
Appeal Decision

Site visit made on 19 September 2016

by L Gibbons BA (Hons) MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/R0335/W/16/3149038
33 Saffron Road, Bracknell RG12 7BT

- 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 Mrs Zuzana Pollakova against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/00856/FUL, dated 1 September 2015, was refused by notice dated 25 February 2016.
 - The development proposed is the conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub-division of existing four bedroom dwelling to create 1no. 3 bedroom and 1no. two bedroom dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage into habitable accommodation, erection of a first floor extension, external alterations to enable sub-division of existing four bedroom dwelling to create 1no. 3 bedroom and 1no. two bedroom dwellings at 33 Saffron Road, Bracknell RG12 7BT in accordance with the terms of the application, 15/00856/FUL, dated 1 September 2015 subject to the conditions set in the attached schedule.

Procedural Matters

2. As part of the planning application process an amended description of development was agreed between the appellant and the Council and is as set out in the bullet points above. Amended plans were also submitted during the planning application process which included changes to the proposed off-street parking. The Council took these plans into account in coming to their decision and so shall I.
3. The appeal proposal is accompanied by a certified copy of a signed Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) dated 19 August 2016. This is in relation to contributions towards mitigating the impact of the proposed development on the Thames Basin Heaths Special Protection Area (TBHSPA). I return to this matter below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.
-

Reasons

5. The appeal site is located within a mainly residential area. The houses in the road are a mix of semi-detached, link attached and terraced houses in a variety of designs. The appeal site includes a semi-detached house with a single storey garage with a steep roof. The proposal would include a first floor extension to the garage with a ridge height which would match that of the existing dwelling.
6. I accept that the extension would lead to the creation of a small terrace of properties. However, taking account of the numbers of small terraces in the area this would be in keeping with the general pattern of development. The new dwelling would be narrow although it would have the same roof height as No. 33 Saffron Road. The overall proposal would be viewed in the context of No. 35 which would have similar proportions. The increase in height would be acceptable as the front gable which projects from the main elevation of No. 33 would remain as a principle feature. Due to the design of the new dwelling including the position of windows on the front elevation there would be a balanced appearance between the properties.
7. The existing garage is located very close to the west boundary of the appeal site. The proposal would not extend beyond the existing west wall of the garage. There is a fairly large area of open space between the appeal site and Dundas Close to the west which would be retained. Although the existing pair of houses is at the junction, they are set back slightly from the pavement at a similar distance to other houses on this side of the road. These features would help retain a sense of spaciousness and ensure that the development would not appear overly prominent and cramped within the plot.
8. I acknowledge that the proposed development would result in the loss of the hedge to the front and some of the side boundary of the appeal site to accommodate parking. A number of houses in the road and Dundas Close have hedges on the front boundary. However, parking and hard standing is also a feature along the road including on corner plots and houses located on the entrances to Saffron Road. In that context I consider the proposal would be acceptable and it would not be detrimental to the character of the area.
9. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of the area. It would not be in conflict with Policy CS7 of the Core Strategy Development Plan Document (CS) 2008, saved Policy EN20 of the Bracknell Forest Borough Local Plan (LP) 2002. It would not be contrary to the National Planning Policy Framework (the Framework) in respect of the need for high quality design.

Other matters

10. The appeal site is located approximately 2.13 km from the boundary of the TBHSPA. Policies CS14 of the CS, saved policy EN3 of the LP and NRM6 of the South East Plan set out that planning permission will not be granted for development that would be likely to have a significant effect on the TBHSPA either alone or in combination with other development. The Council's Thames Basin Heaths SPA Avoidance and Mitigation Supplementary Planning Document 2012 requires new development to contribute towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

11. I have considered the UU in the light of the statutory tests contained in Regulations 122 and 123 of the Community Infrastructure Levy Regulations (CIL) and the tests at paragraph 204 of the Framework. The Council indicate that contributions would be towards providing an established SANG in perpetuity. This would be separate from the enhancement of the SANG funded from the Council's CIL. The SAMM contribution would be towards visitor access management on the TBHSPA itself. The UU also makes provision for an occupancy restriction to ensure that a percentage of SANG contributions have been spent before first occupation of the new dwelling. Based on the evidence before me, I am satisfied that the UU would accord with Regulation 123. The UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. I have taking it into account in coming to my decision.
12. Local residents raise concerns in relation to parking and highway safety. I note that the Council indicate that the proposed parking would be in accordance with the Council's adopted Parking Standards Supplementary Planning Document 2007. The Council does not raise any objections in relation to the potential for reversing on to Saffron Road, speed humps or an effect on the bus route which runs along the road, subject to suitable conditions. Taking account of these factors and my observations on the site visit including at the junction with Dundas Close, I see no reason to disagree with the Council on this matter. However, this matter does not outweigh the harm I have found.

Conditions

13. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the character and appearance of the area, a condition is needed in relation to the materials to be used in the external surfaces of the new dwelling. In the interests of highway safety I have imposed conditions relating to parking and access. In this respect, the Council has also proposed a condition withdrawing permitted development rights for the erection of fences and other means of enclosure. I agree this would be necessary.
14. To safeguard biodiversity interests a condition is needed to prevent site clearance and demolition occurring during the bird nesting period. In respect of sustainable development I have imposed conditions relating to the details of water efficiency in line with the Housing- Optional Technical Standards and also in relation to renewable energy. I have also attached a condition relating to sustainable drainage in the interests of reducing flood risk.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule, the appeal should be allowed.

L Gibbons

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: All Plans, All Elevations & Plot Map As Proposed [Amended 11 February 2016].
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling known as 33 Saffron Road, Bracknell.
- 4) The additional two bedroom dwelling hereby approved shall not be occupied until the 4no. off street parking spaces as shown on drawing 002 'All Plans, All Elevations & Plot Map As Proposed [Amended] received by the Local Planning Authority on 4 November 2015 has been provided in accordance with the approved plans. The parking spaces shall thereafter be retained for the use of the parking of vehicles at all times.
- 5) The additional two bedroom dwelling hereby approved shall not be occupied until the vehicular access as shown on drawing 002 'All Plans, All Elevations & Plot Map As Proposed [Amended] received by the Local Planning Authority on 4 November 2015 has been constructed.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected between the front elevation of the dwellings and the front boundary of the properties.
- 7) No site clearance or demolition shall take place during the main bird-nesting period of 1 March to 31 August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 8) The development shall not commence until a Sustainability Statement covering water efficiency aimed at achieving an average water use in the new dwelling of 110 litres/person/day has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved statement and retained thereafter.
- 9) The development shall not commence until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which the proportion shall be 10%). Development shall be carried out in accordance with the approved assessment and retained thereafter.
- 10) The development shall incorporate surface water drainage that is in accordance with DEFRA 'Sustainable Drainage Systems – Non-statutory technical standards for sustainable drainage systems' (March 2015). The system shall be operated and maintained as such thereafter.