



Appeal Decision

Site visit made on 17 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/H1705/W/22/3306133

Junipers, land to the North West of Junipers, Little London Road, Silchester, Reading RG7 2PS

- 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 Mt Ryan Hartley (Kierish Developments Limited) against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/01524/FUL, dated 27 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is described as the 'erection of 2 no. dwellings with associated parking'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. dwellings with associated parking at Junipers, land to the North West of Junipers, Little London Road, Silchester, Reading RG7 2PS in accordance with the terms of the application, Ref 22/01524/FUL, dated 27 May 2022, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. A revised site layout has been submitted with the appeal (PL10D), which clarifies the land ownership. The additional submitted information does not include any alterations to the nature of the proposed scheme and therefore I am satisfied that interested parties would not be prejudiced by my considering this information.

Main Issues

3. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the development on highway safety;
 - the effect of the proposed development on biodiversity; and
 - whether the proposed development provides an appropriate mix of dwellings.

Reasons

Character and appearance

4. The appeal site, currently an open pasture field, lies south of the settlement of Silchester within the open countryside, as defined by the Basingstoke and

Deane Local Plan 2011-2029 (2016) (LP). It sits next to a ribbon of development comprising of a number of dwellings, including the Grade II listed Rose Cottage opposite the site. The surrounding dwellings are mixed in form and include semi-detached and detached units but are mostly two storey and fronting the highway.

5. The site is defined by mature hedgerows, with open land to the north. The wider area is verdant and low density, with a clear rural character. The Council describes the site as being part of the North Sherbourne Landscape Character Area, which it is stated is 'characterised by gently undulating, subtle landform dissected by a network of minor tributary valleys'...and 'a low density of small-scale scattered settlement, enclosed within an established woodland and hedgerow structure with many hedgerow trees'.
6. The proposed two dwellings would follow the pattern of dwellings along the eastern side of the road and sit opposite existing properties. The plot widths would be comparable to the properties opposite the site and their depth would match those immediately to the south. The plot sizes would ensure that the subdivision of the site would not harm the open character of the wider area. The dwellings would be set back from the road a greater distance than the immediately surrounding properties, however there are dwellings with a similar set back further to the north and along Byes Lane to the south east.
7. The proposed dwellings would not therefore appear incongruous within the surrounding pattern of development. The significant set back and retention of the vast majority of the existing roadside hedgerow and trees would ensure that the two storey dwellings would not appear overly prominent from the road or the public footpath to the north, despite their scale.
8. The access way within the site would introduce an expanse of hardstanding, however in the context of the retained vegetation around the boundary of the site that would obscure this from the highway and public footpath, and the full frontage hardstanding evident to the neighbouring properties to the south, this would not appear as an overly urbanising feature.
9. I note that the Council has concluded that it has no objection in principle to the siting of new dwellings in this location. As such, there would inevitably be some built form where previously there was none, in addition to some noise implications from residential use. However, the noise implications would not be significant and given the appropriate scale and siting of the dwellings, in addition to the retained vegetation, the verdant, open and quiet rural character of the wider area would therefore be retained. The established character of the North Sherbourne Landscape Character Area would not be harmed.
10. The two dwellings would utilise the existing access to the site and incorporate a gable ended roof with a ridge line that would not be significantly higher than the neighbouring property. The grey tiled roof of the dwelling in plot 2 would also match that of the nearest neighbour, whilst the red tiles of the dwelling in plot 1 would, along with the different porch design, provide variation. A condition to secure appropriate materials would ensure that the properties sit comfortably within the surrounding mainly red brick built form. Their simple design would not appear incongruous in the context of the mixed surrounding architectural form.

11. I therefore conclude that the proposed properties would not harm the character and appearance of the area. The proposal would therefore comply with LP Policies EM1 and EM10 which, in accordance with the National Planning Policy Framework (the Framework), requires development to be high quality and sympathetic to the character and visual quality of the area. There is also no conflict with of the high quality development and response to context and landscape protection goals of the Supplementary Planning Documents 'Design and Sustainability' (2018) and 'Landscape, Biodiversity and Trees' (2018).

Highway safety

12. The proposed development would utilise an existing agricultural access. I observed on site that the visibility in either direction from the existing access was comparable to the neighbouring residential access points.
13. The appeal site access is nearer to the bend in the road to the north than the nearby dwellings, however this part of little London Road is limited to 30mph and drivers would be conscious of a number of access points to dwellings, and would consequently pay close attention to the possibility of cars manoeuvring. Furthermore, there is a bus stop close by which could also lower car speed at this point and require drivers to exercise due care and caution. I note that third parties have pointed to speeding and accidents in the area but no substantive evidence is before me in this regard. The Council highways officer makes no such reference.
14. The use of the access by the occupiers of the two dwellings would increase the frequency of use. However, the use by residential cars would have less of an impact upon the free flow of traffic than slow moving agricultural vehicles.
15. I note issues raised by the Council regarding the deliverability and potential impact upon biodiversity of providing the 2.4m x 43m sightlines requested by the standing advice provided by the Council Highways Officer. However, given the site specific circumstances of this existing access, the context of the surrounding existing access points and based on the evidence before me and what I observed on site, I do not consider that such lengthy sightlines are necessary.
16. As such, I am satisfied that use of the existing access would not result in an unacceptable increase in the potential for conflict between users of the highway. There would therefore be no unacceptable impact on highway safety. I therefore find no conflict with LP Policies CN9 and EM10 which, along with the Framework, seeks to ensure that development is high quality and would compromise highway safety.

Biodiversity

17. The appeal site is not subject to any policy designations relating to ecology, and I have not been made aware of any nearby sites designated for their ecological qualities. The submitted Preliminary Ecological Appraisal¹ (PEA) sets out that there is no realistic prospect of protected species being on the site and based on this information and what I saw on site and with no clear evidence to the contrary, I am satisfied that there is no reasonable likelihood of this species being present.

¹ By Ecological Surveys Limited April 2022

18. The Council point to the ecological value of the boundary hedgerows, as identified in the PEA. However, the proposed development would retain the existing hedgerow around the site and further new native hedgerow (and trees) would be planted along the eastern boundary. A condition to secure this would provide a clear enhancement to the biodiversity of the site.
19. Moreover, the PEA also recommends further enhancement measures such as bat roosting and bird nesting provision. Again, a condition to secure this, along with appropriate tree protection measures, would ensure biodiversity enhancement.
20. Accordingly, the proposed development would not harm biodiversity and I find no conflict with the high quality development and biodiversity protection and enhancement goals of LP Policies EM4 and EM10 and the Framework. There is also no conflict with the biodiversity and tree protection goals of the Supplementary Planning Document 'Landscape, Biodiversity and Trees' (2018).
21. The Council also reference LP Policy CN9, however as this relates to transport, there is little relevance to this main issue.

Housing mix

22. LP Policy CN3 sets out that an appropriate housing mix for market housing will be required, in order to address local requirements. However, the supporting text sets out that *'the council recognises that for smaller developments (typically those of 3 or less units) it may not be appropriate to meet the requirements of the policy'*.
23. As such and given their appropriate scale in terms of density and character and appearance, evidence to justify the mix of housing proposed is not required. As such, there is no conflict with the appropriate housing requirements of LP Policy CN3.

Other Matters

24. Rose Cottage, opposite the appeal site, is a two storey detached grade II listed building. The cottage is built of red brick with blue brick banding and detailing, some timber framing and a tiled roof. Its earliest parts dates to C17, added to in the C18 by the addition of a brick faced and two bays to the front. Its original plan form is still evident, and it retains a significant proportion of its C17 and C18 fabric.
25. The proposed dwellings would be sited on the opposite side of Little London Road, set back behind the roadside hedgerow and trees. As such, the dwellings would not compete with nor detract from the asset's architectural significance, and although they would be visible, they would have a neutral impact on the setting of the asset. It is noteworthy that the Council have raised no issue with the impact of the proposed development in this respect.
26. The proposal would not affect the appreciation of the building and accordingly I find that its significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
27. I note that a number of objections were received. The Council raise no objection to the principle of development in this location, and from what I have observed on site and the evidence before me, I have no reason to disagree.

28. With regards to any disruption caused by construction, this would be inevitable but temporary. There is sufficient space within the site to accommodate loading and turning without undue disruption to the highway.
29. I note that the site is covered by Tree Preservation Order TPO/BDB/0686. The submitted Tree Survey² sets out that the trees to be removed are category C or U, which are low quality or should be removed in any case. The loss of these trees would be mitigated by replacement planting around the site. This would be secured through a condition, as would appropriate landscaping and protection of the trees, to be retained. This would ensure that the verdant character of the site and surroundings is retained.
30. Given the separation distance and trees between the proposed dwellings and Rose Cottage, the proposal would not have a harmful effect on light nor privacy in relation to this neighbour. Similarly, given the siting of the dwellings in relation to the Gables to the south, there would be no harmful effect on light or privacy levels reaching this property. It is again noteworthy that the Council did not object on this basis.
31. In terms of views, this is not a material planning consideration. Given the site-specific nature of the considerations above, this scheme does not in my view set a harmful precedent for development elsewhere. Any further dwelling on the wider site would require further planning permission to be considered and assessed by the Council.

Conditions

32. A list of suggested conditions has been provided and I have considered these in light of the Planning Practice Guidance (PPG) and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
33. In addition to the standard time limit condition (condition No 1), and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty (2).
34. Conditions requiring full details of the external finish of the dwellings (3) and hardstanding (4) to be agreed by the Council is necessary in order to ensure an appropriate high quality finish that is appropriate to the surroundings. A condition requiring full details of the layout of services (5) is required in order to ensure that the provision of the services do not harm identified tree, landscape and wildlife features/areas.
35. Details of a landscaping scheme (6), including boundary treatment is necessary in order to ensure that the verdant quality of the site is retained and that biodiversity is enhanced. Conditions securing the biodiversity enhancement (7) and tree protection measures (8) set out in the submitted PEA and Tree Survey are necessary for the same reason. A condition relating to bin storage and provision (9) is necessary to ensure that occupants would have appropriate access to these facilities.
36. A condition ensuring the car and cycle parking spaces (10) detailed on the submitted plans are available prior to occupation of the properties is necessary

² Arboricultural Impact Assessment, Protection Plan and Method Statement by Harrison Arboriculture, 17 May 2022

to ensure the occupiers have appropriate access to these facilities. On wider sustainability requirements, a condition to limit water consumption (11) is necessary to ensure relevant compliance with technical standards and policies sought by the LP. A condition to control any external lighting (12) is necessary and appropriate to control its impact on biodiversity.

37. Finally, a condition to obscure glaze first floor side elevation windows (13) is necessary in order to prevent unacceptable overlooking of neighbouring properties.
38. The Council recommend a condition removing permitted development rights. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. In this case I find that the Council has not provided clear justification that the exercise of such rights would be harmful to the character and appearance of the area or the living conditions of nearby occupiers. As such I find that such a condition is not reasonable in this case.
39. Similarly, a condition restricting construction hours is not necessary as this is addressed through separate legislation. As set out above, given the acceptability of the existing access, a condition requiring the visibility splays is not necessary.

Conclusion

40. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

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: PL10, PL11, PL12, PL13, PL14, PL15, PL16 Rev B.
3. No development above damp proof course shall commence on site until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
4. No development above damp proof course shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter maintained.
5. Prior to the first occupation of the development, a detailed services layout shall be submitted to and approved in writing by the Local Planning Authority. All services shall be included, including gas, electricity, foul and fresh water, drainage and telecommunications. If a particular service is not required, a statement shall be included to that effect. The layout shall respect landscape and wildlife protection and mitigation measures and in particular, ensure that its implementation does not require installation or future maintenance excavations to be made within protection zones. The development and/or other operations shall be carried out and thereafter maintained in complete accordance with the approved service layout.
6. Prior to the first occupation of the development, a landscaping scheme which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) and include details of the positions, design, materials and type of screen walls/fences/hedges to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. The landscaping shall include a replacement oak tree. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

7. The development shall be undertaken in accordance with the recommendations and procedures contained in Chapter 6 of the submitted Preliminary Ecological Appraisal and Biodiversity Matrix by Ecological Surveys Limited, dated April 2022.
8. Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Protection Plan and Method Statement by Harrison Arboricultural, dated 17th May 2022.
9. No development above slab level shall take place on site until details of waste storage and collection points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development and shall thereafter be maintained.
10. Prior to the first occupation of the development, the vehicle parking has been constructed, surfaced and marked and the cycle storage provision has been provided in accordance with the approved details (Drawing no. PL10) and thereafter be retained and maintained in perpetuity.
11. Prior to the first occupation of the development, a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless a demonstration shows that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
12. No external lights shall be installed until a fully detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall include full lighting specifications and address the cumulative effects of all external lighting sources upon nocturnal animals sensitive to external lighting (principally bats). The lighting shall be installed prior to the first occupation of the development and shall thereafter be operated and maintained in accordance with the approved scheme.
13. The first-floor windows serving a bathroom on the side elevation of both dwellings shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.