



Appeal Decision

Site visit made on 18 March 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/X0360/W/19/3243905

29 Duncan Road, Woodley RG5 4HR

- 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 G Bertram (JCPI Ltd) against the decision of Wokingham Borough Council.
 - The application Ref 192571, dated 17 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is described as the 'sub-division to form two two-bedroom dwellings with parking and amenity space'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'sub-division to form two two-bedroom dwellings with parking and amenity space' at 29 Duncan Road, Woodley RG5 4HR in accordance with the terms of the application, Ref 192571, dated 17 September 2019, subject to the attached schedule of conditions.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area;
 - ii) the living conditions of the occupiers of 29 Duncan Road having particular regard to outlook and loss of light; and
 - iii) the site drainage.

Reasons

Character and appearance

3. 29 Duncan Road is currently a semi-detached dwelling located within a residential development of detached and semi-detached houses. It has recently been extended with a two-storey side extension, substantially set back from the front elevation of the host building. Furthermore, the property is located at the end of a cul-de-sac where the extension is not visually prominent. Additionally, the proposed rear parking area would be no more than glimpsed from the street scene.
4. The proposed subdivision would result in a terrace of three properties on a site that was originally occupied by a single detached dwelling. The proposal would result in an increased density of dwellings and associated domestic

paraphernalia. However, the proposal would not result in any additional built form over and above the existing. The proposal would be accessed from an existing side door that is out of public view. Furthermore, the proposals would accommodate much of the ancillary features, such as parking, bin storage and separate private garden away from the site frontage and prominence. Consequently, the visual impact from the proposal and increased density would be very limited.

5. A large area of gravel has been laid out to the rear of the appeal site. However, this does not reflect the submitted parking layout and I have limited information as to whether this would be adequate to accommodate the necessary parking and turning provisions associated with the development. Nonetheless, this accommodates a landscaped strip at the boundary and three large trees. Whilst this provides less landscaping than evident within the photographic submissions, I consider to be a significant green corridor. However, from the public realm this landscape coverage of the site does not significantly contribute to the character and appearance of the area. Furthermore, it is not subject to any protection or designations and could be removed without planning control. In any event, given the ambiguity between the submitted plans and the works that I have seen on site, the final parking layout and landscaping could reasonably be conditioned in the interests of maintaining and enhancing the character and appearance of the area.
6. Therefore, in conclusion on the first main issue the proposal would not cause any harm to the character and appearance of the area. As such, the proposal would accord with Policies CP1, CP3 and CP5 of the Wokingham Borough Local Development Framework, Adopted Core Strategy Development Plan Document, January 2010 (CS); Policies CC03, TB06 and TB21 of the Wokingham Borough Development Plan, Adopted Managing Development Delivery Local Plan, Enhancing the Borough's environment and character through exceptional development, February 2014 (LP); paragraphs R1, R2, R14 and R22 of the Wokingham Borough Council, Borough Design Guide, Supplementary Planning Document, June 2012 (SPD); and Sections 11 and 12 of the National Planning Policy Framework (the Framework). These seek, amongst other aims to ensure that development respects the character and appearance of the area; provides for a mix and balance of densities, dwelling types and sizes; and avoids inappropriate development of residential gardens.

Living conditions

7. The proposed ground floor plan does not specify the use of the rooms within 29 Duncan Road. In any event, to the rear no 29 has a single storey element with windows to its rear and side elevations. This dual aspect in combination provides clear and open views. This also allows sufficient light to provide reasonable living conditions for occupiers. Furthermore, the other ground floor room with a rear aspect is located some distance from the recent two-storey addition that would be used to create the proposed dwelling. As such, it would retain adequate outlook and levels of light.
8. At first floor, the proposal shows a bathroom and a bedroom with rear aspects. The room nearest the recent two-storey addition is annotated as a bathroom. This is not a habitable room. The room furthest away is annotated as a bedroom and would be sufficient distance away to avoid any loss of light and maintain a reasonable outlook. In any event, both windows being at first-floor

would maintain reasonable levels of light and outlook given their elevated position and the modest scale and form of the adjacent roof structure.

9. Furthermore, no 29's garden is of a reasonable length and the majority of the space would have good levels of light and clear aspects in at least three directions. The most affected area is that immediately outside the rear of the property, but even if I were to conclude that the proposal would be harmful, that would be mitigated by the good levels of living conditions available to the majority of the garden.
10. Therefore, in conclusion on this main issue the proposal would not cause any harm to the living conditions of the occupiers of 29 Duncan Road having particular regard to outlook and loss of light. As such, the proposal would accord with Policies CP1 and CP3 of the CS; and paragraphs R16 and R18 of the SPD. These seek, amongst other aims to provide sustainable development that achieves adequate living conditions for existing and future occupiers.

Drainage

11. The proposal would introduce a large area of hard standing to the rear of the site to meet the requirements for parking, turning and access thereto. There is a paucity of information and this has contributed to the reason for refusal from the Council. However, I note in evidence that the appellant says that porous materials would be used. Furthermore, I note that the Council's drainage expert has raised no objection to the proposals subject to the imposition of a condition to require final details of drainage. Based on the evidence available, the final details of hard surface materials and drainage could reasonably be conditioned so as to avoid any harm.
12. Therefore, in conclusion on the final main issue the proposal would not cause any harm to the site drainage. As such, the proposal would accord with Policies CP1 and CP3 of the CS; Policy CC10 of the LP; paragraphs R2 and R21 of the SPD; and Section 14 of the Framework. These seek, amongst other aims to ensure that developments make adequate provision for drainage and contribute to environmental sustainability. Paragraph R13 of the SPD relates to the provision of public open space and is of limited relevance to this main issue.

Other matters

13. A number of third parties have expressed their objection to the proposed development. These raise a number of issues, such as the effect of additional parking. Furthermore, they highlight that the two-storey extension was approved subject to a condition that it shall not be used as a separate dwelling for reasons of amenity and highway safety. However, the condition does not prevent a request for planning permission to subdivide the property. Such a proposal shall be assessed on its own merits. None of the additional concerns or issues raised by residents, including parking and highway safety were included within the Council's formal reasons for refusal. Whilst I have had careful regard to the third-party submissions, I have no evidence to reach a different conclusion to the Council on these matters.

Conditions and conclusion

14. I have noted the suggested conditions within the Council's evidence, which the appellant has had opportunity to comment on. I find that the standard

implementation condition and approved drawing schedule conditions are reasonable and necessary in order to define the terms of the permission.

15. I have imposed conditions in relation to existing and proposed soft landscaping, hard landscaping, the final layout of the access and parking areas, bin storage and secure cycle provision. These would define the terms of the permission and ensure adequate provision is made to serve the needs of the development whilst protecting the character and appearance of the area. I have made amendments to the suggested conditions in the interests of precision and ensuring that they reasonably relate to the scale of the proposal.
16. However, I have not imposed the suggested conditions in relation to requiring an arboricultural method statement and matching external materials. They are unnecessary and do not relate to the development to be permitted. Furthermore, I have not imposed the suggested conditions to restrict permitted development rights and define the prevailing permission. These are unnecessary and unreasonable given the nature of the development.
17. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: p140A (Location and Block Plan), p144 (Ground Floor Plan – as proposed), p145 (First Floor and Roof Plan – as proposed), p146A (Elevations – as proposed), and p148 (Site Plan – as proposed).
- 3) Notwithstanding the hereby approved plans, no part of 29a Duncan Road shall be first occupied until a final layout and materials for the access, parking and turning for the site has been submitted to and approved in writing by the local planning authority. This shall include a permeable and bonded material across the entire width of the access for a distance of five metres measured from the carriageway edge. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.
- 4) Notwithstanding the hereby approved plans, no part of 29a Duncan Road shall be first occupied until a final, revised scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. This shall include details of plant species, planting sizes, spacing and numbers of trees/shrubs to be planted, as well as details of those to be retained.

The soft landscaping shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the dwelling. Furthermore, any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the

occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

- 5) No part of 29a Duncan Road shall be first occupied until final details of sustainable surface water drainage details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.
- 6) No part of 29a Duncan Road shall be first occupied until details of bin storage have been submitted to and approved in writing by the local planning authority. The bin storage shall be implemented in accordance with such details as may be approved before first occupation of 29a Duncan Road and shall be permanently retained in the approved form for no purpose other than the temporary storage of refuse, recyclable and green materials.
- 7) No part of 29a Duncan Road shall be first occupied until secure and covered parking for cycles has been provided in accordance with drawings and details first submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before first occupation of 29a Duncan Road and shall be permanently retained in the approved form for the parking of cycles and used for no other purpose.