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Appeal Decisio

Site visit made on 1 August 2

by Andrew S Freeman BSc(Hons) DipTP DipEM
FRTPI FIHT MIEnvSc

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

Appeal Ref: APP/X0360/A/00/1038613
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 outline planning permission.
- The appeal is made by Power Investments Limited against the decision of Wokingham District Council.
- The application (ref: 99/69747/O), dated 12 May 1999, was refused by notice dated 14 October 1999.
- The development proposed is erection of offices.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal relates to an outline planning application. Approval to the siting, design, external appearance, means of access and landscaping would be sought at a later date. The site layout drawing is indicative only.

Main Issues

2. In my opinion, the main issues are:

   (a) whether the proposal would lead to undue pressure for housing;

   (b) the effect on the character and appearance of the Wokingham Town Centre Conservation Area;

   (c) the effect on local services, amenities and infrastructure; and

   (d) the effect on the living conditions of the occupiers of Sale Garden Cottages in terms of loss of privacy and visual intrusion.

Planning Policy

3. The development plan includes the Berkshire Structure Plan 1991-2006 and the South East Area Local Plan.

4. Under Structure Plan Policy BU1, and subject to the criteria, provisos and other factors set out in the policy, proposals for further business development will normally be granted. Policy EN1 indicates that the character and quality of the environment of built-up areas will be protected and enhanced. Policy EN5 is concerned with areas of special character including conservation areas. They will be protected from change damaging to their character and appearance. In terms of conservation areas, this broadly reflects the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990. Policy LD6 seeks to ensure that infrastructure, services and amenities made necessary by the development are or will be provided.

5. South East Area Local Plan Policy PSE1 states that within and adjacent to the principal business area business uses will generally be limited to those sites and locations shown on the Proposals Map. Policy SE2 is concerned with employment development on unidentified small sites. Extreme caution is required. Acceptable developments will normally involve an increase in floorspace of less that 300 sq m.

6. Aspects of the environment that make up the distinctive character of conservation areas will be protected and enhanced under Policy SBE12. Under Policy SBE14, proposals for new development which would be detrimental to the character of a conservation area will be refused. Policy SBE15 sets out considerations to which the District Council will normally have regard in considering proposals for otherwise acceptable new development in conservation areas.

7. The phasing of services in new developments is dealt with under Policy SPS1.

8. My attention has also been drawn to the Wokingham District Local Plan Deposit Draft. The relevant part of this emerging development plan has not yet been the subject of an Inspector's report. Although the draft plan sets out current policies of the Council, it does not have the statutory weight of the development plan.

9. Draft Policy WOS1 is concerned with sustainable development whilst development control principles are set out in draft Policy WOS3. Draft Policy WOS4 deals with service, amenities and infrastructure requirements for new developments. Draft Policy WOS10 seeks to preserve and enhance the character of the conservation areas. Draft Policy WEM4 sets out criteria for employment generating development within settlements on unidentified sites. Sites for B1 office use in Wokingham Town Centre will be limited to the sites identified under draft Policy WSH22. Under draft Policy WBE1, the Council will require good contemporary design throughout the plan area, which respects its local context. The provision of public open space in new commercial development is the subject of draft Policy WR8.

Reasons

Pressure for Housing

10. The Council is concerned that there is no identified local need for the proposed offices. The facility would result in additional pressures for housing. However, the appellant and the agent are aware of a requirement for additional space from the tenants of No 3 The Courtyard. The occupants have expressed interest in additional floorspace to the appellant company.

11. I appreciate that this interest was not indicated at the application stage; also that the Council is sceptical as to the firmness of the interest. However, on the face of it, there is a potential occupier who would meet the requirements of Structure Plan Policy BU1. Nevertheless, under the policy, it is also necessary to consider whether, either by itself or cumulatively, the development would give rise to pressures for housing development additional to the provisions of the plan. In this regard I am also mindful of what could be consider the restrictive provisions associated with Local Plan Policies PSE1 and SE2 as well as draft Policy WSH22 of the emerging local plan.

12. It is indicated that, in addition to the stated interest, the appellant and the agent are not aware of vacant office space in Wokingham. However, on my site visit, I saw that the lease of a self-contained office building at Seymour House is available (564.3 sq m); that modern offices at Alexander Court, Denmark Street, are to let (170.7 sq m); that there is a "development and refurbishment opportunity" including 800 sq m of new offices available at 37-41 Denmark Street and "Fleet Works"; and that there is an office building of 142 sq m to let at 44 Denmark Street. Slightly further away, but still within the commercial core of the Conservation Area, offices are available varying in size from 151 sq m in Broad Street (above Bennetts Insurance) and 208 sq m in Market Place (Nos 26/28) to 1,780 sq m at Old Forge House, Peach Street. These various premises would be additional to most of the sites identified in the emerging local plan.

13. In the light of the above it is my opinion there is inadequate justification for the proposed development. I consider that the inevitable consequence of unwarranted office building, particularly in cumulative terms, would be undue pressure for housing in the area over and above the provisions of the development plan. In my view, there are no exceptional circumstances in this case.

The Effect on the Character and Appearance of the Conservation Area

14. The appeal site is located within the Wokingham Town Centre Conservation Area. As stated in the Council's Conservation Area Study, I saw that building styles are generally modest, predominantly of red brick with tiled clay roofs. The buildings tend to be small in scale, typically two storey but with some two-and-a half and three storey premises. They offer the characteristics of a traditional Berkshire town. There is no dominant building type.

15. Denmark Street, in common with Broad Street and Peach Street, is a busy thoroughfare fronted by commercial premises at the back edge of the footway. In many places the historic pattern of burgage plots is reflected by in-depth developments on narrow fronted sites; also by access ways along plot boundaries.

16. The appeal site is essentially part of a large, open, rectangular area at the rear of Denmark Street. It is used as a public car park. Relatively modern two storey office development with hipped tiled roofs and first floor tile hanging above brick-built ground floor accommodation lies to the northwest at the rear of properties fronting Denmark Street. A modern library building is prominent to the southwest.

17. The Council is concerned that the development would fail to respect the grain, appearance and historical plot layout of the Conservation Area. For the appellant it is stated that the interpretation of the historic grain is an exaggeration. Further, it is inaccurate to say that buildings are concentrated on road frontages. For my part I appreciate that that application is in outline. I can conceive of a solution whereby the in-depth pattern of existing development, whether new or old, could be reflected on the appeal site. However, to my mind, the indicative solution pays no regard to the existing layout of buildings. In my opinion, a building along the lines indicated would be "floating" within an open area of car parking, unrelated to any existing development.

18. A further point of concern is the "intention" to have a building on stilts. Although I saw colonnaded buildings within the Conservation Area, for example at Market House and The

Arcade, I saw no buildings on stilts. It is stated that the offices could be designed to be in keeping with 3 and 4 The Courtyard; but neither of these buildings is on stilts.

19. I appreciate that it may be possible to design a building that would respect the character and appearance of the Conservation Area. However, I consider that this is an instance where detailed plans and drawings would be needed for a proper assessment. In my opinion, and notwithstanding an opportunity to soften the impact of the car park, a development along the lines indicated would neither preserve nor enhance the character or appearance of the Conservation Area.

Local Services, Amenities and Infrastructure

20. I note that the appellant would not resist any reasonable requests in respect of local services, amenities and infrastructure. In my view, bearing in mind the provisions of the development plan and the advice in Circular 1/97 on Planning Obligations, a financial contribution would be appropriate. This would normally be secured through an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990. However, no such obligation has been submitted. Without an obligation, it is my opinion that local provision of relevant services, amenities and infrastructure would be unacceptably harmed.

The Effect on the Living Conditions of the Occupiers of Sale Garden Cottages

21. I saw that, to the southeast, the appeal site is overlooked by single storey residential accommodation at Sale Garden Cottages. There did not appear to me to be any principal windows in the elevation facing the appeal site. Nevertheless, I consider that it would be important to avoid a development that would be visually intrusive to the occupiers of the cottages or where there would be significant overlooking from windows in the proposed office block.

22. In my opinion, there is plenty of room within the appeal site to locate the offices in a position that would not cause any undue problems. Bearing in mind also the agent's thoughts on the potential use of high-level windows, directional oriel windows, dormer windows and roof lights, I do not consider that there would be any significant effect on the living conditions of the occupiers of Sale Garden Cottages in terms of visual intrusion or loss of privacy.

Conclusions

23. On the main issues, I have concluded that, although the living conditions of the occupiers of Sale Garden Cottages would not be unduly affected in terms of visual intrusion or loss of privacy, the proposal would lead to undue pressure for housing in the area. In addition, the development would neither preserve nor enhance the character or appearance of the Wokingham Town Centre Conservation Area. Further, local provision of relevant services, amenities and infrastructure would be unacceptably harmed. The scheme would not accord with the provisions of the development plan.

Overall Conclusion

24. For the reasons given above and having regard to all other matters raised including the quality and nature of development elsewhere in the Conservation Area, I conclude that the appeal should be dismissed.

Formal Decision

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

Information

26. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

INSPECTOR