
Appeal Decision

Site visit made on 24 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 17th February 2017

Appeal Ref: APP/R0335/W/16/3160920

Land at Allsmoor Lane, London Road, Bracknell, Berkshire

- 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 Abava Developments Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/01252/FUL, dated 18 December 2015, was refused by notice dated 14 April 2016.
 - The development proposed is the erection of 7 residential dwellings with associated access, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although my site visit took place before the appellant's final comments were received, I have taken account of all representations made in my decision.

Main Issues

3. The main issues are :
 - the effect of the proposed development on the character of the area
 - the effect of the proposed development on protected trees and woodlands
 - whether the gradients of the road and footpath within the site would provide safe and suitable access, and
 - the living conditions of future occupiers, with particular regard to the garden of plot 7

Reasons

The character of the area

4. In such proximity to the well-wooded Lily Hill Park on the opposite side of London Road, and in the context of the mature trees on the other side of Allsmoor Lane, along London Road, and further to the south-west, the woodland on the appeal site reinforces the wooded and green character of the area.
 5. In terms of the loss of the woodland on the site, I acknowledge that the arboricultural evidence describes the woodland as containing saplings and
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self-seeded trees of generally low amenity value, in poor condition or being suppressed by Bramble or Gorse, and that their loss would not harm the character of the surrounding area. However, I agree with the conclusion of my colleague in the appeal¹ on this site in 2016, that even though the woodland is at the regenerating stage, following the unauthorised felling of trees in 2007, its removal which would be required by this proposal, would erode the wooded character of the area. I note that the Forestry Commission issued a re-stocking notice in 2007 which remains in force until 2020, and my impression of the woodland is that it is now successfully regenerating.

6. In the context of the immediate and wider surroundings of the site, which are characterised by their distinctive, sylvan landscape, the loss of the areas of woodland protected under Tree Preservation Order 1200 would harm the character of the area.
7. Turning to the proposed development, I take into account that the site layout places the houses away from the individually protected trees and protected groups of trees which would be bolstered by additional tree and shrub planting. I also note that the new road into the development would be little different from the entrance to the development at Old Tollgate Close, immediately to the west, and I see no justification, despite it being in views from London Road, to require its concealment.
8. However, the Planning Practice Guidance advises that distinctiveness is what often makes a place special and valued. The design of this proposal bears little relation to the distinctive, arboreal landscape of its surroundings. It would appear dominated by the hard surfaces of the new road, and the parking and turning areas which would be exacerbated by the lack of space between the proposed houses on plots 1 to 5. The arrangement of forms in the proposed layout and the extent of hard, ground surfaces would have little relationship to the terrain of the site and to the softer, finer textures of the sylvan surroundings. In short, the scheme does not measure up to the quality of its setting.
9. I conclude on this issue that the distinctive character of the area would be harmed by the loss of the protected woodland, and that there is little in the scheme which would replace it, to outweigh that harm. It would be in conflict with Policy CS7 of the Bracknell Forest Core Strategy 2008 and Policy CP1 of the Site Allocations Local Plan 2013 and saved Policy EN20 of the Bracknell Forest Local Plan 2002. These seek development which builds on local character and enhances the landscape and which has regard to the character of the local environment, which retains and enhances beneficial landscape features, and avoids the loss of natural features such as trees.

Protected trees and woodlands

10. The closest house to trees T31 and T32 in the south-west corner of the site would be sufficiently distant and its garden sufficiently spacious for leaf litter and falling branches not to result in pressure to fell or prune them. Though there would be an incursion into their root protection area (RPA), this would be relatively small at 1.3% of the RPA.

¹ Appeal Ref: APP/R0355/W/16/3141253

11. The RPAs of trees T1 and T2, which straddle the entrance into the site off London Road, would be beyond the dig zone of the new road. While around 8% of the RPA of tree T2 would be under the retaining wall and the footway beside the new road, these would be permeable structures and constructed using no-dig methods. The mature Beech, T28, is indicated for removal for safety reasons, though I note the appellant has offered to retain it if required, in which case the RPA incursion would appear to be similar to the instances above, and not harmful.
12. The site layout places the houses on the opposite side of the site from the protected groups of trees G1 and G2 (Tree Preservation Order 1200 reference), with the access road running alongside a margin of a landscape zone. The RPAs of the majority of these groups would not be crossed by the new road, and in the limited instances where there would be incursions, this would appear to be less than 20% of the RPA, and constructed using a no-dig method to form a permeable surface. In terms of the trees protected by individual and group orders, I find that, subject to appropriate conditions, the evidence demonstrates that there would be no material risk to their retention.
13. However, the areas of protected woodland, which cover the majority of the site, would be lost. While they may be at an immature stage of their regeneration, they make a significant contribution to the setting of the surrounding trees and woodland, a contribution which is likely to increase over time. This would place the development in conflict with Policy CS7 of the Core Strategy 2008 which seeks development which enhances the landscape and promotes biodiversity. It would be at odds too with saved Policies EN1 and EN20 of the Bracknell Forest Local Plan 2002. These say that the Council will have regard to avoiding the loss of important natural features such as trees which it is desirable to retain, and that planning permission will not be granted for development which would result in the destruction of trees which are important to the character and appearance of the landscape.

The gradients of roads and footpaths within the site

14. The existing topography of the site has an abrupt change in level beside the London Road and a less severe gradient across the rest of the site. The first section of the road into the development from London Road would have a gradient of 1 in 20 which the Council concludes is acceptable. However, after the junction, the road would have a maximum gradient of 1 in 12 whereas the Council seek a maximum slope of 1 in 15.
15. I acknowledge that the design of the road inside the development falls short of the guideline gradient in the Council's Highways Guide for Development 2011 Supplementary Planning Document, and that a sustained, steep gradient may present challenges for those in wheelchairs or pushing prams. However, the difference between the gradient which the Council would accept and the gradient proposed by the appellant would not be so great as to amount to a severe impact on safety or accessibility.
16. I note that the adjacent site of development achieved a 1 in 15 gradient however it appeared to me to be of a significantly shorter length than the road in this proposal. Given the steepness of the terrain of this site and the protection required for the root areas of the protected trees, the design approach with a 1 in 12 gradient is not unreasonable.

17. Moreover, the development would provide a footpath into Allsmoor Lane, a public right of way which runs adjacent to the site and which connects to London Road. This lane appeared to me to serve few houses, and being lit and with a tarmac surface and a gradient shallower than 1:100, would provide an alternative route from the site to London Road for pedestrians and cyclists. Given the terrain of the site, and the alternative connection via Allsmoor Lane, the design approach of the road within the development would ensure that there would be a suitable provision of access in the development.
18. I conclude on this issue that the gradients of the road and footpath within the site would provide safe and suitable access. There would be no conflict with Core Strategy 2008 Policies CS23 and CS24 which say the Council will use its powers to increase the safety of travel and that development will be permitted where mitigation against the transport impacts are provided. Nor, with regard to paragraph 32 of the National Planning Policy Framework (the Framework), would any residual cumulative impacts resulting from the development be severe.

The living conditions of future occupiers

19. I appreciate that part of the back garden of plot 7 would be overshadowed by protected trees T30, T31 and T32 in the afternoon, however, a large part of it would be unaffected throughout the day. The living room and two of the four bedrooms upstairs would have openings towards T30 facing east which would reduce their morning sunlight but they would be less affected in the afternoon. I have had regard to the other houses proposed and their proximity to retained, protected trees and the effect of overshadowing, however, it appears from the Daylight Study that though there would be some overshadowing this would be limited in amount and duration.
20. I am satisfied on this issue that there would be no harm to the living conditions of future occupiers, with particular regard to the garden of plot 7, and consequently no conflict with Policy EN20 of the Bracknell Forest Local Plan 2002 which seeks development that provides adequate space for private use and visual amenity.

Other Matters

21. Whilst I have considered concerns from neighbours and Ward Councillors including in relation to highway safety, congestion, and wildlife, given my findings on the main issues above, these have not led me to a different overall conclusion.
22. I have noted the representations regarding the Council's Strategic Housing and Economic Land Availability Assessment. However, the document is at a draft stage which limits the weight I can accord it, and I have no representations against the current Site Allocations Local Plan, adopted in 2013.
23. The Council accepts that it is unable to provide a 5-year supply of deliverable housing sites, and there may be a shortfall in housing supply, which would mean that policies for the supply of housing would not be up-to-date. However, the development plan policies referred to by the Council relate to the quality of development rather than strictly to the supply of housing. I therefore accord significant weight to these policies, which I consider to be up-to-date.

24. In any event, the proposal does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development. Even if the policies referred to above were considered to relate to housing supply, which I consider they do not, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development.
25. I note that a planning obligation has been provided in respect of mitigation measures for the Thames Basin Heaths Special Protection Area, and that the Council has withdrawn its reason for refusal in this regard. As I am dismissing the appeal for the loss of the woodlands and the effect of the design on the character of the area, and whilst an obligation has been submitted, there is no need for me to evaluate the obligation against the relevant legal and policy tests, given that the proposal is unacceptable for other reasons. I have therefore not pursued this matter further.

Conclusion

26. The development would provide a benefit of seven houses in accordance with paragraph 47 of the Framework which anticipates a significant boost to the supply of housing. It would provide safe and suitable access within the development and acceptable living conditions for future occupiers, and it would not threaten the retention of protected individual trees and groups of trees.
27. However, these benefits are outweighed by the unacceptable harm it would cause to the character of the area through the loss of the protected woodland and through the design of the proposal, which would be in clear conflict with the development plan and the Framework. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR