



Appeal Decision

Site visit made on 14 November 2023 by Ms S Maur MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/W0340/D/23/3325344

**Lime Tree Meadows, Ermin St. Lambourn Woodlands, West Berkshire
RG17 7TT**

- 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 John Lock against the decision of West Berkshire District Council.
 - The application Ref 22/02924/HOUSE, dated 25 November 2022, was refused by notice dated 14 April 2023.
 - The development proposed is the erection of a two-storey rear extension and front porch, alterations to external treatments and a replacement garage building.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The appellant submitted a Preliminary Ecological Appraisal and Preliminary Roost Statement (PEA) as evidence with their appeal. This was new evidence that the Council had not had the opportunity to consider during the application process. I have therefore given the Council the opportunity to comment on the new evidence and the appellant the opportunity to comment on the Council's response. I have taken account of the new evidence and comments received in reaching this recommendation.
5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes" (NLs). I have therefore made reference to NLs in my recommendation and specifically referred to the North Wessex Downs AONB as the North Wessex Downs

National Landscape (NWDNL). However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged, and I have proceeded on this basis.

Main Issues

6. The main issues are the effect of the development on protected species and the character and appearance of the host dwelling and the surrounding area, including the NWDNL.

Reasons for the Recommendation

Protected Species

7. The PEA sets out that the existing house has moderate habitat value for supporting roosting bats and recommends that bat emergency and re-entry surveys are required during the active bat season to confirm presence or likely absence of a bat roost in the building. No such further surveys are before me.
8. ODPM Circular 06/2005, paragraph 99 sets out that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted', and that 'the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances'.
9. The proposed extensions would remove a significant proportion of the roof, therefore if bats are present, the PEA identifies that this could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats. I do not have sufficient information to be satisfied that protected species are not present on site. If bats are present on site, the number, species and the location and nature of any roosts are not known. Therefore, I cannot be certain that any harm to protected species could be avoided or adequately mitigated within the design of the current proposal. In these circumstances, I must take a precautionary approach. It would not therefore be appropriate to grant permission subject to a pre-commencement condition as the appellant suggests.
10. Therefore, the proposed development has the potential to harm protected species. It has not been demonstrated that the proposal will avoid adverse impacts or, if unavoidable, adequately mitigate those adverse impacts. As such, there would be conflict with Policy CS17 of the West Berkshire Core Strategy 2006-2026 (CS) which states that biodiversity across West Berkshire will be conserved and enhanced.
11. There would also be conflict with the Framework, which seeks to protect and enhance biodiversity.

Character and appearance

12. The appeal dwelling is a simple brick, two storey, detached dwelling with a gable roof. The dwelling is situated within a large plot, set back from and perpendicular to the road. There is permission for industrial type buildings behind the dwelling and generous spacing between the host property and other dwellings. The appeal property has a different appearance to the surrounding dwellings which also demonstrate various designs. The host dwelling is located

on a quiet road and there are two public rights of way (PROW) close to the site. There are glimpsed views of the appeal property from the PROWs, however it is well screened by existing boundary treatments, mature hedgerows and trees. This part of the NWDNL has an open, verdant and rural landscape character.

13. Although the proposed alterations to the dwelling would introduce some new materials, the majority of the proposal would retain a brickwork face. The additional features would create some visual interest. There are aspects of the proposal where the proposed materials are not specified. However, if there were no other concerns about the scheme this could be dealt with by way of a condition. Overall, therefore, materials sympathetic to the existing dwelling could be secured. Whilst the large areas of proposed glazing would constitute a more modern appearance, this is a feature that is widely found in dwellings in rural settings and not solely used in an urban setting.
14. The width and length of the rear element of the proposed extension to the dwelling would be smaller than the existing property and would be partly screened from public view. Consequently, it would not appear as a dominant addition, the proposed scale would be subservient to the original dwelling and the visual impact would not be significant. Whilst the rear extension would not be situated centrally on the rear elevation, the balcony would extend further out and would create a more balanced appearance.
15. At two storeys high, the front extension to the dwelling would be a prominent new feature, however views of the dwelling from the public realm are limited. Furthermore, the Council's House Extensions Supplementary Planning Guidance 2004 (SPG) sets out that larger front extensions may be acceptable where the dwelling is detached and set well back from the road in a good-sized plot, as in this case.
16. Within the immediate area and wider locality, there are dwellings that display different scales, designs and materials, and it has not been demonstrated that there is any dominant local vernacular style. In this context, the proposed extensions and alterations to the dwelling would respect the character and appearance of the area and, on their own, would not have an adverse impact on the space occupied within the plot boundary. Consequently, the proposed alterations and extensions to the dwelling comprise high-quality design.
17. There is a dilapidated single storey garage about two cars wide, located away from the dwelling towards the corner of the appeal site. The proposed garage would have a simple overall form but would be significantly larger than the existing and sited closer to the dwelling.
18. The proposals would therefore result in considerable built form concentrated in one area of the plot, and the large scale of the proposed garage in combination with its location would appear cramped. Consequently, the proposed garage would compete with the main dwelling and wouldn't appear as subservient, contrary to guidance in the SPG, even with the proposed extensions. Therefore, although it would use materials appropriate to the altered dwelling, the proposed garage would be inappropriate in terms of design, scale and location and would visually detract from the host dwelling, creating an uncomfortable arrangement. It would not therefore be high-quality design as required by local and national policy.

19. The host property and garage are largely obscured by vegetation and therefore there is very limited visibility from the PROWs and the public realm. Consequently, the proposed alterations to the dwelling and garage would not have an adverse impact on the verdant and rural character of the area, the landscape character of the immediate or wider setting of the appeal site. The proposal would therefore conserve the landscape and scenic beauty of the NWDNL. However, this would not mitigate the harm identified from the alterations to the garage on the host dwelling.
20. Although the existing garage is in poor condition, it is well screened from view so has very limited visual impact on the NWDNL. It could also be removed irrespective of the outcome of this appeal. Consequently, the benefit of its removal would be minimal, and carries very limited weight. The appellant refers to proposed landscaping, however I have not been provided with a detailed scheme. It has not therefore been demonstrated that landscaping could address the harm that would result from the scale of the garage and its relationship with the host dwelling, or that it would result in material biodiversity benefits. Therefore, this also carries limited weight and these matters do not outweigh the harm from the garage identified above.
21. For the reasons detailed above, the proposed development would not harm the character and appearance of the area and NWDNL. Therefore, there would be no conflict with CS Policies ADPP5 and CS19 which seek to protect the NWDNL. However, due to the scale and location of the garage it would harm the character and appearance of the dwelling. The proposal would therefore conflict with CS Policy CS14 and Policies C3 and C6 of the Housing Site Allocations Development Plan Document (2006-2026), which together seek high quality design, and with CS Policy ADPP1 insofar as it requires the scale of development to be related to site character.
22. The proposed garage would not meet the guidance set out in the Quality and Design – West Berkshire Supplementary Planning Document (2006), the SPG and the Framework which seek to resist development of poor design.

Other Matters

23. The appellant indicates that the dwelling has a number of substantial structural building defects that require significant remedial works. These could provide a minor improvement to the appearance of the dwelling, however it has not been demonstrated that these works would only occur if the appeal proposal was allowed. The proposed extension to the dwelling would allow for remodelling of the interior, however this is a private benefit to the occupiers. Therefore, I give these matters limited weight. The proposal would result in some economic benefits from construction however these would be temporary and limited, so carry very limited weight. Therefore, these matters, together with the other benefits set out above, do not outweigh the harm identified.

Conclusion and Recommendation

24. The proposed extension and alterations to the appeal dwelling would not harm the character and appearance of the host property, the surrounding area or the NWDNL. Nevertheless, the lack of harm in this regard would not outweigh the potential harm to protected species and the harm from the garage to the character and appearance of the host dwelling.

25. The proposal would not conflict with some policies in the development plan, however given the importance afforded to high quality design and protected species in national and local policies, I find that it would conflict with the development plan read as a whole. I afford the conflict with the relevant policies very substantial weight, and this is not outweighed by the benefits of the scheme. Therefore, there are no material considerations that justify granting permission. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report. I agree with the assessment and reasoning set out above.
27. The appellant suggests that only Policies ADPP1 and C6 are the 'most important' for this appeal and that the other policies mentioned are not relevant or not directly relevant.
28. Policies ADPP5 and CS19 relate to landscape character, therefore although I agree with my representative that there would be no harm in that regard, they are relevant to this proposal for development in the NWDNL. Policy C3 refers to design of housing in the countryside but also to extensions, and Policy CS14 relates to design. Both are therefore directly relevant to this proposal, which would conflict with their requirements for high quality design.
29. Policy CS17 requires that biodiversity assets be conserved and only permits development which may harm protected species if specific criteria are met. In this case it has not been demonstrated that harm would be unavoidable; that there are no reasonable alternatives; that there are social or economic benefits that outweigh the need to safeguard the species; or that adequate compensation and mitigation measures could be provided. Therefore, there is clear conflict with this policy.
30. Consequently, there are relevant development plan policies and there is no substantive evidence before me that those most important for determining the proposal are out of date. Therefore, the presumption in favour of sustainable development as set out in Framework paragraph 11 is not engaged.
31. The proposal would result in some benefits, as set out above, but these would be limited and therefore carry limited weight. These benefits would be outweighed by the conflict with the design and biodiversity policies of the development and the Framework, which I give very substantial weight. There are therefore no material considerations that justify granting permission, and on that basis the appeal is dismissed.

L McKay

INSPECTOR