



**WOKINGHAM
BOROUGH COUNCIL**

Statement by Local Planning Authority

Appellant:	Mr Adrian Pead
Site:	Pool Court, Thames Street, Sonning, RG4 6UR
Local Planning Authority Reference:	171171
Planning Inspectorate Reference:	APP/X0360/W/17/3180148

October 2017

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1 Introduction

- 1.1 This Statement of Case has been prepared by Pooja Kumar – Senior Planning Officer – Development Management on behalf of Wokingham Borough Council in response to the appeal lodged by Mr A Pead against refusal of planning permission at Pool Court, Thames Street, Sonning, RG4 6UR Twyford (referenced 171171).
- 1.2 The refusal of planning permission was issued on 13th June 2017 and a copy of the Officer’s Report and Decision Notice has been included as appendices 1 and 2 respectively. The proposal was described as ‘Full application for the proposed demolition of existing dwelling and replacement with new dwelling with basement and garage annexe’.

2 The site and its surroundings

- 2.1 The site is set well back from Thames Street and forms part of the green boundary of Sonning Conservation Area. The dwelling (and majority of the site) is located on an elevated position within the village, which enables far reaching views to and from wider public vantage points. The site comprises of a detached single storey red brick dwelling on an irregular plan and with a steeply pitched clay tiled gabled roof with deep sprocketed eaves.
- 2.2 For clarity, the site has the following planning constraints:
- Limited development location
 - Conservation Area
 - Contaminated Land Consultation Zone
 - Sand and gravel extraction
 - Flood zone 1

3 Relevant planning history

- 3.1 The site’s planning history is outlined below:

PLANNING HISTORY	
600/54	Outline for one dwelling- C/A 06/08/1954
78/79	House & Garage- C/A 09/06/1959
PD/51/69	Alterations & Additions- C/A 20/02/1969

00565	New dwelling following fire- C/A 16/05/1974
01467	Extension of bedroom- C/A 03/10/1974
38903	Single storey side extension to form bedroom and en-suite shower room- C/A
F/2007/0741	Proposed erection of single storey ear extension to dwelling- C/A – Not implemented

4 Provisions of the Development Plan

4.1 The development plan for the Borough comprises the Wokingham Borough Core Strategy 2010 and the Managing Development Delivery (MDD) Local Plan 2014. Policies and guidance of relevance are listed below and the relevant sections have been sent to the Inspectorate:

- National Planning Policy Framework
- National Planning Policy Guidance
- Wokingham Borough Core Strategy Policies: CP1, CP3, CP4, CP6, CP7, CP9
- Managing Development Delivery Local Plan Policies: CC01, CC03, CC04, CC06, CC07, CC09, CC10, TB07, TB21, TB23 and TB24
- Wokingham Borough Design Guide Supplementary Planning Document – Section 4
- Sonning Conservation Area Appraisal
- Planning Advice Note
- CIL Guidance + 123 List

5 Reason for Refusal 1

The proposed demolition of the existing dwelling would result in the loss of a distinctive, non-designated heritage asset designed by a nationally known architect of this period (Francis Pollen), and which contributes positively to the character and architectural interest of the conservation area. The proposal is therefore considered to be contrary to the NPPF and MDD Local Plan Policy TB24.

5.1 The dwelling has a distinctive, single storey design, on an irregular plan which is oriented to take advantage of the views to the northwest, over the Thames Valley. Corresponding views back from the Thames tow-path, towards the village edge, show this building within its exposed and elevated plot. However, because

of its single storey height, breakdown of massing, use of local materials (clay brick/tiles), and position in the plot (set back to the rear (east) boundary) the building is experienced unobtrusively against a backdrop of hedges and trees (see photo below). The steeply pitched, clay tiled hipped roof is varied, with deep, sprocketed eaves and glazed gablets, echoing similar details used by Sir Edwin Lutyens in his design for The Deanery (Grade 1), nearby in Thames Street. The use of floor-to-ceiling corner windows adds to the distinctive character of the building which, although carefully and modestly extended in a matching style and materials, has retained its unique character.



- 5.2 Designed in 1975 by Francis Pollen, an important nationally renowned architect, the house is identified within the recently adopted (April 2017) Conservation Area Appraisal for Sonning as a Positive Building Enhancing Character. Although the entry in this list is brief, enough was known about the building and architect at the time to warrant including it in this list. A copy of the Sonning Conservation Area Appraisal has been sent to the Inspectorate separately.
- 5.3 The architectural interest of the existing Francis Pollen building is described in detail by the 20th Century Society (C20 Society) , one of the six Amenity Societies and a statutory consultee (in relation to part or full demolition of a listed building). The C20 Society believe this building is of sufficient interest for it to be added to the National Heritage List as a statutory listed building and have applied to Historic England to this effect. Regardless of the outcome of the application for designation, the building remains one of at least local interest and is considered

to be a non-designated heritage asset. The 20th Century Society has not been able to respond to the appeal, however their original comments to planning application 171171 are included for the Inspectorate to review at appendix 3. In addition to this, at appendix 4 is a copy of 20th Century's submission text to Historic England for listing the appeal building.

- 5.4 The appeal building is also notable for its mention within the entry for Sonning in Pevsner's Buildings of England Series for Berkshire and also in Alan Power's publication on Buildings by Francis Pollen. It also features in the C20 Society's Journal 4 which lists important architect-designed houses of the post war period. Copies of the relevant extracts of the books have been included within appendices 5 and 6 (respectively). A copy of journal 4 is available at appendix 7.
- 5.5 It should be noted that it is not uncommon for heritage assets (designated or otherwise) to become better understood and documented as a result of an application to develop it or the site.
- 5.6 In suggesting that this building is not a non-designated heritage asset, the appellant's statement appears confused over the terms used for describing heritage assets.
- 5.7 The term 'Heritage Asset' is defined in the NPPF as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)'.
- 5.8 This building has a degree of significance arising from its architectural interest that has resulted in it being identified by the local planning authority as a heritage asset. It is not currently designated and therefore it is a non-designated heritage asset. Please note the reference to *including* 'local listing' in the NPPF definition does not require a heritage asset to be included on a local list to be considered a non-designated heritage asset – it just needs to be identified by the LPA as 'having a degree of significance meriting consideration in planning decisions, because of its heritage interest'.
- 5.9 As a result of the architectural interest described above, the building is considered to make a positive contribution to the special architectural interest of the conservation area, as a unique and distinctive post war building by an architect of national renown. Under the Planning (Listed Buildings and

Conservation Areas) Act 1990, conservation areas are given statutory status and are considered designated heritage assets. The statutory duty on local planning authorities, under Section 72 of this Act, is to pay special attention to the desirability of preserving or enhancing the character or appearance of their conservation areas.

- 5.10 In relation to harm (any harm) to designated heritage assets such as conservation areas, the NPPF guides decision makers to require clear and convincing justification (Para 132). In this case, the harm to the special architectural interest of the conservation area arising from the loss of this building is considered to be 'less than substantial' (in NPPF terms), but nevertheless should be given 'considerable importance and weight' (following the Barnwell Manor judgement) when weighing against the public benefits in the planning balance.
- 5.11 In relation to the loss of the building, a non-designated heritage asset, the NPPF guides decision makers to make a balanced judgement (Para 135), having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, the scale of harm or loss is the total destruction of the building and the significance is considered by the C20 Society to be sufficient to merit consideration for statutory designation (thus their application to Historic England for the building to be designated).
- 5.12 Overall the proposed demolition of the existing non-designated heritage asset is considered to harm the character and appearance of Sonning Conservation Area. There would be no public benefits arising from the proposed development which would justify the less than substantial harm. As such the proposal fails to accord with the NPPF and MDD Local Plan policy TB24.

6 Reason for Refusal 2

By virtue of its excessive height, bulk and forward position within this visually exposed plot, the replacement dwelling would appear as an overly dominant building, hardening the village edge and having a negative impact on views back towards Sonning from the well-used tow-path, causing harm to the Green Boundary character area of the conservation area. Furthermore the erection of a two storey garage/annexe and proposed excavation and regrading of land would detrimentally urbanise the character

and appearance of the site from wider views. As such the proposal is considered to be contrary to the NPPF, Core strategy policy CP3 and MDD Local Plan policies TB21 and TB24.

- 6.1 MDD Local Plan policy TB24 states that development proposals should aim to 'preserve or enhance' the character and appearance of heritage assets, which includes Conservation Areas.
- 6.2 It is uncontended by the appellant that the proposal would result in a larger dwelling on site in respect of its footprint, bulk and mass. However as a result of this, the development would have an urbanising impact on the character and appearance of the site and the edge of the Conservation Area, especially from longer public vantage points and views from the Thames tow path.
- 6.3 In contrast to the existing single storey dwelling (approx. 6m ridge height), the proposed building is significantly taller (being 2 storeys plus semi-buried basement – approx. 9.5m ridge height). It has a substantially wider spread of development (including the garage/annex accommodation) and is set further forward (to the north west) of the plot than the existing.
- 6.4 The result is that this building will appear highly prominently in views from the north and riverside tow path. It would significantly harden the village edge and erode the buffering capacity of the Green Boundary character area. The role of the Green Boundary character area in the recently adopted Conservation Area Appraisal is to help provide a transition from the surrounding countryside and to define the rural, riverside character of the village and therefore setting of the conservation area. The proposal would be at odds with the existing character and appearance of the site and would detract from the rural setting of the site.
- 6.5 The choice of materials, particularly the light coloured render and extensive areas of glazing for the main elevations of the house and annex, does nothing to help this substantially enlarged replacement building assimilate into this sensitive landscape. Although it is noted that the existing dwelling has floor to ceiling glazing, the prominence of the proposed dwelling combined with its height, forward position and number of glazed parts would mean that the glazing would appear excessive and fail to integrate the dwelling into the landscape.
- 6.6 The appellant has submitted an altered image which imposes the existing and proposed dwelling on the photograph of the site from the Thames tow path. The

proposed dwelling is clearly more prominent within the landscape and would be more evident from public vantage points.

6.7 The proposed scheme under the current appeal is considered to result in a significant urbanisation to the character and appearance of the site. The addition of a garage and ancillary accommodation is considered to compete with the form and footprint of the proposed dwelling. Moreover the additional built form on site would further erode the rural character and setting of the edge of the Conservation Area.

6.8 Comparisons are made in the appeal statement to the development at Bishops Close (F/2007/2889), where the appellant is suggesting that the replacement, contemporary design building was taller and more prominent than the existing. Whilst each site is unique and needs to be considered on its own merits, it should be noted that in fact the Bishops Close scheme replaced a two storey pitched roof building (see image a) with a two storey flat roof building which was lower in height than the existing (see drawing at appendix 8 which compares the proposed and existing). The approved scheme also had the benefit of a comprehensive Landscape and Visual Assessment (appendix 9), which concluded that views of the proposed house would remain as 'partial' or 'glimpse' views and reduce to 'glimpse' or 'no view' after 5 years. This was a result of the reduction in height of the building and its position within a relatively enclosed site, where views are restricted because of its topography. The appeal site by contrast is visually open to the north and the replacement building would be prominent and exposed to views from the tow path.



- 6.9 The site is in Landscape Character Area D2 'Sonning Wooded Chalk Slopes', and features of this landscape type can be found by standing on the site looking out to the west, north and east, where the land gently shelves towards Sonning Reach and the River Thames.
- 6.10 Features typical of the area and relating to the site are;
- *Picturesque nucleated riverside village of Sonning – located on a gentle shelf of land above the River Thames with a very distinctive vernacular character particularly noted for the combined use of knapped flint and warm red brick.*
 - *More distinctive landform to the west with relatively steep rolling chalk slopes capped by sands and clays providing a backdrop to the flat adjoining floodplain landscape.*
 - *Wooded combe valleys on the chalk slopes creating a wooded framework to the Thames Valley where rural areas can be inaccessible to the general public, (although this is not the case around the site location).*
- 6.11 Sonning is a traditional Berkshire riverside village located on a gently sloping chalk outcrop. It has a very strong vernacular character with the dominant material being red brick but with timber-framed and white rendered buildings and flint-work also being common (Conservation Area). The overall objective is to manage the landscape to ensure that the current characteristics are retained and particularly to enhance those in poor condition with ongoing management of wooded slopes with consideration of key views into and out of the area (especially in relation to the River Thames).
- 6.12 The proposed development would fail to maintain the existing character and fail to positively respond to the landscape character of the area whereby buildings appear incidental to the landscape instead of the other way around.
- 6.13 Overall it is considered that the proposed dwelling would fail to assimilate with the Green boundary of the Conservation Area as a result of its height, mass and location. The proposal would result in the urbanisation of the site and Conservation Area which would fail to accord with the NPPF, Core Strategy policy CP3 and MDD Local Plan policies TB21 and TB24.

7 Reason for Refusal 3

In the absence of a survey, it has not been demonstrated to the satisfaction of the Local Planning Authority either that the proposed development would not have an adverse impact upon, or that the need for the development clearly outweighs the need to

safeguard Bats and Great Crested Newts which are protected species. As such, the development would be contrary to Wokingham Borough Core Strategy policies CP3 & CP7.

- 7.1 The application site comprises a generously sized bungalow and garden that is located within habitat that matches that where bat roosts have already been discovered in the borough. It is proposed to demolish the existing building and construct a new dwelling slightly further northwest, also adding a driveway and garage/annexe. Since the existing building and several trees are to be removed, these works are likely to impact upon features potentially suitable for use by roosting bats. For example, any suitable gaps under the roof tiles or crevices in the trees (to be removed) will be lost. Moreover, the site is surrounded by habitat of high suitability for use by foraging and commuting bats. The site is neighboured to the east, west and south by similar sized plots with houses associated gardens, and to the north is a grassland field (bound by hedges and trees) with the River Thames running 210m northwest of the site.
- 7.2 The application site also falls just 50m north of a local Great Crested Newt (GCN) consultation Zone. Since areas of grassland will be lost for the construction of the new buildings (and it is currently unknown whether that grassland is suitable for use by GCN) and there are at least two ponds located within 250m of the site (as shown on Ordnance survey maps), there is a risk that the works could impact upon habitat used by GCN. Depending on the condition/type of grassland, it may also be suitable for use by reptiles.
- 7.3 As such, and considering the extent of the proposal, there is a risk that the works may impact protected species and an ecological appraisal – comprising an extended Phase I Habitat and Protected Species Scoping Survey, a preliminary bat roost assessment of the house and any phase 2 surveys – will need to be carried out prior to the determination of this appeal in accordance with Paragraph 99 of the Government Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (this document was not revoked by the National Planning Policy Framework).
- 7.4 In their statement, the appellant advises that the surveys were considered not to be required at the time of the decision and have referred to an email sent from the Planning Officer to the Planning Agent (paragraph 2.3). The email is attached at

appendix 10 for Inspector's reference and clearly states that this is required; however officers did not want to request a survey if they were minded to refuse the application.

- 7.5 It is normal practice that reasons for refusal requiring the submission of surveys and/or revised/additional information are submitted in advance of an appeal to the Local Planning Authority and appended to any appeal to resolve the issue. The appellant has failed to submit a survey and therefore the proposal remains contrary to national and local plan policy.
- 7.6 European Protected Species should be considered at the point of decision making, and case law supports that surveys should not be conditioned. The Inspector in recent appeal decision (APP/X0360/D/17/3175120- appendix eleven) at Holly Lodge, Farley Hill outlined that in line with the relevant national policy surveys should only be condition in exceptional circumstances. In this case, no exceptional circumstances have been put forward by the appellant and therefore in the absence of any ecological surveys the proposal fails to protect the natural environment contrary to the NPPF, Core Strategy policies CP3 and CP7 and MDD Local Plan policy TB23.

8 Conclusion

- 8.1 As a result of the above, the proposed demolition of the existing building and proposed replacement buildings are considered to result in the loss of a locally important non-designated heritage asset and harm to the character and appearance of the conservation area (a designated heritage asset). No public benefits are considered to arise from the scheme that would justify harm to these heritage assets. In NPPF terms, the harm to the designated heritage asset is considered to be 'less than substantial' but, as reaffirmed by the Barnwell Wind Energy Judgement, 'considerable importance and weight' should be applied to the planning balance to any harm to this asset if the decision makers duty under Section 72 is to be fulfilled.
- 8.2 In consideration of the Council's case as set out in the officer report and all other submissions and considerations, the Council respectfully requests that the appeal be dismissed. However if the Inspector is minded to allow the appeal, the inclusion of appropriate conditions is suggested and attached at appendix twelve..