



Appeal Decision

Site visit made on 4 December 2023 by A Coombes

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/W0340/D/23/3326693

Hornhill, Sanham Green, Hungerford RG17 0RR

- 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 and Mrs S Jones against the decision of West Berkshire Council.
 - The application Ref 22/02869/HOUSE, dated 21 November 2022, was refused by notice dated 9 May 2023.
 - The development proposed is erection of detached garage and greenhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached garage and greenhouse at Hornhill, Sanham Green, Hungerford RG17 0RR, in accordance with the terms of the application Ref 22/02869/HOUSE, dated 21 November 2022 and subject to the following conditions:
 - 1) The development is hereby permitted and shall begin no 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, including the materials specified thereon: 180332-01 and unnumbered Site Plan & Elevations dated 10 November 2022.
 - 3) Any trees, shrubs or plants along the boundary of the site with the highway that are removed, die or become seriously damaged during construction of the garage hereby approved, or within five years of the completion of the garage shall be replaced in the next available planting season by plants of the same size and species.

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. 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.

4. 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.
5. During the appeal process, the appellant sought to submit an amended plan which changed the location of the proposed garage. That would be a material change to the scheme, on which the Council and interested parties have not had the opportunity to comment. Therefore, there is the potential for prejudice to other parties if I were to accept that plan. Therefore, I have considered the appeal on the plans that were before the Council at the time of its decision.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area including the NWDNL.

Reasons for the Recommendation

7. The appeal site is a generously sized plot in a rural setting, set within the NWDNL. The area is characterised by fields with sporadic residential development and areas of woodland.
8. The existing large dwelling was recently built and replaced a smaller dwelling, with permission having been granted with reference to Policy C7 of the Housing Site Allocations Development Plan Document (2006-2026) (DPD). From the information before me, that policy sets out criteria to require replacement dwellings to be proportionate in size and scale to the existing dwelling. The current proposal before me is not for a replacement dwelling however, but for outbuildings for an existing dwelling. DPD Policy C6 is therefore relevant to this appeal, which allows for extensions and alterations to existing permanent dwellings.
9. Policy D6 refers to the scale of the enlargement relative to the original dwelling, which the supporting text defines as the dwelling as it was built, or as it was on 1 July 1948. The existing dwelling was a replacement rather than an extension of the previous dwelling and has not been enlarged since it was built. Therefore, for the purposes of Policy D6, the original dwelling is the existing dwelling.
10. The proposed garage would be built in materials to match the existing brick house, which would be materially different to the more modest existing timber shed. However, the garage would still be significantly smaller than the dwelling and in terms of scale and appearance, it would be subservient to the main dwelling and would respect its design and character.
11. The garage would be set down such that only the upper part would be visible from the road. Furthermore, no windows are proposed on the elevation facing

- the highway. As the building would be forward of the dwelling, any further windows would require planning permission. Consequently, the garage would not be seen as the dominant building within the site and would have the appearance of an outbuilding, which is a common feature in a residential plot.
12. There are several examples of nearby development sited a similar distance from the front boundary, with the most notable example being the substantial converted barn opposite. Therefore, the garage would not appear incongruous within the surrounding context or harmful to the character and appearance of the area or the scenic beauty or landscape character of the NWDNL.
 13. The modestly sized proposed greenhouse would be situated an adequate distance from both the main dwelling and the proposed garage to maintain the spaciousness of the appeal site and the wider rural setting.
 14. The proposed development would result in an increase in built form on the plot, even with the removal of the existing shed and temporary greenhouse structure. However, it is a large plot and therefore would be able to accommodate these additions without it appearing cramped or adversely affecting the space occupied within the plot boundary. There would remain ample space around the dwelling and a large area to the front, retaining the spacious feel of the site. Consequently, it would remain sympathetic to local rural character and would not harm the wider landscape character.
 15. Therefore, the proposed development would not harm the character and appearance of the area, including the NWDNL. It would therefore comply with Policies CS14 and CS19 of the West Berkshire Core Strategy, adopted 2012 and DPD Policies C3 and C6. Together these policies seek high quality design that respects and enhances the character of the area.
 16. The development would conflict with elements of the guidance in the Council's House Extensions Supplementary Planning Guidance, adopted 2004, which recommends that garages should normally be located to the side or rear of dwellings and be set back from the highway. However, the SPD acts as guidance and development must be considered on a case-by-case basis and, as outlined above, the proposal would be appropriate for this site in this context.
 17. There would be no conflict with the guidance in the Quality Design Supplementary Planning Document, adopted 2006, which highlights the importance of good design. Nor would there be conflict with the Framework requirements that developments are sympathetic to local character and conserve and enhance landscape and scenic beauty in NLs.

Conditions

18. In addition to the standard time period for commencement of the development, a condition to ensure that the development accords with the approved plans is necessary in the interests of certainty.
19. The materials for the garage need to be secured by condition to safeguard the character and appearance of the area. As the materials are specified on the plans however, there is no need for a separate condition in this respect. The site is in a rural area with few neighbours, therefore a condition controlling working hours is not necessary to safeguard living conditions.

20. The Council recommends removal of permitted development rights for windows under Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). These Classes relate to dwellinghouses however, not to outbuildings. Those are covered by Class E, which does not allow for alterations to outbuildings of this size, or where they are sited forward of the dwelling. Therefore, planning permission would be required for the alterations the Council is concerned about, and a condition is not necessary.
21. The garage would be close to an existing, recently planted hedge which provides an attractive frontage to the site and there is potential for indirect or direct impacts on the hedge during construction. It is not reasonable to require protection of the hedge due to the proximity of the proposed garage, nor can the resiting of the garage requested by the Council's Tree Officer be required by condition. Nevertheless, a condition requiring replacement of any planting removed, damaged or which dies because of the garage construction is necessary to safeguard the character and appearance of the area. I have amended the Council's suggested wording slightly for precision.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and recommendation. On that basis the appeal allowed subject to the conditions listed above.

L McKay

INSPECTOR