
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: 21 February 2017

Appeal Ref: APP/X0360/W/16/3161575
52 Carey Road, Wokingham RG40 2NP

- 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 J Froude against the decision of Wokingham Borough Council.
 - The application Ref 160510, dated 22 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is the erection of 1 no. detached dwelling with associated parking and new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character of the area, and
 - whether the proposed development would adequately mitigate its effect on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character of the Area

3. The appeal site straddles two distinct areas of development set at two different levels. It fronts towards Gipsy Lane, characterised by 2-storey houses broadly following the line of the Lane, with allotments to one side of the site. On the opposite side of the site, at a substantially lower level, run houses of one and two storeys fronting Carey Road. The Council objects to the loss of this spacious gap in the street scene and considers that the house would not integrate into its surroundings.
 4. The development of this site would not affect the pattern of development to Carey Road, as No 52 would retain a front and back garden similar to its adjoining neighbour, and the proposed development would be accessed directly off Gipsy Lane. The front building line of the proposed house would follow that of its immediate neighbour, 53 Gipsy Lane, and its footprint, site coverage, and alignment would be similar.
 5. I acknowledge the value which the Council attaches to the openness of the land, which provides a breathing-space in the street scene, but I also note
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there are no designations precluding its development. I appreciate the point the Council makes that the proposal would appear as one storey next to the 2-storey houses in Gipsy Lane, and it would appear as 2-storeys next to the bungalows in Carey Road. However, the mass of the proposal steps down towards Carey Road, at no point rising above the ridge of No 52. The 2-storey element of the proposal would be sufficiently distant from No 52 and so aligned to 53 Gipsy Lane, that it would not disrupt the pattern of development in Carey Road.

6. It would appear largely as a bungalow from Gipsy Lane. However, being the plot immediately before the open space of the allotments to one side of it, and given the context of the bungalows directly behind it, I see no harm from the decrease in height from the more characteristic 2-storey scale in Gipsy Lane. In terms of the street scene, it would have a dual-pitched roof over a gable wall of brick facing Gipsy Lane. While it would have a shallower pitch than the roof over the gable of 53 Gipsy Lane, it would be steeper than the pitch of No 53's garage. The roofs over the ground floor element would be mono-pitched and relate more to the rear areas of the houses on Carey Road than the street scene of Gipsy Lane. Thus, the character of the Gipsy Lane street scene would not be harmed.
7. The stepped massing of the proposal, and its arrangement within the plot, would follow the critical elements of the surrounding patterns of development whilst mitigating between the two levels of its principal aspects. The compact extent of the two-storey element, and the space retained around the building, would reduce the effect of its presence in views across the site.
8. I note that the floor area of this proposal has been reduced, its height lowered, and its set-back from Gipsy Lane increased over the previous scheme, dismissed at appeal¹ in 2015. The brick of the walls and the slate-like material of the roof to Gipsy Lane would reflect the materials in that context, while the less traditional materials of zinc and timber boarding would be limited, and concentrated towards the Carey Road aspect, which already includes development with timber boarding.
9. I have taken into account the value of the undeveloped site to the character of the area, but conclude that the proposed development would retain a characteristic degree of spaciousness. It would not disrupt the pattern of development of either of its contexts, nor restrict views across the site to an unacceptable degree. The proposed development would not harm the character of the area, and there would be no conflict with Policies CP1 and CP3 of the Core Strategy 2010 (CS) and Policy TB06 of the Managing Development Delivery Local Plan 2014. These seek development which maintains or enhances the high quality of the environment, which is appropriate to the area in terms of mass, layout, form, height, materials and character, and which makes a positive contribution to the character of the area.

Thames Basin Heaths SPA

10. The site lies within 5km of the SPA, and thus within the 400m-5km zone of influence for the SPA. CS Policy CP8 and Policy NRM6 of the South East Plan require development which alone or in combination is likely to have a

¹ Appeal Ref: APP/X0360/W/15/3132941

significant effect on the SPA to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.

11. The Council concludes that contributions to a Suitable Area of Natural Greenspace (SANG) and to Strategic Access, Management and Monitoring (SAMM) to be secured by a planning obligation or legal agreement, would mitigate the effect of the proposed development on the SPA.
12. However, while the appellant accepts that a contribution to SAMM is required for the development, and has submitted a unilateral undertaking in this respect, she contends that the SANG contribution is already covered by the Council's Community Infrastructure Levy (CIL). The Council states that it is unable to collect contributions towards SANG through its CIL, preferring the alternative of a legal agreement.
13. In any case, the appellant's unilateral undertaking has not been completed or executed. Therefore, on the evidence before me, and in the absence of mitigation, I cannot be satisfied that the proposal would provide adequate measures to avoid and mitigate its potential adverse effects on the integrity of the SPA, which would place the development in conflict with Policy CP8 of the Core Strategy 2010.

Other Matters

14. I have taken the views of local residents, both objecting to and supporting the proposed development, into consideration, and I have already dealt with what I regard as the main planning issues.
15. While the rear windows of the ground floor of the proposal would be parallel with the rear windows of No 53, a large part of them would be below the ground level on Gipsy Lane. The window to the bathroom in the first floor could be conditioned to prevent overlooking towards No 53. Given this and the height of the boundary alongside No 53, there would be no material risk of overlooking of the back garden of No 53.
16. The heads of the ground floor openings facing toward No 52 would be at a similar level or lower than the heads of the openings in No 52 and separated by a 1.8m high close-boarded fence which would secure the privacy of the occupiers of No 52. While the proposal may reduce the amount of morning sunlight entering No 52, there is no evidence to suggest it would reduce the diffuse light received to an unacceptable degree or cause unacceptable overshadowing of the garden of No 52. The proposal would be set sufficiently distant from surrounding occupiers and its massing arranged compactly and in relation to the topography of the site such that it would not have an adverse effect on the outlook from surrounding houses or their gardens.
17. The proposal would include parking for two cars which would be able to be provided with appropriate visibility splays. It would not therefore place additional pressure on street parking or introduce significant highway risks. The additional car movements from the proposal would be unlikely to affect to a significant degree the movement of traffic in the surrounding roads. I note that the site is crossed by an overland water-flow path, but without evidence to the contrary, I agree with the Council that appropriate conditions could mitigate any risk of surface water flooding, including to neighbouring land.

18. The appellant suggests that the Council's housing target is out of date. If it were unable to provide a 5-year supply of deliverable housing sites, then 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 and the environment rather than strictly to the supply of housing. I therefore accord significant weight to these policies, which I consider to be up-to-date.
19. 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 in the context of a shortfall, which I consider they do not, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development.

Conclusion

20. The development would not harm the character of the area and it would provide an additional house to the supply of housing, which in accordance with paragraph 47 of the Framework, anticipates a significant boost. However, this is outweighed by its failure to demonstrate that adequate measures to avoid and mitigate any potential adverse effects on the SPA would be delivered, which would be in clear conflict with the policies of the development plan. For the reason given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR