



## Appeal Decision

Site visit made on 29 April 2019

by **Andrew Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

**Appeal Ref: APP/X0360/W/19/3221985**

**Land to the rear of Lark Rise, Mill Lane, Sindlesham RG41 5DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hatch Farm Land Ltd against the decision of Wokingham Borough Council.
- The application Ref 181378, dated 14 May 2018, was refused by notice dated 9 August 2018.
- The development proposed is the erection of 4 x 3-bed dwellings with access from a service road off of Mill Lane and associated landscaping including enhancement of ponds to the north.

### Decision

1. The appeal is allowed, and planning permission is granted for the erection of 4 x 3-bed dwellings with access from a service road off of Mill Lane and associated landscaping including enhancement of ponds to the north at Land to the rear of Lark Rise, Mill Lane, Sindlesham RG41 5DF in accordance with the terms of the application, Ref 181378, dated 14 May 2018, subject to the conditions set out in the attached Schedule.

### Main Issues

2. The main issues are:
  - a) Whether the site would be suitable for housing, having regard to its location beyond a defined settlement limit,
  - b) Whether the proposal includes a suitable mix of housing,
  - c) Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to layout and orientation, and
  - d) Whether the proposal makes adequate provision for affordable housing.

### Reasons

#### *Location*

3. The appeal site is located towards the edge of the settlement of Sindlesham. It is close to the M4 motorway and adjacent to an historic farmstead, which is no longer in agricultural use. It has a semi-rural character, but the context is largely developed, particularly to the east.

4. The site is immediately outside of the defined settlement boundary associated with Sindlesham. Policy CP11 of the Wokingham Borough Core Strategy adopted 2010 (CS) limits development in such areas to a list of development types, which the proposal would not fall into.
5. However, I note that the proposal would relate to existing residential development that is to either side and opposite the appeal site. The existing dwellings close to the site to the west and south may once have related to an agricultural holding that was physically isolated, but they are now so close to the built-up area of Sindlesham that it is difficult to accept that they are detached from the settled area of the village.
6. The site currently holds a collection of poor quality low profile buildings, however these are not visible from the road, and do not contribute to the remaining agricultural or rural character of the area. Were the proposal to proceed the strong form and character of the historic agricultural buildings further west, which have since been converted into an alternative use, would still be easily identified.
7. The proposal is set back from the road behind a block of vegetation, which is outside the appeal site. This set back would mean that the verdant frontage and semi-rural character of the site would be retained, appropriate to the site's location towards the edge of the settlement. Over the height of this area of vegetation the proposed dwellings would be seen, however their form and scale would relate comfortably to existing residential development immediately east and southeast of the site. I accept that as this vegetated area is beyond the appeal site it is outside the management and control of the appellant, and it is prone to seasonal variation. However, even if this area was cut back or diminished entirely the proposed dwellings would still be set back from the road in a manner that would accord with the spacious character of development that exists at the edge of the settlement.
8. Areas of hardstanding set out to the front are not excessive. They would relate to areas of hardstanding associated with other dwellings in the area and the large parking area associated with the converted range of agricultural buildings to the west.
9. Although the proposal would be beyond the defined settlement boundary, I note that the overall aims of Policy CP11 of the CS are to protect the separate identity of settlements and maintain the quality of the environment. I am satisfied that, for the reasons above, the proposal would not conflict with these aims.
10. Therefore, although the proposal would not accord with one of the development types set out in Policy CP11 of the CS, I am satisfied that the proposal would not be contrary to the overall aims of the Policy and that the material considerations set out above carry significant weight to overcome any conflict with the Policy. As such I find the proposal to be suitably located for housing.

#### *Housing mix*

11. Although all four of the proposed dwellings would have three bedrooms, two of the dwellings would be slightly larger than the other two, with a deeper floorplan and a bay to the front. Dwellings of this size would appear to accord with the scale of dwellings in the area. As semi-detached pairs, the proposed

dwellings would relate well to the pairs of existing dwellings to either side of the site.

12. It would be difficult for such a small site to address all of the housing needs in the area, in terms of the mix of accommodation proposed. However, I note that 43.5% of the identified future housing need for the Borough is for dwellings with three bedrooms, as set out in the Council's Strategic Housing Market Assessment.
13. As such I am satisfied that the mix of housing proposed is acceptable in this context, in accordance with Policy CP5 of the CS and Policy TB05 of the Wokingham Borough Adopted Managing Development Delivery Local Plan document adopted 2014 (MDDLP), which together seek to ensure that new residential development provides an appropriate housing mix.

#### *Living conditions*

14. The proposed floor layout exhibits a fairly standard design, and it is possible that some artificial lighting may be required during the day in the Kitchen areas, however the proposed south facing windows to the Dining areas of the Kitchens are large, and would provide a good level of daylight to the areas that have been designed to accommodate a table. Although the Living Room windows are north facing, the rooms are not overly deep, and the windows are wide and full height. These would provide the Living Rooms with a good level of natural light during the day.
15. As such I am satisfied that the proposed dwellings would provide future occupiers with acceptable living conditions with regard to the layout and orientation of the proposed dwellings. This would accord with Policy CP1 and CP3 of the CS and R18 of the Wokingham Borough Council Borough Design Guide, which together seek to ensure that new development is functional and minimises energy use through orientation and appropriate levels of daylight.

#### *Affordable housing*

16. Policy CP5 of the CS requires all residential proposals of at least five dwellings, or covering a site area of at least 0.16 hectares, to provide up to 40% affordable housing. Although only four dwellings are proposed the site area is over 0.16 hectares. This requirement is in conflict with paragraph 63 of the National Planning Policy Framework (the Framework), however evidence produced by the Council sets out the acute need for affordable housing in the area, with reference to its Housing Market Assessment. On this basis I am satisfied that the Policy requirement is appropriate.
17. Supporting text to the Policy makes it clear that the Policy can be satisfied through an off-site contribution in the case of a small scheme, or where on-site delivery would be impractical. This would be the case with the appeal proposal. The appellant has submitted a signed and dated Unilateral Undertaking (UU) to address this as part of the appeal process. The UU has been agreed by the main parties. I am satisfied that it accords with the Policy requirement set out above, and the Council's Affordable Housing Supplementary Planning Document 2013, and is necessary with regard to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). The measure identified for the contribution would also not constitute infrastructure

under the definitions within the CIL regulations, and this would not fall foul of the relevant pooling restrictions.

18. Therefore, the proposal would make adequate provision for affordable housing, in accordance with the requirements of Policy CP5 of the CS and TB05 of the MDDLP, which seek to secure appropriate affordable housing to meet local needs.

### **Other Matters**

19. Third party comments have been submitted in relation to the effect of the proposal on highway safety. I note the views of the Council in this respect and, following my consideration of the proposal and visit to the site, find no reason to disagree with its findings. I found the access to be acceptable for vehicles emerging onto Mill Lane, with a good level of visibility in either direction. I accept that visibility for drivers from the south turning right off Mill Lane towards the appeal site is more limited, however at my visit to the site I saw that vehicles speeds were well below the 60mph limit in place on this stretch of road. Furthermore, I note that the access currently serves several dwellings and I have no evidence of reported accidents before me. Therefore, I am satisfied that the proposal would not have an adverse effect on highway safety.

### **Conditions**

20. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a construction management plan condition, that includes a requirement to provide details of construction working times, to safeguard the living conditions of neighbouring occupiers and ensure that the construction work does not have an adverse impact on the safe operation of the highway network. This condition is a pre-commencement condition to ensure that it relates to all work carried out at the site. This has been agreed with the appellant.
21. I have imposed conditions relating to materials, landscaping and tree protection to safeguard the character and appearance of the area. The condition that relates to the protection of existing trees, shrubs and hedges at the site is a pre-commencement condition to ensure that adequate protection measures are in place before any work commences on site. This has been agreed with the appellant. I have imposed conditions relating to external lighting, ecological enhancement, disturbance of nesting birds and the submitted ecological assessment to ensure that the wildlife and ecological interest of the site is not adversely affected. I have imposed a condition to ensure that appropriate noise attenuation measures are in place to safeguard the living conditions of future occupiers of the dwellings.
22. I have imposed conditions relating to bin storage, drainage, road layout, parking and turning areas to ensure that the proposal does not result in an increase in flood risk and ensures a functional, accessible and safe development that does not harm highway safety. One of these conditions is pre-commencement as the information relating to existing site conditions needs to be collated before other work commences on site. This has been agreed with the appellant.

23. I have imposed a condition to ensure that the side facing windows of Plots 2 and 3 are obscurely glazed to ensure that no overlooking between the two dwellings can take place. I have not included a further condition that the Council has suggested in this respect in relation to restricting permitted development rights for further openings on these elevations, as they would open out onto an open area that would serve as parking for the two properties rather than a private area of garden. I am therefore not satisfied that the insertion of additional openings into either of these elevations would harm the living conditions of the neighbouring occupiers.

### **Conclusion**

24. For the reasons above, the appeal is allowed.

*Andrew Tucker*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: 1173.1 PL-01, 1173.1 PL-02, 1173.1 PL-03 Rev R1, 1173.1 PL-04, 1173.1 PL-05, 1173.1 PL-06, 1173.1 PL-07, 1173.1 PL-08, 1173.1 PL-09, 1173.1 PL-10 and 5717.004 Rev A.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should detail items such as:
  - a) the parking of vehicles of site operatives and visitors,
  - b) loading and unloading of plant and materials,
  - c) construction working times and equipment/material delivery times
  - d) storage of plant and materials used in constructing the development,
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
  - f) wheel washing facilities,
  - g) measures to control the emission of dust and dirt during construction,
  - h) noise abatement measures,
  - i) phasing of construction, lorry routing and potential numbers,
  - j) types of piling rig and earth moving machinery to be utilized,
  - k) any temporary lighting,
  - l) a scheme for recycling/disposing of waste resulting from demolition and construction works, and
  - m) any other measures proposed to mitigate the impact of construction operations.

The plan shall be implemented in full and retained until the development has been constructed. Any deviation from this Statement shall be first agreed in writing with the local planning authority.

- 4) Prior to the first occupation of the development hereby approved a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, taking into account any trees and shrubs that are retained shall be submitted to and approved by the Local Planning Authority. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of any of the buildings. Any trees or plants which, within a period of 5 years from the date of planting (or within a period of 5 years from the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the Local Planning Authority.
- 5) No development hereby permitted shall commence until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details

as so-approved (hereinafter referred to as the Approved Scheme). No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme. The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.

- 6) Prior to the construction of any external surface of the development hereby approved details of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the agreed details.
- 7) No external lighting shall be installed at the site in association with the development hereby approved until a report detailing the lighting scheme and how this will not adversely affect wildlife has been submitted to and approved in writing by the Local Planning Authority. The report should include the following figures and appendices:
  - a) A layout plan with beam orientation,
  - b) A schedule of equipment,
  - c) Measures to avoid glare, and
  - d) An Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting plan shall be implemented in accordance with the agreed details.

- 8) Prior to the first occupation of the development hereby approved an ecological enhancement and management plan, including details of the pond restoration strategy, woodland management and locations and specifications of biodiversity enhancements is submitted to and approved in writing by the Local Planning Authority. The measures contained within the plan shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
- 9) Works are to be carried out in accordance with the details given in Section 10.2 of the Ecological Assessment (Ethos Environmental Planning, May 2018) unless otherwise agreed in writing by the Local Planning Authority.
- 10) Demolition and vegetation removal shall be undertaken outside of the bird nesting season. If this is not practicable then areas to be cleared or

demolished will first need to be checked for nesting birds by a suitably qualified ecologist, and, if any nests are found, works that could disturb the nests must be postponed until they are no longer in use.

- 11) Prior to the first occupation of the development hereby approved a scheme for protecting occupiers of the proposed dwellings from noise from the M4 motorway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed prior to first occupation.
- 12) No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - a) BRE 365 test results demonstrating whether infiltration is achievable or not,
  - b) Full calculations demonstrating the performance of soakaways,
  - c) Groundwater data to confirm seasonal high groundwater levels,
  - d) A demonstration of how foul water from the development will be managed,
  - e) A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above seasonal high water table level, and
  - f) Details demonstrating how any SuDS features for this development would be managed throughout the lifespan of the development and who would be responsible for maintenance.
- 13) Prior to the first occupation of the development hereby approved full details of the construction of roads and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The roads and footways shall be constructed in accordance with the approved details to road base level before the development is occupied and the final wearing course shall be provided within 3 months of occupation, unless an alternative timescale is agreed in writing.
- 14) Prior to the first occupation of the development hereby approved details of turning for emergency vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the turning space has been provided in full accordance with the approved details and is to be thereafter retained for the purpose of vehicle turning.
- 15) Prior to the first occupation of the dwellings hereby approved the access (with visibility splays) shall be constructed in accordance with the approved plans. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained as such at all times.
- 16) Prior to the first occupation of the dwellings hereby approved details of bin storage for each dwellings and arrangements for bin collections shall be submitted to and approved in writing by the Local Planning Authority.

The bin storage area and facilities shall be permanently retained and used for no other purpose.

- 17) Prior to the first occupation of the dwellings hereby approved the vehicle parking spaces and secure and covered cycle storage shall be provided in accordance with the approved plans. The vehicle parking spaces and cycle storage shall remain available for the parking of vehicles and cycles associated with the dwellings hereby approved at all times.
- 18) The side facing first floor en-suite windows of Plots 2 and 3 shall be fitted with obscured glass and shall be permanently retained as such. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed.