed against West Berkshire District Council.
 - The application Ref 21/03225/HOUSE, was dated 23 December 2021.
 - The development proposed is described as 'Side and rear extension, new site access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.
3. The appellant submitted revised drawings during the course of the application to address matters raised by the Council in respect of the proposal's design, including its access arrangements. It is on the basis of the revised drawings (submitted April 2022) that the appellant is seeking to progress the appeal.
4. The Council has indicated that had it determined the application, it would have done so based on the original submitted drawings due to the revised scheme being received after an agreed deadline. However, from the evidence before me, it appears that the appellant sought to agree a further extension of time due to unforeseen delays, but requests to the Council went unanswered. Furthermore, I am satisfied that the Council had sufficient opportunity to consider the revised scheme prior to the appeal process.
5. The appellant also submitted final comments to the appeal beyond the designated deadline. I am informed that these were delayed because it was only after the appeal had been running for a considerable period that the appellant received the Council's statement of case. The appellant argues that this left insufficient time to respond given it was a non-determination case and the Council had not previously outlined all of the concerns raised. The Council has subsequently been given an opportunity to respond to the appellant's final comments.
6. I therefore do not consider any party would be prejudiced by the appeal being determined on the basis of the revised drawings and taking account of the appellant's final comments. I have therefore proceeded on that basis.

7. Accordingly, the description of development that I have considered the proposal against is 'side and rear extension' as opposed to that in the banner heading above (taken directly from the original application form).

Main Issues

8. In light of the above, the main issues are the effect of the proposal on: a) the character and appearance of the area, including its setting within the North Wessex Downs Area of Outstanding Natural Beauty; and b) the living conditions of adjacent neighbouring occupiers.

Reasons

Character and Appearance

9. The appeal property is a brick built, large, detached dwelling that sits within a sizeable plot. The appeal site is located off Webbs Lane, a rural country road and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). There are several dwellings laid out in a generally linear arrangement along this country road, which are also predominantly large, detached properties that are set back from the highway. Nevertheless, the area remains intrinsically rural in character, with the road bordered by grass verges and hedges, and much of the surrounding land being agricultural in nature.
10. The immediate adjoining properties share a similarity in design through their general scale, use of materials, age and detailing. Although other neighbouring properties along this section of Webb Lane vary in their precise appearance, most remain of a generally similar scale.
11. The proposed extensions to the appeal property, particularly to the side, would be substantial in size and significantly increase the horizontal emphasis and massing of the existing dwelling. The two-storey side extension does include a slight set down from the ridgeline of the existing dwelling. It would also result in the overall width of the property being marginally reduced, as it would replace the current single storey garage arrangement. Additionally, architectural detailing including the use of glazing attempts to visually distinguish the proposed extension from the original dwelling. Despite these features, the scale, bulk and design of the proposed two-storey side extension would result in an overly dominant form of development.
12. I appreciate the Council's planning policy does not provide a definition of the term subservient, but I consider that the overall massing of the proposal and its high degree of visual dominance would not suitably read as a subservient addition to the existing property. The proposal would therefore conflict with a key aim of Policy C6 of the West Berkshire Housing Site Allocations Development Plan Document (adopted 2017) (the HSADPD), which sets out design expectations in relation to new extensions to dwellings in the countryside.
13. The appellant puts forward that the appeal property and neighbouring dwellings are not of notable architectural quality, whilst the scheme would incorporate materials to match the existing property. Nevertheless, the resultant dwelling through its overall scale, bulk and appearance would appear disproportionate to neighbouring properties. It would also unacceptably diminish the character, appearance and integrity of the host building, with consequent harm to the character and appearance of the surrounding area.

14. Furthermore, the proposal would remain prominent from public vantage points despite the property being set back from the main highway and the presence of mature boundary vegetation.
15. My attention has been drawn to a nearby property that has been significantly extended in a contemporary manner, following a relatively recent grant of planning permission (ref: 19/00109/FULD). I am not aware of the particular circumstances in that case, however, from my observations on site that development appeared to be meaningfully different to the scheme before me. In any event, I must consider the appeal scheme on its own merits. The existence of other sizeable contemporary extensions in the locality does not justify the harm I have identified.
16. The Council has also raised objections to the level of glazing in the proposed scheme, and its impact on the dark night skies of the AONB. However, based on the evidence before me, I am less concerned with this aspect of the proposed development. However, this does not overcome the above issues regarding the overall scale and design of the proposal.
17. Overall, I find that the proposed development would harm the character and appearance of the area, it would also therefore fail to preserve or enhance the natural beauty of the AONB. As such, the proposal conflicts with Policies C1 and C6 of the HSADPD and policy ADDP5 of the West Berkshire Core Strategy 2006 – 2026 (adopted 2012). Together these policies, amongst other matters, require development to be of an appropriate design quality that respects and enhances the character and appearance of the area, including its local distinctiveness, sense of place and setting of the AONB.
18. Likewise, the proposal is contrary to the aims of the National Planning Policy Framework (the Framework) in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs.
19. The Council has also referred to Core Strategy Policy ADPP1. However, as that policy is concerned with strategic housing development it has little bearing on the proposal before me.

Living Conditions

20. The adjacent neighbouring dwellings are served by sizeable rear gardens, that are largely private. The gardens are also wide and long, albeit set on a gradient with woodland at the rear.
21. The proposed development would introduce first-floor balcony areas. The position of the balconies, alongside their orientation relative to the adjacent property of 'Larkside' would not result in any harmful loss of privacy to occupiers of that property.
22. One of the proposed balconies would be sited adjacent to the boundary with the neighbouring property 'Hollyside'. This element of the proposed extension would also project beyond the rear elevation of Hollyside and would allow partial views into the neighbour's garden. However, the likely available views would be towards less sensitive areas of the adjacent property (e.g. rear extent of garden, away from patio/main dwelling). Additionally, the proposed balcony would include louvre screening, whilst the extension would be set sufficiently off the shared boundary. As such, I do not consider it would result in a harmful level of overlooking to the neighbouring property, whether actual or perceived.

23. I am also satisfied that the overall depth of the proposed extensions, together with their relationship with the adjacent neighbouring dwellings, would not result in any significant overbearing impacts or loss of light. From my observations on site, I am further content that the proposal would not cause any other significant harmful impacts to the living conditions of neighbours.
24. Consequently, I find that the proposed development would not significantly harm the living conditions of neighbouring occupiers. In respect of this second main issue, the proposal would therefore align with the aims of Policy C6 of the HSADPD which requires development to cause no significant harm to the living conditions of neighbouring properties.
25. With regards to the impacts on neighbours, the proposal would also conform to the aims of the Framework, the Council's House Extensions Supplementary Planning Guidance (2004) and the Quality Design Supplementary Planning Document (2006). Each of these documents seek to ensure that development avoids harm to the living conditions of existing residents.
26. The Council has also referred to Policy CS14 of the Core Strategy. Whilst this policy sets out general design principles, it does not specifically seek to protect the living conditions of neighbouring residents as per Policy CS6 of the HSADPD.

Other Matters

27. As indicated above, the appeal has been determined based on the revised plans submitted during the application process, which involved retaining the existing vehicular access to the site as opposed to creating a new access. I note that the Council indicated it would have also refused the original scheme on highway safety grounds, due to inadequate visibility splays. In any case, from my observations on site, the existing access also appeared likely to have insufficient visibility splays. The proposed development is also unlikely to significantly increase the level of vehicle movements to the site.
28. The appellant suggests that the proposed development would result in benefits through an uplift in neighbouring property values in the area, albeit provides no robust evidence to verify the claim. Regardless of this, Planning Practice Guidance (PPG) highlights that planning is concerned with land use in the public interest, so the impact of a development on the value of a neighbouring property could not be a material consideration.

Conclusion

29. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed, and planning permission refused.

Lewis Condé

INSPECTOR