Appeal Decision

Site visit made on 26 March 2002

by Michael Hetherington BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

29 APR 2002

Appeal Ref: APP/X0360/A/01/1080676
Land adjacent to 3 & 4 The Courtyard, Denmark Street, Wokingham

- 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 Power Investments Limited against the decision of Wokingham District Council.
- The application (Ref. F/2001/3171), dated 12 January 2001, was refused by notice dated 23 October 2001.
- The development proposed is the erection of offices.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that the main issues in this appeal are the effect of the proposed development on:
   (a) the character and appearance of the Wokingham Town Centre Conservation Area;
   (b) the living conditions of the occupiers of Sale Garden Cottages in respect of privacy and visual impact; and
   (c) the pressure for housing development in the area.

Planning Policy

2. The development plan includes the Berkshire Structure Plan 1991-2006 incorporating alterations adopted in 1997 and the South East Area Local Plan adopted in 1994. In the Structure Plan, policy EN1 protects environmental character and quality within built-up areas. Among the requirements of this policy are that new development embodies a high standard of design, layout and landscaping and helps maintain or enhance the character of its surroundings, with special attention being paid to town centres. Policy EN5 seeks to protect and enhance the character and appearance of areas of special character, including conservation areas. Policy BU1 states that proposals for business development will normally be granted, subject to the various criteria, provisos and other factors set out in the policy.

3. In the Local Plan, policy SBE12 protects and enhances aspects of the environment that make up the distinctive character of conservation areas. Policy SBE14 resists proposals for new development which would be detrimental to the character of a conservation area. Policy SBE15 sets out criteria to which regard will be had when considering proposals for otherwise acceptable new development in conservation areas. These include the massing, scale, siting and design of proposed buildings and their contribution to the character of the area. Policy SBE5 seeks to ensure good daylighting and adequate sunlight penetration to new and existing development. Policy PSE1 states that within and adjacent to the Wokingham Principal Business Area business uses will generally be limited to sites and

locations identified on the Proposals Map. Policy SE2 states that extreme caution is required in dealing with proposals for new employment floorspace outside identified sites and sets out criteria describing the exceptional circumstances in which permission will be granted. It also states that acceptable developments will normally involve an increase in net floorspace of less than 300 square metres. Policy SBE7 was also mentioned in the Council's reasons for refusal but I do not consider it to be of particular relevance to my consideration of this appeal.

4. I have also had regard to the Wokingham District Local Plan Deposit Draft. Draft policy WOS1 supports developments that are sustainable and improve the quality of life. Development control principles are set out in draft policy WOS3, including a requirement that developments are integrated into their local context without detriment to the amenities of adjoining land uses and occupants. Draft policy WOS10 seeks to preserve and enhance the character of conservation areas. Draft policy WEM4 lists criteria for employment generating development outside identified sites. New office development in Wokingham Town Centre is restricted to those sites listed in draft policy WSH22. Draft policy WHE2 seeks to retain and enhance features that make up the distinct character of conservation areas, while draft policy WHE4 sets out criteria for new buildings in conservation areas. This requires that such development should respect the local context, including the historic local plot layout, historic massing and scale, relationships between buildings and the proportions and materials of nearby buildings. Draft policy WBE1 requires good contemporary design which respects its local context.

Reasons

Character and Appearance of the Conservation Area

5. The appeal site forms part of car park sited within the Wokingham Town Centre Conservation Area. It has an open character, forming a break between the historic town centre and housing to the south east. To the north west are modern office buildings which lie to the rear of older properties fronting Denmark Street. Although Denmark Street and other streets in the town centre contain a variety of building styles, they are particularly characterised by two and three storey buildings of a traditional brick and tile construction occupying generally narrow plots.

6. The proposed development would comprise a three-storey office building incorporating a bridge link at third floor (roof) level to the existing offices at 3 The Courtyard. Concerns have been raised regarding its effect on the grain of the Conservation Area, particularly in relation to plot layout and characteristic layout of buildings. In my view, the alignment of the proposed development would tend to continue the historic pattern of narrow plots running back from Denmark Street, a pattern that has been somewhat disrupted by the erection of Seymour House and no. 4 The Courtyard. Although the proposal would introduce built development into an area that has historically remained open, I consider that this would to some extent replicate the buildings that already protrude into this area at the rear of properties on the Market Place.

7. While the roof bridge would form a physical link between the bulk of the new building and no. 3 The Courtyard, I consider that the main part of the new building would still appear to be separated from the existing offices by the two-storey void beneath the bridge. I do not therefore feel that the proposed development would address the previous Inspector's concerns about the creation of a "floating" building in the middle of the car parking area.

8. Furthermore, to my mind the single storey bridge link would have an uncomfortable visual relationship with the two-storey void, giving undue prominence to the space beneath the building. This I feel would be emphasised by the narrow central supports. In my view the resulting design would be out of keeping with the characteristic pattern elsewhere in the Conservation Area where passageways beneath buildings are characteristically of a single storey height and subordinate to the building as a whole.

9. I conclude on the first issue that the development would neither preserve nor enhance the character or appearance of the Wokingham Town Centre Conservation Area. This would be contrary to policies EN5 and EN1 of the Structure Plan, policies SBE12, SBE14 and SBE15 of the Local Plan and the complementary draft policies in the emerging Local Plan.

Living Conditions of Occupiers of Sale Garden Cottages

10. Sale Garden Cottages comprise a terrace of single storey houses some 28 metres south east of the proposed office building. A hedge presently provides limited screening between the cottages and the car park.

11. I am mindful of the conclusion of the previous Inspector in relation to this issue. However, I am also aware of his concern to avoid a development that would be visually intrusive to the occupiers of the cottages or lead to significant overlooking from windows in the proposed office block. In this case, the proposed development would be somewhat further away from the cottages than that considered in the previous appeal. However, it would contain main windows in all three storeys of the elevation facing the cottages. No proposals have been made to minimise the potential for overlooking from these windows. I consider that this would result in a loss of privacy to the occupiers of Sale Garden Cottages, particularly in relation to users of the rooms on the north western elevation of cottages, even though these do not appear to be principal rooms. Furthermore, I consider that the bulk of the proposed building and its relative proximity to the cottages would dominate the approach to these houses and intrude into the presently open outlook towards the car park.

12. I conclude on the second issue that the proposed development would have an adverse effect on the living conditions of occupiers of Sale Garden Cottages in respect of privacy and visual impact. This would be contrary to policy SBE5 of the Local Plan and the complementary draft policies in the emerging Local Plan.

Pressure for Housing

13. I note the Appellant's comment that the floorspace of the proposed development would be less than the figure of 500 square metres quoted in paragraph 8.70 of the emerging Local Plan. However, in my view, as an office development outside a committed site, the proposal is required to satisfy the tests set out in Structure Plan policy BU1 and Local Plan policy SE2, neither of which contains a minimum floorspace threshold for their applicability. Indeed, I note that the proposed development would exceed the maximum threshold of 300 square metres that Local Plan policy SE2 applies to otherwise appropriate development.

14. In addressing these policy tests, I have not been made aware of any potential occupiers for the proposed development and I therefore have no evidence that it would address an identified local need. On my site visit I observed the vacant office buildings elsewhere in the town centre that had been identified by the previous Inspector. I noted that while some

of these properties are now either in use or have been sold, a significant number remain vacant, particularly in the Market Place and Broad Street. I also noted the presence of some additional office vacancies that had not been remarked upon by the previous Inspector. In my view, there is therefore inadequate justification for the proposal. I agree that additional speculative office development would be likely to result in greater pressure for housing in the area over and above the provisions of the development plan and, whilst each case should be determined on its merits, I share the previous Inspector's concern about the cumulative effect of such developments.

15. In respect of the third issue I conclude that the proposal would lead to undue pressure for housing development in the area. This would be contrary to policy BU1 of the Structure Plan and policy SE2 of the Local Plan.

Other Matters

16. The proposal would result in the loss of some parking spaces, although I note the Appellant's comments about the status of this car park. In any event, I feel that the proposed development would be well located in relation to transport modes other than the private car and would, in this respect, accord with the Council's sustainable development objectives. However, this matter does not override the harm to other interests that I have already identified.

17. The Appellant has raised a number of matters connected with the handling of the application by the Council, including the time taken to reach a decision and the lack of discussion on various points. These procedural matters are not for me to determine and do not affect my consideration of the merits of the case.

Conclusions

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

Formal Decision

19. In exercise of the powers transferred to me, I dismiss the appeal.

Information

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



INSPECTOR