
Appeal Decision

Site visit made on 21 November 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/R0335/W/16/3153636

8 - 10 High Street, Crowthorne, Berkshire RG45 7AD

- 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 S Wood against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00469/FUL/RFULZ, dated 12 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is the extension of existing building at ground, first and roof level together with new 1.5 storey rear extension to form 5 self-contained dwelling units and retention of existing ground floor commercial unit.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990, which makes provision for the payment towards mitigation measures in respect of the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA). I shall refer to this in more detail below.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) the effect of the proposed number of parking spaces on highway safety, and
 - iii) the effect of the proposal on the SPA.

Reasons

Character and appearance

4. The site lies to the rear of a two-storey detached building used as a restaurant on the ground floor, with residential accommodation above. The site lies in the mainly commercial part of High Street, not far from its junction with Dukes Ride and Bracknell Road, lying between The Prince public house and a
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- convenience shop. The rear of the premises is used for open parking and waste storage.
5. There is no objection to the principle of the development in this location, and it would make an efficient use of a brownfield site, where the National Planning Policy Framework (the Framework) encourages development. The site is not in a conservation area, and it is not subject to any other designation in respect of its character or appearance.
 6. The proposal follows on from a previous application for a larger development which was refused and dismissed on appeal¹ on 2 August 2016. The appeal decision was received after the submission and determination of this appeal application, and thus the design was not informed by the previous Inspector's findings.
 7. The rear extension would have two distinct elements, a two-storey part with rooms in the roofspace, the roof of which would be as high as the existing ridgeline of the frontage building, and a two storey, lower element towards the rear of the site. The main part of the existing building comprises two storeys under a pitched roof, with a fairly shallow depth. To the rear of that are flat-roofed two and single storey extensions, clearly subordinate in height, bulk and scale to the main building. The public house to the north also follows this pattern, with heights reducing towards the rear.
 8. The site lies in a part of the village identified in the Council's Crowthorne Study Area Character Area Assessments Supplementary Planning Document (SPD) as Area C: Village Centre. It is characterised as a high quality townscape node forming a gateway into the town, noting The Prince as a landmark building, whilst others nearby, including the appeal premises, are identified as contributing to the character of the area.
 9. Whilst the design would reflect local precedents, the proposal would create a substantial and bulky rear addition, the like of which is not evident nearby. The rear of the site can be seen through the gap between The Prince and the appeal building, and from Dukes Ride across the pub car park. It would appear as a discordant and unsympathetic element in the High Street hinterland, and would overwhelm the host building and the site.
 10. The previous Inspector found that the scheme he dealt with would create an excessively scaled building which would detract from the character of the locality and that the depth, bulk and site coverage would be out of keeping with the locality. The current appeal proposal is about 9m less in depth than the previous scheme. However, the rearmost element would be higher and with a more bulky roof design than the previously dismissed appeal scheme. In my view, the proposal fails to address satisfactorily the Inspector's criticisms.
 11. I therefore conclude on the first main issue that the proposal would result in material harm to the character and appearance of the surrounding area and would conflict with Policy CS7 of the Bracknell Forest Core Strategy Development Plan Document (CS) and with saved Policy EN20 of the Bracknell Forest Local Plan (LP), both of which deal with design and local character.

¹ Ref: APP/R0335/W/16/3148500

Parking

12. Saved LP Policy M9 provides that development will not be permitted unless satisfactory parking provision is made for vehicles and cycles. The Council's Parking Standards SPD 2016 requires 7 spaces to serve the 5 flats proposed. Two spaces are proposed, but the development would also displace existing parking of about 6 spaces for the restaurant, for which the SPD standard would seek 12 spaces. Whilst it would not be appropriate to apply the SPD standard to an existing restaurant, the loss of the 6 spaces, where provision is already well below the appropriate standard, is a relevant consideration.
13. The site lies within a commercial centre, with a range of bus stops close at hand, and a railway station about 2km away. In such circumstances, as the Council acknowledges, it might be appropriate to relax the parking standards. Furthermore, the access to the car park runs between two closely spaced buildings, and its narrow width would not meet modern standards. Even so, there were four vehicles parked on the site when I visited, and the previous Inspector also noted that the car park was in use when he inspected it. Whilst I agree that customers of the restaurant may not make much use of the car park, staff may do so. The evidence of existing parking indicates that despite the sustainable location of the premises, there is still a demand for on-site car parking, and I would expect that the increase in the number of dwellings, and particularly the 2 bedroom units, would be likely to give rise to demand for parking, and that it would be unrealistic to expect all residents not to own cars.
14. The area in the immediate vicinity of the site is subject to parking restrictions. However, further afield, in residential roads, there are no such restrictions, and I saw on my visit that Kings Road and Brookers Corner were already subject to fairly heavy parking during the daytime, and I would expect that even more parking would take place in the evenings.
15. There are also public car parks in the centre of Crowthorne, some of which, such as the one in Albert Street, are quite small and they are short-stay car parks, and are aimed at serving shoppers and others using the town centre. In my view, the proposal would be likely to lead to significant displaced parking nearby, increasing demand for a limited parking resource. This is likely to lead to inconvenience and potential risks to drivers and pedestrians as drivers cruise to find spaces, increasing the prospect of inappropriate or illegal parking. It would also increase pressures on nearby car parks, depriving shoppers of places to park.
16. I therefore conclude on this issue that the proposed level of car parking would be unsatisfactory and would pose a significant risk to the free flow of traffic and highway safety, contrary to CS Policy CS23 which deals with transport, including safety, with saved LP Policy M9 and the SPD, to which I have referred above.

The effect on the SPA

17. The site is within 0.44km of the Thames Basin Heaths Special Protection Area (SPA), designated because of its importance of providing a habitat for three species of bird subject to European protection. The explanatory text to Policy NRM6 of the otherwise revoked South East Plan says that Natural England has identified that net additional housing development (residential institutions and dwellings) up to 5km from the designated sites is likely to have a significant

effect (alone or in combination with other plans or projects) on the integrity of the SPA.

18. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPA SPD) on 29 March 2012, which provides a mechanism for developers to mitigate the effect of new residential development within 5 km of the SPA by providing or contributing to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The obligation submitted by the appellant offers to make the required financial contribution towards measures which would mitigate the effect of additional recreational pressure on the SPA arising from the proposal.
19. The Council has not commented as to whether the unilateral undertaking would overcome the relevant reason for refusal, but I see no reason why it would not. The Council has confirmed that the contributions would not be used to fund infrastructure for which 5 or more obligations have been entered into, and thus it would not contravene Regulation 123 of the Community Infrastructure Levy Regulations 2010. I therefore find that the obligation is necessary, reasonable and satisfies the tests set out in the Framework.
20. I therefore conclude on this issue that the proposal would not have a significant adverse effect on the SPA, or conflict with South East Plan Policy NRM6, or with saved LP Policy EN3 or CS Policy CS14, both of which deal with SPAs. Nor would it conflict with the SPD referred to above.

Balancing exercise and conclusion

21. The Council has accepted that it cannot demonstrate a 5 year supply of housing land, in which circumstances paragraph 49 of the Framework says policies which relate to the supply of housing are to be considered out of date. Both design and parking policies have an effect on where housing may be permitted, and have to be considered as policies which affect the supply of housing, and therefore they are required to be treated as out-of-date.
22. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development which, for decision-making means, where relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
23. There are no relevant Framework policies which indicate that development should be restricted in this case. Having regard to the component dimensions of sustainable development there would be social benefits in providing 4 net additional housing units in a borough where there is an acknowledged shortfall, and I attach considerable weight to this in the light of the Government's ambition to boost significantly the supply of housing. Economic advantages would also arise from the construction and occupation of the dwellings, and this carries modest weight.
24. Set against these considerations is the significant harm that I have found that would result to the character and appearance of the village. As a result the environmental role of sustainable development would not be fulfilled. When

added to the harm that I have found in respect of highway safety, these adverse impacts would significantly and demonstrably outweigh the benefits identified. When assessed in the round the proposal would not be a sustainable form of development. I find that there would be a conflict with the development plan as a whole and that this conflict is not outweighed by other considerations including those of the Framework.

25. Thus, for the reasons given above, the appeal should be dismissed.

JP Roberts

INSPECTOR