The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/X0360/W/20/3255955
344 Barkham Road, Barkham RG41 4DE

- 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 Ben Haines (Haines Homes Construction) against the decision of Wokingham Borough Council.
- The application Ref 200864, dated 31 March 2020, was refused by notice dated 9 June 2020.
- The development proposed is described as 'full application for proposed erection of one 4no. bedroom dwelling with associated landscaping, car parking and bin storage, plus provision of new vehicular access'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 342 and 344 Barkham Road and 1 Dowles Barn Close having particular regard to privacy and outlook.

Reasons

3. Policy CP3 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) sets out that planning permission will be granted for development that is high quality design without detriment to the living conditions of adjoining land users and their quality of life. Furthermore, section 4 of the Wokingham Borough Council Borough Design Guide Supplementary Planning Document, June 2012 (SPD) provides relevant guidance. It establishes that the stated minimum separation distances may not be appropriate in every context noting that the relationship between existing properties and new development can be particularly sensitive.

4. An appeal decision[1] from February of this year, for a similar nature of development at the site, has been brought to my attention by a number of parties. Whilst the scheme before me is not identical, and every case needs to be assessed on its own planning merits, it is sufficiently closely related to the previous issues so that the decision is a significant material consideration. The proposal has been amended in a number of ways with the key changes summarised by the appellant at paragraph 3.5 of their Planning Statement. The

[1] PINS reference APP/X0360/W/19/3241800

material changes include alterations to the roof height and form, the first-floor fenestration and moving the building's footprint further away from the boundary with no. 342.

5. Despite the changes to the roof, which have generally reduced the proposed height and bulk of the four-bedroom dwelling, it remains significantly higher than the boundary treatments of the appeal site. Furthermore, although slightly further away from the boundary with no 342, the footprint would continue to occupy a significant proportion of the appeal site's width. As such, even taken together, these amendments whilst material are modest and the proposal would have a similar effect to the previously dismissed scheme in terms of the outlook at the rear of no. 342, in particular its garden. Although the garden is long, it is relatively narrow and currently enjoys a high level of openness within a suburban residential context. Accordingly, the enclosing and overbearing effect would be detrimental.

6. Furthermore, the side elevations of the proposed dwelling would continue to feature windows at first-floor level. Whilst one has been removed from the side elevation fronting the parking area, one window remains on each side of the proposed house only slightly closer to the front of the dwelling. The appellant has highlighted that the windows would be small and some of the overlooking would be from oblique angles. However, this is little different to the previous scheme and consistency in the planning process is important. The previous Inspector's concerns about these first-floor windows and the effect on privacy through overlooking and disturbance remain. The proposal would overlook the garden area immediately to the rear of no. 1, which currently benefits from good levels of privacy. Moreover, the proposal would overlook the rear gardens of nos. 342 and 344 and introduce additional activity and noise where currently there is no significant development. Whilst I note the extant permission for a dwelling on the site, based on the limited details available this appears to be smaller than the proposal before me and so I afford this limited weight.

7. The current proposal includes an indicative landscaping scheme. The planting appears to have been strategically placed in order to seek to mitigate the effects of the built form on the living conditions of neighbouring properties' occupiers. However, landscaping cannot be considered a permanent feature and, as such, should not be used in order to justify development that would be otherwise unacceptable. Additionally, given the limited space for planting to the rear of the proposed dwelling, some of the landscaping is unlikely to grow so as to provide a mitigating screen. As indicated in the previous appeal decision, if any planting reaches a scale and maturity sufficient to provide meaningful mitigation it is likely itself to have additional enclosing effects similar to, or greater than, the proposed built form. As such, the planting scheme would not overcome the effect of the proposal.

8. Therefore, in conclusion on the main issue the proposal would harm the living conditions of the occupiers of 342 and 344 Barkham Road and 1 Dowles Barn Close having particular regard to privacy and outlook. As such, the proposal would conflict with policy CP3 of the LP, and section 4 of the SPD. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR