

Appeal Decision

Site visit made on 23 September 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/R0335/W/19/3231588

**Land adjacent to Knibbs Knook, Warfield Street, Warfield, Berkshire
RG42 6AU**

- 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 Spong against the decision of Bracknell Forest Borough Council.
 - The application Ref 18/00946/FUL, dated 11 September 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of 3 no dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development and details of the site location from the Council's decision notice as it more concisely describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the setting of the Grade II listed building, Knibbs Knook; and
 - the protected Walnut tree.

Reasons

4. The appeal site lies adjacent to the Grade II listed building which is divided into two cottages known as 'Knibbs Knook' and 'Wee Knibbs'. Under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework ('the Framework') is also clear that great weight should be given to a designated heritage asset's conservation and that its significance can be harmed by development within its setting.
5. The building is set back from the roadside, behind a feature boundary wall and sits within a spacious plot with the garden to the west side being more spacious and open. From the listing description and other evidence before me, I consider that the significance of the designated heritage asset relates primarily to the age, form and historic fabric of the building, particularly the original part, and the specified features of special interest.

6. Whilst there are dwellings adjoining either side of the listed building's curtilage, there is an adequate degree of separation which forms its setting and enables an appreciation of the building's uniqueness. There is a protected Walnut tree forming part of the front boundary and other tall and prominent trees within the site, forming part of groups 5 and 6 identified by the Arboricultural and Planning Integration Report (API Report). The trees collectively provide an established verdant quality to the appeal site which emphasises its detachment from the surrounding built form, even if that has already been eroded to some extent in recent years.
7. Notwithstanding any former association of the appeal site with the listed building, it is currently a separate entity in a non-residential use. The appeal proposal would introduce dwellings to the south-east of the listed building without incursion into its logically-defined existing curtilage. The proposed buildings would follow a broadly similar building line to those dwellings recently constructed to the west which are particularly visible within the streetscene. The proposal would also include the removal of trees within groups 5 and 6.
8. Whilst the appellant indicates that the appeal site is visually well separated from the listed building, the visual separation would be markedly eroded by the proposal in its current density, siting and form, particularly when combined with the tree removals. Notwithstanding that some agreement may have been reached with the Council on the removal of tree groups 5 and 6 in view of the trees' quality as individual specimens or as a group, the effect of their removal with the tightly arranged dwellings sited so close to the listed building would harmfully urbanise its setting. The proposal would therefore undermine the spacious, verdant quality of the setting and the way it would be appreciated in the street scene.
9. The intended replacement of the tree groups 5 and 6 with smaller species spaced further apart would not mitigate the harmful impact of the current proposal on the setting of the listed building. As such, despite the conclusions in the Built Heritage Appeal Statement, I do not consider that the impact of the proposal on the listed building's setting would be neutral. I have not considered the likelihood of cumulative impacts at this stage as there is limited evidence that a scheme for the adjacent undeveloped site would come forward in the manner indicated in the proposed site plan.
10. In view of this main issue, the proposal would harm the setting of the listed building and would therefore be contrary to saved Policy EN20 of the Local Plan¹ which seeks to avoid the loss of important open areas, gaps in frontages and natural or built features, such as trees and hedges. The proposal would also conflict with CS1 and CS7 of the Core Strategy², which, amongst other things, seek to build on the urban, suburban and rural local character, respecting local patterns of development and the historic environment.

Walnut Tree

11. The existing Walnut tree sits adjacent to the boundary of Knibbs Knook and the adjoining footway. The tree appears to be in good condition and contributes positively to the character and appearance of the street scene. Within the

¹ Bracknell Forest Borough Local Plan (adopted January 2002)

² Core Strategy Development Plan Document (adopted February 2008)

appeal site, the tree root system is likely to extend beneath the feature boundary wall and the surrounding compacted earth surface.

12. The proposal would involve the retention of the protected Walnut tree, which, given its contribution to the setting of the listed building and wider area, is a particularly important aspect of the appeal scheme.
13. The Council indicates that the submitted API Reports fail to ensure the adequate protection of the tree which would involve works to provide an access road within the tree's root protection area (RPA) using a 'no dig' method. Further details of the 'no dig' method have been provided as part of the appeal.
14. I am mindful that there is some degree of disturbance within the RPA of the tree from HGVs accessing the site in association with its current use and from items currently stored thereupon. The physical works within the tree roots would be more damaging if not carefully controlled. However, the 'no-dig' solution appears to have been devised with sufficient precautionary measures to ensure the tree's protection and longevity. Further details to tailor the working method and final design of the proposed access road could also be secured by condition.
15. As such, subject to conditions, the proposal could adequately safeguard the protected Walnut tree. It would therefore comply with saved Local Plan Policies EN1 and EN20 and Core Strategy Policy CS7, which, amongst other things, collectively seek to retain beneficial landscape, ecological or archaeological features.

Other matters

Thames Basin Heaths Special Protection Area (TBHSPA)

16. The appeal site is within the buffer zone of the TBHSPA. The addition of three residential units, considered in combination with other plans and projects within this area, would be likely to have significant effects on the internationally important interests and features of these sites. In accordance with, in particular, Core Strategy Policy CS14, development will not be permitted within the buffer zone unless an appropriate assessment has been undertaken and if found to be necessary, mitigation measures have been secured. The appellant has submitted a signed Section 106 agreement to deliver financial contributions to offset the impact of the proposal on the TBHSPA. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event and this matter does not need to be considered further.

Planning balance and conclusion

17. I find that the proposal would harm the setting of the listed building contrary to the policies of the development plan, albeit the harm identified would amount to "less than substantial harm" which the National Planning Policy Framework ('the Framework') advises must be weighed against the public benefits.
18. The proposal would result in the provision of three new family homes in a sustainable location and would generate social and economic benefits in this regard. The proposal would also deliver a new pedestrian link to the neighbouring site which would enhance the connectivity of the area.

19. However, the moderate benefits from the appeal scheme do not outweigh the identified harm to the setting of the listed building. The proposal would therefore conflict with the development plan as a whole and would also conflict with national policy outlined in the Framework.

20. Accordingly, the appeal is dismissed.

Hollie Nicholls

INSPECTOR