



Appeal Decisions

Hearing held on 13 December 2000

by **Howard Rose DMS DipTP MRTPI MIWM**

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date

4 JAN 2001

Appeal A: APP/E0345/A/00/1050421

'Daneshill', 30 Elsley Road, Tilehurst, Reading

- 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 Westbuild Homes Ltd against the decision of Reading Borough Council.
- The application (ref: 99/01149/FUL), dated 23 November 1999, was refused by notice dated 28 March 2000.
- The development proposed is the demolition of the existing dwelling and the construction of three new 5 bedroom houses.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below. *This one implemented*

Appeal B: APP/E0345/A/00/1052048

'Daneshill', 30 Elsley Road, Tilehurst, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Westbuild Homes Ltd against Reading Borough Council.
- The application (ref: 00/00619/FUL), is dated 26 May 2000.
- The development proposed is the demolition of the existing building and the construction of three new 4 bedroom detached houses.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

The Appeal Site and its surroundings

1. The appeal site is situated on the north west side of Elsley Road and contains a large detached two storey former dwelling with rooms in the roofspace. The building which was apparently last used as a nursing home is currently boarded up and appears to be in a poor state of repair. The site, which has a significant fall in level towards the north eastern boundary, is bounded by substantial hedges and contains a large number of trees of mixed deciduous and evergreen species, five of which are the subject of a Tree Preservation Order (Council Ref: TPO 5/00). The surrounding area is residential in character with mostly low density development and considerable mature vegetation which contributes to the appearance and general quality of the local environment.

The Two Appeals

2. The two appeals both concern the development of the site with three substantial detached two storey dwellings and associated accesses and garages. Appeal A would involve the layout of the site in a way which largely continues the crescent shape of the existing
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development in The Beeches which is accessed from Elsley Road. Access would be from The Beeches and would serve all three dwellings. I am aware that the original proposal has been modified from the intended development of three 5 bedroom dwellings to include two 5 bedroom dwellings and one 4 bedroom dwelling (on Plot 1), which would be at the northern end of the appeal site adjacent to 5 The Beeches. I have considered the appeal on this basis. The drawings which the Council considered in determining this planning application and which are the subject of this appeal are nos. 1454(location plan), 1454-1C, 1454-3A, 1454-4A, 1454-5B, 1454-6B, 1454-7, 1454-8, 1454-9A, 1454-10A, 1454-11B, 1454-12B, 1454-13B, 1454-14B, and 1454-15A (garage details).

3. Appeal B is also for the development of three detached two storey dwellings, though in this case all three dwellings would be 4 bedroom houses. The orientation of the proposed dwellings would generally be the reverse of that in Appeal A. Access would be directly from Elsley Road along the north eastern boundary of the site which is the common boundary with the existing dwellings in Ferndale Close. The proposed dwellings would have frontage to this access with their rear gardens backing on to The Beeches. The drawings which were submitted to the Council with the planning application and which are now the subject of this appeal are nos. 1454(location plan), 1454-11C, 1454-12C, 1454-13C, 1454-14C, 1454-15A(garage details), 1454-17F, 1454-19, 1454-19A, 1454-20, 1454-21, 1454-22, and 1454-23.

Main Issues

4. From my inspection of the appeal site and its surroundings and from all else that I have seen and heard I consider that there are three main issues in these appeals. The first is the effect of each of the two schemes on the character and appearance of the surrounding residential area. The second is their effect on the living conditions of adjoining residents by way of noise and disturbance, loss of privacy and overshadowing. The third is their effect on the free flow of traffic and highway safety in Elsley Road and The Beeches.

Planning Policy

5. Where an adopted or an approved plan contains relevant policies, section 54A of the 1990 Act requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. The statutory development plan for the area includes the Berkshire Structure Plan 1991-2006, which was adopted in November 1995. Policy EN1 seeks to protect and enhance the character and quality of the environment of the County through such matters as good design and layout of new development and conservation of the existing tree cover.
6. Also included is the Reading Borough Local Plan which was adopted in October 1998. Policy HSG 5 sets out criteria, which include the need for new development to fit in with its surroundings, to preserve existing landscape features and to incorporate appropriate parking and access provision, against which proposals for residential development will be assessed. Policy HSG 9 makes it clear that proposals for new residential development will not be permitted where they would harm the visual character and quality of the area; where they would have a detrimental impact on adjoining properties; where they would involve the loss of important trees; and where they could not be provided with appropriate access and parking facilities. Policy TRN11B indicates that where a development proposal can be shown to aggravate traffic problems the Council will seek improvements from the

developer where it is possible to overcome such problems. Policy NE 5 signifies that the Council will seek to retain and extend the vegetation cover of the Borough.

Reasoning

THE EFFECT OF EACH SCHEME ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING RESIDENTIAL AREA

Appeal A

7. As previously indicated this scheme would involve the development of the appeal site in a way which would continue the existing crescent shape of the development in The Beeches. The access would be provided from the north east side of the existing roadway and would serve all three dwellings rather than each one having individual access to the roadway itself. In so doing the proposed dwellings would be sited towards the rear of the site to allow adequate space for vehicular access and garage provision. The dwellings would be sited on land which is essentially at the same level as that within The Beeches but the rear gardens would generally have marked falls in gradient away from the dwellings.
8. The design of the proposed dwellings would be different from the existing dwellings in The Beeches, being of a cottage style with substantial roofscapes and dormer windows. They would also be of a noticeably lower profile than that of the existing dwelling, 'Daneshill'. In this context I have had regard to the assertion by the Council that the proposed development would dominate the skyline but, having regard to the lower profile of the proposed dwellings and the substantial vegetation within and on the boundary of the site, in my judgement, this would not be the case. I have also considered the submission that the proposal would amount to over-development of the site. However, while the proposal would be of a slightly higher density than the existing development within The Beeches, the mass and bulk of the new dwellings and the spaces between them would be similar to that of the existing development. In this context I am aware that current Government policy, as set out in Planning Policy Guidance Note 3 (PPG3) 'Housing', is that effective use should be made for new housing of previously developed land in urban areas. Furthermore, while the gardens would be somewhat smaller than those of the existing dwellings in The Beeches, they would meet the Council's standards for such provision. In addition, while the gardens would tend to have a significant slope, I do not consider that they would be unacceptable and they may well provide a basis for imaginative garden layout.
9. Although the new dwellings would have a different appearance to that of the existing development within The Beeches, this could, to some extent, be overcome by the type of materials to be used. These should relate to those used on the existing dwellings in The Beeches and could be achieved by the inclusion of a planning condition, in the event of the appeal being allowed. Furthermore, the physical and visual separation of the appeal site by virtue of the retention of the boundary hedges and much of the on-site vegetation, could be secured by the inclusion of appropriate planning conditions dealing with landscaping and boundary treatment. This would largely retain the setting of the existing development and provide a different setting for the new development which, in my view, would have visual benefits for both and would add to the variety of housing development in the area. In this regard I have taken account of the fact that one tree, a horse chestnut, close to the north west corner of the site, which is included within the Tree Preservation Order (Tree No.4 in TPO 5/00), would need to be removed to make way for the proposed development. However, the Council accepts that this tree has a limited life span and does not object to its

material

loss. In the circumstances I can see no reason to disagree.

10. The Council argues that the form of the layout is such that there would be an excessive amount of hardstanding in the front of the proposed dwellings which would be out of keeping with the green appearance of the surroundings in The Beeches. While I have some sympathy with this view I do not consider that such areas need be unattractive in a residential setting and, bearing in mind the visual separation of the proposed development from the existing dwellings in The Beeches, I am not persuaded that this is a substantial objection to the proposed development.
11. I have carefully considered the concerns of the Council and the adjacent residents about the visual impact of the proposal on its surroundings but for all the above reasons I do not consider that it would unduly spoil the nature of the area. I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding residential area.

Appeal B

12. In this scheme the dwellings would all be of 4 bedrooms and would have frontage to the east with access provided via the existing access from Elsley Road at the eastern corner of the site. In this way the dwellings would again be generally sited on the land at the same level as that of The Beeches with their gardens backing onto the roadway. The individual driveways would generally have a significant gradient down to the access with Elsley Road.
13. The arguments relating to the density and general appearance of the new dwellings in relation to the surrounding development are the same as those in respect of Appeal A, in my view but in this case the horse chestnut tree, to which I have previously referred, would not need to be removed. The boundary treatment of the site and appropriate landscaping could be secured by relevant planning conditions and there would also be less hardstanding in front of the new dwellings. However, I have had regard to the juxtaposition of the proposed dwellings in relation to those in The Beeches and the closest dwellings in Ferndale Close. In this scheme they are front to rear, and there are also more awkward access arrangements with significant gradients on the driveways. In my view, these aspects would result in a less desirable form of development than that which is the subject of Appeal A. Nonetheless, again having regard to the physical and visual separation of the appeal site from its immediate surroundings, I do not consider these matters to be compelling reasons for dismissing the appeal. Consequently, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding residential area.

THE EFFECT OF EACH SCHEME ON THE LIVING CONDITIONS OF THE ADJOINING RESIDENTS BY WAY OF NOISE AND DISTURBANCE, LOSS OF PRIVACY AND OVERSHADOWING.

Appeal A

14. This proposal would result in more vehicular activity in The Beeches, though much of the manoeuvring within residential plots would be within the boundary of the site behind the retained hedges. As I have indicated, the proposed garage on Plot 1 would be close to the dwelling at 5 The Beeches. While I do not consider that the noise and disturbance to the residents of this property would be significant, it could be minimised by appropriate

boundary treatment alongside the garage, which could be secured by a planning condition dealing with such matters. Having also considered the other more general concerns of the residents on this matter I am not persuaded that noise and disturbance from the proposed development would unduly harm the enjoyment of their dwellings for the adjoining residents.

15. With regard to loss of privacy I am aware that the three dwellings would be in an elevated position in relation to the closest dwellings in Ferndale Close. However, there is substantial existing vegetation along the common boundary which currently prevents any material overlooking of the gardens and internal rooms of these existing dwellings. This vegetation is currently poorly maintained and could be the subject of management involving some reinforcement which could be secured as part of the proposed development by the inclusion of appropriate planning conditions in the event of the appeal being allowed. This should minimise any loss of privacy to adjoining residents arising from the proposed development. In this regard, the dwellings at 9 and 10 Ferndale Close are essentially sideways-on to the proposed development but I saw that the outlook from these side elevations is an important aspect for the residents of both dwellings. However, notwithstanding the privacy gained by the existence of the boundary vegetation, the distances between the proposed dwellings and these existing dwellings in Ferndale Close meet the Council's space standards for residential development between the backs of houses.
16. On the matter of overshadowing the Council contends that proposed development would have an overshadowing and overbearing impact on the existing residential properties to the rear. However, I disagree. The low profile of the proposed dwellings and the seclusion of the site provided particularly by the boundary vegetation would, in my view, result in a form of development which would not be significantly intrusive and as such would be generally acceptable in relation to its impact on the adjoining properties. All the above things being so, I conclude that the proposed development would not materially adversely affect the living conditions of adjoining residents by way of noise and disturbance, loss of privacy or overshadowing.

Appeal B

17. With regard to noise and disturbance, this proposal would include a vehicular access which would run along the common boundary of the site with the properties at 9 and 10 Ferndale Close. While this access was apparently used in the past it has ceased to be used since the existing property, 'Daneshill', has been vacated. Vehicles using the access in association with the proposed development would be likely to be heard within the gardens of the adjoining properties in Ferndale Close but would be less likely to be heard within the dwellings. Nonetheless, the amount of usage of the access would not be substantial, in my view, and it would be blocked from the view of the residents by virtue of the boundary treatment, which would also tend to moderate the noise levels emanating from the site. Hence, I am not persuaded that there would be material harm to the amenities of the residents of the adjacent properties through noise and disturbance.
18. In respect of overlooking, the new dwellings would have their front elevations facing the properties in Ferndale Close, but the habitable rooms within them would be a similar distance away as those in Appeal A. Hence, I do not consider that there would be any noticeable loss of privacy to the residents of these existing properties. I have also considered the potential overlooking from the rear of the proposed dwelling on Plot 3 of the

rear garden of 5 The Beeches. I accept that there would be some loss of privacy in this case but in view of the distance from the rear of the new dwelling and the oblique angle of overlooking I am not persuaded that this would be a material objection to the proposed development.

19. On the matter of overshadowing I consider that the same arguments apply as those in respect of Appeal A. Therefore, the proposed development would not be significantly intrusive and would be generally acceptable in respect of its impact on adjoining properties. Overall, I consider that this proposal is less satisfactory with regard to its impact on the living conditions of adjacent residents than proposals, which are the subject of Appeal A. Nonetheless, for the reasons set out above, I am not persuaded that it would be unacceptable in this regard. Consequently I conclude that the proposed development would not materially adversely affect the living conditions of adjoining residents by way of noise and disturbance, loss of privacy or overshadowing.

 **THE EFFECT OF THE PROPOSALS ON THE FREE FLOW OF TRAFFIC AND HIGHWAY SAFETY IN ELSLEY ROAD AND THE BEECHES.**

Both Appeals

20. Both schemes would involve the closure of the existing vehicular access immediately north east of the junction of The Beeches with Elsley Road. The proposals in Appeal A would involve the provision of a new properly designed access a short distance along The Beeches from its junction with Elsley Road. The proposals in Appeal B would utilise the existing access from Elsley Road at the eastern corner of the site. It would need to be improved with appropriate sight lines provided, which are likely to require the trimming back of the boundary hedge. However, the Highway Authority is satisfied that the necessary improvements can be made to the proposed access in Appeal B and, consequently, that both sets of proposals could be provided with safe accesses. Furthermore, there is no objection from the Council in respect of the gradients on the driveways in Appeal B. Even so, from what I saw, there would appear to be scope to modify these and reduce certain of the gradients in preparing the detailed site levels, which could be the subject of a planning condition. In the circumstances, I conclude that the proposals in both schemes would not adversely affect the free flow of traffic and highway safety in Elsley Road and The Beeches.

Conditions

Both Appeals

21. In the event of either or both appeals being allowed, the Council has suggested a number of conditions, including the standard timescale condition, which it would wish to see included. The Council's view is also that the suggested conditions would apply equally to both sets of appeal proposals and I have considered them in the light of the advice in Circular 11/95. The suggested conditions dealing with operational activities on the site during the construction period are necessary and reasonable, in my view, to minimise the impact on the amenities of neighbouring residents during this period. The condition requiring details of construction materials is necessary to ensure that the proposals fit in with their surroundings. Similarly, the conditions dealing with landscaping and boundary treatment are necessary to protect and reinforce the on-site vegetation and boundaries for visual and screening purposes, though since there will be no communal landscaped areas I do not

consider a landscape management plan to be necessary. Those conditions concerning the detailed provision of accesses, parking areas and footpaths are necessary and reasonable in the interests of the appearance of the development and of highway safety. The suggested condition dealing with details of the site levels is necessary to ensure that the development is compatible with the adjacent development and the condition regarding the provision of obscure glazing in bathrooms, shower rooms, or toilets is reasonable, in my opinion, to avoid any loss of privacy. It was also agreed at the Hearing that the suggested conditions concerning provision for the disabled and sewage and surface water disposal would not be necessary since they would be dealt with under other legislation.

Conclusions

Both Appeals

22. I find that both sets of appeal proposals would accord with the development plan and there are no material considerations which would suggest a different outcome. I have taken account of all other matters raised, including the concerns of the local residents about the loss of 'Daneshill', a fine old Reading building, but not listed, and the possibility of bats nesting on the site, though I have seen nothing to substantiate this. In the circumstances, I have found nothing which would outweigh the main considerations that have led me to my decisions.
23. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be allowed.

Formal Decisions

Appeal A: APP/E0345/A/00/1050421

24. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of the existing dwelling and the construction of two new 5 bedroom houses and one new 4 bedroom house at 'Daneshill', 30 Elsley Road, Tilehurst, Reading in accordance with the terms of the application No: 99/01149/FUL, dated 23 November 1999, and the plans submitted therewith, nos. 1454(location plan), 1454-1C, 1454-3A, 1454-4A, 1454-5B, 1454-6B, 1454-7, 1454-8, 1454-9A, 1454-10A, 1454-11B, 1454-12B, 1454-13B, 1454-14B, and 1454-15A (garage details), subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) No development shall take place until a scheme for the parking of personnel vehicles and plant and storage of materials during the construction period has been submitted to and approved in writing by the local planning authority. During that period personnel vehicles, plant and materials shall be parked and stored in accordance with the approved scheme.
 - 3) The demolition and construction works associated with the development hereby permitted shall not take place outside the hours of 0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank or Public Holidays, without the prior written approval of the local planning authority.

- 4) No materials produced as a result of the demolition and construction works associated with the development hereby permitted shall be burnt on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of demolition and construction are in progress.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development [.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first dwelling hereby permitted is occupied and shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of the means of vehicular access to the site, to include sight lines, gradients and method of construction, have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 10) The areas shown on the submitted drawings for the parking, turning and circulation of vehicles shall be constructed and kept available for such use at all times. No development whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall be carried out on such areas or in such a position to restrict access to such facilities.
- 11) No dwelling hereby permitted shall be occupied until those parts of the access road and footpaths which give access to it have been constructed in accordance with the approved plans.
- 12) No development shall take place until details of site levels, including a detailed survey to a scale of not less than 1:1250, showing contours of one metre intervals, related to Newlyn Datum and large scale sections, where appropriate, illustrating all principal physical features of the site, have been submitted to and approved in writing by the local planning authority. These details shall clearly distinguish between existing and proposed levels and physical features and shall indicate the position of proposed roads and buildings. Development shall take place in accordance with the approved details.

- 13) Any windows to a bathroom, shower room or toilet in the development hereby permitted shall be obscure glazed and thereafter retained as such.

Appeal B: APP/E0345/A/00/1052048

25. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of the existing building and the construction of three new 4 bedroom detached houses at 'Daneshill', 30 Elsley Road, Tilehurst, Reading in accordance with the terms of the application No: 00/00619/FUL, dated 26 May 2000 and the plans submitted therewith, nos. 1454(location plan), 1454-11C, 1454-12C, 1454-13C, 1454-14C, 1454-15A(garage details), 1454-17F, 1454-19, 1454-19A, 1454-20, 1454-21, 1454-22, and 1454-23, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) No development shall take place until a scheme for the parking of personnel vehicles and plant and storage of materials during the construction period has been submitted to and approved in writing by the local planning authority. During that period personnel vehicles, plant and materials shall be parked and stored in accordance with the approved scheme.
- 3) The demolition and construction works associated with the development hereby permitted shall not take place outside the hours of 0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank or Public Holidays, without the prior written approval of the local planning authority.
- 4) No materials produced as a result of the demolition and construction works associated with the development hereby permitted shall be burnt on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of demolition and construction are in progress.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed

before the first dwelling hereby permitted is occupied and shall be carried out in accordance with the approved details.

- 9) No development shall take place until details of the means of vehicular access to the site, to include sight lines, gradients and method of construction, have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 10) The areas shown on the submitted drawings for the parking, turning and circulation of vehicles shall be constructed and kept available for such use at all times. No development whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall be carried out on such areas or in such a position to restrict access to such facilities.
- 11) No dwelling hereby permitted shall be occupied until those parts of the access road and footpaths which give access to it have been constructed in accordance with the approved plans.
- 12) No development shall take place until details of site levels, including a detailed survey to a scale of not less than 1:1250, showing contours of one metre intervals, related to Newlyn Datum and large scale sections, where appropriate, illustrating all principal physical features of the site, have been submitted to and approved in writing by the local planning authority. These details shall clearly distinguish between existing and proposed levels and physical features and shall indicate the position of proposed roads and buildings. Development shall take place in accordance with the approved details.
- 13) Any windows to a bathroom, shower room or toilet in the development hereby permitted shall be obscure glazed and thereafter retained as such.

Information

26. Particulars of the right of appeal against these decisions to the High Court are enclosed for those concerned.
27. These decisions do not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
28. An applicant for any approval required by a condition attached to these permissions has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
29. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

Howard Rose

INSPECTOR