
Appeal Decision

Site visit made on 24 January 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/X0360/W/16/3160694
9, Winnersh Gate, Winnersh, RG41 5PL

- 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 John Nicklin against the decision of Wokingham Borough Council.
 - The application Ref 161564, dated 6 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the erection of a 2 storey 4 bed detached dwelling with double detached garage with associated parking in the rear garden.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Wokingham Borough Council against Mr John Nicklin. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are; **first**, whether the proposed development accords with development plan Policies on the location of new development; **second**, its effect on the character and appearance of the surrounding area; **third**, its effect on the living conditions of adjoining occupiers with special reference to visual impact, sunlight/daylight and privacy; and **fourth**, if harm is found on the above issues whether it is outweighed by other material considerations.

Reasons

Accordance with development plan Policies on location of new development

4. The proposed development is on the edge of an extensive and relatively new housing development at Winnersh to the east of Reading. The development limits of Winnersh are defined in Policy CC02 of the Wokingham Borough Managing Development Delivery Document (Local Plan) (MDDD)(2014) and this Policy only allows for new development within the development limits. This approach conforms with Policy CP9 of the Wokingham Borough Core Strategy (CS) (2010) which allows for development within the development limits of built up areas including Winnersh.

5. The proposed development falls just outside the development limits for Winnersh and is therefore contrary to the above Policies. CS Policy CP11 strictly controls new development in such areas to that which: contributes towards diverse and sustainable rural enterprises; is for residential extensions or replacement dwellings; provides essential community facilities; or is for affordable housing on rural exception sites. The proposed development falls within none of these categories and would, therefore, be contrary to this Policy as well.
6. It is concluded that the proposed development would fail to accord with the development plan Policies on the location of new development referred to above.

Character and appearance

7. The application site is at the eastern end of Winnersh Gate, a residential cul-de-sac of detached houses. It is a roughly rectangular shaped area of land lying to the south of No. 8 Winnersh Gate and its curtilage. Vehicular access would be taken from the end of the cul-de-sac between Nos. 8 and 9. It is a fairly self-contained site with: to the north an approximately 2 metre high fence to the rear garden of No. 8; a tree/shrub line on its lengthy southern boundary; and hedge/undergrowth on its short eastern boundary.
8. The house at No. 8 comprises, along with 2 other houses at the end of the cul-de-sac, the eastern extent of built development in the vicinity of the site. To the south and east of the dwellings at Nos 8 and 9 Winnersh Gate, both of which lie within the development boundary, lies open countryside. Given its location the proposed house would comprise an incursion into the countryside. However, the degree of incursion would be relatively modest. This would be because of the self-contained location of the site, its proximity to housing and the nearby location of a school constructed post 2008 beyond the development boundary. Adding weight to this view is the fact that the appeal site and some of the adjoining land to the north, beyond the development boundary, appears to have been incorporated into adjoining gardens after the estate was built. And whilst there is no evidence of this garden use having obtained planning permission or having become lawful the Council has provided no indication that it is seeking to take enforcement action against it.
9. For the reasons given above I do not find the degree of incursion alone that would arise beyond the development boundary to be unacceptably detrimental to the character and appearance of the area. That said, if piecemeal development was permitted frequently beyond the development boundary the impact would potentially be harmful. Moreover, account also has to be taken of the impact of the proposed development on the character and appearance of the cul-de-sac off which it would be located. Winnersh Gate is attractively laid out with houses close together and either facing onto the cul-de-sac or onto driveways leading from it. By contrast the proposed development would appear to be tucked away and isolated from this close knit core of development in a back-land type location. As such it would appear out of keeping even though it would match existing development in terms of design and scale. This would be readily apparent, for although the house would be hidden from view from much of the cul-de-sac the proposed lengthy driveway and garage would be seen clearly signalling its location. In addition the loss of much of the small green space facing the cul-de-sac, over which the proposed access would pass, would

result in the loss of a feature which helps to soften what would otherwise be an overly harsh surface treatment in the vicinity.

10. There would be some tree loss as a result of the proposed development. As relatively few trees would be lost, none of which have any special merit, this would not be harmful. However, lack of harm in this respect does not make the proposal more acceptable on this issue given the harm identified above.
11. It is concluded that the proposed development would harm the character and appearance of the surrounding area. As such it would be contrary to the requirement in the National Planning Policy Framework (the Framework) that new development should provide attractive places in which to live or visit.

Living conditions

12. First floor bedroom windows would look towards the garden of No. 9 Winnersh Gate. However, given the distance involved and the fact that it would be only the rearmost part of the garden that would be overlooked there would be no unacceptable loss of privacy.
13. Part of the side elevation of the proposed house would be close to the side garden boundary of No. 8 Winnersh Gate. However, given the substantial size of the neighbour's garden and the location of the proposed house reasonably distant from the house on this plot I am satisfied, even in the absence of specific sunlight indicators, that there would be no unacceptable loss of sunlight or daylight. Nor, for the same reasons, would the proposed house appear over-dominant when seen from this neighbouring house.
14. It is concluded that there would be no unacceptable harm to the living conditions of adjoining occupiers with special reference to visual impact, sunlight/daylight and privacy. As such there would be no conflict with CS Policy CD3 which seeks to avoid detriment to adjoining land uses.

Material considerations raised in favour

15. CS Policy CP9 identifies Winnersh as a location for growth and by implication a sustainable location for development. CS Policy CC01 is in favour of sustainable development. However, this alone does not render the proposed development acceptable. First, it is made clear in Policy CP9 that development should be in the settlement boundary of Winnersh. Second, although the appeal site is well located to services and facilities such locational considerations are but one factor to be taken into account in determining whether a proposed development would be acceptable in the terms of the Framework.
16. Given the location of the site close to the development boundary the proposed development would not be the kind of isolated new home in the countryside that the Framework says should be avoided. However, this does not mean that houses in countryside locations close to settlements would necessarily be acceptable especially if in conflict with other locational criteria or otherwise harmful. If the site could legitimately be regarded as previously developed land, as the appellant alleges, it would be on the type of land on which the Framework encourages development. However, this should not be at the expense of causing the harm identified above.
17. There have been changes to the character and appearance of the area post 2004 and 2008 as previously referred to. However, whether that should justify

a change in the development boundary is best considered in a local plan review rather than on the ad-hoc basis of individual planning decisions. In any event there would still remain the necessity of looking at the effect of the proposed development on the character and appearance of the cul-de-sac in determining any planning application on the site.

Other matters

18. Some third party concerns go beyond those raised by the Council. Given the limited amount of traffic that would be generated by the proposed development I am satisfied that traffic movements would cause no unacceptable harm through noise and disturbance. For the same reason, and in the absence of any technical evidence to the contrary, I consider that there would be no harm to highway safety. There is no technical evidence to justify concerns on drainage. Reference to restrictive covenants and rights of way matters are noted. However, such matters are generally private considerations rather than greatly material in planning terms and nothing I have read suggests otherwise. The retention of an existing oak tree, initially indicated for felling, should remove concerns on the effect of the proposed development on bat habitats.

Overall balancing

19. I have found no harm in relation to the third party concerns referred to above. Nor any harm to living conditions. However, I find harm in relation to the character and appearance of the area and to development plan Policies on the location of new development. Although there is compliance with some development plan Policies there is conflict with others and it is this that I find decisive. In arriving at this view I have had regard to the appellant's observation on the presumption in favour of sustainable development. However, although the proposed development would be sustainably located in terms of access to facilities and services, and would provide a minor economic and social benefit, it would from my finding on the first issue fail when assessed against the environmental role. This outweighs the other benefits so seen in the round this would not be sustainable development.

Conclusion

20. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR