
Appeal Decision

Site visit made on 20 June 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 30 June 2017

Appeal Ref: APP/X0360/W/17/3170895

17 and 19 Henley Wood Road, Earley, Reading RG6 7EE

- 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 Haroon Khan and Mr Mohammed Hafez against the decision of Wokingham Borough Council.
 - The application Ref 163132, dated 9 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is erection of two storey front extension to the existing dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have used the appellants' names as confirmed in correspondence submitted during the appeal.
3. The evidence before me indicates that the Council's reason for refusal is that there would be no mechanism to ensure that the work to the two dwellings would be carried out as one operation, leading to harm in relation to the character and appearance of the area. As such, my reasoning considers firstly whether an incomplete development would cause such harm. Although the Council has not cited any policies in their reasons for refusal, they are referred to in the officer's report. I have queried this during the appeal and the Council has confirmed that if the development were to be incomplete, it would be contrary to Policy CP3 of the Local Plan¹ (LP). The appellant has responded to this information and I have taken his comments into account in my reasoning.

Main Issue

4. The main issue is whether the development would have an adverse effect on character and appearance of the area if it was not carried out in its entirety.

Reasons

Character and appearance

5. The appeal sites are the semi-detached and adjoining dwellings of 17 and 19 Henley Wood Road (Nos 17 and 19). They are modest dwellings of simple design, with flat front elevations and projecting porches. They are

¹ Wokingham Borough Council, Core Strategy, January 2010

located within a series of semi-detached dwellings of similar form. I noted that Nos 17 and 19 have attached garages, and 23 Henley Wood Road has a single storey side extension. Nonetheless, there is a consistency and regularity of form on the front elevations of these dwellings.

6. The evidence before me indicates that there is an extant permission for a two-storey side extension at No 19². It would be set back from the front elevation and the Council considered it would be sufficiently subservient to the host dwellings to conform to the SPD guidelines³. On the basis of the evidence before me I see no reason to disagree with that conclusion.
7. The development comprises the construction of mirrored two-storey bay extensions on the front elevations of Nos 17 and 19. These would be some 3 metres wide⁴, which would be roughly half the width of each front elevation and would project beyond the front elevation by some 1.2 metres, and have gabled roofs.
8. The SPD states that extensions to buildings should respond positively to the original building and relate well to neighbouring properties, amongst other considerations. The supporting text notes that where there is a regular pattern to the built form, extensions visible from the street should not unbalance the rhythm of the frontage.
9. The evidence before me indicates that the Council does not object to the principle of development, provided that it is carried out in its entirety. Their concern is that if the bays were built on one dwelling only, this would have an unbalancing effect on the pair of dwellings and this would be to the detriment of the character and appearance of the street scene. Given the dimensions of the gabled bays, which would add significantly to the bulk of the dwellings when viewed from the road, I agree with the Council that the construction of one bay only would be incongruous, and would detract from the existing balance, consistency and rhythm of this series of dwellings.
10. The appellant argues that other dwellings on the road have bay windows. However, as outlined above, the Council's concern is not the principle of development, but the impact of one bay on one of the pair of dwellings. Furthermore, the series of dwellings within which Nos 17 and 19 sit do not have bay windows. As such I give this argument little weight.
11. The appellant has also argued that the extant permission for the extension would unbalance the rhythm of the street scene. However, the evidence before me indicates that it would be set back from the front elevation. As such, although it would add bulk to the side of the dwelling, it would not significantly detract from the established frontage.
12. In the light of the above, I concur with the Council that whilst the development is acceptable if it is completed in its entirety, the evidence before me indicates that the appellants are unable to make a commitment to carry it out as one operation. If only one bay was completed, this would be detrimental to the character and appearance of the area, which would be contrary to the design aims of LP Policy CP3, as well as guidance given in the SPD. The appellant has argued that this is not a large scale development and therefore LP Policy CP3

² Ref 161269

³ Wokingham Borough Council, Borough Design Guide, June 2012

⁴ Measured from Dwg. A-2.4

should not apply. However, there is nothing in the policy text to indicate that it applies only to large developments, as argued by the appellant⁵, and I give this argument little weight.

Section 106 Agreement

13. I am of the opinion that a condition requiring the completion of both extensions at the same time would not be reasonably enforceable. However, a Section 106 agreement (S106), as suggested by the Council, would ensure there was an agreement from both owners to carry out the development as one scheme, as it would bind the land and any successors in title. I agree with the Council that this would be a reasonable resolution to ensure both parts of the development were carried out concurrently.
14. The appellant argues that it is impractical and unfair to expect two households to carry out the works as one operation, and that in any case the S106 would be an inappropriate mechanism to achieve this end. Nonetheless, whilst I appreciate that the development involves two households on two adjoining sites, it has been submitted as one application with joint applicants, and has been considered as such. Furthermore, the appellants have not submitted or suggested an alternative mechanism to ensure completion of the entire development to allay the Council's concerns.
15. Notwithstanding issue of diverse finance and personal factors, in this instance I do not consider it either impractical or unreasonable for the Council to require the development to be carried out as one operation and as outlined above, the S106 agreement would be an appropriate mechanism to achieve this. Furthermore, as outlined above, I have found that there would be harm to the character and appearance of the area if the development was not carried out as one operation.

Other matters

16. The appellant has raised concerns in respect of the Council's procedure in the handling of this case, and highlighted that there was no opportunity to amend the plans before determination. However, procedural concerns are outside the scope of this decision and whilst I appreciate the appellant's frustration, I am obliged to determine the appeal before me.

Conclusion

17. For the reasons given above and taking all matters into account, I conclude that as there is no mechanism in place to ensure concurrent completion of the development, it would be contrary to the relevant policies of the Council's Local Plan. Consequently, the appeal should be dismissed.

Amanda Blicq

INSPECTOR

⁵ Email to Planning Inspectorate, 23 June 2017