



Appeal Decision

Site visit made on 3 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/E0345/W/19/3224844

4A Woods Road, Caversham, Reading RG4 6NA

- 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 John Brown against the decision of Reading Borough Council.
 - The application Ref 181573, dated 5 September 2018, was refused by notice dated 6 March 2019.
 - The development proposed is described as "Develop land at the rear of No4A Woods Rd. Provide 1 pair of semi-detached & 1 no detached dwelling. Demolish No5 Woods Rd & replace with new. Provide new access to rear".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are the effect of the proposal on:
 - i) The character and appearance of the area, including the long-term health of a protected oak tree,
 - ii) The living conditions of the occupiers of 5A Woods Road, with particular regard to outlook, and the living conditions of the future occupiers of Plot 4, with particular regard to overshadowing,
 - iii) The safety of vehicular and pedestrian traffic,
 - iv) Wildlife and habitats, in particular protected species, and
 - v) The provision of infrastructure, in particular affordable housing.

Reasons

Character and appearance

3. An oak tree to the rear of the site is the subject of a Tree Preservation Order. The tree is substantial in both the extent of its canopy and its height. I observed that the tree was visible from vantage points outside of the site, within the surrounding area. This was particularly so from the road to the front and the footpath to the rear of the site. As a consequence, the tree is a feature that positively contributes to the character and appearance of the surrounding area.

4. Given the proximity of the tree to the proposed dwelling on Plot 4 as well as that it would shade a considerable part of its garden area, I consider that there would be significant pressure to lop, or fell, the tree in order to reduce the amount of shading that would take place. This may be difficult for the Council to resist. The reduction of the tree or its loss would diminish to an unacceptable degree, or remove, the positive contribution that it makes to the area. Given the significant contribution that the protected tree makes, the potential future pressure for a reduction in its crown or its removal would have a considerable adverse effect on both the character and appearance of the area.
5. The scheme would result in the creation of a new vehicular access, which would sit between the existing property of 4A Woods Road and the new property proposed on plot 5. The access would appear cramped and uncharacteristic of the surrounding development, in comparison to accesses serving other developments in the area. The width of the access would also prevent the inclusion of soft landscaping that could ameliorate this cramped appearance. It would therefore appear as a discordant addition to the street scene.
6. The site lies to the rear of properties along Woods Road. The Council contend that the street is "predominantly characterised by chalet bungalow dwellings or houses with the first floor set in a mansard roof". However, I observed that the properties are more varied than this implies. I noted the presence of both bungalows and two-storey houses. There were some with mansard type roofs or accommodation within roof spaces, however there were also two-storey properties under hipped roofs, as well as roofs over gables. As such, whilst the street is characterised by detached properties, there is considerable variation in the style, form and scale of dwellings. Against this context, the scale and appearance of the proposed dwellings would not be at odds with those that are present within the surrounding area.
7. The car port structure would appear as a subservient element to the dwellings and as such would not appear out of place within the site. Moreover, the parking area to the front of the properties would not be excessive in size, would have little effect on the street scene and could be softened by appropriate landscaping. As such, I do not find these elements of the scheme objectionable.
8. There is reference to the scheme preventing the development of the wider area, in particular the gardens to the rear of 3A and 4 Woods Road. However, I consider that the sitings of the buildings are such that they would not necessarily prevent access to the adjacent site in the future. As such, I am not convinced that the scheme would prevent comprehensive development of the area.
9. Whilst I find that the dwellings themselves would not be inappropriate additions to the site and its context; and that the scheme would not prevent the comprehensive development of the wider area, this does not outweigh that the scheme would result in harm to the character and appearance of the area by reason of a potential harmful effect on a protected tree as well as by the introduction of an incongruous vehicular access.
10. Thus, the scheme would conflict with Policy DM11 of the Reading Borough Local Development Framework – Sites and Detailed Policies Document (2012) (the SDPD) as well as Policies CS7 and CS38 of the Reading Borough Local Development Framework – Core Strategy (2008) (the Core Strategy).

Together, and amongst other things, these policies seek to ensure that trees are protected from damage or removal, that development is of an adequate size to accommodate space for access roads and that development maintains and enhances the character and appearance of the area.

Living conditions

11. 5 Woods Road (No 5), a chalet type bungalow with accommodation in the roof space would be demolished and replaced with a two-storey dwelling on Plot 5. The proposed dwelling would be sited in closer proximity to the existing property 5A Woods Road (No 5A) than the current bungalow. The building would be replaced with a two-storey property. I note that there is a side facing window to the ground floor of No 5A which, whilst currently facing No 5, given the separation distance and that the roof of No 5 slopes away from the window, would have a reasonable outlook as there would be views over the boundary hedge. However, in the absence of evidence to the contrary, in my view the proximity of the proposed dwelling together with its height would severely reduce and unacceptably limit the outlook from this window, adversely affecting the living conditions of the occupiers of No 5A.
12. To the rear of the proposed dwelling on Plot 4 would be a substantial oak tree. I noted at the time of my site visit that this was a substantial tree that shaded part of the existing garden. The tree would shade almost the entirety of the garden of the proposed property and would substantially limit light reaching it. This would result in a gloomy and shaded garden area which would be of poor quality. The tree would also shade part of the rear elevation of the property, which contains folding doors, which would provide most of the light to the interior of the property. There would also be little opportunity for light to enter the remaining window on the rear elevation due to the siting of the property to Plot 3. As such, overshadowing from the oak tree would result in unacceptable living conditions both internally and externally for the occupiers of the property on plot 4.
13. Thus, the scheme would have a detrimental effect on the living conditions of the occupiers of 5A Wood Road, with particular regard to outlook, and the living conditions of the future occupiers of Plot 4, with particular regard to overshadowing. The scheme would therefore conflict with Policies DM4, DM10 and DM11 of the SDPD. Together, and amongst other things, these policies seek to ensure development does not cause a significant detrimental impact on the living environment of existing or new properties, that dwellings are provided with functional private open space and that proposals for the development of private residential gardens do not cause a significant detrimental impact to the amenity of adjacent occupiers.

Safety of vehicular and pedestrian traffic

14. The site would be served by a new vehicular access lane which, the Council highlights, would extend for approximately 50 metres (m) from the junction with the public highway. At the end of the access lane would be a turning area, which would be restricted in its extent. No information has been supplied to demonstrate that all vehicles that are likely to be attracted to the site would be able to turn and leave the site in a forward gear, without the need to reverse along the length of the access road. Given that the access road would serve both vehicular and pedestrian traffic, the reversing of vehicles along the access would create significant potential for conflict between users.

15. Furthermore, the scheme makes no provision for visibility splays for vehicles exiting the site. The Council highlight that 2.4m by 43m splays are required. The lack of visibility would mean that when exiting the site, drivers would not have adequate views of any traffic that may be approaching and may need to move out into the road in order to ascertain if it is safe to leave the site. This is likely to result in dangerous manoeuvres onto the highway.
16. Consequently, the scheme is likely to result in harm to the safety of vehicular and pedestrian traffic, in conflict with Policy CS20 of the Core Strategy and Policy DM12 of the SDPD. Together, these policies seek to ensure the delivery of a balanced transport network and that development does not result in detrimental effects on the safety of users of the transport network.

Wildlife and habitats

17. The Council highlight that the site is surrounded by habitat of moderate potential for use by foraging and commuting bats. There are large, connected gardens which contain trees, a cemetery to the rear of the site which contains trees and hedges, as well as the presence of fields nearby. In light of this, there is reasonable potential for the dwelling that would be demolished, to accommodate bat roosts. The appellant has provided no substantive evidence to show that there is no likely prospect of there being the existence of bat roosts in the dwelling. I note that the appellant has highlighted that no specialist report was requested in respect of biodiversity, however I must make my decision on the basis of the information that is currently before me.
18. Consequently, given the nature of the habitat surrounding the site and in the absence of substantive evidence to the contrary, the scheme would fail to ensure that there would be no adverse effect on wildlife and habitats, in particular bats, which are a protected species. The scheme would therefore conflict with Policy DM11 of the SDPD and Policy CS36 of the Core Strategy. Together, and amongst other things, these policies seek to ensure development does not have an adverse effect on biodiversity and that development retains, protects and incorporates features of biodiversity into schemes. The scheme would also conflict with the natural environment protection aims of the National Planning Policy Framework (the Framework).

Infrastructure

19. Policy DM6 of the SDPD seeks that a contribution towards the provision of affordable housing be sought, unless viability considerations indicate otherwise. However, paragraph 63 of the Framework outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
20. The Council highlight that the provision of affordable housing in the borough is a major issue and that high levels of need are evidenced in a recent Strategic Housing Market Assessment. It is also stated that residents in the borough face major issues in respect of housing affordability. These matters weigh significantly in favour of seeking a contribution towards affordable housing. The appellant has not disputed these matters.
21. Having regard to this information therefore, I consider that the specific circumstances within this borough together with the policy of the development plan is sufficient, in this case, to outweigh the guidance of the Framework. This

is consistent with the approach taken by Inspectors in the recent appeal decisions to which I have been referred.

22. Whilst I note that the amount of a financial sum has been agreed between the appellant and the Council, there is no completed agreement before me which would secure the requisite contribution. Consequently, whilst the scheme should provide a contribution in respect of affordable housing, no mechanism has been provided securing it. As such, the scheme would conflict with Policy DM6, which seeks to provide affordable housing to meet the identified need within the borough, as well as the Reading Borough Council – Affordable Housing Supplementary Planning Document.

Other Matters

23. I note that the appellant has made reference to the Council not requesting additional information during the course of the planning application. However, this is not a matter for me to consider as part of this appeal and is a matter between the parties. I have determined the appeal on the basis of the evidence before me.

Conclusion

24. I find that the proposed dwellings would not be inappropriate additions in terms of their appearance and that the scheme would not necessarily prevent the wider development of the area. However, this does not outweigh that I find that the access and potential effect on an Oak tree would result in harm to the character and appearance of the area, that the scheme would harm the living conditions of neighbouring and future occupiers, that the scheme would result in harm to highway safety, that it has not been demonstrated that wildlife and habitats would be adequately protected and that no secure mechanism for the provision of a contribution towards affordable housing has been provided.
25. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR