
Appeal Decision

Site visit made on 3 December 2019

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/X0360/W/19/3236743

181 Headley Road East, Woodley RG5 4JG

- 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 Tim Richardson against the decision of Wokingham Borough Council.
 - The application Ref 191105, dated 16 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed was originally described as "erection of a new detached dwellinghouse, creation of new driveway and private garden".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has altered the description of the development to "full planning application for the proposed erection of one 2no. bedrooms detached dwelling with new associated driveway, private garden and bike storage". This is also the description used by the appellant on the appeal form. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area;
 - the living conditions of existing and future occupiers with particular regard to the provision of private amenity space;
 - Trees within the site

Reasons

Character and appearance

4. The appeal site comprises a triangular side garden to a small block of maisonettes, located between the host building and a strip of amenity land. The building is subdivided into two maisonettes numbers 179 and 181, which comprises of a ground floor and first floor flat. The surrounding area has a mix of development type. Immediately adjacent to the appeal site are four pairs of semi-detached dwellings which have a relatively uniform appearance. To the east of the appeal site is a core employment area which is characterised by a

- range of large commercial buildings. The site is bounded by mature vegetation which screens the residential dwellings from the employment use in the east.
5. The appeal proposal is for the construction of a new 2-bedroom detached dwelling within this side garden. The proposed dwelling would have a small rear triangular garden, with most of the garden being limited to the front and side of the property. The appeal proposal would be located approximately 1 metre from the boundary of the neighbouring property, with a separation distance of flank walls in the region of 2 metres. This level of separation between dwellings is broadly comparable to the other dwellings in the area.
 6. Given the triangular shape of the appeal site and the siting of the proposed dwelling towards the rear of the site, the proposal would be in very close proximity to the site boundary to the east. This minimal separation distance with the boundary would mean the dwelling appears cramped within the plot. This is further exacerbated by the small amount of rear garden space which would increase the cramped feeling of the proposal on this parcel of land. The adjacent properties all have reasonably sized broadly rectangular gardens, and the proposed siting of the appeal dwelling would not be in keeping with this pattern of development. The cramped form of development is therefore to the detriment of the street scene, thereby causing unacceptable harm to the character and appearance of the area.
 7. The Council have raised concerns that the design of the proposal would appear as a stark and featureless addition, and would therefore be in contrast to the existing character of the street scene. The adjacent residential dwellings are simple in design, and are broadly symmetrical in shape with white fenestration details. These properties have a slight front projection in the form of bay windows at the front elevation. The proposed dwelling would be of a similar simple design but does not include the front bay elevation. Materials used would also match existing. Subsequently I do not find that the dwelling, whilst simple in design, would look out of place in the street scene. The dwelling would be sat slightly proud of the existing building line, however there is evidence in the area of other dwellings been sited slightly forward of the established building line. I do not find that this would unduly harm the character and appearance of the street scene. However, the proposal would appear cramped within the site, and consequently harms the character and appearance of the area.
 8. Accordingly, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with policies CP1 and CP3 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (CS), policies CC01 and TB06 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan (LP). Together these policies seek, amongst other things, that development within private residential gardens is sustainable and makes a positive contribution to the character of the area. I also find conflict with section 12 of the National Planning Policy Framework (the Framework), which seeks, amongst other things that development is of a high-quality design which are visually attractive and sympathetic to local character. The Council has also made reference to Section 5 of the Framework; however, I do not find this relevant as it relates to the delivery of a sufficient supply of homes. The proposal would also conflict with the Wokingham Borough Council Design Guide Supplementary Planning Document 2012 (SPD), which seeks, amongst other

things that residential development contributes positively towards the character and quality of the local area.

Living Conditions

9. The outdoor amenity space for the proposed dwelling would comprise a small rear garden, with the majority of garden space being at the front and rear of the property. The Design Guide SPD states that private gardens space should be usable, which generally means being rectangular in shape and capable of accommodating activities such as sitting, play, clothes drying and outside storage space. In addition, it recommends the minimum distance for a garden length should be 11 metres with an additional 1 metre for retaining access to flank elevations. Furthermore, gardens should afford an appropriate level of privacy.
10. Given the triangular nature of the plot, the garden is unable to meet the requirement to be rectangular in shape. Furthermore, the current boundary treatment of mature vegetation which provides screening with the adjacent employment area would likely reduce the amount of sunlight this small garden would receive. I do not consider that the garden space at the rear is large enough to accommodate the activities outlined within the SPD, and the presence of mature vegetation would likely lessen future occupiers enjoyment of this small rear garden space.
11. The appellant has indicated that the Council has failed to take into account the large spaces at the front and side of the property. Whilst this space at the front and side would be able to accommodate the activities listed within the SPD, the garden would benefit from very little privacy being located adjacent to a busy road. The provision of hedgerows as shown on the layout plan would provide a degree of screening and privacy, however it would not mitigate the noise and disturbance of being located adjacent to a busy road. As such I do not consider that the provision of this space at the front and rear of the site would provide adequate replacement amenity space to counter the lack of private rear garden space. Consequently, I find that the proposal would not provide adequate outdoor amenity space for future occupiers.
12. The appeal site currently provides the garden space for no.181, and the construction of a new dwelling here would mean that this dwelling no longer benefits from any outdoor amenity space. The appellant has indicated that as the site is currently overgrown it is not in a usable condition, as such there is no change of circumstance for this property. During my site visit I observed that the garden did not appear to be used by no.181 and appeared somewhat segregated from this property. Given the open nature of this side garden, it does not currently meet the requirements of the SPD in relation to the privacy of residential gardens. Therefore, whilst the proposal would result in a loss of outdoor space, it currently is not providing any private amenity space and as such its removal would not harm the living conditions of the current occupiers of No.181.
13. Consequently, I find that the proposal would harm the living conditions of future occupiers with particular regard to private amenity space. As such, it would conflict with CS policies CP1 and CP3, and policies CC01 and TB06 of the LP. Together these policies seek, amongst other things that new development is appropriately designed and provides adequate amenity space. I also find conflict with section 12 of the Framework, which seeks, amongst other things

that development is of a high-quality design which provides a high standard of amenity for future occupiers. The Council has also made reference to Section 5 of the Framework. However, I do not find this relevant as it relates to the delivery of a sufficient supply of homes. The proposal would also conflict with the Design Guide SPD, which seeks, amongst other things that residential development provides appropriate amenity space for occupiers.

Trees

14. Policy CC03 of the LP states that development proposals should demonstrate how they have considered and achieve the protection and retention of existing trees, hedges and other landscape features. Furthermore, policy TB21 states that proposals should retain or enhance the condition, character and features that contribute to the landscape. The Design Guide SPD further states that new housing should respond to its contexts, and should incorporate existing features of value into the proposals. This includes trees and hedgerows.
15. There are currently a number of mature trees along the front boundary of the site which provide a positive contribution to the street scene. The submitted landscaping plan indicates that a number of these mature trees would be removed and replaced with a high hedgerow. Given the prominence of the existing mature trees on the site, it is not considered that the replacement of this with a high hedgerow is a comparable landscaping solution. Hedgerows would not have the same visual impact, and could take many years to reach a suitable level of maturity.
16. The plans indicate that a mature tree would remain along this front boundary of the site. However, no arboricultural reports have been submitted to demonstrate the impact the proposal would have on the trees which are proposed to remain on the site. Specifically, no details have been provided to identify any impact on the root protection area of the tree which is proposed to be kept.
17. Consequently, I find the proposal would have an unacceptable impact on the trees on the site. This is contrary to policies CP1 and CP3 of the CS. Together these policies seek, amongst other things that development maintains the high quality of the environment and maintains the ability of sites to support fauna and flora. I also find conflict with LP policies, CC01, CC03 and TB21. Together these policies seek, amongst other things that development retains, enhances character and features that contribute to the landscapes and protects and retains trees, hedges and other landscape features. The Council has made reference to LP policy CC02, however I do not find this relevant as it relates to development limits. The proposal would also conflict with section 12 of the Framework. Together these seek, amongst other things that development is of a high-quality design. The Council has made reference to sections 5 and 7 of the Framework, however I do not find these relevant as they relate to the delivery of a sufficient supply of homes and ensuring the vitality of town centres. There would also be conflict with the Design Guide SPD, which seeks, amongst other things that development should incorporate existing features including trees and hedgerows.

Other matters

18. The appellant has cited an appeal decision at 4 Oak Way Reading¹ in which the inspector accepted the provision of a new dwelling in a side garden. At the time the inspector found that the proposal did not harm the character and appearance of the area and provided adequate amenity space. However, I do not consider that the two proposals are directly comparable. The site at 4 Oak Way retained a much larger rear garden, and the dwelling is situated much further away from the site boundaries. This means that it does not appear overly cramped and thus would not harm the street scene. It further provides a much more usable outdoor amenity space for occupiers. Furthermore, that appeal was determined in 2008 which pre-dates the current development plan. I can therefore not be certain that the planning circumstances are the same.
19. Reference has also been made to a site located at Lismore Close Woodley² in which the Council accepted a garden which did not meet the SPD standards for outdoor space and was located next to a busy road. However, I do not find this example is directly comparable as the outdoor space provided at the rear of this property appears much larger than the appeal site. Whilst I appreciate some parallels can be drawn given its location next to a busy road, the plans indicate boundary treatments including a 3metre high wall and acoustic fence. From the evidence submitted this was required to reduce the noise levels within the site. In any event, all applications and appeals must be determined on their own merits and that is what I have done in this case.

Conclusions

20. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR

¹ APP/X0360/A/08/2080082

² Application reference 163553