
Appeal Decision

Site visit made on 29 May 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/X0360/W/18/3208322
24 Murdoch Road, Wokingham, RG40 2DF

- 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 Cassala Resident's Association Limited against the decision of Wokingham Borough Council.
 - The application Ref 173053, dated 18 October 2017, was refused by notice dated 2 February 2018.
 - The development proposed is erection of 8 no. apartments, following the demolition of the existing building which comprises of 4 no. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the appellant submitted an Agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement). This would provide financial contributions towards mitigation measures in respect of the effects of the development on the Thames Basins Heaths Special Protection Area (SPA). However, the Council did not withdraw its second reason for refusal on the basis of the S106 Agreement. I will return to this in my decision.
3. The Council was unable to demonstrate a five-year housing land supply (HLS) at the time of its decision. However, the Council's Statement of Case confirms that based on the most up-to-date Five Year Housing Land Supply Statement, published 9 October 2018, the Council can now demonstrate a five-year HLS. I have not been referred to any more recent evidence to make that claim less than credible. I have therefore proceeded on this basis.

Main Issues

4. The main issues are: 1) the effect of the proposed development on the character and appearance of the Murdoch Road Conservation Area (CA) having particular regard to the demolition of 24 Murdoch Road (No 24); and, 2) the effects of the proposed development on the SPA.

Reasons

Character and appearance

5. No 24 is a detached property comprising four flats, which is located on a prominent plot near to the junction with Sturges Road. Incorporating Murdoch Road, Sturges Road, Crescent Road and South Drive, the CA is an area

developed in the late Victorian and Edwardian period, interspersed with some modern developments. This area is defined mainly by substantial detached properties, comfortably assimilated in generous plots.

6. The appeal property (No 24) is a former Edwardian villa, constructed in the early 20th century as part of the Batty's Barn Estate, a planned expansion of Wokingham. According to the Council this is of local importance as a representation of the social and economic aspirations of that era. A number of the houses in the CA were built by the Morris family of architects, and others that followed share many of their characteristic design details. Joseph Morris (father of Frank and Violet, who both worked in his practice) was the County Surveyor and also became the chairman of the Peoples Investment Company and was involved in setting out and developing this area. The above factors along with the architecture, designs and the diversity of its housing contribute to the significance of the CA.
7. To facilitate the new development, No 24 would be demolished. There is no clear evidence that the design of No 24, is attributed to Violet Morris, who had her roots in the Arts and Crafts movement and is notable, nationally, as one of the first female professional architects. Nonetheless, the use of roughcast render, horizontal emphasis to the fenestration and chimney detailing at No 24 is similar to 21 Murdoch Road (No 21), opposite the site. This is a better-preserved example in the Arts and Crafts idiom which was designed by John Morris¹. Consequently, even if the appeal property was not designed by Violet Morris, it was influenced by, and reflects the Arts and Crafts movement of the time.
8. No 24 has been altered both internally and externally, of greater relevance to the CA are the external alterations. These include the replacement of the original roof covering, doors and windows. Removal of leaded window panes, the front porch/entrance and the replacement of cast iron rainwater goods with plastic alternatives. The extensions to the sides of the property are modest and subordinate in scale. There are also less discernible changes such as the reduction of the size of the original plot. Other less prominent modern additions at the site include boundary treatments and a garage block to the rear of the property.
9. Nonetheless, the overall form and footprint of No 24 are retained along with some architectural detailing. These include a strongly defined hipped roof which incorporates triangular gabled dormers and tapered chimney stacks and buttressing, along with remnants of the original entrance via the arch in the string course. The rear single storey range is also retained. There is also a separate building forming part of the original stable/coaching block which is largely preserved and retained. Taking account of these factors and based on my observations and the evidence before me, overall, the aesthetic and form of the original property is still legible. Furthermore, as already highlighted, due to their similarities, the appeal property and No 21 are distinct and also complement each other in views along the road.
10. Whilst No 24 is recessed within its plot, due to its distinctive form and appearance, space about the property and the prominence of the plot, it retains a strong but settled presence within the streetscene.

¹ Asset Heritage Letter, dated 12 January 2018

11. Drawing all the above observations together, and despite it not making the Council's Local List² and the existence of better-preserved buildings in the CA, I conclude that No 24 is of historical and architectural relevance and also makes a positive contribution to the character and appearance of the CA and its significance.
12. The extant property would be replaced with a single building incorporating eight, two-bed flats. Its placement within the plot would be broadly consistent with the existing building, being set back from the road. The existing garage within the plot (forming part of the original stable/coaching block) is to be retained and used as a cycle store.
13. There are aspects of the design, materials and detailing of the new dwelling that would complement the locality. It is also designed with a lower height roof than the extant property and incorporates varying ridge heights, catslides, gables, and dormers to break up the mass of the roofs. Nevertheless, and despite the retention of existing landscaping, the combination of its significantly larger footprint, elongated side elevations and overall height, would mean that the bulk of the proposal, along with the prominent position of the plot, introduce an unduly dominant feature that would compete with, rather than complement the streetscene. I therefore do not share the appellant's view that the proposal would serve to preserve the character and appearance of the CA and its significance.
14. For the above reasons, and in particular the demolition of No 24, the proposal would fail to preserve or enhance the character or appearance of the CA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
16. The proposal would provide two-bed accommodation of a modern standard for which there is a need in the area. This would be in a location close to shops, services and with good accessible to public transport. Nonetheless, the benefits arising from the modest addition of four dwellings would be limited. There is no substantive evidence that that the cost of refurbishment to upgrade the existing flats at No 24 to current standards is economically unviable. Therefore, I attach no weight to this, in the balance.
17. Having special regard to the desirability of conserving the heritage asset. As set out in the Framework³ that despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. However, the benefits in this instance would be limited and do not outweigh the less than substantial harm that I have identified.
18. I therefore conclude that the proposal would be in conflict with Policy TB24 of the Council's Managing Development Delivery Local Plan 2014 which aims to conserve and seek the enhancement of designated heritage assets in the

² Wokingham Borough Council's – List of Buildings of Traditional Local Character

³ Paragraph 193

Borough and their settings. Accordingly, I also find conflict with relevant provisions of the Framework with regard to protecting the historic environment.

Thames Basin Heath Special Protection Area (SPA)

19. The site is within 5km of the SPA. SPA's are protected by the Conservation of Habitats and Species Regulations 2010 (as amended). In order for development to be acceptable, these regulations require it to demonstrate that it will have no likely significant effect on the SPA, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, or the proposal should be refused. This is broadly consistent with the requirement of Policy CP8 of the Council's Adopted Core Strategy Development Plan Document, January 2010 (CS).
20. It would appear that the Council considered that the development would result in harm to the SPA in the absence of mitigation measures, although it did not undertake a project specific Appropriate Assessment (AA) in respect of the development.
21. The Court of Justice of the European Union (CJEU)⁴ held that the decision maker must consider mitigation measures intended to avoid or reduce the harmful effects on a protected site within the framework of an AA, rather than at the screening stage. This responsibility now falls to me as the competent authority. Whilst the appellant has submitted a S106 Agreement, insufficient evidence has been submitted with the appeal to permit me to undertake the AA and assess the adequacy and effectiveness of the proposed mitigation. Consequently, I cannot be certain that the proposal would not be harmful to the SPA. I am therefore unable to take the S106 Agreement into account.
22. Had the proposal been acceptable in other respects, the Council would have been invited to submit the necessary evidence in relation to the SPA and its mitigation strategy. Accordingly, based on the foregoing reasons, I am unable to conclude that the proposal would comply with Policy CP8 of the CS.

Other Matters

23. The appellant's evidence refers to a number of modern developments within the CA. Nonetheless, my determination is based on the specific circumstances of the appeal before me and the existence of these developments do not alter my findings on the first main issue.
24. Although the Framework promotes the effective use of land in meeting the need for homes, this is subject to, amongst other things, safeguarding and improving the environment which is not the case here, based on the harm I have already identified.

Conclusion

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

M Aqbal
INSPECTOR

⁴ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244