
Appeal Decision

Site visit made on 10 July 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/X0360/W/17/3173003

The Cabin, rear of 85 Kiln Ride, Finchampstead RG40 3PJ

- 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 & Mrs G Tranckle against the decision of Wokingham Borough Council.
 - The application Ref 162918, dated 21 October 2016, was refused by notice dated 27 February 2017.
 - The development proposed is the replacement of existing dwelling with low-impact 4-bed dwelling with associated car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing dwelling with low-impact 4-bed dwelling with associated car parking at the Cabin, rear of 85 Kiln Ride, Finchampstead RG40 3PJ in accordance with the terms of the application, Ref 162918, dated 21 October 2016, and the plans submitted with it, subject to the conditions on the attached schedule.

Procedural Matter

2. The appellant has submitted revised drawings with the appeal that did not form part of the planning application determined by the Council. They show a reduction in the volume of the building by pulling its back wall further from the woodland. I have considered this alteration under the principles established by the Courts in *Wheatcroft*¹. I am satisfied that it does not change the nature of the scheme to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to it.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site of the proposed house lies between two areas with two different characters. To one side, within the development limits, is the street-facing housing along Kiln Ride with further housing set back behind it. This is regular in form, ordered in scale, and substantial in volume, epitomising twentieth century street layout with more recent development behind it. To the other

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]

side, in the countryside, is a spacious clearing in an area of mixed woodland. The relatively small footprint and low scale of the existing buildings in the clearing reflect both these characters.

5. The greater part of the site is located outside the development limits, where Policy CP11 of the Core Strategy 2010 (CS) applies. This requires replacement dwellings to bring about environmental improvements, or, to not result in inappropriate increases in the scale, form or footprint of the original building.
6. The appellant describes the environmental performance of the proposed building and how, by meeting the standards of the Building Regulations, it would be a significant improvement over the performance of the existing buildings, with notable benefits arising from the living wall and green roof.
7. The Council argues that the improvements would not be substantial and would be similar to what would arise were the dwelling within the development limits. However, the policy does not stipulate that the environmental improvements must be substantial, or that the improvement should be greater than might be the case within the development limits. Notwithstanding this, without technical evidence about the performance of the buildings, I am unable to conclude with certainty on this aspect of the policy. I therefore turn to the second leg of the policy requirement.
8. I appreciate that the proposal would numerically increase the floor area of built form over the existing buildings. However, the existing dwelling contains disparate forms and partially enclosed spaces which connect across raised decks and other structures. Including these ancillary spaces in the comparison of physical footprint, the increase would not be disproportionate to the existing. Nor, in relation to the rest of the site, would the increase in footprint undermine the spacious relationship between the dwelling and the clearing.
9. The present dwelling is single storey with flat and pitched roofs. The proposed building, set down into the ground, would be largely within the height of the present envelope of building. While part of the flank wall may rise above the eaves heights of the existing buildings, the length would be limited and the additional height minimal. The volume increase would be substantial. However, much of this would be below ground. The cross-sections indicate that the above-ground increase in volume would be limited and not harmful to the spaciousness of the site or to the balance between open land and building. Many of the external surfaces of the building, with a green roof and a living wall, would blend with the landscape of the clearing, which would also diminish the effect of its length and mass, and prevent the urbanisation of the site.
10. The above-ground section of the building in the amended scheme would be set a substantial distance from the woodland. It would not appear too close to the trees or undermine the value of the space around them. The front section of the proposal would relate to the built-up area and the existing driveway. The area of ground in the site by the side boundary is presently confined and dominated by the existing dwelling. In this context, the siting of the proposal close to the same boundary would not be out of character. Nor would the proposal lead to excessive encroachment into the countryside or expansion of development away from the original dwelling.
11. The pattern of development in this section of Kiln Ride includes three tiers of housing on four different building lines from the street. The replacement of the

existing dwelling would not materially alter that overall pattern. I note the Council's point that the existing dwelling was unplanned; however, it nonetheless occupies a significant area of land in the countryside and has a presence in the area. In this context, the proposed replacement would not harm the character of the existing site or its relationship to its surroundings.

12. I conclude that the proposed development would not harm the character and appearance of the area. It would not fall within the development limits defined in policy CC02 of the Managing Development Delivery Local Plan 2014. However, it would meet the criteria for replacement dwellings outside the development limits, and would not threaten the separate identity of settlements or reduce the quality of the environment, as required by CS policy CP11. I can identify no conflict with CS policies CP1, CP3 and CP9 which seek sustainable development of high quality design, which set out the scale and location of development, and require proposals to have a mass, layout, form, height, materials and character appropriate to the area.

Conditions

13. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the Planning Practice Guidance (PPG); for clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording. To provide certainty, a condition requiring the development to be carried out in accordance with the approved plans is necessary. I have included those drawings determined by the Council and incorporated the amendment submitted with the appeal.
14. To safeguard the character and appearance of the area and to make the development acceptable, details of external facing materials, landscaping, and the living wall and green roof are necessary. The details of external finishes, because of their position in the construction programme and the lead-in times for materials, would need to be resolved before works above natural ground level. Given the length and mass of the building and the softening effect of the living wall and green roof, the condition requiring their details should stipulate retention. The details of tree protection should be resolved before the commencement of development.
15. Given the footprint of the proposed building, its proximity to surrounding trees and its visual relationship with the setting they provide, it is necessary to condition measures to protect retained trees both during construction and in the period following occupation. The access drive is long and the dwelling some distance from the road, therefore a pre-occupation condition to provide and retain on-plot parking and turning is also necessary.
16. Given the grassland, wood chippings and log piles and their potential to support hibernating reptiles the precautionary mitigation measures in sections 6.8 and 6.9 of the Ecological Appraisal are necessary. The existing dwelling includes numerous spaces, areas and enclosures between buildings whereas the proposed development would be enclosed behind a single wall. Given this, and the footprint of the proposal, it is necessary in order to conserve the natural environment, for a condition to secure a scheme of wildlife enhancements.

17. The proposals indicate the retention of existing boundary enclosures, so a condition for details of such is unnecessary. There would be ample secure and sheltered space for storing bikes in the development; in the circumstances of a single dwelling of this size, a condition to retain this is unnecessary.

Conclusion

18. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3324/100 EXISTING LOCATION PLAN; 3324/103 EXISTING PLANS AND ELEVATIONS; 3324/200B SITE PLAN; 3324/201B FLOOR PLANS; 3324/202B ELEVATION AND SECTION.
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development above ground level shall take place until details of the living wall and the green roof have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and thereafter retained.
- 5) No development shall take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) The dwelling shall not be occupied until a scheme of wildlife enhancements for invertebrates, birds, hedgehogs, and bats has been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and thereafter retained.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 3324/200B SITE PLAN for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) The precautionary measures in sections 6.8 and 6.9 of the Preliminary Ecological Appraisal and Bat Survey Report of 25 August 2016 by Messrs ARBECO Ltd, ref ARB603, shall be followed before and during construction unless otherwise agreed in writing by the local planning authority.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

End of Schedule of Conditions