



Appeal Decision

Site visit made on 12 August 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal A Ref: APP/N1730/W/25/3365018

Dukes Field Cottage, Norton Road, Riseley, Wokingham RG7 1SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Justin Rogers against the decision of Hart District Council.
- The application Ref is 24/01723/FUL.
- The development proposed is construction of a dwellinghouse with associated car and cycle parking, access, refuse storage and landscaping following demolition of the existing Old School House.

Appeal B Ref: APP/X0360/W/25/3365016

Old School House, Norton Road, Riseley RG7 1SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Justin Rogers against the decision of Wokingham Borough Council.
- The application Ref is 242189.
- The development proposed is construction of a dwellinghouse with associated car and cycle parking, access, refuse storage and landscaping following the demolition of the existing Old School House.

Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The appeals site is located within two local planning authority boundaries. The majority of the proposed development lies within Hart District Council's (HDC) administrative boundary and the proposed access lies within Wokingham Borough Council's (WBC) area. Identical planning applications were made to both Councils and I have assessed the appeals on that basis.
3. In respect of both appeals the descriptions of development in the headings above have been taken from the planning application forms. However, in Part E of the appeal forms it is stated that the descriptions of development have not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that revised descriptions of development have been agreed. Accordingly, I have used the ones given on the original applications.
4. I have taken the site addresses from the application forms and whilst they are different it is evident that the appeals relate to the same site.
5. Following determination of the application the appellant has produced additional information - an Internal Daylight Assessment; Transport Technical Note; Landscape Assessment; updated Arboricultural Survey and Impact Assessment and Shadow Habitats Regulation Assessment. I have paid regard to these documents in consideration of the appeal, and I note that both HDC and WBC have

commented on their contents. Having regard to the Holborn Studios judgement¹ which follows on from Wheatcroft² I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

6. The main issues are:

- The effect of the proposed development upon the character and appearance of the area;
- Whether the proposed development would provide satisfactory living conditions for future occupiers with regard to shadowing from trees;
- The effect upon the safe and efficient operation of the local highway network;
- Biodiversity net gain; and
- The effect of the proposal upon the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

7. Dukes Field Cottage is an attractive thatched dwelling that has been substantially extended to the rear and sits within a large plot. A building known as The Old School House is positioned in its plot but is essentially segregated from the domestic areas around Dukes Field Cottage. As such, it has more of an affinity to the woodland in which it sits rather than the domestic nature of Dukes Field Cottage.
8. Dukes Field Cottage and the Old School House are somewhat anomalous features sitting within a belt of woodland that extends between Odiham Road to the east and Basingstoke Road to the west. This woodland acts as an important verdant visual and spatial buffer between established residential development and the administrative boundaries of HDC and WBC.
9. Despite its dilapidated condition The Old School House on account of its modest scale and single storey height is an inconspicuous feature in the area almost blending into the landscape. The presence of the surrounding woodland permits localised glimpsed views from the public footpath to the south and Portway to the north.
10. I acknowledge that the position of the proposed dwelling has been determined by site constraints. However, it would result in an uncharacteristic concentration of built form to the side of Dukes Field Cottage undermining the sylvan character that currently exists. The extent of the built form and hard surfacing would spread development over a large area and would be disproportionate when considering the overall size of the plot. Combined with the presence of parked vehicles, the shed, bin and cycle storage and other domestic paraphernalia that one would expect with a family sized dwelling would give the impression of an unduly cramped layout.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

There is also no certainty that domestic paraphernalia would be contained through the imposition of conditions.

11. The development of a two-storey dwelling would be evident in localised views. Its taller appearance and bulky roof form would result in an unduly prominent and visually intrusive building when viewed from Portway, in part due to the access opening up the site, and from the public footpath, eroding the sylvan character of the area. The use of locally sympathetic materials, its orientation and position in line with Dukes Farm Cottage would do little to mitigate the impact.
12. Whilst the public footpath is not devoid of domestic influence the resultant height and scale of the proposed development combined with the continuation of a 1.8m fence would essentially push domestic features outwards towards the public footpath. They would appear as stark features within the woodland and would undermine the semi-rural and sylvan character that users of the footpath currently experience.
13. I note that the proposal would not extend into the identified Green Infrastructure Network. However, the overall height and bulk of the dwelling combined with the further creep of domestic paraphernalia and activities would give the impression of reducing the size of the woodland and in turn weaken its significance as a largely undeveloped buffer. This perceived encroachment into the woodland would undermine the separation between HDC and WBC leading to a degree of visual and physical coalescence of the two areas.
14. Whilst landscaping would be retained and supplementary planting proposed it would take some time to become established and there is no substantive evidence to indicate they would remain for the lifetime of the development such that they would continue to screen it. A condition requiring retention of the trees to screen the site would be difficult to enforce and thus there is no certainty that it would mitigate the harm identified.
15. Dwellings, plot sizes and shapes vary to both the north and south of the site, but it is evident that these largely comprise planned estates rather than small scale infill development. They have a different character to Dukes Field Cottage and the appeal site. In my view these developments nor the current condition of The Old School House provide justification for a scheme that I have found to be harmful.
16. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies NBE2, NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) (2020) (HLP) and saved Policies GEN1 and CON23 of the Hart District Council Local Plan (Replacement) (2002) (LP) which, amongst other things, require development proposals to achieve high quality design, reflect the distinctive qualities of its surroundings, not to lead to the physical and visual coalescence of settlements or damage their separate identity and not detract from the amenity and consequent recreational value of well-used footpaths.
17. It would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) which, amongst other things, requires developments to function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to the surrounding built environment.

Living conditions of future occupiers

18. In and around the site are a number of mixed tree specimens of varying height and spread and which positively contribute to the sylvan character and visual amenity of the area. The appellant's Arboricultural Survey and Impact Assessment indicates that some vegetation would be removed, and canopies laterally reduced but by and large trees would be retained.
19. The appellant has produced an Internal Daylight Assessment (IDA) undertaken in accordance with British Research Establishment (BRE) guidance. Using BRE guidance there are various methods of assessing daylight including Target Daylight Factor which determines natural internal luminance.
20. The IDA concludes that all habitable rooms would exceed minimum levels of internal daylight. Whilst the Council is critical of the assessment due to the omission of calculations, I am nonetheless satisfied that it represents a robust assessment of internal daylight levels.
21. That said, taking into account the reasonably compact size and depth of the rear garden there would be little space outside of the canopies of the trees. In the absence of a shadowing analysis, I am not satisfied that the garden would receive adequate sunlight and thereby provide a high-quality outdoor amenity space for future residents.
22. In this regard, trees and woodland would dominate the dwelling and would likely restrict light to the patio and garden area and would be overshadowed which would likely cause resentment once the dwelling is occupied. Furthermore, future occupiers may perceive the trees as a potential hazard to the property. These factors are likely to create significant pressure to prune or remove trees once the dwelling is occupied, notwithstanding Tree Preservation Orders being in place.
23. As such, the development as presented would not provide future occupiers with satisfactory living conditions on account of overshadowing effects upon the garden area contrary to HLP Policies NBE2, NBE9 and IF2 and saved LP Policies GEN1 and CON8 which, amongst other things, require development proposals to respect trees, woodland and protect green infrastructure and for the design of external spaces to facilitate the safe use by future residents.
24. It would also be contrary to paragraphs 135 and 136 of the Framework which, amongst other things, ensure that developments create places with a high standard of amenity for existing and future occupiers and recognise the important contribution trees make to the character and quality of urban environments.

Safe and efficient operation of the local highway network

25. The Council's parking standards are set out in the Cycle and Car Parking in New Development Supplementary Planning Document (SPD). It suggests two options for 3-bed houses. It recommends either 2 allocated and 1 unallocated space or 3 allocated and 0.5 unallocated spaces. It guides applicants to use the most appropriate option in the circumstances to achieve the best design solution.
26. Whilst the scheme proposes three parking spaces aligning with the SPD, I share the Council's concerns regarding the practicality of the parking layout. A vehicle parked in the 'visitor' space could lead to a pinch point at the entrance resulting in difficulties for vehicles entering the site. Furthermore, given the size and shape of

the proposed driveway and position of the parking spaces and in the absence of a swept path diagram there is no certainty that vehicles could enter the site, manoeuvre within it and exit in forward gear.

27. The proposed access would be positioned on Portway close to a row of garages and the head of the cul-de-sac. Despite the width of the road given my findings above the parking arrangement would likely result in vehicles reversing onto the road thereby increasing the potential for conflict with both vehicles and pedestrians resulting in an unacceptable impact on highway safety.
28. The inadequate parking arrangement would likely lead to a displacement of resident or visitor parking onto the Portway and instances of indiscriminate and inconsiderate parking close to the access. This would undermine the safe and efficient operation of the local highway network.
29. The absence of collisions or road traffic accidents in the area does not alter my conclusion in respect of this main issue.
30. Despite the Council saying otherwise I am satisfied that the positions of the cycle storage on the front driveway and in the rear garden would be conveniently located so as to encourage the use of bicycles for some journeys.
31. Taking all of the above into account I find that the proposed development would adversely affect the safe and efficient operation of the local highway network contrary to HLP Policy INF3, saved LP Policy GEN1 and the SPD which, amongst other things, seek development proposals to provide safe, suitable and convenient access for all potential users and appropriate parking provision in terms of amount, design and layout.

Biodiversity net gain

32. As part of the application, the appellant has submitted an Ecological Impact Assessment which states that the existing habitats on site present a baseline habitat value of 0.12 units. In the absence of mitigation in the form of habitat creation or enhancements the proposed development would result in a net loss of 0.07 habitat units.
33. Given the constrained nature of the site, the appellant is proposing offsite biodiversity offsetting to compensate for the loss of onsite habitat by reserving units at the Ludlow and the Chippenham habitat bank.
34. In this regard, the appellant has received confirmation from the Environment Bank who operate the mitigation schemes that sufficient units are available and are reserved, for a period of 9 months, to support the proposed development.
35. On this basis the proposed measures would be sufficient to offset the loss of onsite habitat and based on the evidence before me there is reasonable certainty that the necessary mitigation could be delivered offsite. There is nothing to suggest that the reservation could not be extended or that units are in short supply at the banks.
36. The submitted Unilateral Undertaking includes provisions for confirmation of the offsite gains and a Biodiversity Gain Plan would be required as part of the biodiversity gain condition before the development commences. As such, I am satisfied that this could be secured and would be a post decision matter, if I were minded to allow the appeal.

37. As such, the proposed development accords with HLP Policy NBE4 which, amongst other things, requires development proposals to avoid negative impacts on existing biodiversity and to provide a net gain where possible.

Other Matters

38. The appeal site is located within proximity to the Thames Basin Heaths SPA. HDC's third reason for refusal relates to whether likely significant effects can be mitigated. However, as I have found harm to the character and appearance of the area, in respect of living conditions and highway safety which is significant enough to dismiss the appeal there is no benefit in me pursuing this matter any further.
39. WBC's reasons for refusal relate to character and appearance and the effect upon trees and vegetation. They advise that following assessment of the additional information submitted by the appellant they are satisfied that the two reasons for refusal have been adequately addressed. As I have ultimately found the proposal to be unacceptable for other reasons, it is not necessary for me to address these matters in my reasoning. Even if I were to do so and identify accordance with the development plan and no associated harm, it would not alter my findings nor the outcome of either appeal.

Planning Balance

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
41. The Framework is one such material consideration. Paragraph 11 d) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
42. However, paragraph 195 of the Framework indicates that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. For the reasons set out above I have not reached such a conclusion and consequently paragraph 195 applies.

Conclusion

43. Whilst the tilted balance does not apply for the reasons set out above, even if it did, the harm of granting planning permission in respect of character and appearance, living conditions of future occupiers and the safe and efficient operation of the highway network would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
44. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR