

Appeal Decision

Site visit made on 28 February 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 19th June 2017

Appeal Ref: APP/X0360/W/16/3164329

Land r/o 411-413 Wokingham Road, Earley RG6 7EL

- 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 Knightswood Homes Ltd against the decision of Wokingham Borough Council.
 - The application Ref 162353, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is construction of 4 detached houses with associated access and parking.
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Decision

1. This appeal is dismissed.

Procedural Matter

2. In their appeal statement the Council indicated that following the submission of additional highways information, subject to a number of conditions, they no longer wished to defend their fourth reasons for refusal. In light of all I have read and seen I have no reason to disagree with this position and have revised the main issues to reflect this.
3. The appellant has submitted a set of amended plans and a number of additional plans with the appeal which they have requested should replace those submitted with the original application. As the changes are of a minor nature taking into account the judgement given in *Bernard Wheatcroft Ltd V Secretary of State for the Environment and Harborough District Council* (1980) I consider that the Council and residents of adjoining properties would not be prejudiced by these changes and as a consequence I have considered this appeal on the basis of these amended and additional plans.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area;
 - the effect on the living conditions of future occupiers with particular reference to provision of amenity space; and
 - the effect on the living conditions of the occupiers of neighbouring properties with particular reference to privacy and outlook.
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Reasons

The effect on the character and appearance of the area

5. This part of Wokingham Road is predominantly residential in character with a variety of houses of different types, age and designs. Whilst there appears to be no typical architectural style for properties along the road, most are two storey and characterised by being set back from the road with front gardens, hedges and areas of soft landscaping which contribute to the character and appearance of the area.
6. I observed at my site visit that there are a number of in-fill developments where original house plots have been sub-divided. This includes the creation of new pockets of development to the rear of the original properties which has over time led to the creation of a denser urban form and led to a change in the character and appearance of the area.
7. I am aware of the previous Inspectors decision¹ on this site. However, it would appear that there has been a material change in circumstances since that appeal was determined as the original buildings that they referred to have been demolished and the site has been cleared. Furthermore, the new units at the front of 411-413 Wokingham Road² are nearing completion and it would appear that the majority of trees and planting that the previous Inspector referred to have been removed. As a consequence I consider that there has been a change in the character and appearance of this part of Wokingham Road and in particular the spacious, green and verdant character of the area, referred to by the previous Inspector, appears to me to have been somewhat diminished.
8. Although I agree with the appellant that when viewed straight on, due to the increase in levels, the proposed houses would be predominantly screened by the new units. However, I consider that the proposed houses, in particular their roofs, would be visible from this vantage point in the gaps between the buildings and also from longer distance viewpoints. Although in-fill developments are not uncharacteristic in this area I observed from my site visit that they visually appear to be set further back from the houses fronting Wokingham Road and as a consequence do not appear to be in such close proximity to the Wokingham Road properties.
9. Furthermore, I consider that the effect on the streetscene would be exacerbated by the number of units proposed which would result in a lack of space around the buildings and a tighter urban grain than is characteristic of the area. As a consequence I consider that due to their proximity to the Wokingham Road properties and their proposed bulk and mass the proposal would be out of character with the established pattern of development.
10. Whilst the National Planning Policy Framework (the Framework)³ does advocate that sites should be optimised it also requires that development should respond to local character, reflect the identity of local surroundings and make a positive contribution to local character and distinctiveness. As a result I consider the proposal would be harmful to the character and appearance of this part of Wokingham Road contrary to policies CC01, CC03 and TB06 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan

¹ PINS Ref: APP/X0360/W/15/3130718

² LPA Ref: F/2015/0258

³ Paragraph 58

(2014) (the Local Plan) and policies CP1 and CP3 of Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (2010) (the Core Strategy) which promote sustainable development and requires development to be of an appropriate mass, layout and height to maintain and enhance the quality of the environment; seeks the enhancement of the Borough's Green Infrastructure networks and resists the development of residential gardens where it would cause harm to the character of the area.

The effect on the living conditions of future occupiers

11. The proposed amendments to the plans would result in the majority of the rear garden areas complying with the guidance contained within the Wokingham Borough Council Borough Design Guide Supplementary Planning Document (2012) (the SPD) for minimum rear garden depths. Although the plot sizes may be considered relatively small, given the size and type of the proposed units, I consider that the garden areas would be usable and achieve the criteria set out in the SPD. As a consequence I consider that the proposed gardens would not be substandard and the living conditions of future occupiers of the units would be acceptable. The proposal would therefore comply with the guidance contained within the SPD and policies CP1, CP2 and CP3 of the Core Strategy and policies CC01 and TB06 of the Local Plan which amongst other things require sites to be of an adequate size and new development to contribute to meeting the needs of children and young families. These policies are in accordance with the Framework which seeks to secure a good standard of amenity for future occupiers of buildings.
12. I do not consider policy TB21 of the Local Plan mentioned by the Council in their second reason for refusal relevant to the determination of this appeal as it deals with landscape character.

The effect on the living conditions of neighbouring properties

13. In order to minimise overlooking the SPD requires a minimum separation distance of 22m between properties. Whilst parts of the proposed units would breach this minimum distance a number of these elements are at ground floor. Given that the new units will have some form of boundary treatment which would screen views into and out of the site I consider that overlooking between properties at ground floor level would not occur and therefore the breaching of this minimum distance at ground floor level would not adversely affect the living conditions of the occupants of either neighbouring properties or the new units.
14. With regards to overlooking from first floor windows, due to its location, plot 1 would not result in the loss of privacy to adjoining properties.
15. The additional plans submitted with the appeal provide further information on the distances between the properties and indicate that plots 2, 3 and 4 would achieve the SPD required back to back distance with the houses on Wokingham Road. However, the proposal would not achieve the SPD minimum distance between plots 2, 3 and 4 and the rear of Nos 16-20 Tiggall Close. Nevertheless, I recognise that the shortfall is marginal and in the case of plots 2 and 3 consider that the relationship between the proposed units and the existing houses would be acceptable. However, whilst a similar distance would be achieved between Plot 4 and No 16 the rear garden of No 16 would be much closer to Plot 4 and as a consequence I consider that the users of the rear

garden of this property would perceive themselves to be overlooked. Whilst I acknowledge that there is some existing boundary planting and that this could be enhanced to provide further screening, the planting would need to be relatively tall and due to the orientation could therefore cause substantial shading to the rear garden of No 16 which in turn would affect its usability.

16. I acknowledge that the set in from the boundary required by the SPD is achieved in relation to No 409 and that whilst it would not be achieved for No 415 the proposed building would be single storey at this point. However, the proposal would result in the introduction of a substantial amount of built form in what was previously the centre of a rear garden. Whilst I acknowledge that there is denser infill development (Tiggall and Little Horse Closes) on either side of the appeal site these developments are located towards the rear of the back gardens and are some distance from the original Wokingham Road properties thereby minimising the effect on the outlook of these properties. As a consequence I consider that due to their location plots 2, 3 and 4 would visually dominate the outlook from the rear of Nos 409 and 415 and would appear out of character.
17. The side elevation of Plot 1 would achieve the minimum SPD separation distance with No 23 Tiggall Close for a side to a rear elevation. Whilst I acknowledge that the proposal would have a relatively long flank elevation I consider that although it would affect the outlook from the rear of No 23 given the denser nature of the properties in Tiggall Close it would not appear out of character or adversely affect the living conditions of the occupants of this property to such a degree that it would warrant me dismissing this appeal.
18. I therefore consider that due to overlooking and the loss of outlook the proposal would adversely affect the living conditions of the occupants of adjoining properties contrary to policies CC01 and TB06 of the Local Plan and policies CP1 and CP3 of the Core Strategy which advocate that the layout of new development should integrate with the surrounding area and should not be detrimental to the amenities of adjoining land uses. These policies are in accordance with the Framework which seeks amongst other things to secure a good standard of amenity for existing occupiers.

Other matters

19. I note the appellant's reference to a number of other schemes on Wokingham Road which have a denser layout and do not achieve the standards set out in the SPD. However, these are in different locations and are perceived in a different context and as a result they do not lead me to a different conclusion in this case.
20. Reference has been made to a potential covenant on 413 Wokingham Road that would restrict building in the rear garden. Covenants are not a material planning consideration and as a result I have given this matter no weight.

Conclusion

21. Due to its density and layout the proposal would be out of character with the prevailing pattern of development to the detriment of the character and appearance of this part of the Wokingham Road. The proposal would adversely affect the living conditions of the residents of adjoining properties by virtue of loss of outlook and overlooking and as a result the proposal would be contrary

to policies CP1, CP2 and CP3 of the Core strategy; policies CC01, CC03 and TB06 of the Local Plan and the guidance contained within the Framework.

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

Jo Dowling

INSPECTOR