



Appeal Decisions

Site visit made on 10 April 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal A Ref: APP/W0340/W/23/3329130

Fishponds Farm House, West Woodhay, Newbury RG20 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Brown against the decision of West Berkshire Council.
 - The application Ref is 23/00251/FUL.
 - The development proposed is replacement and installation of two gates.
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Appeal B Ref: APP/W0340/W/23/3329139

Fishponds Farm House, West Woodhay, Newbury RG20 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr N Brown against West Berkshire Council.
 - The application Ref is 23/01029/HOUSE.
 - The development proposed is extension to the dwelling and the replacement of the garage, including a new glazed link.
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Decision

1. Appeal A is dismissed insofar as it relates to the replacement and installation of gates on West Woodhay Road. Appeal A is allowed insofar as it relates to the gates on Hatch House Lane. Accordingly, planning permission is granted for the replacement and installation of gates on Hatch House Lane at Fishponds Farm House, West Woodhay, Newbury RH20 0BH in accordance with the terms of the application ref 23/00251/FUL and the plans submitted with it insofar as relevant to the part of the development hereby permitted, subject to the following 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, only insofar as they relate to the Hatch House Lane access: 6345/PL-01C, 6345/PL-02C, 6345/PL-03C, 6345/PL-04A, 6345/PL05A.
 - 3) A bonded material shall be used, and maintained thereafter, across the entire width of the Hatch House Lane access for a distance of 3 metres measured back from the carriageway edge.
2. Appeal B is dismissed and planning permission is refused.

Main Issue

3. The main issue for both appeals is the effect of the proposals on the character and appearance of the area, including the National Landscape of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is in a rural location and within the North Wessex Downs AONB National Landscape. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, among other designated areas, which have the highest status of protection in relation to these issues.
5. The site lies within the character area WH1: Inkpen Woodland and Heathland Mosaic, of the West Berkshire Landscape Character Assessment 2019 (the LCA). This describes the area as including an intimate small scale rural character and a tight network of rural lanes, with small hamlets, farms and studs dispersed throughout the area. The wider area comprises areas of open grassland and farmland, interspersed by areas of woodland and mature hedgerows and these features similarly contribute to the landscape character and scenic beauty of the AONB. The appeal site contains one of a number of properties located sporadically along West Woodhay Road. It is visible to varying degrees at the points of access and in glimpses through the surrounding hedgerows and planting, from where the main house can be seen within its spacious grounds and predominantly open setting.

Appeal A

6. The LCA identifies one of the detractors for this area as the suburbanisation of roads, which damages the character of the winding lanes. The associated landscape strategy refers to the need to conserve the existing character of rural lanes and minimise road improvements that may degrade the rural quality of the area.
7. West Woodhay Road is distinctly rural in character and bound predominantly by stretches of continuous hedgerow and mature trees set behind a narrow grass verge. This is punctured by a number of accesses near the appeal site, which are generally tightly enclosed by hedgerows to either side. The gates in the area are generally traditional and simple in their design, comprising either wood or metal and allowing a degree of visibility through.
8. The proposal for the West Woodhay Road access would see the removal of part of the hedgerow to create a wider opening. The resultant width of the opening, together with the introduction of curved boundaries and close boarded timber fencing, would accentuate the presence of the access and give a domestic appearance which would be at odds with the distinct rural character of West Woodhay Road.
9. The proposals insofar as they relate to the West Woodhay Road access would cause harm to the character and appearance of the area. While the visual effects would be limited to localised views, the proposal would nonetheless neither conserve nor enhance the landscape character of the AONB. As such it would conflict with policies CS14, CS19 and ADPP5 of the CS¹ insofar as those

¹ The West Berkshire Council Core Strategy adopted July 2012

policies require development to relate to the site's character and surroundings, key characteristics of the landscape character and the AONB. There would also be conflict with the objectives of the LCA as set out, and with the design and landscape objectives in the Framework. I do not find conflict with CS Policy ADPP1 or Policy C1 of the HSA² which relate to the location of new homes.

10. The Council do not raise objection to the alterations proposed at the Hatch House Lane access. Despite being narrower in width, this part of Hatch House Lane has a lesser sense of enclosure due to the gaps in the boundary treatments and wire fencing. There is also some domestic paraphernalia surrounding this existing access, associated with its residential use. While the gap in the boundary treatment would similarly be widened, this would be to a lesser degree and the retention of the mature tree to the north of the access would reduce the perception of the gap in the boundary. In combination, these factors would result in those works respecting the character of the area, and conserving and enhancing the landscape character of the AONB. Consequently, this part of the proposal would be compliant with the above mentioned policies.

Appeal B

11. Policy C6 of the HSA states there is a presumption in favour of proposals for extensions of existing permanent dwellings in the countryside and that they will be permitted providing that certain criteria are met. This includes, among other things, that the scale of the enlargement is subservient to the original dwelling. The supporting text states that extensions and alterations may be permitted where it does not undermine the general policy of restraint or have an adverse impact on the rural character of the countryside. It states that regard will be had for the cumulative effect of successive alterations or extensions, and the effects on the original dwelling as built, or as it was on 1 July 1948.
12. Paragraph 4.49 of the HSA makes clear that there are no rules that can be applied to an acceptable size of an extension. The appellant does not dispute that the original dwelling has undergone a number of extensions in the past, including sizable extensions to the main house in 1974 and 2010, as well as the detached two storey garage addition in 1974. Its various alterations and extensions are apparent in its varied building lines and roof forms, and together these amount to substantial additions to the original building.
13. The existing garage is detached from the main house. It has a low eaves level and the first floor accommodation is contained within the roofslopes and served by two dormer windows as well as windows within the partially-hipped gable ends. The proposed garage would be of a lesser footprint, however its bulk would appear substantially greater due to the combination of its increased eaves height, scale of the dormers which extend from the ground floor elevations, and gable roof forms. While its scale and maximum height would be less than the main building, this would not result in the replacement garage appearing subordinate to the original dwelling. In addition, the proposed link to the main house would infill the visual break between the buildings and further integrate the bulk of the garage with the main house.
14. The proposed single storey side extension would, in isolation, be a modest sized addition to the existing property due to its scale and location. However,

² West Berkshire Housing Site Allocations DPD 2006- 2026, adopted May 2017

alongside the other additions as discussed above, the scale of the enlargements together would not be subservient to the original dwelling.

15. The greenhouse which the proposal seeks to remove was shown to be a small building some distance from the main house and its removal would not mitigate for the effects of the proposal on the main house itself. In any event, it appears to have already been removed. The appellant accepts that the replacement garage approved in 2006³ could no longer be implemented and is not a fall-back option. As this approval pre-dates the current development plan policies I cannot be satisfied that the circumstances under which it was accepted were the same as those before me.
16. While no objection is raised to the design approach of the extensions, the proposal would not be subservient to the original dwelling and would, through the increase in bulk and scale of the property, have an adverse impact on the setting and space occupied within the plot boundary. As a consequence the proposal would cause harm to the rural character of the countryside and conflict with Policy C6 of the HSA. The proposal would also conflict with Policy C3 of the HSA, which relates to housing design and the collective impact of extensions, and also policies CS14 and CS19 of the CS which relate, among other things, to landscape character and design.

Other Matters

17. Under Appeal A, the proposed works to the West Woodhay Road access would improve highway safety through allowing vehicles to wait off the carriageway while operating the gates. There would also be some benefit to the security of occupants of the property. While these would be important benefits, the degree of harm to highway safety arising from the existing has not been demonstrated nor is it suggested that the proposal would be the only means of achieving these gains. As such these considerations would not be of sufficient weight to outweigh the conflict with the development plan.
18. In respect of Appeal A, I note the Council's concerns relating to a gravel track, and the implications that this may have on the curtilage of the property. These aspects do not fall within the description of development applied for by the appellant and, as an assessment of these matters would not alter the outcome of the appeal in respect of the West Woodhay Road access in any event, I have not considered them further.
19. Appeal B would deliver some biodiversity benefit through the inclusion of a sedum roof to the single storey glazed extension, however this would be very modest and attracts little weight in favour of the proposal. The Council do not specifically allege harm to the AONB National Landscape in Appeal B. However, even if the proposal were considered to be acceptable in terms of its effects on this designation, this would not weigh in favour of the proposal nor outweigh the conflict found with the development plan.

Conditions- Appeal A Only

20. In respect of only the Hatch House Lane access, in addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. To

³ 06/01594/HOUSE – approved September 2006

maintain highway safety, a condition is necessary to ensure a bonded ground material is used for the part of the access closest to the highway.

Conclusion

21. For the reasons given, Appeal A should be allowed insofar as it relates to the Hatch House Lane access, but dismissed insofar as it relates to the West Woodhay Road access.
22. For the reasons set out, Appeal B would conflict with the development plan when read as a whole and there are not material considerations which would outweigh this conflict. Accordingly Appeal B is dismissed and planning permission is refused.

C Shearing

INSPECTOR