



Appeal Decision

Site visit made on 23 July 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/R0335/W/19/3225138

1 The Green, Bracknell RG12 7BG

- 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 and Mrs Chopra against the decision of Bracknell Forest Borough Council.
 - The application Ref 18/00898/FUL, dated 4 September 2018, was refused by notice dated 14 December 2018.
 - The development proposed is sub-division of existing house to form two self-contained dwellings, 2 storey side extension and part 2 storey, part single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for sub-division of existing house to form two self-contained dwellings, 2 storey side extension and part 2 storey, part single storey rear extension at 1 The Green, Bracknell RG12 7BG, in accordance with the terms of the application, Ref: 18/00898/FUL, dated 4 September 2018, subject to the conditions set out at the end of this decision.

Application for costs

2. An application for costs was made by Mr and Mrs Chopra against Bracknell Forest Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Easthampstead Conservation Area;
 - The effect upon highway safety; and
 - The effect on the integrity of the Thames Basin Heaths Special Protection Area.

Reasons

Conservation Area

4. The appeal site is contained within the Easthampstead Conservation Area (the Conservation Area). From the evidence before me, its significance as a designated heritage asset is drawn in-part from its relevance to the 'new town movement' as well as its generous array of green spaces and planting. The

Point Royal building, which is Grade II Listed in its own right, and its surrounding landscaped space, is situated centrally within the Conservation Area and contributes in no small part to the area's special interest.

5. The appeal site contains a previously extended 2-storey semi-detached house. It is served by a front driveway and small garden area to its frontage, as well as a generously sized rear garden area. To its northern side is positioned a veterinary practice that is set at a single storey in height and, beyond this, a doctor's surgery. These buildings, along with the semi-detached pair that includes the appeal building, provide a linear frontage to The Green that is not continued to the south where instead residential dwellings form a crescent around a central wooded area that is in place.
6. The extensions that are proposed would predominantly be focussed to the rear of the site and would be designed to appear subservient to the existing building. Indeed, the intended ridge height of all extensions proposed would sit beneath that of the main ridge. Further, the front building line of the 2-storey side extension would sit behind the main property's front building line. It is thus apparent that the proposal would have a limited visual impact when viewed from public vantage points. Indeed, it has been noted by the Council's Historic Buildings section that the proposed extensions would be well-screened from main views within the Conservation Area and no objection to the proposal was raised by them.
7. The proposal would result in the narrowing of the gap that exists between the appeal building and the adjacent veterinary practice. This gap would have been greater in extent when the appeal building was first built. I do not however consider that further narrowing the gap by the extent proposed would result in harm being caused to the character or appearance of the Conservation Area. There is not a readily identifiable rhythm of development in place along the specific stretch of The Green that contains the appeal site. The proposal would continue to maintain separation between the appeal building and the veterinary practice in any event and would not, I consider, represent a cramped form of development or have a harmful effect when viewed in the streetscene.
8. Whilst I acknowledge that an existing street-fronting hedgerow would need to be removed to facilitate the proposed works, this feature is not, from the evidence before me, afforded any form of protection that would necessitate planning permission being required for its removal.
9. For the above reasons, the proposal would preserve the character and appearance of the Conservation Area and would thus not result in a loss of heritage significance. The proposal accords with saved Policy EN20 of the Bracknell Forest Borough Local Plan (2002) (the Local Plan) and Policy CS7 of the Core Strategy Development Plan Document (February 2008) (the Core Strategy) in so far as these policies state that development proposals will be permitted which build on the urban, suburban and rural local character, respecting local patterns of development and the historic environment.
10. I also note here that the proposal would not affect the setting of the Grade II Listed Point Royal building. This is because of its separation distance from the appeal site and by virtue of the proposed works being primarily concentrated to the rear of the site.

Highway Safety

11. The Green provides unrestricted on-street parking opportunities as well as off-street parking bays near to its northern end and adjacent to where the doctor's surgery and veterinary practice are located. The Green also connects to a pedestrian route that runs southwards from it.
12. During inspection, which was carried out during late morning hours, I observed several cars to be parked in the off-street bays and occasional movements in and out of these bays. I also witnessed a relatively limited number of cars parked on-street. I did not observe The Green to be a particularly heavily trafficked route, which is consistent with it providing no through route. I acknowledge that my single visit to the site cannot be relied upon in isolation to give an entirely accurate account of the day-to-day car parking situation that avails in the site's locality. I was nonetheless able to gather a clear understanding of the makeup of site's surroundings and of the parking facilities/opportunities that exist. I also noted that The Green's short extent and relatively narrow carriageway mean that the road does not readily lend itself to vehicles travelling at speed along it.
13. The appeal site is currently served by an existing dropped kerb that provides access to the front driveway area. It is proposed that this driveway be reconfigured and extended, and the dropped kerb arrangement widened to allow vehicular access across the full width of the site's frontage. This would allow separate access arrangements to be put in place for each dwelling when sub-dividing the site. A total of 5 off-street spaces are proposed, which appears to be a commensurate level of parking to serve the scheme.
14. Whilst the site is conveniently located within apparent comfortable walking distance of a range of local facilities and services, the Council has suggested that an additional 6 daily vehicle movements could be generated. Even if this were the case, this would represent a small number of movements during the course of a whole day. The proposal, which would involve extensions and a single sub-division of the site, would not be expected to result in a noticeable increase in traffic movements to and from the site.
15. I accept that regular comings and goings are created by the nearby doctor's surgery and veterinary practice. I have also noted the concerns raised, as well as photographs provided, by interested parties with respect to the availability of parking spaces and reports of regular pedestrian movements within and through The Green due, in-part, to the proximity of local schools. However, the proposal involves the upgrading of an existing access point and an associated and commensurate increase in off-street car parking provision. In this context I do not consider that highway or pedestrian safety would be compromised by the proposal.
16. The Highway Authority has raised no objection to the proposal and has noted that a nominal traffic impact would be expected. This is a matter of importance as they are responsible for the safety of road users on the local highway network.
17. For the above reasons, the proposal would have an acceptable effect upon highway safety and would thus not cause harm. The proposal accords with Policy CS23 of the Core Strategy and with the National Planning Policy Framework (February 2019) (the Framework) in so far as these policies require

planning and transport powers to be used to increase the safety of travel and that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Special Protection Area

18. The site lies in the proximity of the Thames Basin Heaths Special Protection Area (the SPA) and therefore I must consider the appeal against The Conservation of Habitats and Species Regulations 2017. These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the implications of the project in view of the relevant site's conservation objectives.
19. I note from the evidence before me that the Council, in the process of determining the planning application that is now the subject of this appeal, undertook its own appropriate assessment. This ultimately identified a total SPA-related financial contribution for the proposal of £5,530, which Natural England has raised no objection to. A completed legal agreement dated 3 July 2019, which has been signed by the main parties to this appeal is before me which secures the relevant financial contributions set out in the Council's evidence. This has allowed the Council to formally withdraw its third reason for refusing to grant planning permission.
20. However, for the purposes of this appeal, I am the competent authority and must undertake my own appropriate assessment prior to considering the issue of mitigation. It is apparent from the evidence before me that the SPA is comprised of a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. The SPA was designated in 2005 due to Natural England research at the time indicating that recreational pressure was having a detrimental impact upon these bird species, which are ground-nesting.
21. As set out in Policy CS14 of the Core Strategy, any net increase in residential development between a 400m and 5km straight-line distance from the SPA is likely to have a significant effect. In this instance the Council has stated that the site is located approximately 2km from the boundary of the SPA and I have no reason to doubt the accuracy of this measurement. Based on the site's evident proximity to the SPA, the impact of the proposed development would lead to a likely significant adverse effect on the SPA through the increased local population and associated recreational activity.
22. The Thames Basin Heaths Special Protection Area Supplementary Planning Document (April 2018) (the TBHSPASPD) sets out a two-pronged approach to avoiding likely significant effect on the SPA, which consists of the provision of Suitable Alternative Natural Greenspace (SANG), to attract people away from the SPA, and Strategic Access Management and Monitoring (SAMM) measures to reduce the effect of people who visit the SPA. The legal agreement that is before me secures contributions that are in line with the expectations that are set out in the TBHSPASPD and payment of these contributions to the Council should planning permission be granted.
23. It is also apparent that the legal agreement places a covenant upon the Council to use all reasonable endeavours to carry out SANG enhancement works within

a specified 3-month time period and in full accordance with criteria set out in the TBHSPASPD. It also places a covenant upon the appellant not to occupy the development until written confirmation has been issued by the Council confirming that such works have been carried out. A further covenant requires the Council to pay the SAMM contribution to the County Council for it to be applied in accordance with a SAMM agreement that is in place (dated 14 July 2011) between the various Councils in the County and Natural England. This agreement, I understand, relates to the delivery of a programme of strategic access management and monitoring. I am content that adequate assurances are in place to ensure that the intended mitigation and avoidance measures would be implemented expediently should planning permission be granted.

24. For the above reasons, the proposal would mitigate its impact upon the SPA and I am thus satisfied that the development would not adversely affect the integrity of the SPA. The proposal accords with retained Policy NRM6 of the South East Plan and Policy CS14 of the Core Strategy in so far as these policies require that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Other Matters

25. The proposal before me is for the subdivision of an existing house, which the appellant has confirmed is used as a 6-bedroom house in multiple occupation, and extensions to create a pair of self-contained dwellings. I must consider the proposal based on the description of development and plans that are before me, which was also the Council's approach when determining the planning application that is now the subject of this appeal. Concerns have been raised by interested parties that the house in multiple occupation should be licensed/registered but is not. However, these suggestions have not been substantiated with clear evidence and, in any event, have limited relevance to the determination of this appeal.
26. It has also been suggested that the proposal would lead to anti-social behaviour/noise and poor standards of maintenance given that such problems have been associated with the existing use of the premises. From considering the details of the proposal before me, which would provide a 3-bedroom dwelling and a 4-bedroom dwelling on a spacious site that appears commensurate in overall size to this scale of development, I do not find the proposal likely to lead to noise or nuisance problems. I did not observe any noticeable current maintenance issue during inspection. In any event, such concerns would not amount to a reason for refusing planning permission and could, if necessary, in the future, be investigated/monitored outside of this appeal.
27. A neighbouring interested party to the south has stated that the proposed rear extension would appear overbearing. It is however the case that the works would be set away from the southern boundary of the appeal site to provide clear separation. I do not consider that the proposal would have an adverse effect upon neighbouring living conditions with particular regard to outlook. Neither do I consider that any neighbouring occupier's privacy would be compromised due to the separation distances that are in place and the sensitive proposed placement of window openings.

28. I note that unsuccessful planning applications for domestic extensions elsewhere on The Green have been referred to in evidence, although the full details are not before me. It is however the case that each proposal must be considered on its own individual merits. It is also apparent that the appeal site makes up part of a linear frontage that contains commercial properties to the north and is not continued to the south, circumstances that are not repeated elsewhere on The Green.
29. As a result of the proposal it is the case that neither No 1 or No 2 The Green could accurately be described as a semi-detached property. This is not however a reason in itself to refuse planning permission. Taking into account the specific site circumstances, I do not consider that evolving a semi-detached pair of properties into a short terraced row of properties would cause harm to the living conditions of neighbouring or future occupiers or to the character and appearance of the area. Nor do I consider that any other specific harm would be caused. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

30. The Council has suggested several conditions and the appellant has had the opportunity to comment upon these. I have considered the suggested conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to some of the Council's suggested conditions for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant in writing and where necessary to guide initial works on site.
31. In the interests of certainty, a condition specifying the approved plans is required. I have included reference to existing plans and elevations in the interests of completeness.
32. In the interests of protecting the character and appearance of the Conservation Area, a condition is required to ensure that the materials to be used match the external surfaces of the existing house. For the same reason, as well as being in the interests of good landscape design, a condition is required securing the submission, implementation and subsequent maintenance of a scheme of hard and soft landscaping. It is appropriate for the submission of this scheme to be required prior to the first occupation of the development, noting the limited scale of development proposed and that landscaping would be likely to be planted towards the end of the construction process.
33. In the interests of highway safety, conditions securing the implementation of the approved vehicular access and parking arrangements as well as the ongoing retention of parking spaces is reasonable and necessary. To ensure the provision of appropriate facilities, a condition securing the implementation and retention of refuse and cycle storage facilities as approved is both reasonable and necessary.

Conclusion

34. For the reasons set out above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans: 2491/PL01 Rev D; 2491/SU01.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall be of similar appearance to those of the existing house.
- 4) Prior to the first occupation of any part of the development hereby permitted, a scheme depicting hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried out and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.
- 5) The dwelling annotated as Plot 1 on the ground floor plan contained on approved drawing 2491/PL01 Rev D shall not be occupied until a means of vehicular access has been constructed in accordance with the approved details.
- 6) No part of the approved development shall be occupied until the vehicle parking has been set out in accordance with the site plan contained on approved drawing 2491/PL01 Rev D. The vehicle parking spaces shall be retained as such thereafter and shall not be used for any purpose other than parking.
- 7) No part of the approved development shall be occupied until secure and covered parking for bicycles and storage for refuse has been provided in accordance with the site plan contained on approved drawing 2491/PL01 Rev D. These facilities shall be retained for such purposes thereafter.