



Appeal Decision

Site visit made on 6 July 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2023

Appeal Ref: APP/W0340/W/23/3316487

The old barns at Benhams, Hollybush Lane, Burghfield, Reading RG7 3JS

- 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 & Mrs Atkinson against the decision of West Berkshire District Council.
 - The application Ref 22/02054/FULD, dated 24 August 2022, was refused by notice dated 10 January 2023.
 - The development proposed is described as 'change of use from tractor barn to a 2 bedroom apartment'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from tractor barn to a 2 bedroom apartment, at the old barns at Benhams, Hollybush Lane, Burghfield, Reading RG7 3JS in accordance with the terms of the application, Ref 22/02054/FULD, dated 25 August 2022 and the attached schedule of conditions.

Applications for costs

2. An application for the award of costs has been made by the appellants, which is subject to a separate decision.

Preliminary Matters

3. The site address and description of development in the banner heading above is taken directly from the original planning application form.
4. The Council refused the planning application based on the proposed development being deemed to have a lack of outlook from habitable rooms. However, through the appeal the Council has acknowledged that the application plans were misinterpreted (notably the positioning of floor levels and corresponding height of rooflights). The Council has therefore conceded that habitable rooms within the proposed development would be served by adequate outlook. From the evidence before me, including my observations on site, I have no reason to disagree with the Council's updated position in respect of outlook from habitable rooms.
5. However, the Council has further indicated during the appeal that the development remains unacceptable on the grounds that it does not provide a suitable level of living space for future occupants, having regard to the national described space standards.
6. Notably, the Council has not indicated that its existing development plan documents refer to or require development to align with the nationally

described space standards (NDSS), as set out in the Government's technical Housing Standards¹. However, I have been made aware that draft policies within the emerging West Berkshire Local Plan Review (2022 – 2039) (the Local Plan Review) seek for new dwellings to be provided with living space in accordance with the NDSS.

Main Issue

7. In light of the above, the main issue is whether the development would provide appropriate living conditions for future residents with respect to internal living space.

Reasons

8. The appeal site comprises an existing oak framed two-storey building, with black cladding and clay roof tiles. The building is in an L-shape configuration, with a tractor/agricultural store and garage space at ground floor level, whilst a mezzanine floor over part of the building also provides additional storage space at first floor level. The building has a modern agricultural appearance and I understand has previously been used for the storage of agricultural materials.
9. There is an extant planning permission (ref: 21/01288/FUL) at the appeal site for the conversion of part of the ground floor of the building (the tractor store) into a two-bedroom apartment. The current scheme differs from the extant planning permission in that it would retain parking at ground floor level that was previously to be converted to a residential dwelling and would instead involve the creation of an apartment at first floor level above. To achieve this, alterations to the height of an existing mezzanine floor are proposed. A gable extension is also proposed to the front of the appeal building to provide access to the proposed first floor dwelling.
10. Despite the current proposal also being for a two-bedroom apartment, its location at first floor level, within the pitched roof space of the building, has implications for the internal floorspace arrangements.
11. The NDSS sets out various technical requirements which new developments are expected to meet in relation to the provision of internal living space. The main parties are in agreement that the proposal would meet the majority of these requirements (e.g. overall levels of floorspace, size of bedrooms). However, there is dispute as to whether the proposal would incorporate sufficient ceiling heights to meet the NDSS.
12. The NDSS establishes that a minimum floor to ceiling height of 2.3m is required to be delivered for at least 75% of the Gross Internal Area of a proposed dwelling. Paragraph 8 of the National Technical Housing Standards document states that the '*Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs*'. The document also provides further guidance as to what may constitute the Gross Internal Area (GIA)².

¹ Department for Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015) (as amended).

² See Paragraph 10f – 10h of the Technical Housing Standards.

13. Both main parties have provided marked-up drawings showing how they have calculated the areas of whether ceiling heights would comply or not with the NDSS.
14. The Council contends that for the appeal scheme to comply with the NDSS a ceiling height of 2.3m would need to be provided across approximately 48sqm of the scheme. However, it considers that the proposal would only provide such ceiling heights across approximately 43sqm of the dwelling. In reaching this view, it appears that the Council has not included the entire floorspace (with a ceiling height of 2.3m+) that would be provided by the proposed gable extension to the building. The gable extension in question would provide an initial entrance to the dwelling, including a flight of stairs, such that I see no reason why it would not fall under the definition of GIA used in the technical standards.
15. The appellants' calculations indicate that in excess of 50sqm of the proposed dwelling would have a head height of 2.3m+, should the relevant area of the gable extension be included. It would therefore exceed the 48sqm threshold necessary to comply with the NDSS.
16. No robust reason has been provided by the Council as to why the full extent of the gable extension, with a head height of 2.3m+, has not been used in its calculations. From the evidence before me, I therefore find that the proposal would comply with the NDSS.
17. Even if the proposal was not to meet the NDSS, it remains that the Council's suggested shortfall would be relatively small. Furthermore, the NDSS are not part of the current adopted development plan policies, albeit are part of the Council's emerging plan. I understand that the Local Plan Review has been submitted for examination, but this has yet to take place. As such, in any event, I consider the emerging policies should attract limited weight.
18. Additionally, on my site visit I observed that the existing internal space was served by high-vaulted ceilings, which provide a significant sense of height and space across much of the upper floor of the building. The building's eaves levels would also provide plenty of storage opportunities in areas with restricted head height, including placement of some furniture. Consequently, in this instance, I am satisfied that the proposal would provide appropriate internal living space, even if it were not to fully meet the NDSS.
19. I also note that the original case officer's report found that the proposed dwelling was of a relatively small size in terms of square meterage, however, appeared to provide generally acceptable levels of floor area. Thus, indicating that an assessment of the space had been undertaken and found to be appropriate. Whilst this is not determinative, it further reinforces my above view.
20. Overall, I am satisfied that the internal living space of the proposed development would be of a sufficient size and configuration, such that future residents would have suitable living conditions. The proposal therefore complies with Policy CS14 of the West Berkshire Core Strategy (2006 – 2026). The policy amongst other matters seeks for development to be of a high-quality design which makes a positive contribution to quality of life in the district.

21. The Council's decision notice also referred to Policy C4 of the West Berkshire Housing Site Allocations Development Plan Document (2006 – 2026), albeit the Council has since acknowledged that this is not relevant to the proposal.
22. Reference to a lack of compliance with the West Berkshire Quality Design Supplementary Planning Document (adopted 2006) (the SPD) was also made on the Council's decision notice. It seems that the conflict with the SPD was in relation to matters of outlook, which, as indicated, is no longer an area of contention. A lack of compliance with the SPD, in relation to perceived inadequacies with the internal living space, has not been put forward by the Council as grounds to refuse the appeal scheme. In any case, I am satisfied that the proposed development accords with the SPD's aim of promoting high-design quality.

Conditions

23. The Council has provided draft conditions in the event that the appeal was to be allowed, which the appellants have commented on. I have assessed these against the relevant tests set out in the Framework.
24. As well as the standard time condition, a condition specifying the approved plans is necessary to provide clarity and in the interest of certainty. A condition detailing the materials to be used in the proposed development is needed in the interest of the character and appearance of the development and surrounding area. Likewise, conditions relating to the provision of hard and soft landscaping details are also reasonable and necessary in the interest of the character and appearance of the proposal.
25. Conditions restricting hours of construction and requiring compliance with the submitted construction method statement and plan are reasonable and necessary, in the interest of the living conditions of neighbouring residents.
26. Conditions relating to the provision of vehicle parking, as well as bicycle storage and an electrical vehicle charging point are necessary in the interests of highways safety and sustainable transport.
27. The requirement to provide and maintain a landline connection at the site is necessary to safeguard future occupants due to the appeal site falling within the detailed emergency planning zone of the Atomic Weapon Establishment, Burghfield.
28. The removal of permitted development rights in relation to the enlargement of the proposed dwelling, additions or other alterations to its roof, or the erection of buildings incidental to the enjoyment of the dwellinghouse is also deemed reasonable and necessary. This is to safeguard the living conditions of neighbouring residents and in the interests of the character and appearance of the development.

Conclusion

29. For the reasons given above 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:
 - Proposed Conversion Site Plan (scale 1:1250)
 - Proposed Ground Floor A24/8/2022
 - Proposed Conversion First Floor A24/8/2022
 - Proposed Conversion Roof A24/8/2022
 - Proposed Conversion Front and Rear Elevations A24/8/2022
 - Proposed Conversion Side Elevations A24/8/2022
- 3) The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.
- 4) No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:
 - 7:30am to 6:00pm Mondays to Fridays;
 - 8:30am to 1:00pm Saturdays;
 - No work shall be carried out at any time on Sundays or Bank Holidays.
- 5) The development hereby permitted shall be undertaken in accordance with the approved measures in the following documents:
 - Construction Method Statement received by the Council on 25.08.2022;
 - Construction Method Plan received by the Council on 25.08.2022.
- 6) The dwelling hereby approved shall not be first occupied until vehicle parking has been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.
- 7) The dwelling hereby approved shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved plans. Thereafter the facilities shall be maintained and kept available for that purpose at all times.
- 8) The dwelling hereby approved shall not be first occupied until an electric vehicle charging point (a minimum of 7kw) has been provided in accordance with the approved plans. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.
- 9) The dwelling hereby approved shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of

works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first occupation of the new dwelling. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

- 10) The dwelling hereby approved shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.
- 11) The dwelling hereby approved shall not be first occupied until a landline is fitted and is in full working order. The landline must be retained in perpetuity and remain fully functional at all times.
- 12) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

End of Schedule