



Appeal Decision

Site visit made on 13 November 2019

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/X0360/W/19/3223815

9 Easthampstead Road, Wokingham RG40 2EH

- 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 Classictone Properties against the decision of Wokingham Borough Council.
 - The application Ref 181723, dated 15 June 2018, was refused by notice dated 14 September 2018.
 - The development proposed is the demolition of existing largely redundant building (comprising predominately of leisure floorspace) and erection of a new building comprising 120 sq m retail floor space at ground floor level, and 27 residential units on ground and upper floors including provision of car parking, cycle parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. It is common ground between the appellant and the Council that the fifth reason for refusal, relating to parking, could be resolved through the use of a condition. I have therefore not considered this further.
3. The appeal site is located within 5km of the Thames Basin Heaths Special Protection Area. The appellant has acknowledged that, in the event planning permission were granted, an agreement would be required to secure avoidance measures. No such agreement has been submitted with the appeal. However, in view of my overall conclusion on this appeal it is not necessary that I consider this matter.

Main issues

4. The main issues in this appeal are:
 - whether the development would preserve and enhance the character and appearance of the Wokingham Conservation Area and its effect on the setting of nearby listed buildings;
 - whether adequate living conditions would be provided for the future residents of the development in terms of floor space, noise, outlook, privacy, access to the flats and outside amenity space;
 - the effect of the development on the living conditions of the occupants of 12 and 15A Denton Road and 18-24 Easthampstead Road in terms of dominance, sunlight and day light and overlooking;

- the effect of the development on office/commercial employment floor space;
- whether the development would include an appropriate housing mix in terms of unit size;
- whether the development would make appropriate provision of affordable housing;
- whether the development would make appropriate provision for accessible housing and disabled parking spaces;
- the effect of the development on the archaeological interest of the site; and
- the potential for the development to affect a non-designated heritage asset.

Reasons

Character and appearance

5. The appeal site is located in an edge of town centre location where there is a mix of modest residential properties set in short terraces and commercial buildings. Within the Conservation Area, close to the appeal site, the majority of the buildings are two storeys in height.
6. The appeal site is located within, but at the edge of the Conservation Area. The submitted evidence shows that, in its original form, the cinema was a fine and striking Art Deco building. However, the building has been much altered. From Easthampstead Road it is brick built with some corrugated metal cladding and large areas of glazing. The building is set well back from the road. It is up to three storeys in height. However, its shape is such that, in views from Easthampstead Road, the tallest part of the building appears to be located in the centre of the site.
7. A takeaway is located adjacent to the appeal site in a traditional brick-built building with its gable facing towards the road. Numbers 3 and 5 Easthampstead Road and the Victoria Arms Public House are Grade II Listed Buildings in a terrace. These buildings have a similar scale to the terrace housing located on the opposite side of the road from the appeal site.
8. The fire station is located to the other side of the appeal site, just outside the Conservation Area. It is a modern brick structure with its gable also facing the road. It has three storeys, although the roof space is used to accommodate the second floor and it is relatively narrow. As such, while this is a taller building than many of those surrounding it, its form is such that it does not appear bulky or dominant.
9. From Denton Road the existing building takes up almost the full width of the site and appears bulky. It is also primarily built from brick and corrugated metal. The building is a mix of two and three storeys on this elevation. To one side there is a utilitarian two storey building associated with the fire station. To the other side there is an office building. This is three storeys in height and incorporates a number of projecting gable features. The buildings on the opposite side of Denton Road are two storey residential properties. These are located outside the Conservation Area.

10. The appeal building would have accommodation over four floors, with part of the roof space used to accommodate the upper floor. At Easthampstead Road the building would be set forward from the current position of the front elevation. The building would cover much of the width of the plot. Both its eaves and ridge height would be above those of the takeaway and the fire station building. The appeal building would also be seen in the context of the terrace housing opposite, it would appear as significantly taller and bulkier than these properties.
11. Having regard to the context of the site, when seen from Easthampstead Road, the development would appear as a bulky structure out of keeping with the prevailing form and height of the street scene. It would fail to preserve or enhance the character or appearance of the Conservation Area and result in harm to the setting of the nearby listed buildings.
12. The street scene on Denton Road has a more commercial and utilitarian appearance. The appeal scheme would replace a structure of considerable bulk. The development would be taller than the adjacent office building. It would take up almost the entire width of the site and so when considered together with its height it would appear excessively bulky. From this perspective it would also result in harm to the character and appearance of the Conservation Area.
13. I have had regard to the other examples of development which have been drawn to my attention, however each case must be considered on its merits having regard to the unique circumstances of the site. The Saxon Court development has a corner plot location and this has resulted in a significantly different context to the appeal site. It is not directly comparable and so this does not persuade me that the appeal scheme would be acceptable.
14. I have taken account of the character of the existing building and that elements of the proposed building would reflect architectural features seen in the local area. I have also taken account of the detailing and features proposed as part of the development such as a glazed elevator and the use of a mixed colour and material palette. However, these factors would not minimise the harm that would arise from the height and bulk of the development.
15. As the development would affect only a small portion of the Conservation Area the harm that would arise would be less than substantial. Nevertheless, in view of paragraph 193 of the National Planning Policy Framework (the Framework) the harm that would be caused to the significance of the designated heritage assets must attract great weight on the negative side of the balance. This is bolstered by the operation of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which creates a strong presumption against development that would fail to preserve listed buildings or, as is the case here, their setting and fails to preserve or enhance the character or appearance of the Conservation Area.
16. The proposal would not accord with Policies CP1, CP3 and CP14 of the Wokingham Borough Adopted Core Strategy January 2010 (the Core Strategy) or Policy TB24 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan February 2014 (the Local Plan). These Policies seek to maintain a high quality environment, ensure that development is of an appropriate scale, layout, built form, height, materials and character, would not have a detrimental impact on heritage, would

integrate into its surroundings and conserve and enhance designated heritage assets.

Living conditions – future occupiers

17. As Policy TB07 of the Local Plan contains interior space standards, those now contained within the Technical Housing Standards – Nationally Described Space Standard should be applied in their place. The majority of the residential units would fail to meet the minimum standard and a good portion of the main bedrooms would also fail to meet the minimum size in technical requirements.
18. In a number of cases the deficiency in floorspace compared to the Standard is very modest. However, in some cases this is more significant and this would result in a cramped living environment for the future occupiers. The appellant has suggested changes could be made to the building to address these matters. However, that alternative scheme is not before me and I must determine the appeal as submitted.
19. The appeal development would not include any private amenity space for the flats, however communal space would be provided on the landscape deck. Section R16 in the Design Guide Supplementary Planning Document (SPD) seeks some form of private amenity space for flats suggesting the use of balconies, upper level terraces, or winter gardens. This requirement would also be applicable where a communal space is provided. Although the landscape deck would be of a reasonable size it would not be private.
20. I have taken account of the town centre location and proximity of public parks, however when the small internal area of the majority of the flats is considered the proposed amenity space would not be adequate. While the appellant has suggested that alterations could be made to allow for private amenity space to be provided, this is not before me and so I can not take this into account.
21. There would be a number of access routes into the development. Residents or visitors parking at the site would enter the building from the under-croft carpark. By its nature this would be a utilitarian space, however it is not an uncommon arrangement in flatted development where parking is provided. I do not consider that, in itself, this would be harmful.
22. When accessing the building on foot, the majority of the pedestrian accesses would lead to the stairs and lift through the carpark. The pedestrian entrances are all modest and those from Easthampstead Road would require access along narrow passageways. There would be some scope, through detailed design, to create a greater sense of arrival at these accesses. However, access would still be via a passage way and car park. This would result in a poor sense of place. I note the other examples of accesses, such as where flats are above shops, which have been brought to my attention. However, when the scale of the development proposed is considered, the pedestrian access would be substandard. This would result in harm to the living conditions of the future residents, albeit only to a modest extent.
23. Although reference was made to sections R13, NR3 and NR14 of the Borough Design Guide SPD in the tenth reason for refusal these principally relate to the relationship between houses and open space and non-residential buildings. The concern raised by the Council is generally about access to the flats and not their relationship with the amenity space or the non-residential parts of the

proposed development. I therefore do not find these sections of the SPD to relate to the particular issue. This however does not minimise the harm I have found.

24. All of the units on the third floor would have rooflights. However, each individual flat would also be served by windows and/or fully glazed patio style doors. In all cases this would include the outlook from the main living space. Therefore, I consider that the use of roof windows in some of the dwellings would not be harmful.
25. A number of the flats would have their front doors and windows to the main living space close to the road or the communal walkway. This would reduce the privacy to these units. The passing of pedestrians would be transitory and such arrangements are not uncommon in flatted development. The degree of privacy for the occupiers of these flats would be acceptable.
26. The internal arrangement of accommodation between the flats would result in some areas, where greater levels of noise could be expected, would be located next to or above/below bedrooms, where a quieter environment should be provided. However, this matter could be addressed through a condition to require that suitable mitigation is provided.
27. Although I have found that the outlook, privacy and noise environment for the flats would be acceptable this would not mitigate or outweigh the harm I have found in terms of internal space, the outdoor amenity space or the access arrangements to the scheme.
28. On this main issue I conclude that adequate living conditions would not be provided for the future residents. The development would not accord with Policies CP1 and CP3 of the Core Strategy or Policy TB07 of the Local Plan. These Policies seek to maintain or enhance a high quality environment, contribute to a sense of space, provide attractive and functional schemes and provide an internal layout and size of accommodation that would be suitable to serve the amenity requirements of future residents.

Living conditions – neighbouring occupiers

29. The appeal building would have an outlook towards the residential properties in Denton Road and those on the opposite side of Easthampstead Road.
30. Sections R15 and R16 of the Borough Design Guide SPD seeks to ensure reasonable levels of privacy and appropriate separation distances are provided. A table indicates separation distances which may be appropriate. The arrangement of the development with the 12 Denton Road is akin to a back to flank arrangement and the arrangement with number 15A Denton Road is similar to a front to front arrangement. The table indicates a distance of 15m for buildings over 2 storeys in both these circumstances. The note associated with this table also indicates that, in urban settings, a tighter, more compact layout, may be required.
31. Where there would be a direct outlook towards the side of No. 12 Denton Road, and its rear garden, the proposed first and second floor windows in the development would include high level kitchen windows and angled bay windows. Overlooking from the high level windows would not be significant and use of obscure glazing for parts of the bay windows could limit direct overlooking to the neighbouring garden area. A full height window is proposed

- which would have an outlook towards the fronts of these neighbouring properties in Denton Road. However, this outlook is over areas already overlooked from the highway and so the loss of privacy would be limited.
32. The relationship of the development with the residential properties on Easthampstead Road would be a front to front relationship across a street. Although the distance would be relatively short, this relationship is common in a town centre location. The degree of overlooking towards the fronts of these neighbouring properties would not be harmful in this context.
33. In view of the distances involved, and the town centre location, the separation distance that would be achieved would be consistent with the aims of Sections R15 and R16 of the Borough Design Guide SPD. The degree of overlooking would not be harmful.
34. The proposed building would be relatively tall, however for a town centre location, the separation distances between it and the residential properties on Denton Road and Easthampstead Road would be reasonable. The appellant's daylight and sunlight report indicates that these neighbouring, and other non-residential, properties would not be affected to an unacceptable degree. This would be broadly compliant with the recommendations in section R18 of the Borough Design Guide SPD.
35. On this main issue I conclude that the development would not result in harm to the living conditions of the occupants of 12 and 15A Denton Road and 18-24 Easthampstead Road in terms of dominance, sunlight and day light and overlooking. The development would accord with Policy CP3 of the Core Strategy which seeks to ensure development would not be detrimental to the amenities of adjoining land users.

Employment

36. The appeal site is located within Wokingham Town Centre. Policy CP13 of the Core Strategy seeks to protect and maintain the role of retail centres and designates Wokingham town centre as an area which is suitable, in principle, to accommodate town centre uses.
37. Policy CP14 of the Core Strategy seeks to maintain the position of Wokingham Town Centre in the retail hierarchy by ensuring development maintains and enhances a wide range of services, learning opportunities, community facilities, tourist facilities, housing, office accommodation and leisure and entertainment. Policy CP15 of the Core Strategy requires that changes of use from B1, B2 and B8 should not lead to an overall net loss of floorspace in B Use within the Borough.
38. The relevant Policies allow for a range of uses in a town centre which includes housing. The development would include an element of retail which is an appropriate use for this location. There would be a loss of office accommodation as a result of the proposal. There is no substantive evidence that this would not result in a net loss of B Use floor space across the Borough and as such there would be conflict with Policy CP15 of the Core Strategy.
39. There would also be a loss of leisure and entertainment use floor space. Parts of the building is in a state of disrepair, particularly those areas formally utilised for leisure and entertainment. However, there is not significant

evidence to demonstrate that the loss of such floor space would still allow for an appropriate provision and mix of such uses across the town centre.

40. The building does not currently provide high quality office or leisure accommodation, however there is no evidence that such uses could not be provided in a viable redevelopment and therefore I give this factor only limited weight.
41. The permitted development rights for the change of use of office accommodation to residential use would only apply to a portion of the building. There is a separate approval process relating to those permitted development rights which does not appear to have been applied for in this case. It would be inappropriate to prejudge the outcome of such a process and so I only give very limited weight to this factor.
42. The development at Saxon Court involved the demolition of office accommodation. Each case must be considered on its own merits and, from the information provided by the Council, it appears that detailed information was submitted in relation to this matter when that planning application was considered. The circumstances are materially different from this case and so I give this factor very limited weight.
43. When considered together, the evidence submitted does not demonstrate that the loss of B1, leisure and entertainment uses would allow for an appropriate balance of uses within the town centre. The development would fail to comply with Policies CP13, CP14 and CP15 of the Core Strategy.

Housing mix

44. Policy CP5 of the Core Strategy seeks a mix and balance of house sizes. Policy TB05 in the Local Plan requires that residential development should provide an appropriate housing mix which reflects the character of the area and both the current and projected needs of households. The supporting text for these policies indicates that proposals should reflect the demand and demographic profile of households requiring market housing.
45. The Berkshire (including South Bucks) Strategic Housing Market Assessment (February 2016) identifies an estimated need for 3 bed units at 43.5 % and 4+ bed units at 22.2%. The appeal scheme would provide 7No. 1 bed and 20No. 2 bed units.
46. The Council's policies seek a mix of unit sizes and the evidence demonstrates that there is a significant need for larger units. The town centre location of the site indicates a balance towards a greater portion of smaller units may be appropriate. However, I consider that, in view of the scale of the development proposed, some of the need for larger units should be met by it.
47. Reference has been made to the Saxon Court development which is said to have 31No. 2 bed and 8No. 1 bed units and 52 Peach Street which is noted as containing 4No. 1 bed units. While this indicates that the Council has accepted a limited mix of sizes on other sites, I have not been provided with full details of the reasoning behind those decisions. The appellant's evidence also indicates that a development at Peach Place did accommodate a small number of 3 bed units. Considering these other examples does not persuade me that the Policy to secure a reasonable mix of units should be set aside.

48. The appellant acknowledged that the relevant policies seek a greater mix than proposed and has indicated that it would be possible to revise the layouts to achieve this. However, such an alternative scheme is not before me and I must determine the current scheme. The proposal was not submitted on the basis that it would be sheltered accommodation and no mechanism to secure the dwellings as this type of accommodation has been submitted. I therefore can not give this matter any weight.
49. On this main issue, I conclude that the development would not provide an appropriate mix of house sizes and it would not comply with Policies CP5 of the Core Strategy or TB05 of the Local Plan.

Affordable housing

50. Subject to viability, Policy CP5 of the Core Strategy requires the provision of affordable housing where at least 5 new dwellings are proposed (net) or a net site area of at least 0.16ha would be covered. The Framework states that affordable housing should not be provided for proposals which are not major development (10 or more homes). Regardless of which is applied, the appeal development would be above the minimum threshold.
51. The appellant does not propose any on-site provision of affordable housing. Reference has been made to viability information provided by both the applicant and the Council when the Saxon Court development was considered. It is noted that no on-site provision was made but rather a section 106 Agreement secured the payment of a commuted sum.
52. Viability information, by its nature, is highly sensitive to the circumstances of an individual site and time. No evidence has been submitted to support the view that the conclusion made in respect of the Saxon Court development can be assumed to be directly applicable to the appeal scheme. A simple adjustment to the commuted sum to account for the difference in the scale of the development and to ensure the payment would be index linked would not be appropriate. In any event, the appellant has not submitted an agreement which would secure a commuted sum.
53. The submitted evidence does not demonstrate that the on-site provision of affordable housing would not be viable. On this main issue I conclude the development would not make appropriate provision of affordable housing and the development would not accord with Policy CP5 of the Core Strategy.
54. Policy TB05 of the Local Plan seeks an appropriate mix of accommodation in line with the Council's Affordable Housing SPD. In view of my conclusion above, and because no on-site affordable housing is proposed, it is not necessary to deal with this Policy or the SPD.

Accessibility

55. The development would include a lift allowing level access to the vast majority of the units. While only 2 disabled parking spaces are indicated it would be possible that this was increased modestly without unreasonably reducing the overall parking provision. Although many of the proposed flats are small in terms of floor space, there are a number which would exceed the minimum standard and could be laid out as accessible units. The Council has recommended a condition that could secure this.

56. There would not be conflict with Policies CP2 and CP5 of the Core Strategy which require proposals to address the requirements of an aging population, people with a physical disability and provide a mix of types of dwellings. On this main issue I conclude that the development could make appropriate provision for accessible housing and disabled parking spaces.

Archaeology

57. The appeal is supported by an archaeological and heritage assessment. This concludes that a watching brief during ground works would be necessary. The Council has not provided any evidence to dispute the findings of this report. I consider that this sufficiently evidences that a condition could adequately deal with archaeological matters.
58. The development would accord with Policy TB25 of the Local Plan which seeks to protect archaeological remains.

Non-designated heritage asset

59. The building was originally constructed as a cinema in the late 1930s. The exterior of the building has been significantly altered such that its former distinctive Art Deco external appearance has been almost entirely lost. The archaeological and heritage assessment submitted with the appeal makes very limited reference to the internal features of the building. It simply notes that no internal architectural features or internal fittings have been preserved which represent its use as a cinema.
60. My internal inspection during the site visit indicated that elements and architectural features of the cinema use, particularly in the main auditorium, remained. With the limited information available it is not possible to reach an informed conclusion as to the significance of this heritage asset. Consequently, the balanced judgement, required by paragraph 197 of the Framework, can also not be applied in an informed manner. I have returned to this matter in my concluding paragraphs.

Other matters

61. I note the comments made by the appellant in respect of the pre-application process and the need for councils to be positive and proactive in dealing with planning applications. However, I must determine this appeal on the substantive planning merits. The appellant has made particular reference to a recent development at Saxon Court, for the various reasons I have set out, that proposal is not directly comparable to this appeal scheme. Therefore, it does not lead me to conclude that this scheme is acceptable in all respects.

Planning balance

62. Paragraph 196 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
63. Seeking to achieve appropriate densities and boosting the supply of homes are key aims of Government policy. However, this must be balanced with other policy aims. As well as making a modest contribution to meeting the housing need, economic benefits would be delivered in the construction period, from

- future residents spending within the area and that associated with the retail units. The proposal would also make efficient use of previously developed land.
64. While I have found it to be less than substantial, the requirements of the Framework and the approach of the Act compels me to attach great weight on the negative side of the scales due to the harm that would arise to the Conservation Area and the setting of the listed buildings and thereby the significance of these designated heritage assets.
65. In balancing the conflicting factors, even when I consider the totality of the public benefits, while important, these would not be sufficient to justify the harm to the significance of the designated heritage assets that would be caused. I reach this conclusion largely because the benefits from the provision of the housing and retail units are generic and would be much the same for any scheme of the scale proposed.
66. In addition to the harm to heritage assets, I have also found that harm would arise to the living conditions of future residents of the development, that the loss of office/commercial employment floor space would fail to comply with the relevant policies and that appropriate provision would not be made in terms of housing mix and tenure (affordable housing). These matters would further weigh on the negative side of the planning balance.
67. I have found no harm would arise to the living conditions of neighbouring residents, that appropriate provision could be made for accessible housing and disabled parking and that archaeological matters could be dealt with by condition. Ultimately, these are neutral matters so they do not weigh positively in the planning balance.
68. The evidence submitted means that an informed judgement as to the significance of any internal features of the former cinema could not be reached and so I was unable to apply the balanced judgment as set out in the Framework. However, in view of my reasoning above, this would not alter the overall conclusion.

Conclusion

69. The proposal would conflict with the development plan when taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

K Taylor
INSPECTOR