



Appeal Decision

Site visit made on 14 November 2017

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2018

Appeal Ref: APP/X0360/W/17/3181178

Land rear of Nos. 7-10 Brecon Road, Woodley, Reading RG5 4PR

- 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 Mohammed Kamran and Mr Ramzan M Hussain against the decision of Wokingham Borough Council.
 - The application Ref 170364, dated 3 February 2017, was refused by notice dated 5 June 2017.
 - The development proposed is construction of two semi-detached 2 bedroom houses with associated parking drainage and access.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of two semi-detached 2 bedroom houses with associated parking drainage and access at Land rear of Nos. 7-10 Brecon Road, Woodley, Reading RG5 4PR in accordance with the terms of the application, Ref 170364, dated 3 February 2017, and the plans submitted with it, subject to the conditions on the attached list.

Background

2. The appeal site is a vacant parcel of land within a 1960s residential housing estate. In 2007 planning permission was granted (ref./2007/2185) for the erection of 4 flats on the site. The building was constructed but not in accordance with the permitted plans. Enforcement action was taken regarding this and was upheld on appeal. The building has now been demolished. In 2014 a planning application was submitted for a revised scheme of flats. This was dismissed, on appeal APP/X0360/A/14/2219126, on the grounds of harm to the outlook of neighbouring occupiers.

Main Issues

3. The main issues in this appeal are: **first**, the effect of the proposed development on the living conditions of neighbours with special reference to visual impact; and **second**, whether satisfactory living conditions would be provided for future occupants of the proposed development with special reference to outdoor amenity space.

Reasons

Neighbours' living conditions

4. The appeal site lies off a small back access road to shops. It is a roughly rectangular parcel of land lying between the rear garden boundaries of adjoining dwellings in Glendevon Road to the north and Brecon Road to the south. Car parking would be provided forward of the dwelling and garden space would be provided to the rear. The central portion of the proposed dwelling would be 2 stories in height and to each side would be 2 small single-storey wings. Both the 2-storey and single-storey elements of the scheme would have fully hipped roofs.
5. The Council's concern on this issue is with the proximity of the 2-storey flank elevation walls of the proposed dwellings and the rear elevations of those properties backing onto the site in Glendevon Road and Brecon Road. It considers that seen from these properties the proposed development would appear unduly dominant.
6. However, the side wall of the 2 storey element of the proposed development would be between around 14 m and 16 m of the rear elevations of adjoining dwellings. The variation in measurement is due to the side elevations of neighbouring properties not being directly parallel to the rear elevations of the proposed development. The single-storey aspects of the proposal would be between around 12 m and 13 m from the rear elevations of the adjoining dwellings.
7. The Wokingham Borough Council, Borough Design Guide, Supplementary Planning Document (2012) (SPD) sets out separation distances to maintain privacy and limit sense of enclosure. This sets out that there shall be a minimum back to flank distance of 12 m for 1 to 2 storey properties. The standard is set as a minimum standard and that depending on the character and context of individual schemes greater distances may be appropriate. The Council says that this guidance is slanted towards assessing the impact in new development schemes of one proposed new dwelling upon another such dwelling. However, in my experience the distances referred to in the guidance accord broadly with those adopted by many Councils to assess proposed development in relation to existing development.
8. The 2-storey elements of the proposed development exceed the minimum back to flank distance set out in the SPD by a fair margin. Even in the context of a relatively low density 1960s style estate I find the gap that would exist quite acceptable and one that would ensure no harm to the living conditions of those in the adjoining properties. I am especially of this view given the fully hipped roof design which would minimise the visual impact of the proposed development when seen from neighbouring properties. The single-storey element of the proposal would be the minimum distance specified in the SPD. However, being only a small element of the scheme, and with a low fully hipped roof, it would not appear unacceptably intrusive seen from neighbouring dwellings and gardens.
9. I appreciate that the Inspector in appeal APP/X0360/A/14/2219126 came to a different view on the proposal before her. However, in that scheme its slightly larger size in most dimensions and a bulky roof form with a flat crown would

have resulted in a building more intrusive seen from neighbouring properties, even though marginally more distant from some of them.

10. It is concluded that the proposed development would not detract from the living conditions of neighbours with special reference to visual impact. There would be no conflict with Policy CP3 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010 (CS) which requires new development to protect the amenities of adjoining land uses.

Outdoor amenity space provision

11. The Design Guide SPD seeks 11 m garden lengths. The proposed development would provide rear garden lengths of just under 9 m. However, the proposed garden widths are quite substantial and as such the gardens would be readily capable of accommodating general activities such as sitting out and play areas, clothes drying and outside storage space. It would be sited to receive direct sunlight for some of the day and cycle storage could be easily accommodated. As such it would comply with the requirements set out in the SPD for garden areas notwithstanding that they would fall slightly short of the length sought.
12. It is concluded that the proposed development would provide satisfactory living conditions for its future occupants of the proposed development with special reference to outdoor amenity space. There would be no conflict with CS Policy CP1 which requires new development to provide attractive functional schemes.

Other matters

13. Some neighbours have raised concerns beyond those of the Council. However, given the orientation of the proposed dwellings in relation to neighbouring properties, and the proposed fenestration, there would be no unacceptable loss of privacy to those nearby. There is no technical evidence to support concerns on loss of light and whilst there would be some loss of light to adjoining gardens that would not be such as to cause unacceptable harm to living conditions. A residential use similar to that found in the area would not cause unacceptable harm to those nearby through noise.

Conditions

14. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to the standard condition on the commencement of development.
15. To ensure the satisfactory appearance of the proposed development I shall require the submission and approval of: all external materials; a landscaping scheme; and bin storage facilities. For the same reason, and also to protect living conditions, I shall remove some permitted development rights to enlarge the property, require details of boundary treatment and require details to be given of the slab level of the proposed development. In addition to protect the living conditions of neighbours I shall impose restrictions on the hours of building works. In the interests of highway safety I shall require parking spaces to be provided and retained. To ensure that the site satisfactory drained I shall require the submission and approval of surface water drainage works. In the interest sustainability I shall require the provision of secure covered cycle

parking. In the interests of good planning I shall require that the development is carried out in accordance with the approved plans.

Conclusion

16. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development 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.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping.
- 4) 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.
- 5) No development hereby permitted shall commence until details of bin storage areas/facilities have been submitted to and approved in writing by the local planning authority. The bin storage areas/facilities shall be provided prior to first occupation of the dwellings hereby permitted and be subsequently retained for that purpose.
- 6) Notwithstanding the provisions of the Classes A, B and E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted by these provisions of the Order shall be undertaken.
- 7) No development hereby permitted shall commence until details of boundary treatment has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided prior to first occupation of the dwellings hereby permitted and be subsequently retained.
- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 9) Construction works in relation to the proposed development shall take place only between 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) No dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 11) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) No dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with the approved plans for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 13) The development hereby permitted shall be carried out in accordance with the following approved plans: BR:201 Rev A; BR205 Rev A; BR204 Rev A; BR 203 Rev A.