



Appeal Decision

Site visit made on 24 November 2020

by **Martin Chandler BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/X0360/W/20/3251601

Land Adjacent to 72 Reading Road, Finchampstead RG40 4RA

- 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 Ex-Army Builders Ltd against the decision of Wokingham Borough Council.
- The application Ref 193229, dated 5 December 2019, was refused by notice dated 11 February 2020.
- The development proposed is erection of detached 2 bed dwelling and associated access and parking.

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached 2 bed dwelling and associated access and parking, at Land Adjacent to 72 Reading Road, Finchampstead RG40 4RA, in accordance with the terms of application Ref: 193229, dated 5 December 2019 and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - i) whether the appeal site is in a sustainable location for residential development;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) the effect on the Thames Basin Heaths Special Protection Area.

Reasons

Location

3. The appeal site is located outside of the defined settlement boundaries established by the Wokingham Borough Core Strategy (2010) (CS). Accordingly, for the purposes of the development plan, the site is located within the countryside. Despite this, and as a previous Inspector found¹, the situation on the ground does not fully reflect this designation. Instead, the site is located between development and is physically separated from the open countryside.

¹ APP/X0360/W/17/3187333

4. The location of the site was a matter of significant discussion in the previous decision. It was found that the site is removed from day to day facilities and services, and that as a consequence, future occupiers of the site would be heavily reliant on the private motor vehicle. Based on the evidence before me, this situation has not materially changed.
5. Policy CP6 of the CS relates to managing travel demand and promotes development which provides for sustainable forms of transport to allow choice. As with the previous decision, the proposal would continue to fail in meeting this requirement. However, this would be no different to the numerous other dwellings close to the appeal site. In addition, as noted before, the vehicular movements associated with a single dwelling would be somewhat negligible and have very little effect on the movements associated with the broader surroundings. As a consequence, the harm associated with the location of the site would be minor in nature.
6. Despite this, however marginal the harm, based on the evidence before me, I have no reason to depart from the findings of the previous Inspector on this matter. Consequently, I conclude that the appeal site would not be a sustainable location for residential development. It would therefore fail to comply with Policy CP6 of the CS which seeks to provide for sustainable forms of transport. Nevertheless, due to the minor nature of the harm identified, this is a matter to which I only attach modest weight.

Character and appearance

7. The appeal site is a parcel of land with an irregular shape. It is located between two existing dwellings, both of which are substantially set back from the road. However, despite this set back, the neighbouring houses have materially different relationships with the highway, with those to the left of the appeal site angling away from it, and those to the right fronting it in a perpendicular manner. The appeal site is therefore located in an area whereby the immediate grain changes from a more loose and varied grain, to the more uniform character of semi-detached dwellings. Accordingly, although the general pattern of development is that of dwellings set back from the street, contained within deep linear plots, I find that the street scene exhibits a distinct variety in terms of building size, orientation, and architectural appearance.
8. The proposal would see the introduction of a detached dwelling that would be set forward of No 72, but would seek to replicate its perpendicular relationship with the road. As a consequence, it would be angled away from No 74. The dwelling would have private amenity space to the rear, with space between the building and side boundaries as well as generous space for car parking and turning to the front of the property. Based on the evidence before me, the dwelling has reduced in size from that previously proposed, and due to the space about it, and the set back from the road, I am satisfied that the dwelling would not appear cramped, incongruous or contrived within the street scene. Instead, it would represent a suitably respectful and sensitive infill form of residential development that would be complementary to the surrounding context.
9. Accordingly, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with Policies CP1 and CP3 of the CS, Policy TB06 of the Wokingham Borough Development Plan, Adopted Managing Development Delivery Local Plan (2014), and guidance

contained within the Borough Design Guide Supplementary Planning Document (2012). Taken together, these seek amongst other things, high quality design.

Special Protection Area

10. The appeal site lies within 5km of the Thames Basin Heath Special Protection Area (SPA). Accordingly, the requirements of the Conservation of Habitat and Species Regulations 2017 apply (the Regulations). This requires that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the European Site.
11. The SPA is an important resource that can be affected by recreational activity. The proposal would increase the local population in the area. Therefore, taking a precautionary approach, and when combined with other development within the area, I am satisfied that the proposal would result in an increase in such recreational activity which would lead to a likely significant adverse effect on the integrity of the SPA.
12. Due to this effect, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. In this respect, the appeal has been accompanied by a Section 106 legal agreement which would require the appellant to make a financial contribution to mitigate the impact of the development.
13. Based on the evidence before me, I am satisfied that the legal agreement provided would enable the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. In this respect, the agreement is compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Accordingly, subject to the necessary mitigation, I conclude that the proposal would not result in a significant harmful effect on the integrity of the SPA.

Planning Balance

14. I have found that the location of the site could not be construed as being sustainable. However, for the reasons identified above, the harm caused by this matter would only be marginal and consequently, I only attach a modest amount of weight to it.
15. Despite this, I have also found that the proposal would not harm the character or appearance of the surrounding area. In addition, it would make efficient use of a site that is firmly located within surrounding built form and make a small but helpful contribution to local housing supply. Whilst not truly a sustainable location, the National Planning Policy Framework (the Framework) promotes the effective use of land and therefore, this is a matter to which I attach moderate weight.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise. Due to the lack of harm on the character and appearance of the area, and the effective use of land, I find that these matters outweigh the marginal harm caused by the location of the appeal site. Accordingly, I am satisfied that based on the evidence before me, material considerations indicate a decision contrary to the development plan.

Conditions

17. In light of my findings set out above, conditions 1 and 2 are necessary in the interests of precision to establish the time limit for commencing development, as well as to confirm the approved drawing numbers. Condition 3 is necessary to ensure that the development is sensitive to its surroundings and condition 4 is necessary to safeguard the privacy levels of neighbouring properties.
18. Condition 5 is necessary to ensure a suitable drainage scheme is provided for the development proposed and conditions 6, 7, 8 and 9 are necessary in the interests of highway safety and to encourage alternative means of transport. Condition 10 is necessary to ensure biodiversity enhancements can be delivered, and conditions 11 and 12 are necessary in the interests of visual amenity.
19. The Council have also suggested that permitted development rights be removed for the new dwelling, however, when assessed against the requirements of the Framework, there is insufficient justification for such a restriction. Accordingly, I have not attached this condition.

Conclusion

20. For the reasons identified above, the appeal should be allowed, and planning permission be granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) This permission is in respect of the submitted application plans and drawings numbered Partial Street Elevation Revised 866/04, Revised Proposal 866/03A and Proposed Location Plan 8624-PL-01 received by the local planning authority on 15/01/2020. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 3) Prior to their installation, samples and details of the materials to be used in the construction of the building shall have first been submitted to and approved by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details
- 4) The first floor window in the side elevation of the development hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The window 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 and shall be permanently so-retained.
- 5) No construction shall take place shall take place until details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include how the site currently drains and will be drained after proposed development with consideration to SuDS.
- 6) The dwelling hereby permitted shall not be occupied until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.
- 7) The dwelling hereby permitted shall not be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing(s)/details. The cycle parking/storage shall be permanently so-retained for the parking of bicycles and used for no other purpose.
- 8) The dwelling hereby permitted shall not be occupied until visibility splays of 2.0 metres by 2.0 metres, have been provided at the intersection of the driveway and the adjacent footway. (Dimensions to be measured along the edge of the drive and the back of the footway from their point of intersection). The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
- 9) No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.
- 10) Prior to the occupation of the dwelling, details of bio-diversity enhancements to include bird and bat boxes, tiles or bricks on and around the new dwelling and wildlife friendly landscaping shall be submitted and to

and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed and maintained.

11) Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the dwelling.

Any trees, plants which within a period of 5 years from the date of the planting (or within a period of 5 years of 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.

12) a) No development or other operation shall commence on site 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).

b) 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.

c) 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.

d) 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.