

Appeal Decision

Site visit made on 10 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/X0360/W/16/3161433

land to rear of 219 Hyde End Road, Wokingham, Spencers Wood RG7 1BU

- 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 Ling (Bramley Developments Ltd) against the decision of Wokingham Borough Council.
 - The application Ref 160982, dated 11 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is the erection of 1 x 2-bed dwelling following demolition of existing store / shed with associated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In addition to my visit to the appeal site, I also viewed the site from the rear garden and rear windows of 23 Lansdowne Gardens. The visits to both properties were undertaken on an '*access required*' basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area, including trees on the site;
 - The living conditions of future occupiers of the proposed dwelling, with regard to outdoor amenity space, privacy and outlook; and
 - The living conditions of occupiers of neighbouring properties, with regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site was formerly part of the rear garden area of 219 Hyde End Road although at the time of my site visit a timber fence had been erected physically separating the site from the remaining rear garden area at the rear of that property. From my observation of the site and the surrounding area, particularly Hyde End Road and Century Drive, I concur with my colleague's
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- previous description¹ of the site and its surroundings and find them to be an accurate portrayal of the site and the surrounding area.
5. Notwithstanding the notable presence of 2A Century Drive and 229A Hyde End Road, I saw that the appeal site maintains the sense of spaciousness evident along both the front and rears of properties on Hyde End Road. The site is enclosed, on the Century Drive side at least, by a brick wall and piers with inset timber panels in a manner that reflects that found on the opposite side of Century Drive.
 6. Century Drive is perhaps typical of the layout of late-20th century residential developments, with a tighter grain than Hyde End Road but the layout of the properties at the entrance to the development beyond the appeal site nonetheless maintain an open, spacious feel. Although not to the extent seen on Hyde End Road, the sweep of well-stocked front gardens provide a pleasant continuation of the more extensive mature vegetation, shrub and tree planting within the appeal site. Together, these areas combine to create a pleasing suburban residential environment and contribute to the character of not just Hyde End Road, but also Century Drive. It is not, I conclude, the hard edged context to which the appellant refers.
 7. The existing outbuilding within the appeal site, presumably a remnant of the site's previous relationship with 219 Hyde End Road, has a relatively unobtrusive presence at the entrance to Century Drive, its limited height largely screened by the substantial boundary enclosure and extensive vegetation around the site's perimeter. I note that the scale of the proposed dwelling, and particularly its overall height, has been reduced from that previously considered by my colleague. However, it would still be of a significantly greater height than the existing structure and, in places, also closer to the plot's boundary with Century Drive.
 8. Some of the boundary vegetation would, it is suggested be retained. That may be so, and whilst the middle of the site does have a more open feel to it, the removal of vegetation from the Century Drive boundary would open up views across the site, above the existing boundary enclosure. Furthermore, the additional height and massing of the roof of the proposed dwelling compared with the existing structure would also compromise the contribution that the equally verdant backdrop of vegetation on adjacent garden plots makes to the appeal site and the intersection of Century Drive and Hyde End Road.
 9. Conditions to secure the retention of existing planting, and for additional supplementary planting, would go some way to softening the visual impact of the proposed dwelling. However, the visual impact of the proposal would be keenly, and harmfully, felt in the short term whilst new planting becomes established, whilst the degree of screening offered longer term by those elements to be retained would be seasonally dependent. Furthermore, whilst the application was accompanied by a detailed tree survey setting out tree protection measures I share the Council's concern that there was no detailed method statement or works schedule submitted. Although the submission of these was promised in the appellant's Grounds of Appeal, they remain absent.

¹ APP/X0360/W/15/3133012

10. Given the contribution that I find that the mature vegetation, including the trees within and around the appeal site, makes to the character of the area, I am not persuaded that it has been adequately or satisfactorily demonstrated that the proposal would avoid further harm to the character of the surrounding area, or indeed to the health and integrity of that vegetation. The use of conditions in this manner would not, in my judgement, overcome the immediate and harmful visual impact of the proposal that I have identified would result.
11. I accept that the site is not within a conservation area or any other area designated for its townscape or landscape quality. I acknowledge too, the dwelling opposite the appeal site which is situated between the rear elevation of a property fronting Hyde End Road and the flank elevation of 2 Century Drive. I do not however agree that the character of the appeal site is purely defined just by Century Drive, or just by Hyde End Road. Rather, I find that it is an amalgam of a number of factors and that character is derived from both, and the properties therein.
12. Thus, for the reasons I have set out, I conclude that the proposed dwelling would be an incongruous and intrusive addition that would be out of keeping with the leafy and verdant setting that the appeal site and adjoining residential plots contribute to the entrance to Century Drive. The proposal would have a harmful impact upon the character and appearance of the appeal site and the surrounding area and would, for these reasons, be contrary to the Council's Core Strategy (CS) policies CP1 and CP3 and the Managing Development Delivery Local Plan (MDDLDP) policies CC01, CC03 and TB06. The proposal would also fail to achieve one of the National Planning Policy Framework's (the Framework) core planning principles of always seeking to secure high quality design.

Living Conditions – Future Occupiers

13. The Council describe the resulting rear garden areas of both the proposed dwelling and that of No 219 as being '*small and cramped*'. In both instances, the Council claim, garden depths would fail to achieve the minimum depths set out in the Borough Design Guide² (BDG). That may be so, but the appellant suggests, persuasively in my opinion, that any shortfall is marginal in the context of generously wide plots.
14. However, the garden space at the proposed dwelling would not be particularly private, the looming presence of the extended property at No 219 with its first floor windows would stand as a constant reminder to future occupiers of a high degree of inter-visibility between properties. I accept that within a residential context there will inevitably be a degree of such inter-visibility. That, however, is no doubt why the Council and indeed many other Councils, adopt separation distances and design guidelines for new development that seek to preserve the amenities and living conditions of occupiers of existing properties.
15. It is not disputed that the proposal would fail to achieve the rear-to-rear stand-off distance set out in the BDG between the rear of No 219 and that of the proposed dwelling. Although any shortfall against the BDG's garden depths would be marginal, given the layout, siting and orientation of the proposed

² Figure 4.26, page 48, BDG

dwelling, the proposal would result not just in the proposed dwelling's habitable rooms being unacceptably compromised by overlooking and loss of privacy, but also the main outdoor amenity space.

16. Thus, I conclude that the proposal would result in a form of development that would fail to provide an adequate setting for, or spacing around, the building to avoid a detrimental and harmful impact upon the amenities and living conditions of future occupiers of the proposed dwelling. As such, it would be in conflict with CS policies CP1 and CP3 and MDDL policy TB06 and fail to secure the high standard of amenity sought as one of the Framework's core planning principles.
17. I have noted references to other instances where there is inter-visibility between properties. However, I do not have the detail of those proposals before me and I cannot therefore be certain whether they stand reasonable comparison. I have, however, considered the proposal before me on its own merits and on the basis of the evidence before me and I afford these only limited weight.

Living Conditions – Neighbouring Properties

18. The proposed dwelling would be sited in such a manner that it would satisfy the minimum requirements of the BDG³ in terms of a stand-off distance from its flank (east facing) elevation to the boundary with 217 Hyde End Road. I am also mindful of the limited height to eaves level and the receding roofline of the proposed dwelling, and the nature of the boundary and vegetation close to this boundary.
19. The garden area at No 217 appears to be of a generous length and its function, when assessed against the criteria set out in the BDG, would not in my judgement be compromised by the proposed dwelling. Although the Council refer to the back-to-back distance of 22 metres as set out in the BDG⁴, I find the BDG to be sufficiently clear that this applies to properties directly opposing each other. That would not be the case in this instance, and I find that the degree of offset between the two properties, together with intervening vegetation, would be sufficient to ensure that the presence of the proposed dwelling would not result in an overpowering or overbearing impact upon the outlook from No 217. There may be a degree of overshadowing of parts of that property's garden by virtue of its orientation and relationship with No 217, but this would not be so severe or all-consuming as to justify the dismissal of the proposal.
20. I have considered matters relating to the sense of verdant openness above in terms of the effect of the proposal on the character and appearance of the surrounding area. However, for the reasons set out in respect of living conditions, I do not find that the presence of the proposed building would have a harmful impact on the outlook from No 217. I am also satisfied, having viewed the appeal site from the rear of 23 Lansdowne Garden, that the proposal would not have a harmful impact upon that property in terms of outlook, privacy, sunlight or daylight. However, the absence of harm in these respects with regard to CS policies CP1 and CP3, although weighing modestly

³ 'Separation distances to maintain privacy and limit sense of enclosure' table, page 47

⁴ Page 46 and 'Separation distances to maintain privacy and limit sense of enclosure' table, page 47

in favour of the proposal fall well short of outweighing the harm that I have identified above.

Other Matters

Planning Balance

21. It is not disputed that the site is in a sustainable location where development plan policy and national policy seeks to steer new development, or that the proposal would provide an additional dwelling. These factors weigh modestly in favour of the proposal. However, these benefits do not outweigh the harmful effects of the proposal that I have identified above and the proposal would not constitute sustainable development when the Framework is considered as a whole. Matters relating to land ownership are noted but I afford them only limited weight.

Conclusion

22. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR