



Appeal Decision

Site visit made on 11 September 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2019

Appeal Ref: APP/X0360/W/19/3224032

105 Colemans Moor Road, Woodley, Reading RG5 4DA

- 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 Veer Singh on behalf of 105 Colmansmoor Road Ltd against the decision of Wokingham Borough Council.
 - The application Ref 182335, dated 20 August 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described as demolition of bungalow and construction of 4 x 2 bed flats and 2 x 1 bed flats with 6 no. parking spaces and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of bungalow and construction of 4 x 2 bed flats and 2 x 1 bed flats with 6 no. parking spaces and associated external works at 105 Colemans Moor Road, Woodley, Reading RG5 4DA in accordance with the terms of the application, Ref 182335, dated 20 August 2018 and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Preliminary matter

2. Since the application was refused the National Planning Policy Framework 2018 has been replaced by the National Planning Policy Framework 2019 (Framework). As this happened before the appeal was lodged both main parties have had the opportunity to address any relevant changes introduced in it and I have taken into account any comments made.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second main issue is whether there is a need for the provision of affordable housing within the scheme and if so the level of such need.

Reasons

Character and appearance

4. The Appeal site is located within a long established mixed residential area where the variety of house types, designs and sizes, together with the varied plot sizes and sloping topography contribute to the informal character and

appearance of the area. The appeal site comprises a particularly generous sized plot that rises above the street level and is currently occupied by an unoccupied modest sized bungalow with a gable roof and front dormer extension. This bungalow is sited close to the boundary with Bridges Resource Centre (BRC), which comprises a uniformly designed, wide two storey building, with an unrelieved front elevation and a simple gable roof. On the opposite side of the appeal site is a former works site, with a bungalow on it. The Council has confirmed that planning permission has been granted for a housing scheme to be built on this site and at the time of the appeal site visit the redevelopment of the site appeared to have commenced. The approved scheme includes a two and a half storey terrace of three dwellings located close to the boundary with the appeal site and whose front building line would project slightly forward of that of the proposed building on the appeal site.

5. Together and amongst other things Policies CP1 and CP3 of the Wokingham Borough Local Development Framework Adopted Core Strategy 2010 (CS) and Policies CC01, CC03 and TB06 of the of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan 2014 (MDD) support sustainable development and seek to maintain and enhance the high quality of the environment. New development should be of an appropriate scale of activity, mass, layout and height and should relate positively to the character of the area including built form and spaces, layout rhythm, materials and landscaping, particularly around site boundaries. Existing landscape features such as trees and hedges should be retained and the development of gardens will be resisted where it would cause harm to the local area.
6. The Wokingham Borough Design Guide Supplementary Planning Document 2012 (SPD) and the Framework have similar objectives. They seek to promote good design and to ensure that new development improves the character and quality of the area. The SPD advises that a gap of one metre between the flank elevation and side boundary of new housing is generally accepted as satisfactory.
7. The front and rear elevations of the proposed building would be symmetrically designed. The building would be two and a half stories high, with a hipped crown roof and would feature a gable roof projection and two pitched roof dormer windows at the front and two gable projections at the rear. The front building line would be staggered and would include recesses on either side of the front gable projection, with balconies and enclosed terraces within the recesses.
8. The proposed building would be sited on the footprint of the existing bungalow, albeit it would be wider and deeper than the existing bungalow and would project both to the front and rear of the adjacent building at BRC. The proposed building would range between some 1.5 and two metres from the boundary with BRC and the gap between the proposed building and the building at BRC would be in excess of three metres. This gap would be consistent with the existing building and the building at BRC. It would similarly be consistent with the existing spatial standards within the immediate and wider area.
9. The proposed building would be sited a similar distance from the approved terrace on the adjacent site. It would also be similar in width and lower than the approved terrace, which would have a deeper fully pitched roof with half

hips to the sides. Whilst I am not advised whether or not the approved terrace is to be built, it is approved and construction works appear to have started on the site. Hence, at minimum this approval gives an indication of the type, form and siting of development that is considered to be acceptable on that site. At the same time, it is important to assess the relationship between the approved and proposed buildings on the basis that both could be built.

10. The proposed building would be deeper than the adjacent and nearby building, although this would not be evident in views from the front of the building, or when approaching from an easterly direction along Colemans Moor Road. Although the depth of the building and its crown roof would be evident when approaching from a south-westerly direction, it would not appear unduly bulky or out of place. This is due to the depth of the front garden area and the varied building forms in the immediate area. Also, if the approved scheme to the southwest of the appeal site is built, the approved units fronting Colemans Moor Road would screen the flank wall and roof slope of the proposed building in views from the southwest.
11. The layout of the proposed front garden would be dominated by hard surfacing for parking, cycle and refuse storage. However, an open vista up to the front entrance of the building would be provided and a modest level of planting would be provided to the front and rear of the hard surfaced area. In addition, the proposal would not result in the loss of the existing hedges on either side of the existing/proposed front garden area.
12. The proposed low wall to the front of the site would be consistent with the low wall to the front of BRC and other front boundary walls in the locality. Whilst I did not see any front boundary railings along Colemans Moor Road during my site visit, the front boundary treatment along the road is varied with a combination of walls, fences, hedges and open front boundaries. Within this context the proposed low railings with soft planting to the rear of them would simply add to the diverse character of the street scene, without resulting in an uncharacteristic sense of enclosure. It would also blend in with the proposed boundary planting to the front of the approved development to the southwest.
13. I conclude on the first main issue that the proposal would respect the character of the area and would be readily assimilated into the street scene. It would therefore comply with Policies CP1 and CP3 of the CS, Policies CC01, CC03 and TB06 of the MDD and the SPD. The proposal would also comply with Paragraphs 117, 124 and 127 of the Framework which seek to achieve well designed places and promote the effective use of land.

Affordable housing

14. In their appeal statement the Council has stated that the affordable housing trigger for the proposal is 20%, which equates to one unit. This is in accordance with Policy CP5 of the CS which states that with proposals for five to 14 dwellings on previously developed land and within built up areas 20% of the dwellings should be for affordable homes, subject to viability. The appellant has pointed out that the appeal site is located within the designated Major Development Location at Woodleigh. However, this only affects the provision for affordable housing in relation to schemes for 15 or more dwellings and does not affect the 20% requirement as set out above. As no provision has been made for affordable housing the proposal conflicts with Policy CP5 of the CS.

15. However, this is not the end of the matter as paragraph 63 of the Framework states that the provision of affordable housing should not be sought for residential schemes that are not major developments, other than in designated rural areas. Major developments for housing are defined in Annex 2 of the Framework as 10 or more homes or a site area of at least 0.5 hectares. This reflects the concerns expressed in the Written Ministerial Statement of November 2014 relating to the “disproportionate burden” of developer contributions on small-scale developers, custom builders and self-builders.
16. Paragraph 213 of the Framework states that due weight should be given to development plan policies, according to their degree of consistency with the Framework. Policy CP5 of the CS was prepared prior to the Written Ministerial Statement and the introduction of the Framework. Whilst the Council has stated that there is a high demand for socially rented homes in this location and that a 2016 study identified a net need of 441 affordable dwelling per annum, it is not stated whether this figure reflects the advice set out in paragraphs 005 to 008 (*ID.67-005 to 007*) -20190722) of the National Planning Practice Guidance.
17. Little evidence has been submitted relating to the current affordable housing need in the area and the borough as an overall proportion of housing need, or regarding the proportion of development coming forward from small sites. The Council has confirmed that the borough currently has a 7.84 year supply of deliverable housing land, but has not stated the amount of affordable housing that is expected to be provided on major sites and the likely impact this has/will have on the identified need for affordable housing in the borough. Also, whilst I note that the appeal site is located within a designated major development location, the size and nature of approved/designated development sites in this location is not stated.
18. As a result of these factors I find that in relation to the Appeal proposal the degree of conflict between the Framework and Policy CP5 of the CS is significantly more than limited. Accordingly, in relation to the appeal proposal, the Framework carries more weight than Policy CP5 of the CS.
19. I acknowledge that a different conclusion was reached by the inspector who determined an appeal relating to a small housing site elsewhere in the borough. However, that appeal was determined prior to the publication of the current Framework and the level of evidence available to the Inspector regarding the provision of affordable housing is not stated.
19. I conclude on the second main issue that the need for the provision of affordable housing within the scheme has not been demonstrated and that the proposal complies with the Framework and in particular Paragraph 63. This outweighs the identified conflict with Policy CP5 of the CS.

Other matters

20. In refusing the planning application the Council raised concern that, in the absence of satisfactory ecology surveys and information it had not been demonstrated that the proposed development would have an acceptable ecological impact. The appellant has submitted a bat scoping report which also addresses other protected and/or notable species. The report is dated September 2018 but was not considered by the Council at the application stage.

21. Having now considered this report the Council is satisfied that the proposal would be unlikely to have an adverse effect on bats or other protected species. As the existing bungalow was inspected for bats and the proposed building would largely occupy the footprint of the existing bungalow and hardstanding, I have no reason to come to a different view. As such the proposal would comply with Policies CP1, CP3 and CP7 of the CS and policies CC01 and TB23 of the MDD, which seek to protect ecological interests.
22. The proposal includes six on-site parking spaces, which the Council's Highway Engineer has stated is acceptable provided the spaces remain unallocated. This would provide greater flexibility regarding their use and, as suggested by the Council this is a matter than could be dealt with by condition. Subject to this I agree that the provision of six on-site parking spaces would be adequate to serve the development, having regard to the availability of on-street parking in the locality.
23. The site is not located in an area that has been identified as at risk of flooding and the Council has suggested the imposition of a condition to ensure the proposal does not increase flood risk from surface water run-off.
24. Having regard to the relatively modest size of the development and its location within a suburban residential area with street lights, the proposal would be unlikely to materially add to the level of light pollution in the area. The proposed building would not directly face the rear elevations of the adjacent dwellings in Consul Close and would be sited to the southeast and at least 26 metres from them. As a consequence, the proposal would not result in an unacceptable loss of privacy, sunlight or daylight for the occupiers of the existing dwellings in Consul Close.
25. In addition to the conditions referred to above the Council has suggested the imposition of conditions relating to and adherence to the submitted drawings, external materials, parking, turning and access, the stopping up of the existing access, cycle parking, landscaping, boundary treatments, the use of obscure glazing in the flank elevations, contamination, hours of construction and dust during the construction period. I consider that these conditions are all necessary to ensure the development respects the character and appearance of the area; in the interests of vehicular and pedestrian safety; to encourage/facilitate sustainable modes of travel; and to protect the living conditions of the occupiers of nearby dwellings. However, as it is proposed that there would be tall fences to the sides of the proposed building, I consider that there would be no need to require the ground floor windows in the side elevations of the proposed building to be obscure glazed.
26. It is noted that the appellant has raised no concerns relating to any of the suggested pre-commencement or other conditions. I have however slightly modified the wording of some of the conditions in the interests of precision and enforceability.
27. The Council has also suggested a condition which seeks to prevent permitted development rights relating to the insertion of any new windows above ground floor level. I consider that because flats do not benefit from permitted development rights this condition is unnecessary.

Conclusion

28. Having regard to the conclusions on the main issues and all other matters the appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Conditions Schedule

Suggested 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; PL-01, PL-02, PL-03, PL-04, PL-05, PL-06 and PL-07.
- 3) Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building and boundary treatments shall first have been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.
- 4) Prior to the commencement of the development hereby permitted, details of the implementation, maintenance and management of a sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) A timetable for its implementation, and
 - ii) A management and maintenance plan for the life-time of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 5) Before the development hereby permitted is commenced a scheme of works that sets out measures that will be taken to minimise dust arising from the development shall be submitted to and approved in writing by the local planning authority. The dust mitigation measures identified in the scheme shall be carried out and maintained until the construction of the development is complete.
- 6) Prior to the demolition of the existing building and structures and prior to the development of the site, an assessment shall be carried out to determine whether any harmful materials are present, and where such materials are found, measures shall be taken to prevent such materials from contaminating the land to be redeveloped. The building hereby permitted shall not be occupied until a report detailing the assessment and where necessary, mitigation measures undertaken, has been submitted to and approved in writing by the local planning authority.

- 7) Notwithstanding the details shown on the approved plan, prior to the occupation of the development hereby permitted there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building.
- 8) Prior to the first occupation of the development hereby permitted, details of all boundary treatments shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.
- 9)
 - i) No part of the building hereby permitted shall be occupied or used until the vehicle parking and turning spaces have been provided in accordance with the approved plans. The vehicle parking and turning spaces shall thereafter be retained and maintained in accordance with the approved details and the parking spaces shall remain available for the parking of vehicles at all times and the turning spaces shall not be used for any other purpose other than vehicle turning.
 - ii) The parking spaces provided shall remain unallocated for use in connection with any of the apartments and shall remain available for use by the occupants of or visitors to any of the apartments hereby permitted at all times.
 - iii) The parking and turning spaces shall be formed of permeable materials or run-off shall be directed to a permeable area within the application site.
- 10) The building hereby permitted shall not be occupied until the access hereby permitted has been constructed in accordance with the approved plans.
- 11) The building shall not be occupied until the vehicular access hereby permitted has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.
- 12) The existing vehicular access to the site shall be stopped up and abandoned, and the footway and/or verge crossings shall be reinstated within one month of the completion of the new access in accordance with details to be submitted to and approved in writing by the local planning authority.
- 13) Notwithstanding the details shown on the approved plan, prior to the occupation of the development hereby permitted, details of secure and covered cycle storage/parking facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/parking shall be implemented in accordance with the approved details prior to the occupation of the development and shall be permanently retained in the approved form for the parking/storage of cycles and used for no other purpose.
- 14) With the exception of the roof lights, all windows above ground floor level in the side elevations of the building hereby permitted shall be fitted with

obscured glass and shall be permanently retained. The windows shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently retained.

- 15) No work relating to the development hereby permitted, including works of demolition or preparation prior to building operations shall take place other than between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 Saturdays and at no time on Sundays or Bank or National Holidays.