
Appeal Decision

Site visit made on 9 January 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/W0340/W/24/3341964

26 Charnham Street, Hungerford, West Berkshire RG17 0EJ

- 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 Croft of Howard Hungerford Ltd and Fox Howard Ltd against West Berkshire Council.
 - The application Ref is 23/02458/FUL.
 - The development proposed is 1 x new dwelling and conversion and extension of existing buildings into 3 x residential units including associated landscaping to the rear of 26 Charnham Street, Hungerford.
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Decision

1. The appeal is allowed and planning permission is granted for 1 x new dwelling and conversion and extension of existing buildings into 3 x residential units including associated landscaping to the rear of 26 Charnham Street, Hungerford, West Berkshire RG17 0EJ in accordance with the terms of the application, Ref 23/02458/FUL, subject to the following conditions set out in the schedule below.

Application for Costs

2. An application for costs has been made against West Berkshire Council and this is the subject of a separate decision notice.

Preliminary Matters

3. The description of development above is taken from the Council's acknowledgement letter and the appeal form, which more accurately describe the development proposed.
4. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to the determination of the appeal have not been subject to substantive changes and I am satisfied that the parties have not been prejudiced by my taking it into account.

Background and Main Issues

5. The appeal results from the failure of the Council to determine the planning application within the prescribed period. During the course of the appeal the Council have confirmed that it raises no objection to the proposed development.
6. Having regard to the evidence before me, including comments of third parties, I consider the main issues to be:

- Suitability of this location for new housing;
- Effects on the character and appearance of the area, including the Area of Outstanding Natural Beauty and heritage assets;
- Highway safety;
- Living conditions, and;
- Flood risk and ecology.

Reasons

Location for Housing

7. Section 4 of the West Berkshire Core Strategy 2012 (the CS) contains the Council's Spatial Strategy, which sets out where new development should be located. This sets out a hierarchical approach and builds on the existing settlement pattern with a focus on Newbury and other sustainable urban areas. Policy ADPP1 of the CS sets out that most development will be within or adjacent to the settlements included in the settlement hierarchy and it defines Hungerford as a Rural Service Centre, having a range of services and reasonable public transport provision. Policy C1 of the West Berkshire Housing Site Allocations 2017 (the HSA) sets out a presumption in favour of development and redevelopment within settlement boundaries including that of Hungerford.
8. The appeal site is located in the northern part of Hungerford, within close proximity to a variety of shops, services and facilities, as well as those located to the south of the river which can be accessed via a consistent and lit footpath. The site also has good accessibility to public transport including bus routes and train services from Hungerford Station. Accordingly, the site's location is one suitable for new housing having regard to the Council's Spatial Strategy and CS Policy ADPP1 and HSA Policy C1.

Character and Appearance including the AONB and Heritage Assets

9. The site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) which Policy ADPP5 of the CS acknowledges will have a role to play in delivering new housing. It makes clear, nonetheless, that growth and the scale of development shall conserve and enhance its special landscape qualities.
10. Hungerford is a historic settlement and forms part of the established landscape of this part of the AONB. The site is located centrally within the existing built form of Hungerford and would reinforce the role of the settlement. The proposal entails the use of brownfield land within a rural service centre, which is supported by Policy ADPP5. For these reasons taken together, the proposal would reinforce the settlement pattern and conserve and enhance the special landscape character of the AONB.
11. The site is also within the Hungerford Conservation Area (HCA) which encompasses much of the central part of Hungerford. Accordingly, I must pay special attention to the desirability of preserving or enhancing the character or appearance of this area. The eastern part of Charnham Street is enclosed by historic buildings which abut the footpath's edge, mostly being two storeys in height with a varied eaves height and roof design. While this opens up further west along Charnham Street through modern development on its southern side, the northern side of the road continues to display an eclectic mix of buildings including some thatched roof forms to the west of the appeal site. This rich variation in the

building design fronting the road contributes positively to the character and appearance of the HCA and its significance. The appeal site lies behind no.26 and is accessed via a narrow gap in the frontage which provides interesting glimpses from the road to the lower scale developments behind.

12. The development proposed would create a courtyard layout behind the main frontage. This would be enclosed by existing two storey cottages to its western edge as well as new and extended development to its northern side, set around an area of parking and soft landscaping. The scale and simple detailed design of the new buildings would respect those which appear behind the principle frontage and the hierarchy of buildings in this part of the HCA. The gable end of the building on Plot 4 would also continue to terminate the view along the access road and, while there would be an increase in activity at the back of the site and formalised car parking arrangements, I consider this would similarly preserve the character and appearance of the HCA, given its context and central position within Hungerford. Subject to appropriate materials, the proposal would preserve the character and appearance of the HCA and those attributes which contribute positively to its significance.
13. The appeal site also directly adjoins no.26 Charnham Street, which is a grade II listed building. This is a prominent three storey building which abuts the edge of the highway and which is currently undergoing works in connection with its conversion to residential units. The land behind it contributes to how the building is experienced, particularly in those glimpses from the road and in private views. Given the scale and design of the development proposed, it would appear visually subordinate to no.26 and maintain a feeling of openness around the courtyard. Overall the proposal would preserve its setting. For the same reasons, and given the additional distance of separation, the proposal would also preserve the setting of other grade II listed buildings nearby on Charnham Street.
14. In conclusion on this main issue, the proposal would preserve the character and appearance of the HCA and the setting of the grade II listed building and others nearby. For the same reasons the proposal would also preserve and enhance the special landscape qualities of the AONB. In respect of these issues, the proposal would comply with policies CS14 and CS19 of the CS which require, among other things, high quality design which respects and enhances the character and appearance of the area, local distinctiveness of the landscape character and conservation of heritage assets. It would also comply with Policy ADDP5 of the CS insofar as it sets out the requirements for development in the AONB.

Highway Safety

15. The proposal would provide a total of 9 off-street parking spaces. This would include one space for each of the proposed two-bedroom houses, which would meet the minimum requirements set out in Policy P1 of the HSA for such development in this location. The remaining spaces are shown to serve the flats being created within no.26 Charnham Street. Space for maneuvering of vehicles around the site would be relatively tight, particularly when all spaces were occupied and given the enclosure by buildings and landscaping, and I note the concerns of those who share the access in this respect. Nonetheless, the drawings demonstrate adequate space for turning of vehicles, allowing vehicles to exit the site in a forward gear. There is not substantive evidence which would lead me to doubt that those parking and turning areas could reasonably be achieved, or that

existing off street parking areas, bins or access to the adjoining properties would be inhibited or lost. While there may be other issues surrounding rights of access, they would not provide a reason to withhold planning permission and there is not evidence to suggest that this could not be properly dealt with under separate relevant legislation. Should any damage to property occur that would also be a separate matter.

16. Access to the site would be via a relatively narrow break in the frontage on Charnham Street. Nonetheless, I note the Highways Authority find that an appropriate visibility splay can be achieved at the junction. While the proposal would intensify the use of the access I have no strong reason to find that this would prejudice highway safety, particularly in light of the previous permissions granted for development of the site and no.26.
17. For the reasons given the proposal would be acceptable in terms of its effects on highway safety. It would comply with CS Policy CS13 which relates to locating development to reduce the need to travel and Policy P1 of the HSA which sets out residential parking standards for new development.

Living Conditions

18. The proposal would not alter the scale of the existing cottages forming Plots 6 and 7, and their relationship to no.26 would not cause harm to the living conditions of its future occupants. New built form would otherwise be contained at the back of the site, where a tall brick wall with trellis above, currently forms the site boundary. Given the presence of that wall and relationship to the houses of Kennet Way behind, the living conditions of those properties behind would similarly remain acceptable. The house forming Plot 4 would be extended only to its northern side and it would not cause unacceptable harm to the living conditions of occupants of no.25A. The proposal would introduce new activity to the site and its access including vehicle movements which could cause some additional noise. However, given the site's position close to the centre of Hungerford, this would not cause unacceptable harm to the living conditions of existing adjoining occupants. A condition is discussed below relating to the construction impacts.
19. Turning to the proposed houses, outlook and provision for natural lighting would be limited to those windows and openings facing into the central courtyard. Nonetheless, there would be a relatively open aspect from the new houses across landscaped gardens and pathways. None of the proposed houses would be entirely north facing and the new house on Plot 4 would incorporate windows in its south facing elevation. There would be likely to be some intervisibility between the houses given their proximity, however the site layout would avoid direct overlooking. For these reasons in combination, the proposal would provide an acceptable standard of accommodation for future occupants.
20. Given the proximity to the A4 and a nearby industrial estate, the Council's Environmental Health team consider there could be scope for noise disturbance to be experienced by future occupiers. I have no strong reason to reach a different view and this, as well as precautionary measures in respect of land contamination, could be adequately dealt with by condition.
21. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on living conditions of existing and future occupiers. This is compliant with

Policy CS14 of the CS insofar as it requires development to make a positive contribution to quality of life.

Flood Risk

22. The site is located within an area identified as being at high risk from surface water flooding. The appellant's Flood Risk Assessment indicates that there is potential for a suitable drainage system to reduce surface water run off rates. Having regard to the findings of my site visit and to the Council's comments and those of the Lead Local Flood Authority, I have no reason to reach a different view. I consider this could be adequately dealt with by condition and the proposal would comply with Policy CS16 regarding flooding.

Ecology

23. The appellant's ecological report details that the site accommodates habitats which could be suitable for slow worms, but acknowledges this habitat is enclosed by walls and roadways. On this basis it recommends a precautionary approach should any slow worms be found during the construction process. I have no strong reason to reach a different view and subject to those provisions the development would accord to CS Policy CS17.

Other Matters

24. I note the Council's comments that listed building consent may be required for some of the works forming this proposal and the allowing of this appeal would not negate the need for such separate approval should it be necessary.

Conditions

25. The Council has provided a list of conditions which it considers would be appropriate in the event that planning permission were granted. I have considered these in light of the Planning Practice Guidance (PPG) and have adapted some wording accordingly.
26. In addition to the standard time limit condition, a condition is necessary to list the approved drawings to provide certainty to the parties. For reasons of highway safety and amenity, details of construction methods, and potential noise mitigation are conditioned. Given the findings of the appellants ecological investigations, a precautionary approach to slow worms should also be adopted, and appropriate surface water drainage means conditioned to reduce flood risk. These matters need to be pre commencement as a later trigger would limit their effectiveness or the scope of measures which could be used.
27. For the safety of future occupants, a condition should secure appropriate action in respect of any unexpected land contamination. Given the proximity of other residents, demolition/ construction hours should be conditioned. For reasons of highway safety, the parking and turning areas should also be delivered and remain available for these purposes. For reasons of visual amenity and to ensure the development sits comfortably within its historic context, details of materials for the new build aspects are necessary, as is a condition to ensure matching materials on the other extended and altered elements. Delivery of the proposed soft landscaping, for reasons of visual amenity, is also conditioned.

28. As the quantum of parking spaces proposed meets the required standard as a whole, and in the absence of substantive evidence as to why it would be necessary, I have not conditioned the specific allocation of those spaces across the development. In the absence of evidence of a planning reason for its requirement, and its inclusion in building regulations, provision of electric vehicle charging points would not meet the test of necessity. Given the point of access is not proposed to be altered, and as it has been found to be acceptable, a condition to alter it would not be reasonable or necessary. As cycle and refuse storage is shown on the plans it is not apparent that further details should also be secured.
29. As conditions are imposed in respect of materials, I do not consider the level of detail of doors and windows as requested by the Council would be necessary to make the development acceptable. In the absence of information as to why it is necessary here, I have not included a condition relating to archaeology. Similarly, having regard to the particulars of this development and having regard to the advice in the PPG on this matter, additional restrictions on boundary treatments and extensions and alterations have not been imposed.

Conclusion

30. The proposal would be compliant with the development plan. Accordingly, the appeal is allowed and planning permission is granted.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 230408-01, 230408-02, 230408-03, 230408-04.
- 3) No development, including site clearance, shall take place until details of a watching brief and actions for the treatment of slow worms should they be found on the site during the construction process, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Development shall not commence until details have been submitted to, and approved in writing by the Local Planning Authority to demonstrate mitigation measures to protect future occupants of the development from external generated noise. Those measures shall be informed by a Noise Impact Assessment to address the noise impacts of the A4 and Charnham Road Industrial Estate and the development shall be carried out in accordance with the approved details.
- 5) Development shall not commence until details of a scheme of surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water run-off from the roofs of the dwellings hereby approved. The dwellings shall not be occupied until the drainage system has been installed in accordance with the approved details and it shall be retained thereafter.
- 6) Development shall not commence until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. This shall include the following details:
 - Locations of vehicle parking during construction including loading and unloading locations;
 - Locations of plant and materials storage;
 - Locations of construction hoardings and wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - Any site-set up works.

The development shall be carried out only in accordance with the approved details and no deliveries in relation to the construction process shall take place between 08:00 and 09:00hrs and 17:00 and 18:00hrs.
- 7) Demolition and construction works shall take place only within the following hours: 0730 to 1800hrs Monday to Friday; 0830 to 1300 on Saturdays; no works of demolition or construction at any time on Sundays or Bank Holidays.
- 8) If any previously unidentified contaminated land is found during demolition, site clearance, groundwork or construction, it shall be reported immediately in writing to the Local Planning Authority. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority. These submissions shall be prepared by a competent person and conducted

in accordance with best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Therefore, any remediation measures shall be carried out in accordance with the approved details. The development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to, and approved in writing by, the Local Planning Authority.

- 9) No development above the damp proof course of the new house hereby approved (being Plot 5) shall take place until details of external materials have been submitted to, and approved in writing by the Local Planning Authority. That part of the development shall be constructed only in accordance with the approved materials.
- 10) The materials to be used in the external faces of the extension to Plot 4 and to the conversion of Plots 6 and 7 shall match the existing building.
- 11) None of the dwellings hereby approved shall be occupied until the relevant vehicle parking and turning areas have been provided in full accordance with the approved plans. They shall remain free of obstruction and available for the purposes of parking and turning at all times.
- 12) The soft landscaping shown on the plans hereby approved shall be implemented in full not later than the first planting season following the occupation of the last part of the development. Any trees, shrubs or plants that die or become seriously damaged within five years of their planting shall be replaced not later than the following year with plants of a similar size and species.

End of Schedule