
Appeal Decision

Site visit made on 10 September 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/R0335/W/19/3231567

Land at Allsmoor Lane, London Road, Bracknell

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Abava Developments Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 18/00844/FUL, dated 21 August 2018, was refused by notice dated 20 December 2018.
 - The development proposed is erection of three dwellings with associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effects of the proposed development on;
 - The character and appearance of the area, including the impact on protected trees;
 - Biodiversity; and
 - The Thames Basin Heath Special Protection Area (SPA).

Reasons

Character and Appearance

3. Many of the trees within the appeal site are yet to mature. However, along with the mature trees on site they provide a green and sylvan character to the site. The site itself is well contained with views through mostly obscured by the dense vegetation currently on the site. London Road and Allsmoor Lane are not continuously tree lined and contain urban features. Notwithstanding this, while access points and housing are visible beyond the vegetation, it is the landscape features that dominate these routes rather than the built development. The site currently sits comfortably in this setting. Moreover, at the junction between Allsmoor Lane and London Road there is a greater width of vegetation cover either side.
4. The properties would be set back further from the boundary with adjacent roads than many existing ones. However, even with the mature boundary trees framing the access and the winding route of the road, there would be views of

the site from the new access. In addition, while partly screened, the site would be clearly visible from the properties to the west and from views through the vegetation along London Road and Allsmoor Lane. Although the effects of the development on the character of these routes would diminish with distance and generally be experienced when passing the site, the scheme would detract from their existing verdant setting.

5. The scheme would increase natural surveillance of Allsmoor Lane. Nevertheless, there has been no evidence of any significant fly tipping or unauthorised use of the site. This was reflected in what I saw during my site visit. While parts of the existing boundary fence were in disrepair this did not detract from the overall setting of the site.
6. Additional planting is proposed that would align with the species identified in the re-stocking plan. While I acknowledge landscape conditions can be appropriate in certain instances, any planting would take time to mature and effectively screen the proposal. The introduction of 3 properties, the associated access road and other domestic paraphernalia would inevitably erode the current green character and appearance of the site. Furthermore, the removal of the vegetation would increase the views of the existing properties beyond the site, urbanising the site and its setting.
7. Although not the whole of the site, large areas of it are covered by a Tree Preservation Order (TPO) as are other trees near the site. The procedure involved in their designation is not a matter for this appeal. Since trees were felled in 2007, various tree species have self-seeded on the site. There are now areas of the site covered in dense young natural regeneration of predominantly Willow, Birch and Gorse, much of it within W1 and W2 of TPO 1200.
8. Unlike at present, the proposal would actively managed and reflect the mix of species specified in the Restocking Notice and do so beyond its obligation period. Nonetheless, large parts of the site would need to be cleared of its existing vegetation, including areas covered by TPO 1200.
9. New tree and shrub planting is proposed covering an area equivalent to the Restocking Notice. Nevertheless, the existing features to be removed make a significant contribution to the green setting of the surrounding trees and woodland. Although the site may require selective thinning to allow future growth, the removal of extensive areas of the site would adversely impact on the character and appearance of the area.
10. Beech tree T3 has been damaged and its removal is already permitted subject to replacement. The scheme proposes native woodland and shrub mix in its place. The access road would infringe on the root protection areas of G2. However, this is only to a limited degree and the majority of the proposed works are away from G1 and G2. As with T1 and T2 they are shown as being retained. Were the appeal to be allowed, on the basis of the evidence before me, conditions could ensure works do not adversely impact on the retention of trees protected by individual and group orders.
11. My attention has been drawn to The Bracknell Forest Character Area Assessments Supplementary Planning Document. While the site is not within Area I, I note that one of its recommendations is to retain existing tree cover and verges. Evidence has been put to me as to the extent of woodland at the

site historically. Whether regenerated woodland or not, large areas of the existing tree cover would still be removed.

12. Passing views may not be for a long period with only glimpses through the retained vegetation and the Council have not raised concerns with the design of the properties themselves. Nonetheless, at my site visit, which I appreciate is only a snapshot in time, I saw that Allsmoor Lane was well used by pedestrians and London Road was busy with vehicular traffic. The impact of the proposal would be obvious, particularly in the short term and the proposal would have an unacceptable effect on the character and appearance of the area.
13. It would be contrary to Policy CP1 of the Bracknell Forest Site Allocation Local Plan (LP), Policy CS7 of the Bracknell Forest Core Strategy Development Plan Document (CS) and Saved Policies EN1 and EN20 of the Bracknell Forest Borough Local Plan (BLP). These, in part, require proposals to respect local patterns of development, enhance the landscape, retain and enhance beneficial landscape features, and avoid the loss of natural features such as trees which are important.
14. It would also fail to accord with the National Planning Policy Framework (Framework) where it requires developments to respond and be sympathetic to local character including landscape setting.

Biodiversity

15. The site is not subject to any statutory or non-statutory nature conservation designations. It has not been shown that the site forms part of Natural England's Ancient Woodland Inventory or the Council's Deciduous Woodland Priority Habitat Inventory. While the appellant considers it unlikely to be UK BAP Priority Habitat or Section 41 Habitat of Principal Importance, and regardless of the future nature conservation value of the site, the appellant considers the current value to be up to moderate local value.
16. The evidence presented to me regarding whether the site was historically woodland is not conclusive. Even if I were to consider the site was not regenerating woodland, the Reptile Survey and Ecological Appraisal identified potential habitat for common and locally recorded reptiles and a wide range of invertebrates. Using the appellant's figures, the development would result in a net loss of approximately 0.25ha of habitats.
17. Areas of new habitat would be created as well as a green buffer along the eastern boundary of the site. While opportunities for wildlife would remain within the site following development, the evidence before me does not rule out any overall habitat loss or demonstrate that the proposed planting would replicate the ecological value lost.
18. Being for 3 dwellings and with the existing activities along, and features of, Allsmoor Lane and London Road, the scheme would not result in a significant increase in footfall, lighting, noise and pets.
19. The width of the wildlife corridor at the site would be narrowed. However, I saw that this was not uncommon along this side of Allsmoor Lane where some property gardens are almost adjacent to the lane. While the corridor on site would be interrupted by the proposed access, this would be similar to the hard surfacing along Allsmoor Lane. Furthermore, London Road to the north already creates a barrier at that end of the site. There has been no substantive

evidence presented that the existing roads prevent the functioning of the existing corridor. In addition, no external lighting is proposed, and a corridor would remain along the northern and eastern boundary of the site that connects to the area to the south. In the absence of substantive evidence as to how specific species or habitats would be affected by the narrowing, I find that the site would still function as a wildlife corridor area.

20. The imposition of conditions, including those relating to the Defra Biodiversity Offsetting Metric have been suggested. Nevertheless, no specific wording has been provided to me and it is indicated that this may include a payment towards biodiversity offsetting works in the wider area. The Planning Practice Guidance (PPG) advises that a positively worded condition should not be used to require a payment of money. It has not been demonstrated that the scheme meets the exceptional circumstances stated in PPG where a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence are present.
21. The scheme would result in a loss of habitat overall at the site and therefore have an unacceptable impact on biodiversity. It would be contrary to Policies EN1 of the BLP and Policies CS1 of the LP and CS7 of the CS. These, in part seek to prevent the loss of trees and hedgerows important to habitats for local wildlife and require developments to protect, enhance and promote biodiversity.
22. It would also fail to accord with the Framework where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

The Thames Basin Heath Special Protection Area

23. In the reasons for refusal the Council also cite the lack of mitigation for effects on the SPA. A planning obligation for this has been provided in relation to this. As I have found other harm sufficient to dismiss the appeal, the development will not take place and thus there would be no resultant effect on these designated areas in any event. Therefore, there is no need for me to consider the matter further. Any such mitigation would only remove unacceptable harm and would not weigh in favour of the proposal or alter my conclusions on the other main issues.

Other Matters

24. The proposal would align with the aim of the Framework to significantly boost the supply of housing and small-scale developments can make an important contribution to meeting the housing requirement. There would be benefits to the local economy arising from the construction period and future spend of occupants. Nevertheless, given the number of units proposed the contribution towards these would be small.
25. The Council have not included refusal reasons relating to matters such as highway safety, accessibility of the site to public transport, services and facilities or the principle of residential use at the site. As the appeal is being dismissed for other reasons there is no need for me to consider them further. In any event, the absence of harm is a neutral factor.

26. I note the scheme has been amended in an attempt to overcome issues raised in previous appeals¹. Nonetheless, I have concluded that the proposal as it stands would be contrary to development plan and national policy. This and the associated harm identified outweigh the benefits of the scheme.
27. My attention has been drawn to other sites and developments in the same Council area. Nevertheless, I have not been provided with full details of these and therefore cannot be sure they represent a direct comparison to the scheme before me. Each proposal is assessed on its own merits and I have done so with this appeal.

Conclusion

28. Therefore, for the above reasons the appeal is dismissed.

Stuart Willis

INSPECTOR

¹ APP/R0335/W/16/3160920 and APP/R0335/W/15/3141253