



Appeal Decision

Site visit made on 9 June 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/X0360/W/20/3246773

31 Gorse Ride North, Finchampstead RG40 4ES

- 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 Robert Chakaveh against the decision of Wokingham Borough Council.
 - The application Ref 192488, dated 17 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is a new house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's reasons for refusal included the absence of avoidance or mitigation measures in respect of effects on a European protected habitat. I have dealt with this below.
3. I have determined the appeal on the plans submitted. In an attempt to address some of the Council's concerns the appellant has provided a drawing of proposed landscaping and has outlined personal circumstances, neither of which were before the Council when it made its decision. However, as the Council have seen and commented on these, I do not consider that the interests of any party will have been prejudiced by my taking them into account in determining the appeal

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located in the gardens of the donor property, which sits on a medium size corner plot on Gorse Ride North adjacent to its junction with Buchanan Drive. Properties on this side of Gorse Ride North and Buchanan Drive are generally uniform in appearance, being semi detached pairings, of brick built construction with hung tiles at first floor level. Properties are aligned, set back from the road with driveways and attractive boundary treatments including mature vegetation and established trees. Corner plots such as the appeal property punctuate and provide relief from the built form. Although there are differing property styles on the opposite side of Gorse Ride North, this overall arrangement of uniformity, established vegetation and gaps in form positively contribute to the overall character and appearance of the area.

6. The development would introduce a detached house with associated garden and parking within the current boundary of the host dwelling. The gap in form created by the current corner plot would be lost to the development, as too established vegetation including a wide boundary hedge.
7. The existing building lines on adjacent roads are respected by the positioning of corner plot properties on this side of Gorse Ride North. This has the effect of the prevailing pattern of development stitching well together, with no properties projecting as far beyond the established building lines as the proposed development would. Therefore, whilst the development would align with that of Gorse Ride North, the proposed siting of the dwelling would be in harmful contrast to the adjacent building line of Buchanan Drive, significantly disrupting the existing current pattern and appearance of development.
8. Although many of the properties, including the neighbour, have side extensions, no other detached properties feature in this section of Gorse Ride North. This which would add to the proposed development appearing out of context in its setting by virtue of its form, scale and massing. Albeit only being one new property, designed with matching materials to reflect its neighbours, this would be harmfully at odds with the established form. The scheme would give the appearance of a denser development overall as a result of its close proximity to the host dwelling.
9. The existing vegetation is not protected, yet it is well established, positively contributing to the area's appearance. Notwithstanding the appellant's comments, there is no substantive evidence to suggest that there are any safety issues caused by the boundary hedge. As such the loss of the existing hedge would achieve no wider benefit and its loss would be harmful to the character and appearance of the area.
10. An indicative replacement landscaping scheme has been proposed to mitigate the loss of existing vegetation. Whilst some harm could be mitigated through the planting of mature vegetation, the proposals regarding the planting of trees at the rear appears unachievable in the space available without compromising that which is already there, or adversely affecting neighbour's living conditions.
11. Moreover, any landscaping scheme would provide little meaningful screening to offset the harm that would be created by the dwelling itself given its overall massing and positioning in a prominent plot. Therefore, any condition to develop an acceptable landscaping scheme to offset the loss of existing vegetation would be of little benefit. Similarly, any landscaping condition intended to mitigate the visual harm of the building, would likely unintentionally create harm to neighbours and the appearance of the area given the height of the planting required to screen the proposed development.
12. I acknowledge that the styles, positioning and boundary treatments of properties on the opposite side of Gorse Ride North do differ from that where the development is proposed. However, the proposed dwelling would be sited at the heart of a development of well arranged, broadly uniform properties and as such must be considered in that context.
13. The proposed development would significantly harm the character and appearance of the area. Therefore, the proposed development would not accord with the Wokingham Borough Core Strategy Development Plan, adopted January 2010, Policy CP3, which along with other considerations and criteria,

seeks to ensure design maintains or enhances the surrounding form in terms of scale, height and massing and that development does not adversely affect the character and appearance of the surrounding area. Similarly, the proposed development would not accord with Wokingham Borough Development Plan¹, adopted February 2014, Policies TB06 and CC03, which seek to protect against inappropriate development in residential gardens, in addition to protecting and retaining existing trees and hedges.

14. For the reasons above the proposed development would also not accord with the Borough Design Guide, Supplementary Planning Document, 2012.

Other matters

15. The appeal site is within 5 Km of the Thames Basin Heaths Special Protection Area. Notwithstanding the appellant's original view that the development would be too small to be subject to the Conservation of Habitats and Species Regulations, 2017, and it not being raised as an issue in the ecology report, it does fall within the scope of the regulations. No planning obligation has been submitted to secure any mitigation in an attempt to address the Council's concerns. I note that the appellant would be willing to enter in to a legal agreement to remedy this situation. However, bearing in mind my findings on the main issue there is no prospect of planning permission being granted for this scheme and consequently I have not pursued this matter any further.
16. I empathise with the personal circumstances of the appellant and their relative and understand the desire for her to live closer to care for, in a dwelling that would house her and her possessions. However, little substantive evidence has been provided relating to her needs and the future dealings of a financial estate are not a planning matter. As such these circumstances do not outweigh the harm that I have identified. Moreover, in my view, it would not be appropriate to grant a personal or temporary permission, given the permanence of the building. The Planning Practice Guidance advises that such permissions are only appropriate in a limited range of circumstances, none of which appear to be directly relevant to this case. In coming to this view I have had due regard to the Public Sector Equality Duty contained in Part 149 of the Equality Act 2010.
17. The appellant raises various points regarding precedent, the suitability of other forms of development instead of that proposed and the uniqueness of the situation. Nevertheless, I have dealt with the appeal on its own merits and the evidence before me, and these other matters do not lead me to an alternative conclusion.
18. The absence of objection from consultees, including the highway authority, the Council's ecology, environmental health and drainage specialists, does not offset the harm identified above.

Conclusion

19. For the reasons above, the appeal is dismissed.

M Scriven

INSPECTOR

¹ Wokingham Borough Development Plan, Adopted Managing Development Delivery Local Plan, Enhancing the Borough's environment and character through exceptional development, February 2014