
Appeal Decision

Site visit made on 7 November 2016

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/X0360/W/16/3152282

162c Nine Mile Ride, Finchampstead, Wokingham RG40 4JA

- 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 Mr & Mrs Rowsell against the decision of Wokingham Borough Council.
 - The application Ref 160588, dated 27 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is described as demolition of existing dwelling and outbuildings; replacement dwelling, ancillary annexe & garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and outbuildings, and a replacement dwelling, an ancillary annexe and a garage at 162 Nine Mile Ride, Finchampstead, Wokingham RG40 4JA in accordance with the terms of the application, Ref 160588, dated 27 February 2016, subject to the conditions contained within the Schedule at the end of this decision.

Main Issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the area.

Reasons

3. The appeal site is principally formed of the host dwelling, a bungalow, and its reasonably substantial grounds. Unlike the majority of the properties that line Nine Mile Ride in the vicinity, No 162c stands well back from the street. Consequently and given the intervening development and the reasonably substantial mature planting which characterises the area, while it can be seen via its long narrow access, the existing dwelling is not readily visible from the highway. As a result it exercises little influence on the street scene.
 4. The front portion of the site, through which the access runs, is within the identified settlement boundary. However, the existing bungalow and the location of the proposed replacement dwelling lie beyond it, such that the significant majority of the site stands in the countryside in the terms of the development plan. In practice, however, the site is surrounded to the rear and sides by dense mature planting such that it is visually contained. Due to its current use, it has the domestic look and feel of the nearby residential properties in Nine Mile Ride. Consequently, notwithstanding that it largely stands beyond the settlement boundary, the site does not appear as a part of
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the wider nearby countryside, rather it reads as part of the settlement both visually and functionally.

5. In any event the Council's policy, in the form of Policy CP11 of the Wokingham Borough Core Strategy January 2010 (the Core Strategy), permits replacement dwellings in the countryside provided that they bring about environmental improvements or would not result in inappropriate increases in the scale, form or footprint of the original building.
6. The proposal does not attempt to mimic the style of the nearby dwellings and is of a reasonably attractive and interesting design in its own right. Notwithstanding that its appearance would be contrasting, for the reasons outlined above, the proposed house would not exercise a significant influence on the character and appearance of either the street scene or neighbouring countryside. For all of these reasons, it would have a neutral effect in this regard. In that respect, therefore, the development would not represent an environmental improvement.
7. There are nonetheless other aspects of the development that offer environmental improvement. The existing building is reasonably old. It does not appear to have undergone substantial modernisation and there is no evidence to suggest otherwise. The submissions indicate that the new building would incorporate modern environmentally friendly features including enhanced insulation, an air source heat pump, solar thermal and mechanical heat recovery, and a part sedum roof. The details also indicate that the construction would incorporate recycled and renewable materials. On this basis the development would be likely to bring about some environmental improvements.
8. The proposed development would be considerably larger than the existing bungalow in terms of both footprint and volume. Policy CP11 does not quantify what are *inappropriate increases in the scale, form or footprint*. The Council's Borough Design Guide SPD June 2012 (the BDG) provides further guidance on replacement buildings. Its officer's report refers to the BDG recommending that such increases should be no more than 50% of the volume of the original building. However, the wider evidence indicates that this is an example of what is acceptable in the case of a one storey development and I have found no reason to believe that a larger increase would necessarily be at odds with the BDG.
9. In the specific circumstances of the case, I do not consider that the appeal development would result in an inappropriate increase in the scale, form or footprint relative to the original building. In coming to this view I have had particular regard to the fact that there would be very limited views of the proposed house from the public domain and from the countryside beyond the site, as well as that the dwelling would be located very close to the designated settlement. I have also had in mind that Policy CP11 limits development outside settlement boundaries in order to protect the separate identity of settlements and maintain the quality of the environment. For the reasons outlined above, neither of these objectives would be materially infringed or compromised.
10. For all of the foregoing reasons, therefore, the proposed development would not have a harmful effect on the character and appearance of the area and I have found no conflict in that regard with Core Strategy Policies CP1

(sustainable development), CP3 (general principles for development) or CP11, with the guidance contained within the BDG or with the National Planning Policy Framework.

Other Matters

11. I have also taken into account the wider evidence including in respect to potential fallback development that might be available via permitted development and the Council's approach to other planning permissions for replacement dwellings elsewhere. However, these have not led me a different overall conclusion.

Conditions and Conclusion

12. The Council has suggested a number of conditions, including the standard implementation condition. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
13. In order to provide certainty a condition would be necessary to specify the approved drawings. Conditions would be necessary to ensure that materials used are appropriate to their context to protect the character and appearance of the area and to ensure that features of archaeological interest are properly examined/recorded.
14. Conditions would also be necessary to secure landscape works and arboricultural mitigation to protect the character and appearance of the area as well as trees and hedgerow. In the interests of highway safety conditions would be necessary to control the surfacing of the site access and the location of any gates as well as the implementation of on-site parking, garaging and turning space.
15. For all of the reasons given above, I conclude the appeal should, subject to the identified conditions, be allowed.

G D Jones

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/X0360/W/15/3152282:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans, ROWSELL/1/: SLP A, BP A, PL/07 A, PL/08 A, PL/09 A, PL/10 A, PL/11 A, PL/12 A, PL/13 A, PL14 A.
3. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the buildings shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.
4. No development shall commence until a programme of archaeological work (which may comprise more than one phase of work) has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.
5. 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 buildings. Any trees or 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.
6.
 - 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.

7. No part of any buildings hereby permitted shall be occupied or used 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.
8. No buildings 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 10 metres measured from the carriageway edge.
9. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
10. 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 gates or barriers shall be erected unless set back a distance of at least 5 metres from the highway boundary and so as to open away from the highway only.
11. 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), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times.