
Appeal Decision

Site visit made on 23 July 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/X0360/W/18/3216306

Land adjacent to The Ridgeways, Wellingtonia Avenue, Crowthorne RG45 6AE

- 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 Messrs Page and Agombar against the decision of Wokingham Borough Council.
 - The application Ref 180347, dated 6 February 2018, was refused by notice dated 28 June 2018.
 - The development proposed is the erection of a 1 No 5 bedroom dwelling house, double garage with a new vehicular access formed on Wellingtonia Avenue and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be in an appropriate location for new housing;
 - the effect of the development on the character and appearance of the area;
 - the impact of the development on the trees; and
 - whether the proposal would make appropriate provision for affordable housing.

Reasons

Appropriate Location

3. The appeal site fronts onto Wellingtonia Avenue and comprises a large area of grassed land. It is located between two existing residential properties and has a significant depth. There is evidence of domestic paraphernalia, including a shed, within the site. The site is bounded by a number of mature trees and hedging and there are a number of trees within the rear part of the site. Access is currently via a track road, Drift Lane, running to the rear of the site which also serves existing properties. The proposed development would introduce one dwelling and detached garage into the site.

4. The appeal site is located outside of any defined development limits and therefore, for the purposes of the development plan, is considered to be in the countryside. Paragraph 79 of the National Planning Policy Framework (2019) (the Framework) states that isolated homes in the countryside should be avoided unless there are special circumstances. However, the Braintree High Court judgement¹ has identified isolated homes for the purposes of the Framework as being given their ordinary objective meaning of 'far away from other places, buildings or people, remote'.
5. The appeal site is located within a row of existing dwellings which front onto Wellingtonia Avenue. In addition, there are existing dwellings located along Drift Lane to the rear and, in addition, properties are located on the opposite side of Wellingtonia Avenue and along The Ridges. Accordingly, the appeal site could not be classified as being isolated, and whilst physically detached from the main settlement of Crowthorne, it is nevertheless set within a small cluster of existing properties.
6. The Appellant and Council dispute the status of Policy CP11 of the Wokingham Borough Core Strategy (2010) (Core Strategy). Policy CP11 states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except within certain circumstances. The Council have given a number of examples of appeal decisions where the Inspector has given full weight to the policy and found that it is consistent with the aims of Framework and similarly, the Appellant has identified examples which find the Policy to be inconsistent with the Framework. The aims of the Policy are to restrict development outside of the development limits and the Framework seeks to direct development in rural areas to sustainable areas where it will enhance or maintain the vitality of rural communities (paragraph 78). Based on the information before me, I find that Policy CP11 does not seek to place a blanket restriction on development outside of the defined limits, and allows for some development where appropriate. I consider that this does not result in a significant inconsistency with the aims of the Framework as a result.
7. The appeal site is located within 1 mile of Crowthorne and a footpath runs along Wellingtonia Avenue from the appeal site to the main settlement. Within Crowthorne facilities include some small-scale shops, a business park and the train station. The Council and Appellant dispute the exact distance from the appeal site to the nearest facilities however, I find that although a reasonable distance, the presence of the footpath may encourage pedestrian access. Wellingtonia Avenue is a 50mph road but is of good visibility and a substantial width which may also encourage cycling.
8. However, although it is not possible to predict the preferences of future users, it would be likely that many journeys from the appeal site would be by private car, particularly in unfavourable weather conditions or in the winter months, as a result of the overall distance and the unlit nature of the footpath. The Framework, in paragraph 108, requires appropriate opportunities for sustainable transport modes to be taken up and safe and suitable access achieved for all users.

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greybread Limited, Granville Developments Limited [2017] EWHC 2743 (Admin)

9. Whilst I find that it is likely that there would be private car journeys as a result of the location of the appeal site, the presence of the footpath, as well as the level of services and facilities within Crowthorne and the location of the train station, does give an opportunity for alternative methods of transport and, on balance, I find that the site's location would meet the connectivity aims of the Framework.
10. The appeal site forms residential garden land, having previously been subdivided from the adjoining property but having had no intervening use. There is evidence on site of domestic items therefore I conclude that the site could reasonably be considered to be residential.
11. I note the examples of other approved developments which are detached from the settlements, including the plans and other details. I note that these were approved some time ago and I do not have the full considerations behind these decisions. Nevertheless, for the above reasons I find that the site would be in an appropriate location for new housing in terms of access to services and facilities and access to alternative methods of transport.
12. Accordingly, whilst the development would conflict with Policy CP11 of the Core Strategy and Policies CC01 and CC02 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (2014) (Local Plan) I find that for the above reasons the proposed development would be in an appropriate location for new housing and would comply with the aims of Policy CP6 of the Core Strategy, which requires the provision of a choice of transport modes, amongst other things. However, in this site-specific location, I can find no conflict with Policies CP1, CP2 and CP3 of the Core Strategy which largely seem to relate to other matters including the need to maintain or enhance the high quality of the environment, ensure that development contributes to the provision of sustainable and inclusive communities and general principles for development. In reaching this conclusion I have had regard to the local support received.

Character and Appearance

13. Wellingtonia Avenue is distinctive in its character and appearance as a result of the impressive avenue of mature trees which line both sides of the road. Within the tree screening are large dwellings set back from the road, bounded to the front by mature hedging and trees. This provides a woodland feel to the immediate area and significantly screens the dwellings. The set back of the dwellings and their large plots minimise the built form and retain a heavily rural ambience to the surroundings. Although not subject to any statutory or local landscape protection, the Wokingham District Landscape Character Assessment identifies the dramatic, long and straight Wellingtonia Avenue as a key characteristic of the area, along with low-density detached houses which are enclosed and screened within large gardens containing retained woodland.
14. The proposed dwelling would be sited back in line with the established building line, with the proposed garage sitting forward to reflect the garage on the adjoining property. The appeal site is substantial in size however this is achieved by the depth of the site, rather than the width which, along the road frontage, is significantly narrower than the existing plots and which tapers in towards the rear of the site.

15. The appeal site could accommodate one dwelling with ample garden areas, however the narrowness of the site is at odds with the prevailing character of the area. Whilst the site is of a reasonably large size, the existing dwellings along this part of Wellingtonia Avenue are set within sites with wide frontages which allow for significant screening and soft landscaping.
16. The appeal site is readily apparent within the street scene as a result of the removal of some of the frontage trees. Whilst some remain, and the proposal would include the planting of a frontage hedgerow, a large dwelling within the site would appear prominent and would result in a degree of urbanisation of Wellingtonia Avenue. Due to the limited landscaping remaining, the dwelling would appear stark, in contrast to the well-screened, glimpsed properties which flank the appeal site. I recognise that additional planting would be implemented however, this would take a significant amount of time to reach a level of maturity that would sufficiently screen the proposed dwelling.
17. The width of the appeal site would result in the dwelling being set closer to the side boundaries of the site which would be at odds with the prevailing spacious character. I note the Appellant's view that the properties are seen in glimpses between the trees and hedging and the proximity to the boundaries would not be particularly apparent. However, it remains that the area is characterised by dwellings set within spacious plots and the width of the appeal site would be out of keeping with this established form.
18. I note that in terms of the distance between dwellings, the proposed dwelling would not be closer to the adjoining properties than other dwellings along Wellingtonia Avenue, and I agree that this would serve to mitigate aspects of the development on the character and appearance of the area. Nevertheless, I find that the width of the plot would result in a development which would not respect the existing character and spacious, woodland appearance.
19. The Council have raised concerns over the design of the proposed development. I note that there is little by way of uniformity in the design of the existing dwellings along Wellingtonia Avenue, a number of which are large replacement properties. As such, I find that the proposed design would not be harmful to the visual characteristics of the area, and a condition to secure suitable materials would ensure that the design of the dwelling would respect the woodland appearance of the immediate area.
20. Consequently, I therefore find that the proposed development would be contrary to Policies CP1, CP3 and CP11 of the Core Strategy and TB6 and TB21 of the Local Plan. Collectively these seek to ensure that development maintains the high quality of the environment, makes a positive contribution to the character of the area in terms of the relationship of the existing built form and spaces around the buildings, achieves a layout which integrates with the rhythm of plot frontages and which retain or enhance the condition, character and features that contribute to the landscape, amongst other things. It would also fail to accord with the aims of paragraph 170 of the Framework which seeks to ensure planning decisions contribute to and enhance the natural and local environment. In reaching this conclusion I have taken into account the large replacement dwelling adjacent to the appeal site.

Trees

21. The Appeal site has a Tree Preservation Order (TPO) in place to protect a number of trees including some Scots Pines, Oak trees and 2 Wellingtonia Trees, referenced as T3 and T4. Some trees have been removed from the site frontage to give a more open appearance than the surroundings with the avenue of mature trees. It has been identified that whilst tree T4 remains of very good quality, tree T3 is now of poor quality and in a state of decline. The proposed access would be located between trees T3 and T4 and, as a result of their size and maturity, would cross above their root protection zones.
22. The introduction of the proposed access onto Wellingtonia Avenue would reflect the existing accesses which are regular features along the road, and I have had regard to the Council's Wokingham District Landscape Character Assessment and the Appellant's Arboricultural Survey, Impact Assessment and Protection Plan dated February 2018. Based on the evidence before me, I find that subject to a detailed investigation into the root spread and condition of the trees and the use of no dig techniques, the proposed access could be accommodated between the trees with limited undue impacts on the integrity of these trees. I note that construction traffic would have the potential to impact upon the roots of the tree, however this would be for a limited period of time and beyond this, vehicular activity for one property would not be excessive.
23. For the above reasons I find that the proposed development would comply with Policies CP1, CP3, CP9 and CP11 of the Core Strategy and CC01, CC02, CC03, TB06 and TB21 of the Local Plan insofar as they relate to providing suitable access and maintaining the ability of the site to support flora and fauna.

Affordable Housing

24. Policy CP5 of the Core Strategy requires residential proposals of at least 5 dwellings or covering a site area of at least 0.16 ha to provide affordable housing of 40%. As the proposal would provide only 1 dwelling this would be required as a commuted sum which the Council have calculated to be £81,149.56 index linked towards affordable housing in the borough. The Appellant has disputed the need for affordable housing on a development of one dwelling. Paragraph 63 of the Framework advises that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out lower thresholds.
25. The supporting text to Policy CP5 identifies that there is an exceptional need for affordable housing in the borough which led to the reduction in the thresholds however I have not been provided with a copy of the Council's Berkshire HMA or the Affordable Housing Supplementary Planning Document and consequently I have limited evidence of the specific need for affordable housing in the various settlements. Based on the evidence before me, and having regard to Policies CP1 of the Core Strategy and TB06 of the Local Plan, I cannot therefore conclude that the requirement for an affordable housing contribution on a site below the thresholds in the Framework have been sufficiently justified in this instance.

Other material considerations

26. The Appellant and Council dispute the current 5-year housing land supply. The Council have confirmed that they can demonstrate a current supply of 6.39 years as detailed within the Wokingham Borough Five Year Housing Land Supply Statement at 31 March 2019. The Appellant, however, questions the deliverability of some of the sites and also the use of the 5% buffer, which the Council state has been used as there is no longer a persistent under delivery.
27. I have had regard to the views of both parties on this matter and whilst the Appellant has provided several figures to support their view, I do not have the specific considerations or details of the sites which they consider to be undeliverable. Furthermore, the Council will have recently reviewed their position in order to produce the Wokingham Borough Five Year Housing Land Supply Statement at 31 March 2019 which shows an excess of 5 years. Accordingly, I have limited evidence which would lead me to conclude that a 5-year housing land supply could not be demonstrated. Nevertheless, even if I were to conclude that there was a shortfall in the housing land supply, one new dwelling would make a very limited contribution to this supply and would therefore carry limited weight in the planning balance.
28. The appeal site is located in proximity to the Thames Basin Heaths Special Protected Area (SPA). Policy CP8 of the Core Strategy requires that development which is likely to have a significant effect on the SPA will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse impacts are delivered. Where there is potential for the development to have a harmful effect on the SPA it is incumbent on me to carry out an Appropriate Assessment (AA) should I be minded to approve the development. However, due to the proposed development being in conflict with the policies of the development plan the outcomes of the AA would not be determinative in this instance. The Appellant has included within the submitted Section 106 Agreement the provision of contributions towards SAMM and for the delivery and management of the Rooks Nest Farm SANG. However, in light of my above considerations, the provision of these contributions would not be sufficient to outweigh the harm arising from the proposed development.
29. Local objections have been received concerning, in addition to the above matters, the impact on neighbouring living conditions. However, it is not necessary for me to consider these matters further as they would not alter my conclusions above.

Planning balance and conclusion

30. The proposed development would boost the supply of housing by 1 dwelling, would incorporate the use of air source heat pumps and the Appellant notes that the development would provide improvements to the ground conditions and provide social, economic and community benefits. In addition, the proposed dwelling would benefit from enhanced insulation and electric charging points for vehicles. However, taken collectively with the acceptability of the location of the site for housing, these benefits would not be sufficient to significantly and demonstrably outweigh the harm arising from the development due to the impact on the character and appearance of the area.

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

R Norman

INSPECTOR