

Appeal Decision

Site visit made on 16 August 2016

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd September 2016

Appeal Ref: APP/X0360/W/16/3146038
80 Evendons Lane, Wokingham RG41 4AG

- 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 Mr & Mrs G Canning against the decision of Wokingham Borough Council.
 - The application Ref 150155, dated 3 June 2015, was refused by notice dated 9 November 2015.
 - The development proposed is the demolition of existing detached garage and erection of a detached dwelling house and a detached garage building to serve the existing house.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Approval is sought at this stage for access, layout and scale. Matters relating to appearance and landscaping are reserved for future consideration. I have therefore determined the appeal on the same basis and whilst detailed elevation drawings have been provided, I have treated these details as indicative only, apart from the scale of the dwelling.
3. The Council has confirmed that the site entrance for No 80 Evendons Lane is within the 5 – 7 km zone of the Thames Basin Heaths Special Protection Area (SPA) and that the proposal for one net additional dwelling does not meet the threshold for mitigation. Accordingly, the Council has withdrawn its second reason for refusal and on the basis of the information presently before me, I consider that the proposal is unlikely to have a significant effect on the SPA and is therefore acceptable in this regard.

Application for costs

4. An application for costs was made by Graeme Canning against Wokingham Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issue is the effect of the development on the character and appearance of the area.
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Reasons

6. The layout of this part of Evendons Lane and Manor Road is such that development effectively encloses a relatively large area of gardens of varying depth to properties fronting onto both roads and also to No 64 Evendons Lane. Here, the visual quality arising from the trees and vegetation and the considerable distances between the backs of houses provides a significant and important character resource to the area and the many surrounding residents.
7. It is an area which is devoid of any significant built development, other than that of the host property at No 80 Evendons Lane which appears somewhat isolated from this main perimeter of development, in a backland location. The existing gap between No 80 and No 64 helps maintain the predominant character which I have described.
8. The appeal dwelling would be positioned within this gap, in the side garden area of No 80, and therefore also in a backland location. This would essentially infill this space and solidify a second tier of development behind the main built frontages. The effect of such consolidation would be exacerbated by the narrowing of the space between dwellings on Evendons Lane and Manor Road in this area, resulting in a higher concentration of development which would not be appropriate in this backland area. The consequential harm would not be sufficiently resolved by the minimal effect on the street scene, as such permissions could be granted too often, to the overall detriment of the character of the area.
9. I note that there is a mixed scale and massing to the dwellings surrounding the site, nevertheless, the scale of the dwelling itself would be substantial and significantly larger than the garage block it would replace. Consequently it would not amount to a subservient form of development in this backland location.
10. I agree that the proposal would or is capable of complying with a number of the criteria of Policy TB06, such as that relating to the pattern of openings, boundary treatments, landscaping, and, taken in isolation an appropriate elevational treatment and design. However, for the reasons explained, the proposal would not make a positive contribution to the character of the area in terms of the relationship with the existing built form and spaces around buildings within the surrounding area.
11. I acknowledge that one of the core planning principles of the Framework is to encourage the effective use of land by reusing land that has been previously developed. However, private residential gardens are specifically excluded from the Framework's definition for previously developed land and, moreover, paragraph 53 highlights that Council's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would cause harm to the local area, as I have found in this case.
12. This aspect of Government planning policy is reflected in Woking Borough Adopted Managing Development Delivery Local Plan Document (LP) Policy TB06 and therefore having been issued and adopted at a much later date than the decisions relating to Nos 64 and 80, represents a material change in relevant planning policy. To allow the scheme in this prevailing policy context would be materially different in terms of precedent and whilst each application is treated

on its own individual merits, it would make it more difficult for the Council to resist other proposals for similar development.

13. Furthermore, I find that Nos 64 and 80 are an exception to the predominant pattern of development and do not influence the overall character of the area to an extent that would justify further incremental backland development as proposed.
14. Although I was able to observe houses built off Tanners Row, situated behind the main northern building line of Evendons Lane, this is a more comprehensive development than proposed here. Moreover, I am not aware of the full set of circumstances against which this scheme would have been assessed and as such does not justify the harm in the specific characteristics and merits of this case. Whilst reference is made to previous buildings on the appeal site, these no longer exist thereby limiting the weight I am able to afford this assertion.
15. I therefore conclude that the proposal would be injurious to the character and appearance of the surrounding area, and as such would be contrary to paragraphs 53 and 58 of the Framework, Policies CP1 and CP3 of the Wokingham Borough Core Strategy Development Plan Document, LP Policy TB06 and Wokingham Borough Council Borough Design Guide Supplementary Planning Document. These seek to resist, amongst other matters, inappropriate development of residential gardens where development would cause harm to the local area and require proposals to maintain or enhance the high quality of the environment.
16. The Council's reason for refusal also makes reference to LP Policy TB21, which relates to landscape character. However, as landscaping is a matter reserved for future consideration, I have given limited weight to this policy.

Other matters

17. I acknowledge that the Council has not raised issue in respect of the effect of the proposed development on the living conditions of occupiers of neighbouring properties or on highway or ecology related matters. However the lack of such harm cannot weigh in favour of the proposal and should properly be considered as neutral in the planning balance. It follows therefore that they cannot mitigate the harm I have identified in respect of the character and appearance of the area.
18. Reference is made by the appellants to the presumption in favour of sustainable development, however, as set out in the Framework, good design is a key aspect of sustainable development and on the basis of the harm to the character and appearance of the locality, the proposal would fail to meet the sustainability aims of the Framework.

Conclusion

19. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector