



Appeal Decision

Site visit made on 21 May 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/X0360/W/19/3243787

Mallards, Eversley Road, Arborfield RG2 9PJ

- 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 Mr James Lewis against the decision of Wokingham Borough Council.
 - The application Ref 191669, dated 20 June 2019, was refused by notice dated 11 September 2019.
 - The development proposed is "Outline planning application for a two storey detached dwelling on land adjacent to Mallards, Eversley Road, Arborfield RG2 9PJ."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with layout to be determined at this stage and all other matters reserved for future consideration. A revised site plan, showing layout, has a corrected scale and is considered here. Dwelling elevation, landscaping and access details have been treated as indicative.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the area and (b) the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Character and appearance

4. The appeal site forms part of the garden to Mallards which is situated on the A327 Eversley Road. This property, along with a mixture of detached and semi-detached dwellings and light industrial units at Duck's Nest Farm are on one side of the road. Opposite, there is a cluster of detached dwellings, part of Targetts Farm, which are set back from the road. There is built-up development further along the road to the north and south, Arborfield Cross and Arborfield Garrison respectively. The new Arborfield relief road is currently being constructed to the west of the site.
5. The proposed dwelling would be sited outside designated 'Development Limits' (DL) of the two settlements under the Wokingham Borough Development Plan Managing Development Delivery (MDD) Local Plan 2014. Under MDD,

Arborfield Cross is designated as a 'Limited Development Location' whilst Arborfield Garrison, is designated as a 'Modest' and 'Strategic Development Location'. Policy CP11 of the Wokingham Borough Core Strategy (CS) 2020 restricts development outside of DL to protect the separate identity of settlements and maintain the quality of environments. To achieve this, development outside DL, which does not fall within its listed exceptions, will not normally be allowed. Of relevance, exception 2) details proposals should not lead to excessive encroachment or expansion of development from original buildings.

6. Mallards has open field/paddocks, hedgerows and trees, behind and to the side, and there are substantial trees in front of buildings at Targetts Farm opposite. Mallards also has garden areas around it providing an undeveloped edge adjacent to the countryside. The site falls within category J2 Arborfield Cross and Barkham Settled and Farmed Clay of the Wokingham Borough Landscape Character Assessment 2019 which identifies this landscape and character to be of moderate quality. The Arborfield Cross Relief Road, Nine Mile Ride extension and upgrading of Barkham Bridge are or will be undertaken in the future.
7. The site and its surroundings do not represent qualities of the greatest order and importance but the plot and its surroundings still have attractive verdant and semi-rural qualities. They provide a sense of identity which separates built-up areas to the north and south. In this regard, MDD policy CC03 designates much of this stretch of road as a Green Route and amongst other matters, requires the demonstration of how proposals promote the integration of the scheme with any adjoining countryside. The highway works are not in the direct vicinity of the site and thus do not affect these qualities.
8. The proposed dwelling would be sited alongside Mallards but no further forward. Its footprint would equate to just over 9% of the rear and side garden of the property. With the addition of the driveway, this figure would rise to just over 23%. The proposed plot already has a domesticated appearance, being part of the garden of the Mallards, and has boundary treatments including fencing, hedge and conifers. From a public footpath to the west, views of the proposed dwelling would be screened by intervening hedgerows and trees in the landscape. In a subsequent landscaping matter, there would be additional planting within the plot. In itself, the development would not lead to the coalescence of the two settlements because there would still be fields/paddocks around any dwelling.
9. However, the dwelling would introduce substantial expansion of development away from existing buildings because of its scale and extent. The dwelling would extend across much of the width of the plot at a two storey scale, with its flank, including a single storey garage, in proximity to its countryside boundary. The illustrative two storey dwelling with first floor accommodation partly within a frontage gable and pitched roof, serves to confirm this. It would also result in associated activity and paraphernalia, such as sheds, bin stores, parked vehicles, etc.
10. The existing conifers would only provide sporadic screening along the western and northern boundaries by reason of their limited number. In front of the proposed dwelling, the first floor of the development would be visible above roadside vegetation. Furthermore, in the absence of details to show otherwise, it has not been demonstrated that this roadside vegetation can be retained as

existing. The highway authority has indicated access visibility is not acceptable. Based on the speed limit of the road, there could be significant change to frontage boundary treatments even if the step back distance from the road for the access was 2m. Additionally, much of this vegetation along the road, including that alongside the road north of the site, is deciduous which would visually expose the appeal development in winter. Approval of a landscaping matter could enable additional planting to take place but this would inevitably take time to establish to provide effective landscaping.

11. The visibility of a development is not a reason in itself to demonstrate any adverse impact. However, the proposal would result in excessive encroachment into the countryside which would have an intrusive urbanising impact by reason of footprint, two storey extent, activity and domestic paraphernalia. Furthermore, Mallards has a suburban design quality by reason of its generally flat wide frontage, oriel type bays, columned porch, low pitched roof and modern materials. It contrasts with other development within the vicinity which are considerably older in style or associated with farms. The proposal's footprint, siting and spacing relative to Mallards would indicate a similar type of development which would further consolidate a suburban quality which would be out of keeping with the overall semi-rural character and appearance of the area. This is further borne out by the illustrative plan showing a wide fronted chalet-style dwelling with a two storey frontage bay.
12. In 2016, an appeal was dismissed for a chalet-style dwelling on this appeal site. There are differences between this proposal and that before me, including forward projection beyond Mallards, access arrangements and the extent of established vegetation. Construction on the by-pass has also commenced now. Consequently, the appeal proposal is different in nature and content limiting the relevance of this appeal decision.
13. For all these reasons, the development would result in an adverse localised impact. The high quality of the environment would not be maintained, and the development would not be of appropriate scale of activity, mass, layout, built form. Accordingly, the proposal would be contrary to policies CP1, CP3, CP11 of the CS and policies CC03 and TB21 of the MDD.

Special Protection Area

14. The Thames Basin Heaths SPA would be accessible and attractive to future residents for recreation by reason of its accessibility. The SPA holds important populations of three bird species that nest on or close to the ground, namely Dartford warbler, nightjar and woodlark. Urbanisation has potential for significant adverse effects on the interest features of the SPA. Even small-scale recreational pressure can result in adverse disturbance to the nesting of these birds.
15. On this basis, the proposal would have a significant effect, either alone or combination with other developments, through its urbanising effect. The nature conservation objectives of the SPA include maintaining favourable conditions for the populations of these birds protected under Annex 1 of the Birds Directive. Having excluded the consideration of any mitigation measures, it cannot be ascertained that the proposal would not adversely affect the integrity of the designated site.

16. The Wokingham Borough Infrastructure Delivery and Contributions Supplementary Planning Document (SPD) 2011 sets out reduction and avoidance measures. The SPD indicates contribution requirements for Suitable Alternative Natural Green Spaces (SANGS) and strategic access management and monitoring (SAMM) mitigation measures which will be paid prior to development commencing. The required SAMM contribution will be used to employ wardens to patrol the SPA, for educating the public about the SPA and to monitor the on-going effectiveness of the SPD approach.
17. There is a dispute about paying the Council's legal fees in drawing up a s106 agreement. However, Planning Policy Guidance (PPG) encourages parties to finalise planning obligations in a timely manner and emphasises the importance of this in the interests of transparency. My decision has to be based on the documentation before me. A submitted s106 agreement detailing SPA mitigation measures is mainly in accordance with the SPD but it is not signed by the Council or dated, and therefore, it will not achieve what it is intended to do.
18. The appellant has suggested a planning condition to resolve this situation but such a condition would not be straight forward and no detail of such a condition has been put forward. In this regard, the Planning Practice Guidance (PPG) states a negatively worded condition limiting the development that can take place until a planning obligation has been entered into, is unlikely to pass the enforceability test and be appropriate in the majority of cases. It also indicates no payment of money can be positively required by condition. Whilst PPG text is guidance, it has significant weight and there is no mechanism before me to secure these or alternative mitigation measures. In terms of the Habitat Regulations, no alternative solutions have been put forward that would have a lesser effect, or avoid an adverse effect, on the integrity of the SPA, and nor do I consider any possible based on the nature of the proposal and the appeal documentation.
19. Priority species would be adversely affected by the proposal and there are no imperative reasons of overriding public interest for such a small-scale proposal. On this basis, the development would adversely affect the integrity of the SPA alone or in combination with other projects coming forward. For all these reasons, the proposal would conflict with policies CP4 and CP8 of the CS and policy NRM6 of the South East Plan (SEP) 2006.

Other matters

20. Irrespective of whether the most important policies for determining the application are out-of-date, the application of policies in the Framework that protect areas of particular importance, habitat sites such as SPAs, provide a clear reason for refusing the development. Therefore, the presumption in favour of sustainable development within the National Planning Policy Framework (the Framework) does not apply.
21. Turning to the benefits of the development, the proposal would boost housing supply in accordance with the Framework. Small and medium-sized sites, such as this, can make an important contribution to meeting the housing requirement of the area, and are often built-out quickly. It is indicated that the Council has not allocated 10% of its housing requirement to smaller sites as stipulated by the Framework. The new housing would be located where it will enhance or maintain the vitality of rural communities in accordance with the

Framework. Future occupants would support local services in nearby settlements. Additionally, there would be a financial benefit to local business through the construction and subsequent maintenance of the dwelling. Occupants of the dwelling would have good accessibility to facilities and services by sustainable transport modes. Whilst the development would be an extension of a row of buildings, the appeal site represents a curtilage of developed land not in a built-up area due to the identified character and appearance. For this reason, the proposal would make more effective use of previously developed land. Native planting and wildlife improvements would benefit biodiversity.

22. These economic, social and environmental benefits would weigh in favour of the proposal. However, these benefits would be small by reason of the scheme being for a single dwelling. In respect of the boost to housing supply, the effect would be minimal, especially as it is not disputed that the Council has a five year housing land supply (5YHLS). Significantly, the proposal would not achieve a well-designed place and design is a key aspect of sustainable development.
23. The highway authority has raised an objection. However, the access arrangements to the site could be amended based on my site inspection and could be considered under the reserved matter dealing with means of access.

Conclusion and Development Plan Balance

24. There would be harm to the character and appearance of the area and nature conservation interests in conflict with the identified policies of the CS, MDD and SEP. The proposal would meet a housing requirement in accordance with CS policy CP17. There are no highway safety objections and future residents of the development would have good access to facilities and services in accordance with the CS policy CP6 (managing travel demand).
25. My attention has been drawn to several appeal decisions where Inspectors have considered the Council's DL to be either out-of-date or given it limited weight. As a result, the appellant has argued the DL have limited weight which should significantly reduce any potential conflict with housing strategy policies, in particular CS CP11. Conversely, the Council has argued full weight be given to the proposal's policy conflicts drawing upon other appeal decisions.
26. The decisions clearly respond to the evidence presented in respect of those particular proposals and demonstrate to me that every proposal has to be considered on its particular merits. The proposal would contribute to the plans housing requirement but the benefits of the proposal for a single dwelling would be minimal. Even if I attached limited weight to the DLs, the proposal's conflict with CS policies CP9 and CP11, and MDD policy CC02 taken in their full entirety would attract significant weight. These policies require the protection of the identities of separate settlements, the maintenance of the quality of the environment and to locate development where there is good accessibility to services and facilities. Such requirements are broadly consistent with the Framework policy on design, natural environment and sustainable transport. In particular, Framework policy requires policies to ensure developments are sympathetic to local character and history, including surrounding built environment and landscape setting.

27. The harms to the character and appearance of the area and nature conservation interests would cumulatively be substantial. There are also other policy conflicts, other than those at dispute above (in respect of weight), which relate to these harms and these should attract full weight. Consequently, the proposal would be contrary to the development plan taken as a whole.
28. For all these reasons indicated, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

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

Jonathon Parsons

INSPECTOR