

Old School House at Dukes Field Cottage, Norton Road, Riseley, RG7 1SH

Appellant's Statement of Case

May 2025



1:100

Proposed North Side Elevation



1:100

Proposed South Elevation

SOLVE
planning



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Introduction

1.1. Solve Planning has been instructed by Mr Justin Rogers to prepare and submit a planning appeal against the refusal of planning application 24/01723/FUL by Hart District Council and planning application 242189 by Wokingham Borough Council ("the Councils").

1.2. The description of the proposed development is:

Construction of a three-bedroom dwellinghouse with associated car and cycle parking, access, refuse storage and landscaping (following demolition of the existing Old School House-outbuilding)

1.3. The planning application was validated on 10 September 2024 and refused on 5 November 2024 under delegated powers for the following five reasons:

1. *The proposed dwelling, by reason of the site's location between residential development in different districts, its green character, visual and amenity contribution to the adjoining green corridor and the locality as a whole, would erode the aforementioned characteristics of the site (residential garden) negatively contributing to a coalescence between residential developments in Wokingham and Hart and adversely affecting the visual and recreational amenity of the adjoining Public Right of Way contrary to Policy NBE2, NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032, Saved Policy GEN1 and CON23 of the Hart District Council Local Plan (Replacement) 1996- 2006 and paragraphs 104 and 135 of the NPPF 2023*
2. *The proposed dwelling , by virtue of the site constraints, proposed siting, scale and close proximity to mature trees and their canopies would not successfully integrate to the spacious nature of the locality and would likely result in poor levels of residential amenity due to low level of sunlight/daylight the residential development would benefit from, which would all contribute to the post-construction threat and impacts to the sylvan character and appearance of the site, to the detriment of the visual amenity of the locality and natural setting of the adjoining green corridor and living conditions of prospective occupiers of the development. As such the development is contrary to policies NBE2, NBE9 and INF2 of the Hart Local Plan (Strategy and Sites) 2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006 and paragraphs 135 and 136 of the NPPF 2023.*
3. *The site is located within 5km of Bramshill, a Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area. In the absence of any mitigation of negative effects being in place, evidence that the test of no alternatives under the Conservation of Habitats and Species Regulations 2017 (as amended) can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the Thames Basin Heaths Special Protection Area. As such the proposal is contrary to Policy NBE3 of the Hart Local Plan (Strategy*

and Sites) 2032, saved policy NRM6 of the South East Plan and Paragraphs 181-182 of the NPPF 2023.

4. *The proposed development, by reason of the car parking provision shortage in a residential area with lack of on-street car parking and narrow roads, would detrimentally contribute to dangerous and indiscriminate on-street car parking in the locality. Further, on site cycle parking would not be conveniently located so as to encourage a modal shift. The development fails to accommodate its car parking needs. As such the proposal is contrary to adopted policy INF3 of the Hart Local Plan: Strategy and Sites 2032, saved policy GEN1Hart Local Plan (Replacement) Saved Policies 1996- 2006 and adopted Supplementary Planning Document: Cycle and Car Parking in New Development 2023.*
5. *In the absence of a legal agreement to secure off-site biodiversity enhancements, the proposal fails to provide the mandatory 10% biodiversity net gain in conflict with the requirements of Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032 and the Planning Practice Guidance on Net Gain and legislative requirements of Part 3, Section 90, Schedule 7A of the Town and Country Planning Act 1990 (as amended).*

- 1.4. The access road into the site goes in Wokingham Borough Council and therefore a duplicate application was submitted to them which was refused on 28 November 2024 for the following reasons:

1. The proposed development would result in the loss of trees and vegetation on the green verge along the site's northern boundary that would adversely harm the visual amenity and character of the street scene which currently provides an important green buffer marking the boundary between the borough boundaries. The proposal is therefore contrary to Core Strategy policies CP1 & CP3 and MDD Local Plan policies CC03 and TB21 and Section 12 of the NPPF.

2. The proposal fails to demonstrate that existing trees on site (T14, T15, T6 and T7 as defined within the submitted Arboricultural Survey and Impact Assessment) would not be adversely impacted on by the development footprint contrary to Policy CC03 of the MDD Local Plan and BS5837:2012.

- 1.5. Together with the original application documents, this appeal Statement of Case ("SoC") demonstrates that the proposed development is acceptable in planning terms and should be approved without delay.

Plans and documents submitted for approval

- 1.6. The full set of plans submitted in support of the planning application to the Council are as follows:

Drawing No.	Drawing Title
9332 -214 Rev 2	Location Plans - REV2
9332 -218 Rev 2	Existing Floor Plan - Old School House - REV2
9332 -219 Rev 2	Existing Elevations - Old School House - REV2
9332 -205 Rev 02	School House - Site Plan - REV2

9332 -206	0. Unshaded Garden Are
9332 -209 Rev 02	School House First Floor & Roof REV2
9332 -210 Rev 01	School House Proposed Elevations
9332 -211	Elevation with Foundation Detail
9332 -212 Rev 02	Proposed Block Plan - REV2
9332 -213 Rev 02	Existing Block Plan - REV2
9332 -215	-1. Foundation
13	Landscape Proposals
9332 -216	Bin and Bike Store Details
9332 -217 Rev 2	Proposed Shed Plans - REV 2

1.7. The application was also supported by the following documents which were submitted to both Councils for consideration:

-  Design and Access Statement by The Keen Partnership
-  Arboricultural Impact Assessment by Land Arb Solutions (dated August 2024)
-  Transport Assessment by Motion (dated 15 August 2024)
-  Ecology Impact Assessment by Ecology By Design (dated April 2024)
-  'Shadow' Habitats Regulations Assessment by Ecology by Design (dated November 2024)
-  Renewable Energy Assessment by The Keen Partnership
-  Planning Statement by Solve Planning (dated August 2024)
-  Statutory Biodiversity Metric

1.8. In addition, the following amended plans and additional documents are submitted to the Planning Inspectorate in support of the appeal submission. These documents have been provided as part of the appeal bundle, and we would invite the inspector to have regard to them in determining the appeal:

-  9208 Rev 01 - School House – Site Plan
-  9208-206 - Bike and Bin store
-  LAS 143 13A Landscape proposals
-  Internal Daylight Assessment by T16 Design (dated 11 December 2024)
-  Transport Technical Note by Motion Ltd (dated December 2024)
-  Landscape Statement by Scarp (dated April 2025)
-  Shadow Habitats Regulation Assessment (dated November 2024)
-  Updated Arboricultural Survey and Impact Assessment Rev A (dated 29th October 2024)

- ▣ Unilateral Undertaking to mitigate impacts on the Thames Basin Heaths Special Protection Area and secure Biodiversity Credits
- ▣ Letter of support from Environment Bank



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Site Description and Context

- 2.1. Full details of the appeal site, including its context, site history and site photographs, are set out in detail in the Planning Statement and Design and Access Statement submitted in support of the application to the Councils. In summary, however, the appeal site comprises the construction of a dwellinghouse together with associated car and cycle parking, access, refuse storage and landscaping following demolition of the existing Old School house building which has most recently been used for storage. Prior to this, the building was in use as the village school (up until approximately 1994).
- 2.2. The site sits within an approximately 0.05ha rectangular shaped plot located on the south side of Portway in the village of Riseley, Berkshire. It is part of the residential garden of the property known as Dukes Field Cottage to the west and it contains a single storey detached building known as 'Old School House', a ditch and a small section of woodland. The existing building is a permanent building of basic construction but is in a dilapidated condition and fails to meet modern standards. It has most recently been used for storage.
- 2.3. The site currently does not benefit from any access and as such, a new access is proposed from Portway to the north as part of this appeal. Portway lies within Wokingham Borough Council and therefore the application was to both Hart District Council and Wokingham Borough Council.
- 2.4. The site is surrounded by woodland, the eastern part of which is protected by a Tree Preservation Order (TPO). The woodland provides enclosure to the site and a natural privacy screen. The site itself does not contain any TPO trees.
- 2.5. The site is in a suburban residential area which includes a mix of terraced, semi-detached and detached dwellinghouses on Portway to the north, and a recently constructed residential development of 83 new houses to the south approved by Hart District Council in 2017 (Outline planning application reference 16/02989/OUT approved on 15 November 2017 and subsequent reserved matters application 18/00242/REM approved on 2 November 2018). The surrounding area contains a variety of architectural styles and designs.
- 2.6. There is no uniform building line, and the orientation of buildings also varies.

[illegible]

An aerial photograph of a residential neighborhood. A white arrow points to a specific location labeled 'Site'. The map includes labels for 'B3349', 'Norton Rd', 'Portway', 'Odham Rd', 'The Guild of Glass Polishers', and 'Tropic Skincare with Claire Dale'. The area is characterized by green trees and residential buildings.

- ## Appellant's Statement of Case

2.8. In terms of immediate surroundings, the site is located adjacent to:

- ❑ To the north (front), the site faces Portway which comprises a residential cul-de-sac containing a mix of terraced, semi-detached and detached two-storey dwellinghouses constructed in the 1980s.
- ❑ To the south (rear), the site backs onto a recently constructed new residential development of 83 dwellings. The dwellings are a mix of detached, semi-detached and terraced two-storey units. A dense belt of trees and planting on the site boundary separates the site from these dwellings to the south. A Public Footpath also runs along the south boundary of the site.
- ❑ To the east, the site is located adjacent to dense trees and vegetation covered by a TPO (reference ORD/17/00015).
- ❑ To the west, the site lies next to a detached dwellinghouse known as Dukes Field Cottage.

2.9. The following designations apply to the site according to Hart District Council's adopted Policies Map. The site is located within:

- ❑ the **'Settlement Policy Boundary'** of Riseley
- ❑ the **'Thames Basin Heaths Special Protection Area (SPA) 5km Buffer'**
- ❑ an **'Area of Significant Archaeological Features'**

Figure 3:
extract from
Hart District
Council
Policies Map



2.10. With regard to adjacent designations, a **'Green Infrastructure Network'** lies to the east.

2.11. The site is not in an area covered by a Neighbourhood Plan and nor is it covered by an Article 4 Direction. The woodland to the east of the site is covered by an area

Tree Preservation Order (TPO reference ORD/17/00015), as indicated in the Council's TPO map extract in the Appellant's Planning Statement. The site itself does not contain any trees covered by a TPO.

- 2.12. With regard to flood risk, the site lies within Flood Zone 1 (low risk of flooding).
- 2.13. The site and its immediate surroundings do not contain any locally or statutorily listed buildings. It is also not in a Conservation Area. The site is however located on the line of the Roman road (known as Devil's Road) from Silchester towards London.

Planning history

- 2.14. Permission was granted for the existing Old School House building on the site in 1975 (application reference 75/00874/HD approved on 12 December 1975), as set out below. Prior to existing storage use, the Old School House building was the local school for the village (up until around 1994).

 **75/00874/HD** – Erection of Banbury building (Dukes Field Cottage School).
Approved 12 February 1974

- 2.15. A later application was then approved for a proposed porch to a classroom:

 **77/03841/HD** – Porch to a classroom. Approved 16 November 1977.

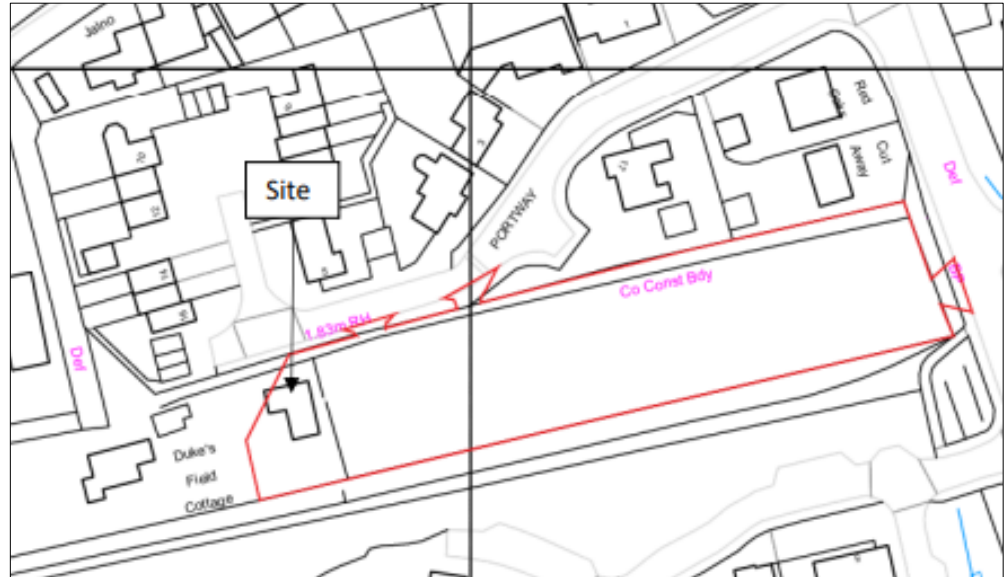
- 2.16. The following later planning history is of relevance:

 **22/01752/FUL** - Erection of three 4-bedroom dwellings with associated access, landscaping and hardstanding – Decision: Decline to Entertain 24 October 2022, as stated on the decision notice:

The Planning Authority has exercised its power under the provisions of Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Regulations 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 and declines to entertain the application for the following reason: 1. The provisions of Sections 65 and 327A of the Town and Country Planning Act 1990, Regulation 6 of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 and Articles 13 and 14 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 have not been met, by virtue of the incorrect serving of the Certificate A and inadequate notification of the application to the relevant individuals with a vested interest in the land at the point of submission. As such, the Local Planning Authority has not entertained the application and a decline to entertain recommendation is made on that basis.

- 2.17. This application included the application site and a large area of land to the east, as set out below in the Site Location Plan and Block Plan submitted in support of this application shown in Figure 4.

Figure 4: Site Location Plan accompanying application 22/01752/FUL which the Council declined to entertain



- 2.18. The following application at the adjacent site (immediately to the east of the application site) is also considered relevant. The application site is located immediately to the west of 'Plot 2' shown in the Block Plan extract (see Figure 10) for refused application reference 23/01070/FUL.

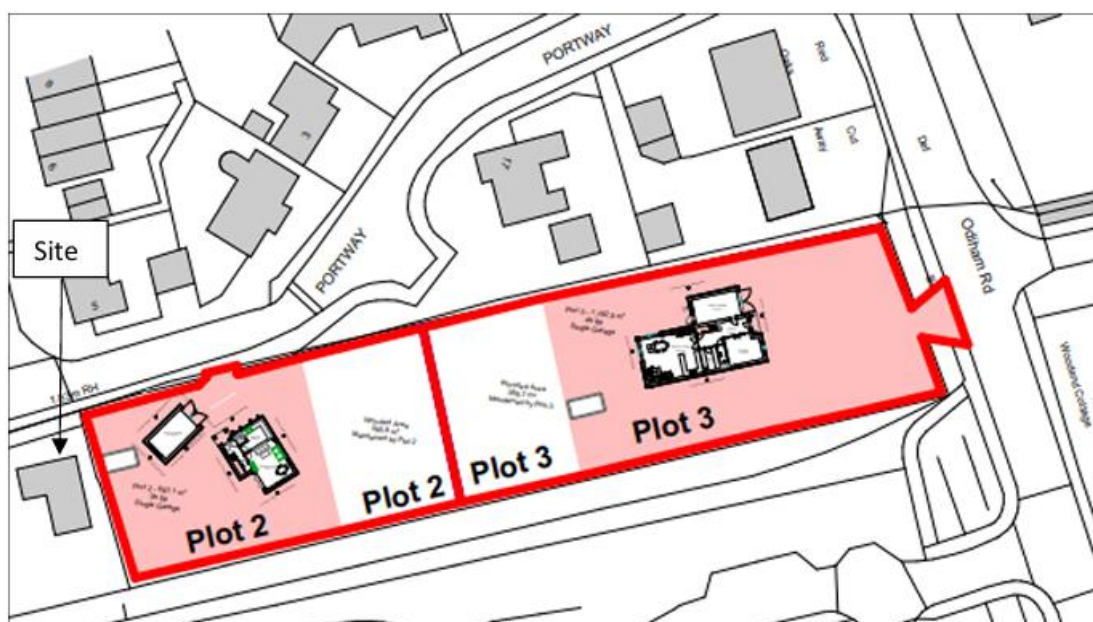
23/01070/FUL - Erection of one 3 bedroom and one 4-bedroom dwelling with associated access, parking and landscaping. Decision: Refused 11 April 2024 for the following reasons:

1. *The proposal, by reason of location of the site within a designated woodland which is part of the Green Infrastructure of the District would result in its fragmentation significantly affecting its function within the wider infrastructure. It would result in a significant loss of trees protected by a Tree Protection Order (TPO). The supporting information does not identify the trees to be removed, does not satisfactorily identify the root protection areas and crown spreads of the trees to be retained and does not provide adequate mitigation measures to ensure protection of TPO trees during construction and protection of trees in close proximity to the proposed dwellings from conflicts with safety and amenity of future occupiers of the proposal. This is contrary to Policy INF2 and Policy NBE2 of the Hart Local Plan (Strategy and Sites) 2032, Policy CON8 of the Hart District Council Local Plan (Replacement) 1996 - 2006 together with NPPF December 2023 paragraph 136.*
2. *The proposal by reason of loss of TPO trees would erode the landscape character existing in the form of a woodland resulting in coalescence of adjoining residential developments and adversely affecting the views from the adjoining Public Right of Way and from curtilage spaces of dwellings in close vicinity in Portway and St Leggers Way contrary to Policy INF2, Policy NBE2 and Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032.*
3. *The proposal fails to quantify and mitigate the impact of the trees to be retained on sunlight in the external amenity space for the proposed dwellings and conflict of existence of trees in close proximity of the proposed dwellings. The proposed dwelling on Plot 2 would not accord with the Nationally Described Space Standard. The proposal is therefore contrary to*

Policies H6 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032, Policy GEN 1 of the Hart Local Plan (Replacement) 1996- 2006 Saved Policies and paragraph 135 of the NPPF.

4. The site is located within 5km of Bramshill, a Site of Special Scientific Interest which is part of the Thames Basin Heaths Special Protection Area (SPA), and in the absence of any evidence that the test of no alternatives under the Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to objectives of the adopted policies NBE3 of the Hart Local Plan - Strategy and Sites 2016-2032, saved policy NRM6 of the South East Plan, and paragraph 185-187 of the NPPF.

**Figure 5:
Proposed block
plan
accompanying
refused
application
23/01070/FUL**



2.19. As explained in detail in the Planning Statement accompanying this appeal, the appeal scheme has been mindful of the Council's reasons for refusing application reference 23/01070/FUL on the site immediately to the east, and as such, the proposal positively responds to the Council's reasons for refusal and concerns raised as follows:

- The woodland within and adjacent to the site is left untouched and the proposal does not encroach into the neighbouring 'Green Infrastructure Network' immediately to the east. The accompanying Arboricultural Assessment confirms the extent of tree removal in connection with the proposal and provides full details of RPAs and how tree crowns close to the proposed dwellinghouse will be affected.
- The proposed dwelling takes its cue from the footprint of the existing Old School House to be demolished and will therefore not occupy the separation space (which exists in the form of the woodland) and not result in merging of residential developments within Riseley and Wokingham Borough.

- ❏ The proposal would not change the view from the PRoW from that of a woodland to that of a boundary treatment for any development which is being retained in its current state.
- ❏ The proposed dwellinghouse would comply with National Space Standards and would achieve a high standard of sunlight and daylight.
- ❏ The proposal provides full details of the potential effects of the development on the Thames Basin Heaths SPA.
- ❏ The proposal provides full details of the proposed vehicular and pedestrian access arrangements to the site from Portway (together with any necessary permissions required from Wokingham Borough Council) to ensure that sufficient access to the development is provided

2.20. The following approved residential development of 83 new housing units to the south of the site is also considered relevant. The approved site plan is included in the Appellant's Planning Statement accompanying the appeal. We understand that that development is now complete and occupied.

- ❏ **16/02989/OUT** - Outline application for the development of up to 83 residential dwellings, vehicular access from Odiham Road, public open space, ancillary works and associated infrastructure on land off Odiham Road, Riseley. All matters reserved except for access. Approved 15 November 2017.
- ❏ **18/00242/REM** - Details of appearance, landscaping, layout and scale (Reserved Matters) pursuant to outline planning permission ref: 16/02989/OUT for the development of up to 83 residential dwellings, vehicular access from Odiham Road, public open space, ancillary works and associated infrastructure. Approved 2 November 2018



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The Appeal Proposal

- 3.1. The appeal proposal seeks full planning permission for the following proposed development.

Construction of a dwellinghouse with associated car and cycle parking, access, refuse storage and landscaping following demolition of the existing Old School House

- 3.2. This will involve the following:

- ☐ Demolition of the existing Old School House which is currently used for storage.
- ☐ Construction of a two-storey dwellinghouse that includes a half-hipped roof, two dormer windows and a design that reflects the local vernacular.
- ☐ The proposal will deliver a family sized unit with 3 bedrooms and private amenity space to the front and rear. It incorporates an internal layout that is generous in size, meets modern family living requirements and exceeds Nationally Described Space Standards (NDSS).
- ☐ The ground floor will accommodate a kitchen/living space, utility, toilet, and lounge, while the first floor will feature three double bedrooms, ensuite and a family bathroom.
- ☐ Two car parking spaces plus an additional visitor car parking space and one EV charge point will be provided. A secure shed is provided in the rear garden for cycle parking storage.
- ☐ Refuse storage will be in a dedicated store in the northeast corner of the site and is designed to accord with the Council's refuse and recycling storage standards.
- ☐ Vehicular and pedestrian access to the site will be provided from Portway to the north. The access involves installing a concrete culvert in the ditch adjacent to the site's northern boundary to allow drive-over access. The ditch is currently dry and only carries water during heavy rain conditions. The Design and Access Statement contains further details on the proposed culvert.
- ☐ Regarding proposed external materials, the building will feature red brick with a double plinth, a clay tile roof, black PVC windows, and clay tile-hung dormers. Provision of new landscaping, tree planting and hardscape. For the front paving, Marshalls Drivesett Tegula Priora permeable paving is proposed. The rear paving to the kitchen/lounge and living room area is proposed to be Marshalls Arrento® Encore in Platinum (R11 Slip Skid Resistance).

- The site boundary will feature close board fence panels, which is consistent with the current fencing.
 - The proposal includes integral Manthorpe Swift Bird Nesting Bricks (GSWB) and Ibstock Bat Bricks on the windowless first-floor side elevation of the property. These bricks are specifically designed to provide safe and suitable nesting sites for swifts and bats, contributing to local biodiversity and supporting the conservation of these important species.
 - The dwelling will incorporate various water-saving features to enhance its environmental sustainability. Low-flow taps and showers will be installed to significantly reduce water consumption.
- 3.3. The appellant's Planning Statement submitted in support of the original application contains site photographs and extracts of the proposed drawings, which provide further detail on the appeal proposal. The application drawings also provide further detail and should be referred to.



4

Case for the Appellant

The Main Issues

4.1. Having regard to Hart's five reasons for refusal, the areas of dispute appear to be as follows:

- ☐ *The impact of the proposed dwelling on the green character, visual amenity of the adjoining green corridor and the locality as a whole, and whether it would result in a coalescence between residential developments in Wokingham and Hart and affect the visual and recreational amenity of the adjoining Public Right of Way.*
- ☐ *Whether the site constraints, proposed siting, scale and close proximity to mature trees and their canopies would result in the dwelling successfully integrating with the spacious nature of the locality and result in satisfactory levels of residential amenity in terms of sunlight/daylight to the proposed dwelling, and whether this would affect the sylvan character and appearance of the site, the visual amenity of the locality and the natural setting of the adjoining green corridor.*
- ☐ *The impact of the proposed development, either alone or in combination with other plans or projects, on the Thames Basin Heaths Special Protection Area.*
- ☐ *The impact of the proposed development on car parking in the locality and whether proposed cycle parking is conveniently located so as to encourage a modal shift.*
- ☐ *In the absence of a legal agreement to secure off-site biodiversity enhancements, the proposal fails to provide the mandatory 10% biodiversity net gain.*

4.2. The areas for dispute having regard to Wokingham's reasons for refusal, the areas of dispute appear to be as follows:

- ☐ Impact on visual and amenity of streetscene and green ebuffer resulting from the loss of trees and vegetation along the site's northern boundary
- ☐ The lack of evidence to show that existing trees on the site would not be adversely impacted.

4.3. The following matters were raised by interested parties:

- ☐ **Swallowfield Parish Council** - commented that the Council would like to see access established via the existing driveway to Dukes Cottage.

- ❏ **Public objections** - It should be noted that public objections have been received from members of a number of households, some raising multiple points including over development of the site; in appropriate building for the site; construction noise impacts on surrounding residents; highway safety concerns; loss of trees; parking concerns; pedestrian safety concerns; impact on the green corridor; impact on wildlife; questions over the use of the building and its structure; flooding concerns; inadequate access; parking concerns.

4.4. The application was refused, and comments received from Wokingham, before a response could be provided. To this end a revised Arboricultural Survey and Impact Assessment was prepared in response to comments received from Wokingham Council and is submitted alongside this appeal to address these comments; as well as the general tree comments included in the reasons for refusal.

Matters not in Dispute

4.5. In the light of the “Main Issues” outlined above, consultee responses received, and the key points noted in the officer’s report, the following matters are not considered to be in dispute between the appellant and the LPA:

- ❏ The principle of demolishing the existing building at Old School House is acceptable due to it being of no architectural merit and not being in a Conservation Area. The building is in a dilapidated state and does not meet modern living standards. Due to its poor state of repair, it has a negative visual impact on the site and surroundings.
- ❏ The principle of development is acceptable given that the site is located within the settlement boundary of Riseley. On this basis the principle of development is acceptable (if the proposal were also to comply with all relevant policies and material considerations relevant to the site and the development).
- ❏ The proposed development is acceptable in terms of compliance with national space standards for new residential development and provision of private amenity space.
- ❏ The proposed development is acceptable in terms of its impact on residential amenity given the distances between the proposed dwelling and adjacent residential properties.
- ❏ The proposal is acceptable in terms of impact on the highway network and proposed access arrangements. The proposed access is sufficiently away from existing garages and vehicle crossovers as to not result in any material impacts to existing vehicular facilities along the road. Equally, vehicles along this road would move at low speed, therefore no material impacts to residents are anticipated in highway terms.

- ☐ The proposal is acceptable in terms of impact on trees during construction. Evidence submitted with the application indicates that it would be possible to implement measures to protect trees on site during construction. Details to show how this would be satisfactorily achieved could be addressed by a planning condition.
 - ☐ The proposal is acceptable in terms of ecology subject to conditions
 - ☐ The proposal is acceptable in terms of flood risk and drainage subject to a planning condition to secure a surface water drainage strategy and details of the culverted ditch.
 - ☐ The proposal is acceptable in terms of sustainability and energy.
- 4.6. Further, the following consultee comments have raised no objection to the proposal:
- ☐ Environmental Health – no objection
 - ☐ Street Care Officer – no objection
 - ☐ County Archaeologist - no objection, subject to conditions
- 4.7. In addition, Hampshire County Council (Highways) comments that as the development is below threshold of 5 dwellings. The County Council therefore advise that their standing advice should be followed.
- 4.8. We also note that no response was received from Heckfield Parish Council.

Relevant Planning Policies

- 4.9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.10. The relevant development plan comprises:
- ☐ The Hart Local Plan (Strategy and Sites) 2032 (adopted April 2020)
 - ☐ Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated May 2020)
 - ☐ Saved policy of the South East Plan (2009) Policy NRM6 - Thames Basin Heaths Special Protection Area
 - ☐ Hart adopted Policies Map
 - ☐ The Wokingham Core Strategy (adopted January 2010)
 - ☐ The Wokingham Managing Development Delivery Local Plan (adopted February 2014)

- 4.11. A full list of policies relevant to the assessment of the proposal is included in the appellant's Planning, Design and Access Statement. However, the policies which are relevant to the main issues raised in this appeal and referred to in the Council's reasons for refusal are as follows:

The Hart Local Plan (Strategy and Sites) 2032

- 4.12. **Policy NBE2 Landscape** – requires proposals to respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes. It requires proposals to have no adverse impact on the particular qualities identified within the relevant landscape character assessments and relevant guidance. It resists proposals which would lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.
- 4.13. **Policy NBE3 Thames Basin Heaths Special Protection Area (TBHSPA)** – requires new development likely to have a significant effect on the ecological integrity of the TBHSPA to demonstrate that adequate measures will be put in place to avoid or mitigate any potential adverse effects
- 4.14. **Policy NBE4 Biodiversity** – states that new development should not have an adverse effect on the integrity of an international, national or locally designated site including the Thames basin Heaths Special Protection Area (SPA), Sites of Special Scientific interest (SSSIs), Sites of importance for Nature Conservation (SINCs) and National and Local Nature reserves (NNRs and LNRs). Opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity should be taken where possible
- 4.15. **Policy NBE9 Design** – requires development to achieve a high-quality design and positively contribute to the overall appearance of the local area. Development will be supported where it would meet the following relevant criteria:
- a) it promotes, reflects and incorporates the distinctive qualities of its surroundings in terms of the proposed scale, density, mass and height of development and choice of building materials.
 - b) it provides or positively contributes to public spaces and access routes and public rights of way that are attractive, safe and inclusive for all users.
 - c) the layout of new buildings reinforces any locally distinctive street patterns, responds to climate change, and enhances permeability by facilitating access by walking or cycling modes.
 - d) it respects local landscape character and sympathetically incorporates any on-site or adjoining landscape features such as trees and hedgerows, and respects or enhances views into and out of the site.
 - e) it protects or enhances surrounding heritage assets, including their settings.
 - f) it includes sufficient well-designed facilities/areas for parking (including bicycle storage) taking account of the need for good access for all users.

- g) the design of external spaces (such as highways, parking areas, gardens and areas of open space) should be designed to reduce the opportunities for crime and anti-social behaviour.
 - h) the future maintenance and servicing requirements of buildings have been considered, including the storage and collection of waste and recycling
 - i) it reduces energy consumption through sustainable approaches to building design and layout
- 4.16. **Policy INF2 Green Infrastructure** - Development will be supported provided that it protects the green infrastructure network as shown on the Policies map, avoiding any loss, fragmentation or significant impact on the function of the network. In addition, where possible it should enhance green infrastructure, through provision within the site, or where appropriate provision for off-site improvements in line with the green infrastructure strategy. The policy requires any adverse impacts on the green infrastructure network to be fully mitigated through the provision of green infrastructure on site or, where this is not possible, through appropriate off-site compensatory measures.
- 4.17. **Policy INF3 Transport** - Development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future. The policy supports proposals that provide safe, suitable and convenient access for all, provide appropriate parking provision, in terms of amount, design and layout, provide appropriate waste and recycling storage areas and accessible collection points for refuse vehicles, do not have a severe impact on the operation, safety or accessibility of the local or strategic highway networks and protect and where possible enhance access to public rights of way.

Hart District Council Local Plan (Replacement) 1996- 2006

- 4.18. **Policy GEN1** - The policy requires proposals to meet several criteria, including be in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density; Avoid any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation; Cause no material loss of amenity to adjoining residential uses, through loss of privacy, overlooking or the creation of shared facilities; Have adequate arrangements on site for access, servicing or the parking of vehicles and do not give rise to traffic flows on the surrounding road network
- 4.19. **Policy CON8** - the policy states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value, planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features.
- 4.20. **Policy CON23** – the policy states that development will not be permitted which would seriously detract from the amenity and consequent recreational value of

well-used footpaths and other public rights of way in the countryside close to main settlements by reducing their rural character or detracting from significant views.

Saved policy NRM6 of The South East Plan (2009)

- 4.21. **saved policy NRM6** – New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.

The National Planning Policy Framework (NPPF)

- 4.22. The revised National Planning Policy Framework (NPPF) was published in December 2024. At the heart of the NPPF remains a presumption in favour of sustainable development. Paragraph 2 of the NPPF confirms that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 4.23. NPPF paragraph 105 (formerly paragraph 104 in the NPPF 2023, as referred to in the decision notice) states that Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 4.24. NPPF paragraph 135 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and*

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.25. NPPF paragraph 136 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 4.26. The Council's decision notice refers to paragraphs 181-182 of the NPPF 2023 in the third reason for refusal. As these paragraphs refer to flood risk, we believe these paragraph references to be an error as flood risk is a matter not in dispute between the appellant or the Council and is not referred to on the decision notice. As such, we consider NPPF paragraphs 192 and 193 to be more relevant in the context of the third reason for refusal, which refers to Bramshill, a Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area.
- 4.27. NPPF paragraph 192 states to protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity*
- 4.28. NPPF paragraph 193 When states when determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate

Supplementary Planning Documents and other relevant guidance

 **Cycle and Car Parking in New Development (adopted 2023)** - The SPD provides guidance on the provision of cycle and car parking with new development that requires planning permission. The aim is to ensure that an appropriate level of well-designed vehicle and cycle parking is provided in all new developments.

 **Planning Practice Guidance (PPG) on Net Gain** - The PPG states that the objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

- 4.29. The relevance of all these planning policies and guidance are set out in the planning assessment below.



5

Case for the Appellant

- 5.1. Section 5 of this SoC covers what are considered to be the main issues relating to this appeal. These have been taken from the officer's delegated report, the decision notice and the statutory consultee comments that have been received. Third party comments have also been covered.

Main Issue 1 – The impact of the proposed dwelling on the green character, the visual amenity of the adjoining green corridor and the locality as a whole, and whether it would result in a coalescence between residential developments in Wokingham and Hart and affect the visual and recreational amenity of the adjoining Public Right of Way

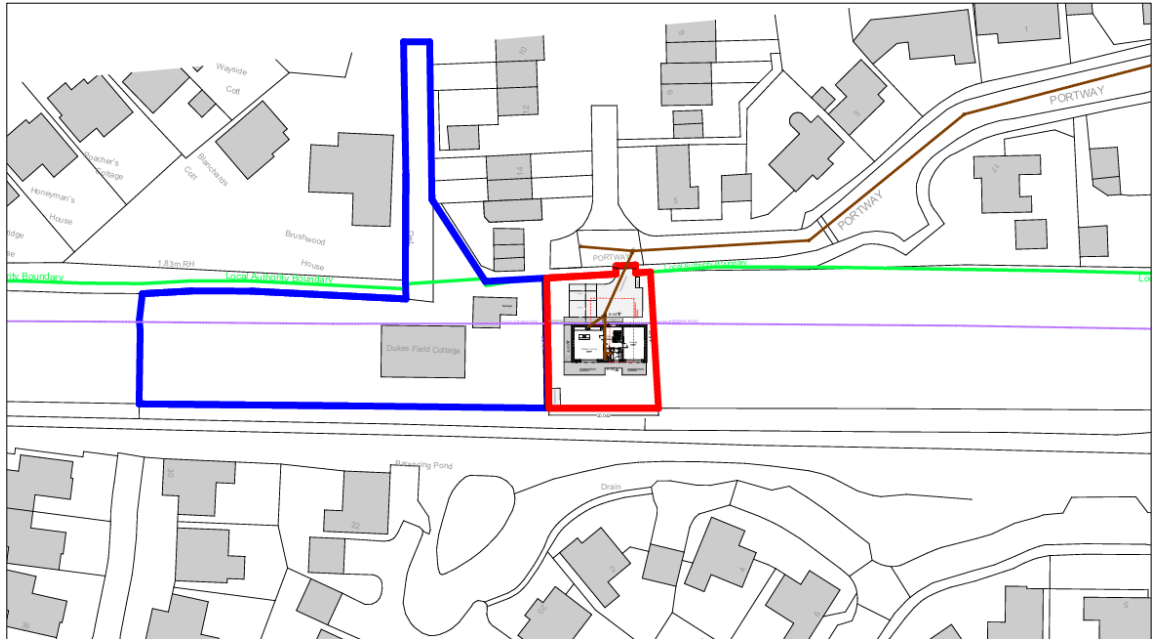
- 5.2. The proposed development is acceptable in terms of its impact on the green character, the visual amenity of the adjoining green corridor and the locality as a whole, and would not result in coalescence between settlements or affect the visual and recreation amenity of the adjoining Public Right of Way (PRoW), for the following reasons:

- The siting and layout of the proposed dwelling is dictated by site's specific constraints, which are largely tree and ecology based, together with the adjacent green infrastructure corridor and PRoW. As such, the site operates in a constrained setting and the proposed dwelling is responsive to this. As evidenced in the proposed site plan, the rear building line of the proposed dwelling matches that of the existing Old School House building. It will therefore not extend to the rear of the site and into the area covered by existing trees to any greater extent than the existing building. Moreover, the proposed front building line is recessed when compared to the existing Old School building line, and as such, the proposed dwelling will have a reduced visual impact than the existing building when viewed from Portway to the front (north). The reduced visual impact from Portway, together with the removal of the existing dilapidated Old School House building and its replacement with a building of a much higher architectural standard, will result in visual improvements to the site particularly when viewed from Portway. As such, proposed dwelling due to its sympathetic siting and front and rear building lines, will deliver a sympathetic and appropriate response to the site constraints and the site's green character, the adjoining green corridor and the amenity of the PRoW.
- The officer's report states that the dwelling appears 'forced' and 'shoehorned' in the context of the proposed 'modest curtilage' and fenced-off new plot, particularly considering residential paraphernalia such as outbuildings (proposed part of this application) and garden furniture. In contrast, the Council considers the existing Old School House building to appear proportionate to the space and the larger garden area serving Dukes Field Cottage. This is refuted by the appellant given that the proposed dwelling occupies a modest sized footprint comparable to that of the existing building on the site, is limited to

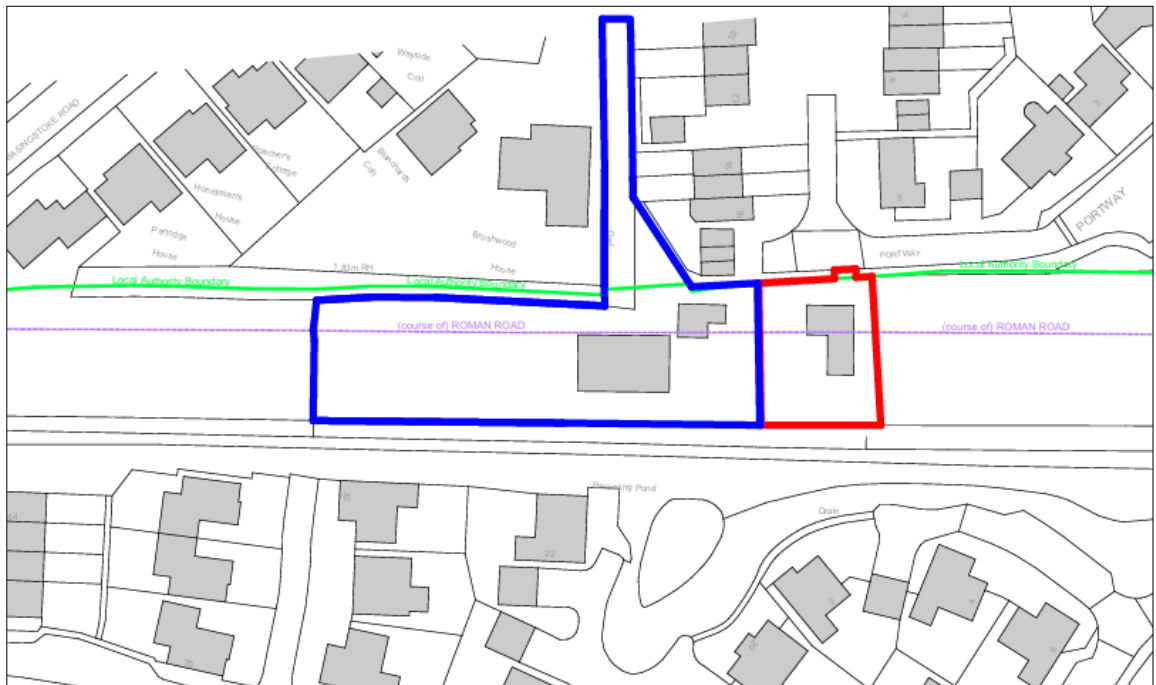
two-storeys in height and sits centrally located on a sufficiently spacious plot that maintains generous separation distances to site boundaries, delivers substantial private amenity space and accommodates the Council's car and cycle parking and bin store requirements on plot. As such, the proposal is not considered to result in overdevelopment of the plot, or a cramped development, and therefore is not a forced or shoehorned development as asserted by the Council and achieves a sufficient balance between built form and open space on the site, which will preserve the green character of the site and surroundings and the adjacent green corridor and PRoW. The curtilage of the site and the dwelling within it are in scale and proportion contrary to the Council's claim. It should also be noted that encroachment of domestic paraphernalia on the site can be controlled via a planning condition removing permitted development rights in respect of additional outbuildings and so on.

- As indicated in the Proposed Site Location Plan (see Figure 6) submitted in support of the application, the proposed plot size and proposed building footprint is comparable to plot sizes in the surrounding area, and in many cases, are larger in size than surrounding plots, and includes more space around the proposed dwelling than nearby dwellings. The proposal is therefore evidently not a 'forced' or 'shoehorned' development. It is also clear from a review of the proposed Site Location Plan, that surrounding plots sizes and building footprints vary, and that there is no consistent pattern. The proposal is therefore considered to be entirely acceptable in this context and will add to the existing diversity of plot sizes and building footprints which characterise the area. In delivering a development that is sympathetic towards the site's context in terms of plot size and building size, which will ensure that the dwelling safeguards the green character of the area, the adjoining green corridor and the PROW.
- A comparison of the Proposed Site Location Plan in Figure 6 and the Existing Site Location Plan in Figure 7 indicates that the proposed dwelling will align with the front building line of the existing Dukes Field Cottage to the west to a much greater extent than the existing Old School House building on the site. It is also noted that Dukes Field Cottage encroaches further to the rear and therefore encroaches further towards the woodland and therefore the separation space between the two existing residential developments to the north and south. The proposed dwelling is therefore a more sympathetic response in this regard, and is considered to safeguard the existing green corridor and woodland setting to a greater extent. Moreover, as is clear from a comparison of the existing and proposed building footprints on the site, the proposed building is comparable to that of the existing building with the only significant difference being that its orientation is different and considered an improvement given that it now aligns with that of neighbouring Dukes Field Cottage

**Figure 6:
Proposed Site
Location Plan**



**Figure 7: Existing
Site Location Plan**



- At a maximum height of 6.65m to the ridgeline (together with an eaves height at 2.80m), the proposed dwelling will be only 3.49m higher than the existing Old School House building which measures 3.153m in height to its ridge. The height difference between the two buildings is therefore limited, and importantly, the proposed dwelling will only be a single-storey higher than the existing Old School House building and will thus continue to maintain a domestically scaled building on the site that is in keeping with nearby two-storey dwellings on Portway to the north. Furthermore, introducing a two-storey building to the site will ensure that the site better reflects the character of the area, which largely comprises two-storey buildings. The existing single storey Old School House building is therefore an anomaly in terms of its height given the surrounding height context. The proposed building is also considered to better reflect local character in terms of external materials, which harmonise with the local vernacular, than the existing

Old School House building. As such, the building is entirely acceptable in this context and is an improvement compared to the existing building. Being limited to two-storeys in height, the proposal acknowledges its more sensitive location in between established residential development to the north and south, and the green character of the area, and the need to safeguard the amenity of the adjoining PRoW. Its height and scale are therefore modest to ensure that it has a limited visual impact.

☐ With regards to the Council's concern over the proposed subdivision of the garden to accommodate the dwelling resulting in material detracting from the existing green setting and buffer between Wokingham and Hart and eroding the separation between the two districts, this is refuted by the appellant primarily due to the proposed footprint of the dwellinghouse being comparable to that of the existing Old School House building, its height being limited to two storeys which limits its visual impact, and due to it not encroaching into the adjoining woodland. It therefore would not occupy the separation space (specifically the woodland) and would not result in merging of the residential developments within Riseley and Wokingham Borough. It retains the woodland as a distinctive landscape character which gives both residential developments their identity, and importantly, it does not encroach into the 'Green Infrastructure Network'. In addition, as explained in the Design and Access Statement, dense tree and shrub borders will significantly obscure views into the site, ensuring the development remains discreet and blends with its surroundings. These natural barriers provide a visual buffer and privacy screen which will also help to ensure that the site integrates within the landscape. Landscaping proposals setting out additional planting on the site will also provide further softening of the development and ensure that it contributes to the existing green buffer to the south.

- 5.3. In summary, due to its limited footprint, sensitive siting and modest height, together with its generous plot size, proposed landscaping and lack of encroachment into the woodland or 'Green Infrastructure Network', the proposed development would have no adverse impact on the green character of the site and surrounding area, the green corridor, the amenity of the PRoW and the distinctive setting of the adjacent residential developments and adjacent woodland. The proposed visual impact and increased height of a single storey will be limited from all angles due to trees, landscaping and boundary treatment. The proposal is therefore considered to be a sympathetic design response to the residential developments to the north and south and ensures that the site does not result in any coalescence of existing settlements or erosion of the green space or visual break, character and amenity of the locality.
- 5.4. The Landscape Statement submitted in support of this Appeal further confirms the appellants position with regards to the reason for refusal 1.
- 5.5. The proposal therefore complies with Local Plan policies NBE2, NBE9, INF2, CON 8 of the Local Plan, saved Local Plan Policy GEN1 and paragraph 135 of the NPPF 2023.

Main Issue 2 - Whether the site constraints, proposed siting, scale and close proximity to mature trees and their canopies would result in the dwelling successfully integrating with the spacious nature of the locality and result in satisfactory levels of residential amenity in terms of sunlight/daylight to the proposed dwelling, and whether this would affect the sylvan character and appearance of the site, the visual amenity of the locality and the natural setting of the adjoining green corridor.

- 5.6. The Council raises concerns over the proposed quality of external/internal spaces within the proposed dwelling with regard to the amount of daylight/sunlight they would receive. Due to tree heights and large canopies overhanging above the application site, there are concerns that the dwelling would not receive adequate levels of sunlight/daylight. However, as demonstrated in the Internal Daylight Assessment Report accompanying the appeal which assesses the proposed daylight levels within habitable rooms, having regard to industry standard guidance (the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 3rd edition, 2022). The internal daylight levels to habitable rooms in the proposed dwelling all have levels of natural light in excess of the minimum standards prescribed by the standards. The proposed dwelling is therefore acceptable in terms of internal light provision and will deliver a high standard of residential accommodation for prospective residents in this respect. The Council's concerns over unsatisfactory levels of sunlight and daylight to the proposed dwelling are therefore refuted by the appellant.
- 5.7. The Council raises concerns over the proposed dwelling not successfully integrating with the locality and affecting the sylvan character and appearance of the site, and eroding the amenity of the adjoining green corridor and PROW (despite the close boarded timber fence standing along the boundary) due the removal of landscaping and the introduction a proposed dwelling which the Council considers to be materially larger than the existing Old School House building. They are also concerned that this will result in post development pressure to remove further trees on amenity grounds. These Council concerns are not considered valid and are refuted by the appellant for the following reasons:
- ☐ Whilst it is correct that the existing site contains trees and vegetation the centre part of the site contains no trees and none are being removed to accommodate the proposed dwellings. The extent of tree removal is limited that which is required to facilitate the access into the site.
 - ☐ The trees around the site means it appears as an integral part of the local areas and with the limited tree removal the proposal will ensure that the green corridor and amenity value of the PROW is maintained and does not change to any significant extent to users of the PROW or the adjacent public highway. As such, the site will continue to blend into the landscape.
 - ☐ Due to the modest height of the proposed dwelling which is limited to two storeys and its limited footprint which does not extend any further to the rear than the existing building, and due to the proposed building being recessed from the site's northern boundary fronting Portway to a much greater extent than the existing building, its visibility will be limited and its impact on the sylvan character of the site is therefore also limited. It should

also be noted that the proposed dwelling has been centrally located within the plot to maximise its distance from any site boundaries and therefore reduce its visibility from public views and facilitating its successful integration with the surrounding landscape.

- ❑ As noted in the officer's report, the existing site boundary includes a close boarded timber fence. It is therefore does not offer an entirely 'green' experience to passersby as it includes urban elements such as a fence. Fencing importantly provides privacy and security for the site, and alongside the trees within the site, will provide some degree of screening of the proposed dwelling which will limit its visual impact on the green corridor.
- ❑ The post development pressures referred to by the Council are not considered to have any basis. As confirmed in the Arboricultural Assessment accompanying the application, due to the architectural design and layout of the proposals, no significant post development pressures are anticipated. Furthermore, the proposal has been positioned in an area free from canopy overhang, with the retained trees surrounding the area having high canopies and allowing sunlight into the space at various times of the day. The Assessment also notes that the plot has useable garden space which provides private amenity space which receives direct sunlight as well as dappled sunlight, all year round, and that the accompanying Internal Light Assessment further confirms that the dwelling will receive acceptable levels of light. As such, the Council's concerns over post-development pressures are refuted, and the development will ensure that the sylvan character of the and surroundings are maintained.
- ❑ The proposal would continue to ensure that the site and its trees, shrubs and understory planting is maintained and not eroded by safeguarding existing trees on the site that are within the existing woodland area, and introducing a discretely sited, modest dwelling. In addition, further tree planting, hedge planting and marginal planting is proposed, as indicated in the accompanying Landscaping Proposals. The officer's report is therefore incorrect that the proposal is not accompanied by a landscaping proposal (see drawing LAS 143 13 Landscape proposals). The landscaping proposals, together with the existing planted nature of the site, will further enhance the sylvan character of the site and its surroundings, and maintain its visual and landscape amenity.
- ❑ The visual and recreational amenity of the PRoW would not be materially affected as it would be located adjacent to a residential garden that continues to complement the adjoining green corridor and locality as a whole due to the modest size of the dwelling, its appropriate siting, selective tree removal and proposed additional landscaping.

- 5.8. The proposal therefore ensures that the dwelling will deliver a good standard of amenity for future occupants in terms of light provision, and that it successfully integrates with the spacious nature of the site and surroundings and maintains its sylvan character. The dwelling has also been designed to safeguard the visual amenity of the adjacent green corridor as discussed in the Landscape Statement

submitted in support of this Appeal which further confirms the appellants position with regards to the reason for refusal 2.

- 5.9. A revised Arboricultural Survey and Impact Assessment was prepared in response to comments received from Wokingham Council and is submitted alongside this appeal to address these comments as well as the general tree comments included in the reasons for refusal.
- 5.10. As such, the proposal complies with Local Plan policies NBE9, INF2, CON8, saved Local Plan policy GEN1 as well as NPPF paragraph 135.

Main issue 3 - The impact of the proposed development, either alone or in combination with other plans or projects, on the Thames Basin Heaths Special Protection Area

- 5.11. The application site falls within the 5km zone of influence around the Thames Basin Heaths SPA. Given that there is a net gain of one dwelling, mitigation measures are required and must be delivered and in perpetuity. Measures are required to be based on a combination of Strategic Access Management and Monitoring (SAMM) and access to or provision/maintenance of Suitable Alternative Natural Greenspace (SANG).
- 5.12. A Unilateral Undertaking in submitted in support this appeal confirming that the site owners have secured the requisite amount of SANG on the SANG land and that the owners have agreed to make a financial contribution towards the Strategic Access Management and Monitoring project (SAMM).
- 5.13. Consequently, the application is acceptable and compliant with policy NBE3 of the HLP32, saved policy NRM6 of the South East Plan and the NPPF.

Main issue 4 - The impact of the proposed development on car parking in the locality and whether proposed cycle parking is conveniently located so as to encourage a modal shift.

- 5.14. The officer's report raises concerns over the level of car parking provision stating that Hart's Parking SPD would expect a provision of 3 car parking spaces and that due to a shortage in provision, it is likely that visitors would have to park along Portway or on other adjacent narrow roads contributing to dangerous and inadequate on-street car parking in the locality.
- 5.15. In response to the Council's concerns, the appeal is accompanied by a revised site plan showing how three car parking spaces could be achieved on site (including one visitor car parking space). The appeal is also accompanied by a Transport Technical Note by Motion Ltd (dated December 2024). The Technical Notes states the following regarding the proposed car parking space numbers

- it is important to note that the parking standards stated within paragraph 5.3 of the Council's Technical Advice Note are neither maximum nor minimum, but a guide as to the appropriate quantum of parking to be

provided. As such, the proposed parking layout of 2 allocated spaces and a general area to accommodate visitor parking, totalling 3 spaces show that the parking layout is compliant with policy.

Regarding the Council's concern that the shortage of parking on site, as a result of a lack of on street parking and narrow roads, would detrimentally contribute to dangerous and indiscriminate on-street car parking in the locality, the Technical Note confirms that even though it has been shown that the parking provision is policy compliant, the Council's statement regarding the existing road layout is incorrect. The Technical Note explains that the Portway estate obtained planning permission in December 1981 (Ref 16598) and is built to modern design standards. Portway is 5.5 metres wide from Odiham Road for a distance of 75 metres before reducing in width to 4.8 metres, both of which comply with current design standards. Figure 7.1 of the Department for Transport document 'Manual for Streets' (MfS) provided in the Technical Note details recommend road widths to accommodate various vehicle types. The 5.5-metre-wide section of Portway can therefore accommodate two HGV's passing each other, while the 4.8 metres wide section can accommodate a car passing an HGV. Figure 7.1 of MfS also details that roads below 4.1 metres are considered narrow roads, as two cars cannot pass each other, which does not apply to any section of Portway and as such the road cannot be considered as a narrow road. The Council's concerns in this regard are therefore refuted.

Regarding the Council's concern over any overflow parking contributing to dangerous and indiscriminate on-street car parking in the locality, the Technical Note confirms that all houses along Portway are provided with off street parking, consisting of a garage and driveways which can accommodate either two or three vehicles in tandem. The parking provision of these dwellings is likely to comply and be in excess of the current parking standards. Site observations have shown very little evidence of excessive on street parking occurring along Portway. A review of the Crashmap web site for the last 24 years of available data, shows no accidents occurring on the adjacent road network. This indicates that there is not excessive on street parking occurring along Portway, which will be detrimental to road safety.

5.16. With regards to the Council's concerns over the proposed on site cycle parking not being conveniently located so as to encourage a modal shift, the Technical Note confirms that the proposed cycle parking is provided in a bike shed within the rear garden to ensure the cycle parking provision is within a secure location, which can be easily accessed along the side of house. The parking provision is within the environs of the proposed property with easy access to the rear door of the utility room, where wet cycling gear is likely to be dried out. The Technical Note therefore confirms that there is no basis to this concern or reason for refusal, and nor has the Council provided any evidence to justify why a bike shed in the rear garden of a single dwelling property is not a convenient location.

5.17. The appeal proposal therefore complies with Local Plan policy INF3, saved Local Plan policy GEN3 and the Parking SPD.

Main issue 5 - In the absence of a legal agreement to secure off-site biodiversity enhancements, the proposal fails to provide the mandatory 10% biodiversity net gain

- 5.18. As confirmed in the officer's report, the Ecology Impact Assessment accompanying the application identifies a loss of habitat and recommends engaging an off-site provider. The development requires the purchasing of 0.08 habitat units to achieve a 10% biodiversity net gain. The officer's report confirms that subject to planning conditions and a legal agreement, the proposal would not conflict with adopted policies of the Local Plan in this respect. However, a legal requirement would be required to demonstrate the purchasing of credits have been secured to mitigate impacts from the development. Accordingly, a legal agreement is submitted in support of this appeal containing details of the purchasing of the credits, and the proposal is therefore acceptable and positively responds to the fifth reason for refusal.

Main Issue 6 – The impact of the proposals on the trees and vegetation along the site's northern boundary

- 5.19. The tree survey and retention and loss and protection plans have been updated to include adjusted RPAS for T6, T7, T14 and T15. This report concludes that the extent of toots towards the cul-de-sac will be limited and RPAs have been adjusted accordingly also allowing for the foundations of school house. The impact on trees is, therefore, limited and justified.
- 5.20. The impact of the loss of vegetation on the northern boundary is minor in the context of the urban landscape within the wider settlement of Riseley. A majority of vegetation is retained with limited impact on what the Council consider to be a green buffer between the authorities that is not designated nor does it have any weight in planning terms. The sense of a green corridor and a verdant site is retained by siting the new dwelling on open part of the site with limited tree or vegetation removal required by the application.
- 5.21. These issues have been largely referred to in earlier [paragraphs and in supporting documents relating to trees and landscaping.

Third Party Comments

- 5.22. It should be noted that public objections have been received from members of a number of households, some raising multiple points including: over development of the site; inappropriate building for the site; construction noise impacts on surrounding residents; highway safety concerns; loss of trees; parking concerns; pedestrian safety concerns; impact on the green corridor; impact on wildlife; questions over the use of the building and its structure; flooding concerns; inadequate access; parking concerns.
- 5.23. It is considered that issues raised in the objections have been appropriately covered the Main Issues, Matters not in Dispute and the Officer's report.

Other Considerations

- 5.24. **Architectural design response** – The Council states that architectural design approach proposed would deliver a significant detractor which is the integral roof extension proposed to the rear roof slope facing towards the PRoW. The appellant refutes that this as the proposed roof extensions comprise modest sized dormer windows that are recessed from both the ridgeline and the side elevations. The dormers are sympathetically designed to reflect the appearance, external materials, character and proportions of the lower floors of the building.
- 5.25. **Impact on housing land supply** - The proposal will have a positive impact on housing land supply by delivering a family sized housing unit at a time when, as of 1 May 2025, the Council will not be able to demonstrate a 5-year housing land supply.



6

Conclusions and Planning Balance

- 6.1. In summary, the proposal would deliver a family sized home (3 bedrooms) which is high quality design and within the settlement boundary. The development will improve the visual amenity of the area due to the existing dilapidated building on the site being demolished, and through its use of high-quality external materials and incorporation of new landscaping.
- 6.2. Due to the appropriate siting of the dwelling which largely takes its cue from the footprint of the existing Old School House building, together with its modest height and sufficient balance on site between built form and open space, it will deliver a development that is sufficiently spacious and does not result in overdevelopment of the plot, or a 'shoehorned' building. The development involves selective tree removal only in order to facilitate the access but otherwise the development will not encroach into existing trees. Additional landscaping is also proposed. These features of the development collectively ensure that the development does not adversely impact the green characteristics of the site and surrounding area, the green corridor and the visual and recreational amenity of the PRow adjacent to the site.
- 6.3. The proposed visual impact and increased height of a single storey will be limited from all angles due to trees, landscaping and boundary treatment. The proposal is therefore considered to be a sympathetic design response to the residential developments to the north and south. The appropriate scale and siting of the development therefore ensures that it will not result in coalescence of the existing residential developments to the north and south of the site, and ensures that the site does not erode the green space or visual break, or the character and amenity of the locality.
- 6.4. The development will ensure that prospective occupiers of the development achieve a high standard of amenity in terms of internal light, as confirmed by the Internal Daylight Assessment submitted in support of this appeal.
- 6.5. The appeal is accompanied by Unilateral Undertakings to secure relevant SANG and SAMM contributions, in order to ensure that the proposal does not affect the Thames Basin Heaths SPA, and also to secure off-site biodiversity enhancements.
- 6.6. The development will ensure that an adequate level of off street car parking is proposed to accommodate the needs of the dwelling and would thus not detrimentally contribute to dangerous and indiscriminate on-street car parking in the locality.
- 6.7. The development incorporates sufficient cycle parking provision in a bike shed within the rear garden to ensure the cycle parking provision is within a secure location, which can be easily accessed along the side of house. The proposed bike shed in the rear garden of dwelling is therefore a convenient location.

- 6.8. The development will deliver economic benefits during the construction phase through employment generation in the construction sector.
- 6.9. Consequently, the proposed development would accord with the Development Plan as a whole and we respectfully request that the appeal be allowed, subject to any necessary conditions as outlined in Section 6.



7

Suggested Conditions

- 7.1. In the event of the appeal being allowed, the appellant would be content to accept any reasonable and necessary planning conditions and looks forward to commenting on any putative conditions in response to the LPA's statement.
- 7.2. In the meantime, having regard to the consultee comments, we would suggest that conditions relating to the following matters would be appropriate:
- ☐ Standard time for implementation – 3 years
 - ☐ The development to be carried out in accordance with the approved plans
 - ☐ Submission of a landscaping condition
 - ☐ Details to secure a surface water drainage strategy and details of the culverted ditch.
 - ☐ Condition ensuring the addition of bird, bat and insect boxes and fences that are hedgehog friendly.
 - ☐ Condition to ensure that the proposed parking provision is made available within the site prior to first use of the development
 - ☐ Condition requiring details of any external lighting
 - ☐ Archaeological assessment condition

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	Initials	Date
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