

Appeal Decision

Site visit made on 21 February 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 28th March 2017

Appeal Ref: APP/X0360/W/16/3163292

86 Loddon Bridge Road, Woodley, Reading RG5 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Jon Hallett Limited against Wokingham Borough Council.
 - The application Ref 161264 is dated 5 May 2016.
 - The development proposed is erection of one two bedroom dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The effect of the appeal proposal on:
 - the character and appearance of the locality;
 - the living conditions of neighbouring occupiers at 9, 11 and 15 Rivermead Road, with regard to privacy and outlook; and
 - whether it would result in satisfactory living conditions for future occupiers, with regard to privacy and outlook.

Reasons

3. The appeal site includes an area of land to the rear of 86 and 88 Loddon Bridge Road. It is currently used as garden area and for parking. No. 86 is a two storey building partly in a commercial use, the rest residential and No. 88 is a single storey dwelling.
 4. The character and appearance of the locality is mainly residential, with dwellings generally facing onto the streets. There is some variety in their scale, form and design. Rear gardens are usually large and clear of development. Generally the locality has a spacious feel.
 5. The appeal development would be sited to the rear of dwellings facing onto Loddon Bridge Road. It would be set behind that development and would not have any road frontage. Even though it would be set at an angle to No. 88 and would use an existing access between the two frontage properties, it would still fail to replicate the characteristics of the locality that I have identified. Further, it would result in much of the appeal site being taken over either with built form or parking, leaving limited space for planting. This would result in a more cramped type of development than that nearby. It would appear out of place
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and fail to integrate with the existing development in the locality. For all these reasons, it would result in harm to the spacious feel of the locality.

6. I conclude that the appeal development would result in unacceptable harm to the character and appearance of the locality. For this reason, it would fail to accord with Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (2010) (CS) Policies CP1 and CP3 and Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan (2014) Policies CC01 and TB06. Those policies, together, aim to resist development of residential gardens where development would cause harm to the local area and maintain or enhance the high quality of the environment with sustainable development.

Living Conditions-Existing

7. The appeal proposal, although single storey, would include a large area of glazing on one elevation facing the properties in Rivermead Road. Even though there is a fence and some trees in the intervening space, harmful overlooking and the perception of overlooking into the ground floor windows and rear garden of No.11 would result. That the large glazed area would serve the main living space of the proposed dwelling adds to my concern. The appellant suggests that a 2 metre high fence and new planting would overcome this concern, but this is not shown on the appeal plans. I am aware that planning conditions could control future planting, boundary treatment and the proposed floor and ground levels of the appeal dwelling. However, planting is not a permanent feature and any reduction in the floor and ground levels of the proposed dwelling or a fence with sufficient height to overcome the harm identified would be most likely to adversely impact on views from the proposed dwelling. Additionally, for these reasons, none of the proposed remedies would be likely to overcome the harmful effect of perceived overlooking from the appeal dwelling into No.11. Due to the separation distance and as views into No.9 and No.15 would be at a slightly oblique angle, the same harmful effects would not result.
8. Due to the separation distance, planting and boundary fences, the single storey appeal dwelling, even though it would be on slightly higher ground than some development nearby, would not be oppressive in views from them.
9. I conclude that the appeal proposal would adversely affect the living conditions of neighbouring occupiers at 11 Rivermead Road, with regard to privacy, although it would not have the same effect on those of the occupiers of Nos. 9 and 15. For this reason, it would, overall, fail to accord with CS Policy CP3 and section 4 of the Wokingham Borough Design Guide Supplementary Planning Document (2012) (BDG). Together, they aim for a high quality of design without detriment to the amenities of adjoining land users. It would not adversely affect the outlook from the same properties however. Therefore in that regard, it would generally accord with the same policies of the CS and BDG.

Living Conditions-Future

10. The appeal dwelling would include windows to habitable rooms which would be very close to the boundaries of the site. My concern is the outlook that would result from the proposed bedrooms. It would be particularly limited and the bulk of No 88 along with the fence to its rear would be dominant in them.

Further, the bulk of No. 86 so close would add to that harm. That those would be the only windows to the proposed bedrooms adds to my concern. The views from the part of the proposed garden nearest Nos.86 and 88 would be affected in a similar manner. All in all, the proposal would result in a limited outlook dominated by existing development very close by.

11. Further, those dwellings (Nos. 86 and 88) have windows in their rear elevations and as they are on slightly higher land than the appeal site, harmful overlooking could occur from them into the proposed dwelling and its private garden.
12. I conclude that the appeal dwelling would fail to provide satisfactory living conditions for future occupiers, with regard to outlook and privacy. For this reason, it would fail to accord with CS Policy CP3 and the section 4 of the BDG.

Other Matters

13. I am aware that this appeal was designed to overcome previous Council concern regarding a similar proposal and that the number of proposed units has been reduced. However, I have found that unacceptable harm would be a consequence. I am aware that the appeal proposal would provide an additional unit of accommodation close to local facilities and services. However, that benefit would not overcome the unacceptable harm I have identified.
14. I have had regard to the fact that a building of a similar size could be constructed under permitted development rights in this location. However, a separate residential dwelling as proposed in this appeal could not and that is a materially different development to that before me. The appellant suggests that an additional four cars could be parked on the appeal site if the existing shed were removed, which would result in more noise and disturbance to surrounding residents. This might be the case. However, I have no certainty that this would occur and note that noise and disturbance is not an issue in dispute between the two main parties in this appeal. Whilst I recognise that some of the appeal site has been used as parking in the past, the benefit of using that land does not outweigh the unacceptable harm identified.
15. On the basis of my findings on this appeal, as it does not accord with the Development Plan, it does not fall within the wide definition of sustainable development, as set out throughout the National Planning Policy Framework. For this reason, it should not be permitted.

Conclusion

16. For the above reasons, and taking into account all other matters raised, including the views of local residents, I conclude that the appeal should be dismissed and planning permission refused.

R Barrett

INSPECTOR