



Appeal Decision

Site visit made on 25 September 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/W0340/W/24/3344745

Greengates, Front Street, East Garston, Hungerford RG17 7HW

- 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 Whittonditch Farm Barns Development Ltd against the decision of West Berkshire Council.
 - The application reference is 22/02870/FUL.
 - The development proposed is the demolition of existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Whittonditch Farm Barns Development Ltd against West Berkshire Council. This application is the subject of a separate decision.

Procedural Matters

3. Greengates is within the East Garston Conservation Area, and Cherry Cottage is a grade II listed building. As required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal upon the character and appearance of the area, having particular regard to the property being a non-designated heritage asset and to whether the scheme would preserve or enhance the character and appearance of the conservation area; and
 - The effect of the proposal upon the living conditions of nearby residents, having particular regard to privacy.

Reasons

Character and Appearance

5. Greengates is a detached house positioned within a mostly residential area, within which there are numerous historic buildings. The house is orientated perpendicular to the highway, with a gable end close to the carriageway. To one side of the dwelling is a single car parking space and a gated access into the rear garden, and to the other side there is another pedestrian gate within the tall garden wall that delineates the property boundary from the highway.
6. The road has a curvaceously sinuous form that parallels the route of the watercourse to the south. The dominance of these features is also reflected in the positioning of many historic houses to the northern side of the road. This positioning gives Front Street a distinctly linear appearance, and one which is enhanced by the numerous tall hedges and walls that define the highway. The presence of several properties with generous gardens gives a verdant quality to the area. There are also numerous high quality historic houses constructed of a repeated palette of traditional materials, and this creates a cohesive appearance, particularly so as most of the houses are two storeys or less in height. The cluster of historic buildings near to the road and watercourse gives a unique and attractive appearance to the conservation area that is part of its significance.
7. The appeal property is part of a long row of historic houses along Front Street, and its modest size, historic appearance, and proximity to the highway, is such that it positively contributes to the distinct character and appearance of the conservation area. Whilst not a listed building, the Council and the appellant's heritage consultant consider the cottage to be a non-designated heritage asset. The proximity of the house and its garden wall to the highway define the public and private realms, as well as enhancing the enclosure of the road. The house is of some age, and it has a distinctive traditional form, with a modest height and size, under a sweeping, uninterrupted catslide roof. The walls are constructed of a mix of materials, that includes flint and stone, but is predominantly the attractive rich red brick that is distinctive within the village. The brick bond also reflects the local vernacular with the inclusion of pale glazed headers not only giving the building an attractive appearance, but also enhancing the historic identity of the village. All these features, along with the positioning of the house within a row of several historic buildings along Front Street, are all part of the significance of this non-designated heritage asset, as well as positively contributing to the significance of the conservation area.
8. There is no disagreement between the main parties that the structural concerns of the existing dwelling are such that it is necessary to demolish it, albeit the loss of the building would remove the contribution it makes to the conservation area. However, the proposed replacement would be substantially larger than the existing and would comprise two distinct linked elements. The brick section has been carefully designed to replicate many of the distinctive features of the existing building, including its materials, sweeping cat-slide roof, half-hips, and dormers. Nevertheless, the addition of the linked timber section would result in a building that would be of a substantial size. Built form would extend well back into the plot, particularly so as the house would be positioned back from the highway edge. This set back along with the provision of such a large, long building would harmfully erode the enclosure of the street

scene, and also the verdant settings and backdrops to the houses that is visible from a number of public vantage points.

9. Moreover, the size and height of the timber section would be clearly visible within the surrounding area, including from Front Street as the roof would project beyond the brick section, thereby forming an abrupt termination of views. The impact of the verdant backdrop the rear garden forms to nearby buildings would be lost, as would the contribution this setting makes to the conservation area. Even with the half-hipped roof and being set down below the brick section, the timber section would extend well beyond the cat-slide roof, forming an abrupt and intrusive addition not only to the host building but also within the area. The size and height of the timber section with its legible residential form and its positioning perpendicular to the brick section, would make the dwelling appear conspicuously intrusive and contrived within an area of traditionally and simply formed and extended dwellings. Taken as a whole, the building would be a large and discordant addition within an area that is defined by dwellings of conventional forms.
10. The house would provide a large family home and whilst such a layout may be encountered elsewhere, in a context of numerous traditionally styled dwellings with simple plan forms, the link would appear unacceptably contrived. It might be that landscaping and other buildings would partly screen the link and timber section. However, landscaping cannot be relied upon to screen a development for its lifetime, and particularly so if some of it is in the control of others.
11. The National Planning Policy Framework (the Framework) requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgment is required having regard to the scale of any harm and the significance of the heritage asset. The existing building is considered to have deteriorated beyond repair, thereby necessitating its demolition. Nevertheless, this dwelling makes a positive contribution to the area, and its loss would thereby harm the character and appearance of the conservation area and the replacement would not mitigate this harm. The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The scheme would result in less than substantial harm given that it would impact upon part of the conservation area, and this harm has to be weighed against the public benefits of the proposal.
12. The appellant has referred to several public benefits arising from the scheme. The provision of a new, energy efficient, modern family home would be a public benefit, as would retaining the residential use of the site. Such benefits arising from a single dwelling would be important, although modest. There would be employment benefits arising from construction, but these would also be modest as well as time limited. In addition, the set back of the dwelling from the public highway would provide highways safety benefits. However, the narrow, sinuous nature of Front Street is such that most vehicles would have to proceed cautiously, and there is a neighbouring wall that also narrows the breadth of the highway, as well as obstructing visibility from the appeal site. As such the weight to be given to these public benefits would be tempered. Furthermore, a permission for an alternative replacement family sized dwelling now exists, a decision which would also maintain the residential use of the site.

The modest public benefits that would arise from the scheme would not therefore outweigh the significant harm to the conservation area.

13. For these reasons the scheme would unacceptably harm the character and appearance of the area, and the loss of the non-designated heritage asset and the replacement dwelling would neither preserve nor enhance the character or appearance of the conservation area. The suggested conditions would not overcome these fundamental harms, and this would conflict with requirements of the Act, and as the harms would not be outweighed by public benefits, the scheme would be contrary to objectives of the Framework. Nor would the scheme accord with the requirements of Policies CS14 and CS19 of the West Berkshire Core Strategy (2012) (CS), as these policies seek amongst other things, that new development must respect and enhance the character and appearance of the area, as well as contribute positively to local distinctiveness and sense of place, and that the conservation and, where appropriate, enhancement of heritage assets and their settings is achieved.

Living Conditions

14. Occupiers of the first floor rooms of the existing dwelling would have direct views into the front and part of the side garden of the neighbouring property, Larkspur, as well as oblique views into its conservatory and some of its windows. The provision of an additional dormer to serve a bedroom would increase the level of actual rather than perceived overlooking experienced by the occupiers of Larkspur. However, the amount of separation that would exist between the two buildings, along with the oblique nature of views from the additional first floor bedroom window would not result in a significant loss of privacy to the occupiers of Larkspur above that which already occurs. The house would be slightly closer to the shared boundary than the existing dwelling, but such a change would not result in a significant additional loss of privacy to nearby residents.
15. Given the nature of the existing building and that its occupiers would have views into Larkspur, the proposed dwelling would not result in a significant loss of privacy to nearby residents, and the appellant would accept conditions to provide boundary and landscaping treatments to provide additional screening. On balance, the scheme would accord with the requirements of the Framework, CS Policy CS14 and the supporting Quality Design Supplementary Planning Document (2006), as these seek amongst other things, a high standard of amenity for existing and future users, that new development makes a positive contribution to the quality of life including taking into account privacy.

Other Matters

16. The appeal site lies within the North Wessex Downs National Landscape (NL) where there is a statutory duty to protect the landscape and its scenic beauty, with objectives of the Framework requiring great weight to be given to their conservation and enhancement. Although the scheme would harm the character and appearance of the area, it would not significantly harm the wider landscape and scenic beauty of the NL. The appeal site is within a village and the house would be seen as part of the built-up area as a whole. Given this context, the scheme does not harm the landscape and scenic beauty of the NL, and would accord with the objectives of CS Policy ADPP5 which requires amongst other things that development should respond to its local context.

17. Cherry Cottage is a grade II listed building, and the Act requires that special regard is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The historic vernacular form and materials of this cottage, and its relationship to the road are all part of the special interest of this listed building. As the appeal site is already within residential use, the provision of the replacement dwelling that would be of a similar height to the existing one, along with the maintenance of the level of separation between the two houses, would be such that the scheme would have a neutral impact upon the setting of the listed cottage.
18. Local residents have raised concerns as regards land ownership matters, as well as being of the opinion that a nearby outbuilding and wall are curtilage listed. The former would be a matter for the relevant parties to resolve, and whilst noting that the Council does not consider the wall and outbuilding to be listed, as I am dismissing the appeal for other reasons, I have not pursued these matters with the main parties.
19. The appeal site is within the catchment of the River Lambourn Special Area of Conservation (SAC), a protected watercourse that supports populations of flora and fauna that inhabit chalk streams. Nutrients entering the catchment and thereby the watercourse, including that deriving from a single dwelling, would increase phosphate levels to the detriment of the integrity of the SAC. The Conservation of Habitats and Species Regulations (2017) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. The AA would need to establish that the effects of the proposal, including in combination with other development, would not impact upon the integrity of the SAC. This responsibility falls to me in the context of this appeal.
20. The Council have found that the replacement dwelling would not result in an additional home, and could even result in a betterment as foul waste would go to a treatment works rather than to a septic tank. Had I reached a different conclusion upon the appeal, it would have been necessary for me to undertake an AA and give further consideration to the likely effectiveness of the proposed mitigation measures upon the integrity of the SAC. However, as I am dismissing the appeal for other reasons, this has not been necessary.
21. Finally, the appellant's concerns regarding the Council's handling of the application are procedural matters. Such concerns fall to be pursued by other means separate from the planning appeal process and are not for me to consider in my determination of this case.

Conclusion

22. For the above reasons the adverse impacts arising from the scheme would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these substantial harms. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR