



Appeal Decision

Site visit made on 8 June 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/X0360/W/20/3245958

41 London Road, Wokingham RG40 1YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by P Davidson against the decision of Wokingham Borough Council.
 - The application Ref 193127, dated 25 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is erection of 1no. dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal proposal is for outline planning permission with all detailed matters reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of access, appearance, landscaping, layout and scale as a guide to how the site might be developed.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon highway safety; and
 - The effect upon the Thames Basin Heaths Special Protection Area (the SPA).

Reasons

Character and appearance

4. The appeal site is comprised of predominantly vacant land located, for the most part, to the rear of 41 London Road (No 41). Residential properties on London Road that are situated close to the site are typically characterised by being positioned to the front of their plots and being served by private rear garden areas of sizeable and varying lengths. Similar such arrangements can generally be observed where neighbouring/nearby properties front Westcott Road to the southeast of the site. A typically spacious and somewhat formal residential character and appearance can thus be identified locally.

5. Nevertheless, there are other features that influence the character and appearance of the site's surroundings. It is situated alongside a sizeable pay and display public car park (the car park), to the northern side of which there are various compactly laid out blocks of flatted development. There are also two dwellings located to the rear of No 28 Westcott Road (No 28) in proximity to the car park's southern edge and fairly close to the appeal site. Whilst I understand that these came in to being when a former builder's yard was redeveloped in the 1990s, they still influence the makeup and character of the site's surroundings.
6. It is realistic to expect that only fleeting views would be available of the proposed dwelling from London Road due to the frontage development that is in place. It is from the car park where it is anticipated that views of the dwelling would be most widely available. When considering the developments that already exist to the car park's perimeter, a single dwelling, if introduced, would not appear as a wholly unexpected addition.
7. Reference has been made to rear garden areas creating a green and open corridor between development that fronts London Road and Westcott Road respectively. However, upon inspection, an open corridor of wide extent was not easily appreciable from the car park. This was not least due to the presence of trees/ planting to the site's western edge. Whilst such planting cannot be relied upon to provide a permanent or solid buffer to views, it evidently provides the site with a soft edge. I am unconvinced that existing views from the car park would be unduly compromised nor that the proposed dwelling would appear unduly prominent. This is particularly when noting the other developments that already exist to the car park's edge and the measures that could be put in place to ensure that existing boundary planting is robustly protected during construction works.
8. A past planning permission¹ for 14 dwellings upon the car park has been referred to in the evidence before me, yet this was not implemented and has long since expired such that it is of little relevance to my character and appearance considerations. Recent development to the rear of No 66 London Road (No 66) is located on the opposite side of London Road to the site and a different composition of surrounding development is in place, with that site's rear boundary being positioned in proximity to various neighbouring residential properties. It is thus of limited relevance. Other past permissions² for development to the rear of frontage development that have been brought to my attention are also of limited relevance given the lack of a close physical/visual relationship to the appeal site.
9. However, it is the makeup of the site's immediate surroundings, as set out and examined above, that is most pertinent to my considerations. Furthermore, the existing overall plot that is comprised of No 41 and the appeal site is of generous size when compared to the typical makeup of other residential plots in the neighbourhood. Indeed, separation distances (from existing neighbouring dwellings) of generous extent would be achievable. All matters considered I am content that the proposed dwelling, if sensitively designed at a relatively modest size and scale as illustratively indicated upon the submitted plans, could successfully integrate with its surroundings notwithstanding the site's 'backland' location.

¹ F/1999/70089

² F/2008/0175[sic]; F/2009/0672; F/2011/0473

10. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The proposal accords with Policies CP1 and CP3 of the Wokingham Borough Adopted Core Strategy (January 2010) (the Core Strategy) and with Policies TB06, TB21 and CC03 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (February 2014) (the MDDLDP) in so far as these policies require development proposals to maintain or enhance the high quality of the environment and to make a positive contribution to the character of the area, including in terms of not leading to unacceptable tandem development.
11. The proposal also satisfactorily accords with the Borough Design Guide Supplementary Planning Document (June 2012) (the BDGSPD) in so far as this guidance states that new housing should respond to its context and contribute positively towards the underlying character and quality of the local area, and that backland development, if appropriate, will need to be located and designed to the highest standards.

Highway safety

12. Whilst the full details of intended access arrangements are not currently before me and would be reserved for future approval, it is evident that vehicular access to the proposed dwelling is intended to be drawn from London Road. Indeed, the appellant has confirmed that a right to access the site via the car park in perpetuity is not in place. It is necessary at this outline stage for me to consider the appeal site's capability to potentially accommodate safe vehicular access arrangements.
13. The submitted indicative plans depict an existing vehicular access (the access) running between No 41 and No 45 London Road (No 45) and serving multiple properties. No 45 has been converted/redeveloped to provide a total of three self-contained flats. A former boundary wall/fence that was once positioned between Nos 41 and 45 has, in relatively recent times, been removed. This removal has offered the opportunity for the access to be provided in its current form, which, in terms of its width, is physically capable of accommodating vehicle movements to the rear of No 41.
14. However, the access is of insufficient width to accommodate the two-way movement of standard-sized vehicles and it is apparent that the maximum width of the access is governed by the presence of neighbouring buildings that abut it (Nos 41 and 45). Using the access on a shared basis offers the very realistic potential for vehicles having to stop/wait on the highway whilst exiting vehicles complete manoeuvres. The Council's Highways Officer has confirmed, via the Council's appeal statement, that the substandard width of an access serving more than one property is reason enough for the Highway Authority (the HA) to recommend refusal. This is a matter of importance as the HA are responsible for the safety of road users on the local highway network.
15. It is also relevant to note that visibility of the access (and thus of vehicles potentially exiting via it) is restricted when approaching along London Road, most notably when advancing from the east. This is particularly due to the curved alignment of the approaches, the existence of close by buildings and the presence of on-street car parking opportunities to the access's eastern side. Such vehicular visibility constraints would similarly apply for drivers when exiting the access on to the highway.

16. From inspection I observed London Road to accommodate regular flows of traffic, which is consistent with its classified status and the role it plays in connecting the town to the strategic road network. Whilst I am unaware of any recorded accidents involving traffic accessing or exiting the specific access in question, this does not provide adequate assurances that future traffic conflict would be unlikely to arise given the particular site circumstances to hand.
17. The appellant has made a general reference to many town centre and windfall sites where access arrangements are not fully compliant with Manual for Streets standards. I recognise that, in certain circumstances, most likely positioned away from busy or important roads, it may be possible to justify access arrangements that do not fully accord with generally expected or required standards. Indeed, each case must be considered upon its own merits. However, in this case I identify significant risk in highway safety terms.
18. I have noted reference to pre-application advice offered by the Council to the appellant in August 2019, which appears to suggest that the access would be acceptable for the proposed dwelling subject to acceptable visibility splays being demonstrated. Nevertheless, pre-application advice would have been provided at officer level and on a without prejudice basis such that the advice given is of limited pertinence to my considerations here. Furthermore, acceptable vehicular visibility splays have not been clearly demonstrated.
19. The main parties to this appeal dispute whether or not the existing access arrangements are lawful. However, it is not my role here to come to a specific finding on this dispute. Either way, the proposal would be expected to lead to a material increase in traffic movements via the access which would promote vehicular conflicts arising. This is particularly the case given the access's busy London Road location and its lack of suitability for accommodating shared movements.
20. The appellant has questioned the consistency of the Council's approach to car parking requirements when determining past planning applications for residential development at the appeal site (in 2017) and at No 45 (in 2016). Consistent with the scheme that is before me here, the previous 2017 proposal³ at the appeal site was for new-build development consisting of a single detached dwelling. The difference being that no off-street parking was intended. Policy CC07 of the MDDL P indicates that planning permission will only be granted where it can be demonstrated that a proposal meets the Council's adopted parking standards. In urban areas the parking standards for privately owned houses are in excess of one parking space where no allocated parking is proposed. When noting the various parking restrictions that exist on-street in proximity to the appeal site, I see logic in resisting dwellinghouse development upon the appeal site if unserved by off-street parking.
21. When permission was granted at No 45 for flatted development without parking provision, the scheme involved the loss of a commercial use. It is evident that the previous commercial use and its capacity to generate vehicular trips and associated parking requirements factored into the Council's ultimate decision to approve the proposal⁴ despite HA concerns specific to parking. The appeal proposal before me does not involve the loss of a commercial use. Nor does it relate to the provision of small-sized flatted units.

³ Ref 171529

⁴ Ref 152831 (later modified through permission 160852)

22. I observed opportunities for pedestrian visibility when exiting the access on to the public highway by virtue of the short setbacks of adjacent buildings relative to the footway/carriageway. Also, as discussed above, the access does not lend itself to simultaneous two-way movements which could have held the potential to unduly threaten the safety of pedestrians when stood at (or in proximity to) flat entrance points. There is thus no clear reason to consider that the proposal would be likely to prejudice pedestrian safety. However, these considerations do not alter my above findings in broader highway safety terms.
23. For the above reasons, whilst a severe impact upon the road network would not be anticipated, the proposal would have an unacceptable adverse effect upon highway safety and would thus cause harm. The proposal conflicts with Policy CP6 of the Core Strategy in so far as it requires that proposals enhance road safety and do not cause highway problems. For the avoidance of doubt, as it is proposed that vehicular access be provided to a site evidently capable of accommodating multiple parked vehicles, I do not consider that the proposal conflicts with Policy CC07 (Parking) of the MDDL P or with the BDGSPD in so far as it sets out design principles for parking.

The SPA

24. The site lies in proximity to the SPA and therefore The Conservation of Habitats and Species Regulations 2017 apply. These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the implications of the project in view of the relevant site's conservation objectives. This aligns with the requirements of retained Policy NRM6 of the South East Plan (May 2009) and Policy CP8 of the Core Strategy.
25. The site is located closer than 5km to the SPA and thus the proposal would be likely to have a significant effect upon it. I note from the evidence before me that the Council, in the process of determining the planning application that is now the subject of this appeal, undertook its own appropriate assessment. This ultimately identified a total SPA-related financial contribution for the proposal of £4,399.33 to mitigate the effects of the proposed development.
26. However, for the purposes of this appeal, I am the competent authority and must, before any grant of planning permission, undertake my own appropriate assessment prior to considering the issue of mitigation. Nevertheless, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment nor to pursue this matter any further as part of this decision. For the avoidance of doubt, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my conclusions on this appeal.

Planning Balance

27. The proposal would deliver an additional housing unit and the National Planning Policy Framework (February 2019) reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. The site is centrally located and offers good connections to a wide range of locally based facilities and services. Nevertheless, a single additional housing unit would not make a noticeable

difference to the Boroughwide housing supply situation and, even if designed to exceed prevailing Building Regulations standards, I apportion moderate weight to the benefit of its intended provision.

28. It has been stated that the appellant wishes to self-build the development for their own occupation and, on this basis, the proposal would specifically cater for a person wishing to build their own home. However, merely a single unit of housing is proposed, and it has not been clearly demonstrated that there is currently an unmet demand for self-build housing units within the Borough. I thus afford this benefit limited weight.
29. The proposal, once occupied, would provide support to various local facilities and services. However, when again noting the limited scale of development under consideration, I afford this benefit limited weight. Any biodiversity enhancements that could ultimately be achieved as part of the proposed development would be limited given the space constraints of the site and I afford them commensurate weight in the planning balance.
30. The scheme's benefits, when considered cumulatively, would not outweigh the significant harm and associated policy conflict that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

31. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR