

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	240650
Site Address:	1 Wheelton Close, Earley, Wokingham, RG6 7YD
Expiry Date:	10 May 2024
Site Visit Date:	3 April 2024
Proposal: Full application for the proposed change of use of amenity land to residential garden and erection of a 1.8m high wall.	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Earley (Major Development Location)
Great Crested Newt Consultation Zone – Green Risk Zone
Landscape Character Assessment Area
SSSI Impact Risk Zones

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List National Design Guide

PLANNING HISTORY

Application No.	Description	Decision & Date
222592	Householder application for the proposed erection of an 1800mm high brick wall to the side eastern boundary.	Withdrawn 21/10/2022

230291	Full application for the proposed change of use of amenity land to residential garden and erection of a 1.8m high brick wall.	Refused 10/03/2023, Dismissed at Appeal 24/01/2024
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CONSULTATION RESPONSES

Internal

WBC Highways – No objections

WBC Landscape and Trees – Objections

External

None consulted

REPRESENTATIONS

Parish/Town Council	One letter of support received: - Improvement on the current layout - In-keeping with other perimeter fences along Skelmerdale Way - The applicant already owns the land (<i>Officer comment: This is not a material planning consideration in this instance; the fact that the applicant owns the land was acknowledged as part of application 230291, which was still refused by the Local Planning Authority and subsequently dismissed by the Planning Inspectorate.</i>)
Ward Member(s)	No comments received
Neighbours	Earley Town Council (ETC) raises objection to this application and recommends that WBC refuses the application as the loss of the hedge and visual amenity space, will have a significant impact on the street scene, when taken with the hedge opposite. ETC feel the loss of the hedge and amenity land would have an unacceptable impact on the important visual amenity of the area, as supported by the Inspector at the Appeal on application 230291, and Policy CP3, being of an inappropriate built form and character to the area to the detriment of the visual amenity of local residents; and Policy CP1, in that the proposal fails to maintain or enhance the quality of the local environment; and Policy CC03, failure to retain the existing visually important hedge. If WBC are minded to approve this application the following condition is requested that due to the impact of these proposals on the important visual amenity of the location, a suitable replacement landscape scheme is required, and such a scheme is to be submitted to WBC for approval prior

	to work commencing, and such approved scheme shall be implemented within the first planting season after completion of the works, to ensure an adequate replacement, as supported by Policy CP1, to maintain the high quality of the environment; Policy CP3, to be of an appropriate character to the area, and contribute to the sense of place with appropriate landscaping; as supported by Sections R12, R13 and R14, of the Borough Design Guide, boundary treatments to contribute positively, open space and landscaping well designed soft landscape, as supported by Policy CP3.
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APPRAISAL

Site Description:

The application site is a substantial area of amenity space adjacent to junction shared between Wheelton Close and Skelmerdale Way. When the estate was constructed in the 1970s onwards, purposeful amenity space was provided adjacent to the Highway to create a sense of openness and naturalness in the surrounding area. The amenity space is predominantly open grassland with a handful of mature hedgerows adjacent to the existing eastern garden wall. This form of suburbia results in a spacious environment, where properties are made pleasant and attractive to reside in. Other examples of amenity space of a similar appearance are observed on Skelmerdale Way, Melling Close and Ribbleton Close.

The creation of the amenity space in this location is important as it improves the visual connectivity and permeability of the surrounding roads. From Skelmerdale Way, the road bends across to the East, connecting both the dwellings and pedestrian routes from the North to the South. There is also a continuity of greenspace from Melling Close to Skelmerdale Way. This minimises the visual impact of the highway and limits sense of enclosure.

Proposal Description:

This application seeks approval for the proposed change of use of a section of amenity land to residential curtilage. This would be facilitated by the erection of a 1.8 metre high brick wall with the top half characterised by brick pillars and close boarded fencing. An existing hedgerow would also be removed but shrub planting is proposed on the wall's eastern flank to replace it.

This scheme is an almost identical submission to application 230291 which was refused by the Local Planning Authority in March 2023 on the following grounds:

- The proposed change of use of existing amenity land to residential garden facilitated by the erection of a new brick wall boundary treatment, by reason of its siting closer to the adjacent public highway and creation of an inconsistent boundary line to the neighbouring property would result in the loss of important visual amenity land and soft landscaping which in turn would adversely affect the spacious nature and openness of this amenity land that connects Wheelton

Close and Skelmerdale Way, to the detriment of the character and appearance of the street scene and surrounding area. The proposal is thus contrary to the National Planning Policy Framework (2021) policies CP1 and CP3 of the Core Strategy (2010) and Policy CC03 and TB21 of the Managing Development Delivery Local Plan (2014) and the National Design Guide (2021) and the Borough Design Guide Supplementary Planning Document (2012).

The Planning Inspectorate subsequently dismissed an appeal against this decision on 24th January 2024. During this appeal, the applicant submitted revised plans but these were not fully considered by the relevant parties prior to the decision being made. Despite this, the Council provided some brief criticisms of the revisions within their statement of case and also questioned the extent of the Appellant's support for the appeal scheme, as providing revisions to it that are considered less impactful than the original plans indicated some acknowledgement of the previously proposed harm.

The proposed site plan for this application is materially identical to the revised plan proposed by the applicant at the appeal stage. The other main changes to the proposals since 230291 are as follows:

- A minor change is the boundary treatment makeup; the solid brick wall has now been replaced with a mixed infill of brick wall/pillars and close boarded fencing.
- The depth of the boundary treatment's protrusion onto the amenity land has been reduced from 3.2 metres to approximately 2.4 metres. The total area of amenity space now subject of the change of use is approximately 24sqm (was previously 40sqm).
- Additional planting provision.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Development Plan.

Character of the Area:

Policy Context:

The Wokingham Borough Council Local Plan sets out the requirements for sustainable development at policy CP1 of the Core Strategy. Criterion 1 of Policy CP1 states that proposal should maintain or enhance the high-quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in

terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. It also states that proposals should *“Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping”*.

Policy CC03 of the MDD Local Plan sets out that development proposals should provide for new or protect and enhance the Borough’s Green Infrastructure networks, and promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways. Policy TB21 of the MDD Local Plan refers that *“Proposals shall retain or enhance the condition, character and features that contribute to the landscape”*.

R1 of the WBC Design Guide states that Residential development should be designed to contribute positively towards the historic or underlying character and quality of the local area. This may be achieved through blending in with a strongly positive existing character, responding where relevant to the positive elements of its historic context or, where the site is large enough to allow for a distinctive identity to be created, by establishing a new character that relates well to the existing.

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

Paragraph 68 follows on from this stating that houses and streets should establish an appropriate relationship with the pattern, sizes and proportions of existing houses in the local area.

Assessment:

The reduction in the depth of the wall’s overall protrusion is acknowledged. However, the revisions fail to address the concerns of both the Council and the Planning Inspectorate in that by repositioning the existing boundary wall, the proposals would still create an awkward protrusion and overall harsher boundary treatment much closer to the highway, which would be detrimental to the openness and rhythm of both the surrounding amenity space and the prevailing verdant character of the street scene.

The proposed loss of an appreciable section of amenity land with soft landscaping and replacing it with a brick wall within close proximity to the public footpath can in no sense be considered to meet the relevant policy test of maintaining or enhancing the high quality of the environment as set out in criterion 1 of CS policy CP1. Skelmerdale Lane is a main access road through the estate that connects to a number of other roads and therefore public views afforded of the site are frequent and uninterrupted. The objections outlined both above and as part of 230291’s refusal were both supported by the Planning Inspectorate at appeal (APP/X0360/W/23/3322810):

“The proposed development would retain some space around the dwelling including the corner of the appeal site where Wheelton Close meets

Skelmerdale Way. However, the erection of a hard boundary adjacent to the highway would significantly erode the openness of the existing undeveloped and verdant strip of land when viewed from public vantage points.

I acknowledge the retention of two existing trees. Nevertheless, the loss of the landscaped amenity land and its replacement with an austere hard boundary edge close to the highway would fail to integrate appropriately into the street scene. This would be harmful to the sense of spaciousness and verdant character of this area.

This harm would be further exacerbated by the creation of an inconsistent boundary with 45 Melling Close to the rear and these impacts in combination would not respect or enhance the character and appearance of the area.”

Like the 230291-appeal statement, the applicant’s case still largely surrounds the fact that there are “*numerous examples in the immediate area where houses on similar corner plot have side boundaries that abut the pavement. These garden boundaries appear to be part of the original layout of the estate and the current proposal merely reflects the siting of other existing boundary enclosures.*” (paragraph 5.8, page 12, Planning Statement).

In any suburban housing development, there will be inevitable situations where small sections of boundary treatment are close to the highway but these are always either attempted to be designed out, minimised or mitigated with landscaping. There is no design guidance or policy which states that boundary walls adjacent to footpaths and the loss of estate soft landing is a positive change. On the contrary, it well established that amenity landscaping is an important factor of any place. The landscaping to the side of the house was an obvious design rationale to provide an attractive public realm to the road – the loss detrimentally effects the quality of the public realm.

The applicant asserts that brick walls immediately abutting footways in the estate are not unusual, but the way the proposed brick wall would sit within the street scene would be unusual. Wokingham Borough Design Guide Principle R12 states that boundary treatments should be designed to positively contribute to the quality of the public realm. The brick wall would be sited within immediate proximity to the footpath and maintenance equipment with no spatial relief between them. It would only occupy approximately 24sqm of the amenity land that would completely interrupt the undeveloped nature of the amenity land, creating an awkward protrusion in the middle of it and an overall harsher boundary treatment much closer to the highway.

Reference is again made to the ‘unkempt and untidy appearance’ of the amenity land. The applicant owns the land and is therefore responsible for upkeeping its visual appearance so its current visual state cannot be used in support of the appeal scheme. The applicant also states that the land is ‘difficult to maintain’ but has not explained why the continued maintenance it is difficult. Such areas of land are common features in residential estates and are maintained without any issues.

The provision of landscaping on the wall’s eastern flank is acknowledged and would visually soften some aspects of the development but this would take time to mature and would not, in isolation, offset the visual harm of the wall’s repositioning. Furthermore, landscaping cannot be used as a permanent solution to a poorly

designed scheme. Landscape is transient in nature and cannot be conditioned to remain in perpetuity.

Neighbouring Amenity:

There are no neighbouring amenity concerns.

Highway Access and Parking Provision:

Accurate drawings have been provided demonstrating visibility splays of 2.4m x 43m from Wheelton Close onto Skelmerdale Way. The plan shows that the proposed brick wall will not impact visibility splays, therefore WBC Highways Officer has no objection to the proposed.

Landscape and Trees:

The proposals would result in the loss of green infrastructure that positively contributes to the visual amenities of the area. This is contrary to policy CC03 of the MDD Local Plan, which states that development proposals should "Protect and retain existing trees, hedges and other landscape features"

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refusal
Date:	24 April 2024
Earliest date for decision:	10 April 2024

Recommendation agreed by: (Authorised Officer)	MC
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Date:	24.04.2024
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