
Appeal Decision

Site visit made on 29 September 2020

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/X0360/W/20/3255034

30 Barkham Ride, Finchampstead, Wokingham, RG40 4EU.

- 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 R Singh against the decision of Wokingham Borough Council.
 - The application Ref. 200368, dated 11 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is the erection of a detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the lodging of the appeal the appellant's agent has submitted revised plans of the proposed access (Drawing No. 721 [PL] 500 Rev Z). The revisions include deleting the proposal for bollards, surface changes, and the route for construction vehicles. Having regard to the principles established in the case of *Wheatcroft* I am satisfied that the changes put forward are minor in nature and do not materially alter the proposal previously notified to the local community and on which further consultation is not necessary. I will therefore have regard to these amended plans. The Council says that a new application for a different proposal based on these revisions has now been refused for similar reasons plus the inadequacy of the access, but this is not a proposal that is before me.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area and especially the existing trees which line the bridleway; and
 - The effect on the enjoyment of the bridleway by its users;

Reasons

Background

4. The appeal site comprises a small rectangular area of land, and the vehicular access to it from Barkham Ride, which lies in a position to the rear of new frontage properties at No. 30. The land to the north-west of the site is part of a loose surfaced bridleway which runs in a NE-SW direction from Barkham

Ride and the land further to the west is bounded by mature trees which overhang the bridleway and part of the appeal site. The bridleway also provides vehicular access to an existing property - No.28. It is proposed to erect a detached chalet bungalow on the site with vehicular access that would share the space of the bridleway. The Council's objection to the proposal is concerned with the effect on the trees and bridleway itself rather than where the proposed dwelling would be sited.

Effect on character and appearance

5. In considering the effect on the trees I have had regard to the Tree Survey and Arboricultural Impact Assessment (Tree assessment) prepared by ATS in Feb 2020 as commissioned by the appellant.
6. The mature oak trees in particular overhang the bridleway and result in an attractive green lane at the edge of the village adjacent to the countryside, although the trees themselves are not subject to special protection. The tree assessment indicates that, apart from one with a damaged trunk, the trees can be retained as they will not be directly harmed by the proposal, subject to the tree protection measures specified.
7. However, given the closeness of the trees to the track of the bridleway and the low spread of branches in the canopy over the track, I am concerned that the further traffic movement associated with an additional new dwelling will adversely affect the well-being of the trees by harming the root system and the canopy. The trees would be additionally at risk from large vehicles both during the construction phase and from normal residential use afterwards such as from deliveries and removals vehicles. Moreover, the track is loose surfaced and while there has been some compaction of the soil around the tree roots, this is likely to be made worse by the vehicle movements and activity associated with an additional dwelling.
8. I also have concerns over the deliverability of the ground panels over the track to protect it and the trees roots during the necessary construction phase as the ownership of the track is in doubt. Moreover, the appellant's suggestion that construction traffic could be routed through the new development on the frontage appears to be unrealistic as the two properties are nearing completion and there is little useable gap between the two new houses.
9. Overall, it has not been demonstrated that the additional house can be developed and used afterwards without causing detriment to the well-being of the mature trees which adjoin the bridleway and their positive contribution to the character and appearance of the area. The harm that is likely to arise means that the proposal does not meet the requirements of part (c) of Policy CP3, Policy CC03(d) or TB21.

Effect on the bridleway

10. The bridleway is a narrow rural lane used by limited vehicular traffic as far as No.28 and serving this property. It has an attractive appearance enhanced by the presence of the mature trees and loose surface and visually and physically it forms a linear transition along the edge of the countryside. Although some of the alterations to the form of the bridleway have been deleted in the amended plans, the proposal would still result in the widening

of the track at various points, the formation of the access and manoeuvring space, and the planting of a narrow strip of vegetation adjacent to one of the new houses.

11. These changes would materially alter the visual character of the track/bridleway and harm it. Although the length of the bridleway where the harm would arise would not be great it would be at a critical point where the track leaves the thoroughfare of Barkham Ride. The level of activity arising from the construction and subsequent use of the new dwelling would not be extensive, but it would nevertheless spoil the experiences of other users of this public right of way and not maintain their safety.
12. As the proposal stands in its revised form, it would conflict with Policy CP3 and Policy CC03 which seek to protect the form and character of this green corridor from detriment.

Other matters - Effect on SPA

13. This issue is concerned with the likely significant effects of additional population arising from new development within proximity of the integrity of the Thames Basin Heaths Special Protection Area (SPA) as per Policy CP8 of the Core Strategy. The Council says that the adverse effect of the proposal on the integrity of the SPA could be overcome by providing avoidance and mitigation measures secured through a financial contribution. However, although the appellant has indicated he is willing to make the contribution to this mitigation, there is no contribution before me in a formal agreement. Therefore, the likely adverse effects on the SPA have not been addressed. However, as I have found that there are other planning objections to the proposal, an Appropriate Assessment under the Habitat Regulations is not needed to reach a decision on this case.

Planning balance

14. On the main issues I have found that the proposed new dwelling would involve using part of a bridleway to gain access to the site but this arrangement, even with the amendments tabled, would be likely to harm the future well-being of mature trees along the bridleway which contribute positively to the character of the area. The alterations to the bridleway and its use as a vehicular access to a further dwelling would spoil the experience of this rural bridleway by its users and not maintain their safety. For the reasons I have given, the proposal conflicts with the relevant parts of the development plan.
15. These aspects amount to significant adverse effects but they have to be balanced with the benefits of the development proposed. The appellant highlights the contribution the proposal would make to the development of new housing and boosting the supply of this is a primary objective of the National Planning Policy Framework (the Framework). However even if the creation of an additional dwelling is seen as a substantial benefit, this does not outweigh the local harm that I have identified. I find that the proposal does not amount to sustainable development when the Framework is read as a whole because of the adverse environmental effects. The other considerations that apply so not outweigh the conflict with the Development plan or the identified harm therefore the appeal should not be allowed.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR