
Appeal Decision

Site visit made on 21 November 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 9th December 2016

Appeal Ref: APP/X0360/W/16/3154876

Land off Waingels Road, Charvil, Wokingham RG10 0UA

- 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 D Bradbury against the decision of Wokingham Borough Council.
 - The application Ref 160902, dated 4 April 2016, was refused by notice dated 31 May 2016.
 - The development proposed is the erection of a single 5 bed dwelling together, triple garage and stable block with associated access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single 5 bed dwelling together, triple garage and stable block with associated access and landscaping at Land off Waingels Road, Charvil, Wokingham RG10 0UA in accordance with the terms of the application, Ref 160902, dated 4 April 2016, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issue in this appeal is whether the proposal would be an acceptable form of development having regard to the development plan strategy for the location of housing, the National Planning Policy Framework (the Framework) and the character and appearance of the area.

Reasons

3. The appeal site comprises an area of land that forms a gap in a line of detached dwellings located along the south-eastern side of Waingels Road. There is also a loose grouping of dwellings further to the south-east in Beggars Hill Road. The site frontage is relatively well treed as are some parts of its side boundaries. The site and the immediately surrounding dwellings are separated from the main residential area of Woodley, which lies to the south-west and is an outlying area of Reading. The smaller settlement of Charvil lies to the north.
 4. The appeal site lies outside the settlement limits as defined in the development plan. Policy CP11 of the Wokingham Borough Core Strategy (2010) (CS) states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside the defined limits of settlements, including in the countryside will not normally be permitted.
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5. Paragraph 55 of the Framework is clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Therefore, new housing should not be isolated from the services and facilities that are likely to be relied upon by its occupants for their day-to-day needs. CS Policy CP11 broadly reflects Framework paragraph 55 despite pre-dating it and although it is worded differently, I do not consider the overall thrust of the policy to be so out of kilter with the Framework, that it should not be given substantial weight.
6. Although the appeal site and the existing development along Waingels Road are physically separated from the main body of the residential area to the south-west, they are nonetheless geographically close to it. There is a footpath running past the site that provides good pedestrian access to both nearby settlements of Woodley and Charvil, which contain a range of shops and services. In addition, there are bus stops within walking distance of the site that provide access to these settlements. Moreover, the site is within reasonable cycling distance to the rail network, thereby offering opportunities to travel further afield through the use of sustainable transport modes.
7. Because of this, the occupants of the proposed dwelling would not be wholly reliant on the use of private motorised transport for most of their day-to-day needs. Moreover, the development would make a small contribution to supporting the vitality of the nearby shops and services. The site does not, therefore, occupy an isolated location and accords with the overall objectives of CS Policy CP11 and paragraph 55 of the Framework. The proposal would also be in broad accordance with the overall travel objectives of CS Policy CP1 and those of CS Policy CP6. Whilst the latter of these policies is not included in the putative reasons for refusal, it is relevant to my considerations and has been provided to me as part of the Council's evidence.
8. Furthermore, the proposal would add, albeit modestly, to the overall supply of housing in the Borough. Thus, it would be in general accordance with the government's objective to boost significantly the supply of housing as expressed in Paragraph 47 of the Framework and which I consider to be an important material consideration, given that the Framework post-dates the development plan.
9. The site forms a gap between neighbouring dwellings to the north-east and south-west along Waingels Road and there is other open land to the east and the south. However, whilst the site is currently undeveloped, save for a small shed type building in its south-western corner, the general surroundings are strongly influenced by the presence of urban elements. These include the domestic character of neighbouring dwelling plots, the railway line opposite and the regimented line of conifer trees along the site's eastern boundary. This character is reflected in the information provided by the Council's landscape consultee in relation to the Woodley-Earley Settled and Farmed Clay Landscape Character Area (LCA). Although I do not have full details of the LCA before me, the available evidence indicates that this is a highly urbanised landscape within which there is very little land that could be considered rural. Although the current site maintains a small open green area, this has little influence on the overall surroundings.

10. Notably, the building and mesh fenced grounds of the nearby school extend the urban character of Woodley to the north-east along Waingels Road and there is only a very short distance between the school and the residential development neighbouring the appeal site. Therefore, the proposal would form part of an area of development separated only marginally from the built-up area of Woodley, with little semblance of a change between the urban area and the countryside.
11. The proposed dwelling would relate well to the existing linear form of development along Waingels Road by being positioned to respect the prevailing building line. The existing frontage trees and other boundary vegetation would be retained thereby further reflecting the general appearance of neighbouring residential plots.
12. On balance, I consider that the proposal would not harm the character and appearance of the landscape and thus, its overall character would be maintained in accordance with Policy TB21 of the Wokingham Borough Managing Development Delivery Local Plan (2014). The proposal would also, therefore, maintain the quality of the local environment in accordance with CS Policy CP1.
13. To conclude on the main issue; whilst the proposal would represent a technical breach of CS Policy CP11 by being outside the defined development limits, in reality, it would not have a discernible effect on the identity of nearby settlements or result in harm to the character and appearance of the area. Taking this into account with the site's sustainable location and the modest but nonetheless quantifiable addition to the overall supply of housing, the proposal would be acceptable when assessed against the development plan as a whole.

Other matter

14. Paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements plus an additional buffer of 5% (moved forward from later in the plan period), which should be increased to 20% where there has been a record of persistent under delivery of housing.
15. The appellant argues that the Council is unable to demonstrate a five year supply of deliverable housing sites (the five year HLS). In such circumstances, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.
16. However, notwithstanding the parties' respective evidence in relation to the Council's HLS, as I have not found that the proposal would give rise to any significant harm, I do not consider this matter further.

Conditions

17. I have had regard to the various conditions suggested by the Council. Those imposed are based on the Council's suggestions but with some variation where necessary, in the interests of clarity and to reflect paragraph 206 of the Framework and the advice in National Planning Practice Guidance.

18. Although not suggested by the Council, I have specified the approved plans as this provides certainty and does not prejudice the appellant. Whilst the finished roof height of the dwelling is shown on the submitted drawings, this is not related to a fixed datum point so I consider a condition relating to finished levels to be necessary to ensure the buildings relate satisfactorily to their surroundings. In order to ensure the appearance of the development is satisfactory, a materials condition is necessary. However, it does not need to be a pre-commencement condition. For the same reason and also in the interests of highway safety, I have imposed a requirement to submit details of boundary treatment. However, I have incorporated this into the imposed condition relating to hard landscaping.
19. Conditions are necessary to ensure the provision of satisfactory vehicle parking and turning areas and satisfactory surfacing of the access in the interests of highway safety. In order to encourage cycling, I have imposed a condition relating to the provision of cycle storage. However, this requirement does not justify a pre-commencement condition.
20. Given the proximity of the nearby landfill site, I consider a precautionary approach should be taken to matters of contamination but have incorporated the two separate conditions suggested by the Council into one condition. I agree that a condition relating to archaeology is necessary but given the modest scale of development involved, I have imposed a less onerous version than that suggested by the Council.
21. In the interests of ensuring that the appearance of the development is satisfactory, I have imposed a condition relating to hard landscaping. I have not, however, imposed a requirement for the provision of soft landscaping as I do not consider it necessary to control the landscaping of a private garden. In any case, the site's existing vegetation is to be retained and is the subject of a separate condition, which I have adapted from that suggested by the Council in order to ensure its enforceability and which accords with the tree protection information contained within the submitted Phase 1 Habitat Survey¹.
22. Given the other findings of this survey, I have not imposed the Council's suggested biodiversity related conditions in their entirety as there is no clear evidence that the proposal will result in harm to wildlife such that protection and/or mitigation is necessary. Whilst it is, of course, desirable to increase biodiversity, such conditions would not meet the Framework tests. However, given the potential for bats to use the existing trees on the site for navigation, I consider it necessary to ensure they are not disturbed by the installation of external lighting and I have imposed a condition accordingly.

Conclusion

23. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector

¹ James Blake Associates Ltd, March 2016 Ref. JBA 16/009

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 plans: Location Plan Drawing No. 111503-DB-02; Layout Proposal Drawing No. 111503-DB-01; House Type Proposals Elevations Drawing No. 111503-DB-E1; House Type Proposals Elevations Drawing No. 111503-DB-E2; House Type Proposals Ground Floor Plans Drawing No. 111503-DB-P1; House Type Proposals First Floor Plans Drawing No. 111503-DB-P2; Car Port Proposals Drawing No. 111503-DB-CP01.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development above slab floor level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No part of any building shall be occupied until space has been laid out within the site in accordance with drawing no. 111503-DB-01 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 6) The dwelling hereby permitted shall not be occupied until the vehicular access has been provided in accordance with drawing no. 111503-DB-01. The access shall be surfaced with a permeable and bonded material that shall extend over the entire width of the access for a distance of 10 metres measured from the carriageway edge.
- 7) The dwelling hereby permitted shall not be occupied until details for the parking of bicycles have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and that space shall thereafter be kept available for the parking of bicycles.
- 8) Any contamination, including but not limited to the presence of landfill gas that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.

- 10) No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units etc.;
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 11) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 12) The dwelling hereby permitted shall not be occupied until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.