Appeal Decision

Site visit made on 15 September 2003

by Peter Drew BSc (Hons) DipTP (Dist) MRTPI

an Inspector appointed by the First Secretary of State

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Date

Appeal Ref: APP/X0360/A/03/1119360
Bodalair, Sandford Lane, Hurst, Berkshire

- 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 J Dyson against the decision of Wokingham District Council.
- The application (Ref. F/2002/8096), dated 22 November 2002, was refused by notice dated 27 January 2003.
- The development proposed is a first floor rear bedroom extension.

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

Main Issue

1. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the countryside.

Planning Policy

2. The Development Plan includes the Berkshire Structure Plan and the Loddon Area Local Plan, which were adopted in 1997 and respectively. Policy C2 of the Structure Plan permits development outside of settlements provided, amongst other things, it is appropriate in scale, form, impact, character and siting to its location in the countryside. Policy LC19 of the Local Plan says that appropriately designed and sited minor extensions to existing dwellings in rural areas will normally be acceptable but that major extensions or any proposal, which has an adverse impact on the rural environment, will generally not be approved. The Policy makes clear that the cumulative effect of extensions will be taken into account in this assessment.

3. Following a Local Plan Inquiry, the Inspectors Report into the Wokingham District Local Plan has been received. A consolidated version of the Plan was published in January 2003, in which no further modifications are proposed to relevant Policy WCC7. As such, having regard to advice in paragraph 48 of Planning Policy Guidance (PPG) 1 'General Policy and Principles', I attach considerable weight to this Policy because of the strong likelihood that it will be adopted by the Council in the near future. It states that extensions to dwellings in the countryside should be acceptable if there is no adverse visual impact on the undeveloped character of its surroundings, no significant alteration to its scale and the design respects its context.

4. Two items of Supplementary Planning Guidance (SPG) entitled Planning Guideline B5 *Guidance for New, Replacement or the Extension of Dwellings in the Countryside within the Wokingham District* and Planning Guideline B2 *Guidelines for Extending Your Home* were adopted by the Council in 2003 and 2002 respectively. In accordance with advice at paragraph 3.15 of PPG 12 'Development Plans' both are cross-referenced to relevant Development Plan Policies and have been subject to public consultation. For these reasons I attach significant weight to the SPG, which I examine in greater detail overleaf.

Reasons

5. The existing dwelling is an unusual property constructed in the Gothic Revival style. Vehicular access to the site is gained via Sandford Lane, but the dwelling house is barely visible from the lane itself. The dwelling is briefly seen from the public footpath that demarcates the western boundary of the appeal site, but this boundary largely comprises thick vegetation, of which a significant part is evergreen, including a yew tree immediately adjacent to the dwelling itself. From the south tantalising glimpses of the dwelling house are seen from the public footpath as it crosses Hurst Golf Course, between existing trees and hedgerows around the perimeter.

6. The proposed extension would comprise a new principal bedroom. It would effectively replace the only existing first floor bedroom, which would be utilised as a changing room and would facilitate the sole means of access to the enlarged accommodation. The main windows serving the proposed bedroom would face west and this façade would be supported from ground level on 3 classical columns, which would add another idiosyncrasy to this unusual dwelling.

7. In my view the proposed extension would barely be visible from any public vantage-point and would not therefore have an inappropriate impact on the site's rural environs or cause harm to the character and appearance of the countryside. Dealing with each view in turn, it is clear that there would be no material change to the eastern elevation of the dwelling and that there is no public vantage-point from which to view that elevation in any event. From the north there would be an increase in mass on the right hand side of the main, front elevation, but this is screened from the public highway by mature trees and other vegetation. As a result of my inspection, I strongly dispute the Council's assertion that the proposed development would be particularly "visible from the front".

8. From the south there would be an increase in mass at first floor and roof level, which may just be visible above the perimeter hedgerow, particularly in winter. However the built form proposed would be broken up by existing trees and would only be briefly seen from the public footpath or indeed elsewhere on the golf course. From the west, I am satisfied that the proposed extension would not be visible from Black Swan Lake or elsewhere in the Country Park because views from and towards the bedroom windows would be limited by the mature yew tree. The scheme would be briefly seen from the one vista on the public footpath at the side, from which existing views of the dwelling are evident. However from this particular point the proposed extension would largely be seen against the existing mass of the dwelling and it would not extend the built form of development or have an adverse impact on the wider rural environment.

9. I appreciate that cumulatively the extension represents an increase of more than 50% in the volume of the dwelling, which the SPG (Planning Guideline B5) notes to be "a useful indicator of potential impact". Paragraph 1.3.48 of the Local Plan sets out 2 reasons for examining the cumulative impact of extensions. In this case for the reasons set out above, I am satisfied that the proposal would have a neutral impact on the appearance of the countryside and would not therefore give rise to an urbanised appearance. Secondly I note that the proposed extension would merely improve the existing standard of the accommodation and would not alter the type of house. It would remain a 3-bedroomed house even after the extension was constructed.

10. The SPG (Planning Guideline B5) continues by saying that an assessment of volume is only one aspect of impact on character and that each case must be considered on its own merits. I agree entirely with these sentiments and in this case, for the reasons set out above, I consider that there is no harm to any interest of acknowledged importance. I am also satisfied that the proposed extension otherwise complies with Planning Guideline B2 (the other element of SPG) and in particular paragraph 6.5 thereof, which permits side extensions constructed to the full height of the existing building.

11. I conclude that the proposed development would have a neutral impact upon the character and appearance of the countryside and would not harm this or any other interest of acknowledged importance. As such I consider that it complies with Policy C2 of the Structure Plan, Policy LC19 of the Local Plan, Policy WCC7 of the emerging Local Plan and the SPG.

Other Matters

12. I note the views of the Council's Urban Design and Conservation Officer, which reinforce my findings on the main issue. Whilst I understand that a previous appeal was dismissed, I have not been provided with a copy of this decision and apart from an indication that this involved a much larger scheme, I have few details of what was proposed in that case. In any event it is incumbent upon me to determine this appeal on its own merits.

Conditions

13. The Council has put forward 2 conditions in the event that planning permission is granted. The first of these is the standard 5-year commencement condition, which is a requirement of Section 91 of the 1990 Act. The second suggested condition seeks to ensure that the proposed works shall match those of the existing building. However I am unclear why model condition 63 in the Annex to Circular 11/95 'The Use of Conditions in Planning Permissions' is not appropriate for this purpose and, as such, I propose to adopt the model condition from the Circular in preference to that put forward by the Council.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

15. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a first floor rear bedroom extension at Bodalair, Sandford Lane, Hurst, Berkshire in accordance with the terms of the application (Ref. F/2002/8096), dated 22 November 2002, and the plans submitted therewith, 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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Information

16. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

17. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

INSPECTOR