



Appeal Decision

Site visit made on 30 November 2020

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/X0360/W/20/3254803

Linkside, Duffield Road, Sonning RG4 6GJ

- 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 Simon Foster, Urban Matrix Developments LLP, against the decision of Wokingham Borough Council.
 - The application Ref 192438, dated 12 September 2019, was refused by notice dated 2 January 2020.
 - The development proposed is demolition of existing house and outbuildings and erection of a building containing 12 apartments, a detached car port & cycle store, car parking, widened site access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In error, the Council's decision notice omits reference to some plans and documents that it considered in making its decision and which are before me in this appeal. The Council considers that this does not affect its decision. The appellant has had the opportunity to comment in this respect and I have taken those comments into account. I have considered the appeal on this basis.
3. With the appeal the appellant submitted some 'substituted and supplementary drawings'. Having regard to the 'Wheatcroft Principles'¹ the substituted plans show some new annotations and minor changes to details of doors, terraces and balconies. These plans are not therefore substantially different to the plans considered by the Council in its decision. The supplementary plans show further details of acoustic fencing that was already part of the proposed development.
4. Accordingly, the development would not be so changed that it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Consequently, no prejudice would be caused to any interested party. The Council has had the opportunity to comment on these drawings in its appeal statement and I have taken those comments into account. I have considered the appeal on the basis of the substituted and supplementary plans.
5. During the appeal the Council submitted its latest published 5-year housing land supply statement. The appellant has had an opportunity to comment on

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

this document and I have taken those comments into account. I have considered the appeal on this basis.

6. During the appeal the appellant submitted an executed planning obligation in the form of a unilateral undertaking (the UU). It contains obligations for financial contributions towards the provision of affordable housing and an employment skills plan, and for ecology mitigation. The Council has had an opportunity to comment on the UU. The Council considers that the UU overcomes its reasons for refusal No 4 (protected species) and No 6 (employment skills plan) but not reason No 5 (affordable housing). I deal with protected species and the employment skills plan in 'other matters' below, and with affordable housing in the 'main issues' below.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- its effect on trees protected by a tree preservation order and on other landscaping;
- whether it would make satisfactory provision for affordable housing;
- its effect on the living conditions of future occupiers, with particular regard to private and communal external living space; and
- whether the proposed number of flats would be in a suitable location having regard to the accessibility of the site to services and facilities.

Reasons

Character and appearance

8. The part of the appeal site to be developed comprises a reasonably large two-storey detached house and the main part of its large garden. It is located inside the built-up area of Sonning opposite the Sonning Golf Club clubhouse which is in the countryside. On one side of the house is a railway line cutting with moderately densely developed housing estates beyond and on the other side are two large houses in large gardens. To the rear of the house are three large houses in large gardens. While there are some blocks of modern flats nearby at 'West Court', residential development on the appeal site side of the railway line is mainly large detached houses and gardens facing roads set within a patchwork of rows of mature trees and hedgerows.
9. There is therefore a verdant, prominently low density spacious arrangement of residential development in this semi-rural location that is locally distinctive in public views from roads. Due to siting and the screening effect of intervening landscaping, the house on the appeal site and the two others next to it form a separate and discrete row of buildings along this particular short length and side of Duffield Road, facing the clubhouse building.
10. Albeit on the edge of the settlement, the appeal site is a location where residential development is supported by the Council's development plan in principle. The appeal proposal would demolish the house and redevelop the appeal site with a two and a half-storey block of 12 flats, partly sited on the

footprint of the house. A new access driveway would run past the front of the flats to most of the car parking spaces and a car port to one side of the site. A communal landscaped garden would be provided to the rear and to one side of the building, with a narrow finger of the garden between Duffield Road and the railway line maintained as habitat for protected species.

11. The front elevation of the block of flats would face Duffield Road. This part would be broadly comparable to the width of the furthest of the two adjoining houses and shorter than the terraced arrangement of the clubhouse. However, it would be appreciably wider than the house next to it and, in particular, significantly wider than the house on the appeal site which has a narrow end elevation facing the road. It would therefore occupy a substantially greater length and proportion of the appeal site frontage along Duffield Road. This would as a result unduly erode the extent of open undeveloped land that there is to one side of the existing house.
12. Furthermore, the side elevations of the block of flats would extend in some depth to the rear to form an almost square floorplan and would be relatively close to the rear boundary of the appeal site. This layout and arrangement of the block of flats would therefore be manifestly out of keeping with the narrower rectangular floorplan and site coverage of the adjoining houses which do not extend in such depth behind Duffield Road.
13. The detailed design of the block of flats would be high quality with articulated elevations incorporating some elements of the design of nearby buildings including materials, gables and hipped roofs and the arrangement and proportion of fenestration and dormers. Nonetheless, whereas the front elevations of the adjoining houses and the clubhouse include some taller two storey parts, a significant proportion (about half) is one and a half-storey with noticeably lowered eave heights in places. In clear contrast the block of flats would be mainly (nearly all) two-storey with mostly reasonably high eaves and main roof ridge heights, including a comparatively (to the house on the appeal site) reasonably steep pitch in places. It would therefore be appreciably and unduly taller than these existing buildings, particularly in the central part of the building.
14. The gap between the block of flats and the adjoining house would be about the same as exists, and would be larger than the gap between the two adjoining houses. However, the combined effect of increased footprint and height would result in a building that would nevertheless be demonstrably greater in overall scale, massing and bulk than the existing development in this part of Duffield Road, especially the more pronounced vertical elevations and extent of roof form.
15. The resulting 'step up' in built form on the appeal site and significant degree of loss of openness along the road frontage would therefore cause a noticeable jarring effect in the streetscene and be manifestly at odds with the prevailing, relatively uniform lower height, scale and massing of these other existing buildings, in particular the two adjoining houses. It would therefore be out of keeping with the overall pattern and sequence of development in this part, and particularly the appeal site side, of Duffield Road.
16. The access driveway and parking areas would introduce hard surfacing along the frontage with Duffield Road on a part of the appeal site which is currently mainly grassed. However, this development would be at ground level and

behind retained landscaping and would therefore be relatively inconspicuous in public views. The car port would also be screened by retained landscaping and would be a relatively small-scale outbuilding sited further back into the site. As a result, it would not be unduly prominent.

17. At my site visit I saw that the mostly three-storey blocks of flats in West Court include some relatively large buildings. However, these are sited within extensive landscaped grounds and mostly well set back from road frontages. While these flats can be seen they are not therefore unduly prominent or conspicuous in public views. I also saw the site in Pound Lane, next to the clubhouse car park, where outline planning permission has been granted on appeal² for 13 houses. I acknowledge that once developed these houses would add to the built-up character and appearance of the area.
18. Nonetheless, although these flats (and as would be the appeal houses) are relatively close to the appeal site, due to intervening buildings and landscape features there would be no meaningful visual or spatial relationship to the appeal site or to the proposed development. Furthermore, the appeal houses would be appreciably different in siting, layout, scale and massing to the proposal before me. Neither of these residential developments therefore provide a suitable context or compelling justification for the proposal in this case.
19. Considering the above, by virtue of its siting, increased width, depth and footprint and overall scale, massing and bulk the proposed development would cause significant harm to the character and appearance of the area. It would not accord with Policies CP1 and CP3 of the Wokingham Borough Core Strategy, January 2010 (the CS) or with Policies CC02 and TB06 of the Wokingham Borough Managing Development Delivery Local Plan, February 2014 (the LP).
20. These policies include that development should maintain the high quality and character of the environment, be appropriate in scale, mass, layout, built form and be compatible with general building heights, make a positive contribution to the character of the area including with regard to spaces around buildings and have a layout that integrates with the surrounding area, contributes to a sense of place and respects the transition between the built-up area and the open countryside. In these regards, it would also not reflect the Council's 'Borough Design Guide' supplementary planning document, June 2012 (the SPD).
21. It would also conflict with the National Planning Policy Framework (the Framework) paragraphs 124 and 127 which include that development should create high quality places, add to the overall quality of the area, be visually attractive as a result of good layout and be sympathetic to local character, including the surrounding built environment.
22. In its first reason for refusal the Council also cited CS Policies CP6 and CP9, and LP Policy CC01. I consider the suitability of the location of the appeal site having regard to its accessibility to services and facilities in the fifth main issue below.

² APP/X0360/W/17/3167142.

Protected trees and other landscaping

23. Most of the trees on the appeal site are protected by a Tree Preservation Order (the TPO)³ — specified as one individual tree 'T10' and others in 'Area A1' and 'Area A2'. The development would include the removal of nine TPO trees (tree T10 and eight trees in Area A1). The appellant's tree report⁴ classifies the condition of four of these TPO trees as category U⁵ with existing value to be lost within 10 years and recommended to be removed for arboricultural reasons (disease or decay). I note that the Council has not objected to the removal of these trees and I have no reason to reach a different view in this regard.
24. However, while the other five TPO trees are classified in the tree report as category C 'low quality and value', I note that four are 'early mature' in age and all are in 'fair' or 'good' condition with an expectation that the value of these trees will endure for more than 10 years. Despite a category C classification, these are nonetheless still trees protected by the TPO and indeed the tree report confirms that category C trees should only be considered for removal if they would impose a 'significant constraint' on development. Having regard to the position and extent of these TPO trees relative to the layout of the proposed development, on the face of it, these trees do not appear to be a constraint as such. I also note that the appellant has not explicitly stated why any of these five category C TPO trees are proposed to be removed or moreover that such removal is justified.
25. These five TPO trees form a significant proportion of the belt of TPO trees (excluding the category U TPO trees) in Area A1 along part of the southern boundary of the appeal site. I saw at my site visit that they make an appreciable contribution to the density and depth of the trees in Area A1 which screen the appeal site and built form north of the railway line in views from Duffield Road. These trees also contribute to the verdant wooded character of the wider area, including the railway line corridor and the setting to the built-up edge of this part of Sonning. Consequently, these five TPO trees have significant visual amenity value.
26. Some of the proposed car parking spaces and part of the access driveway and the car port would be sited within the root protection area (RPA) of a TPO tree in Area A1 and TPO trees in Area A2, in particular tree T8 which is of 'moderate quality and value' and this category B tree would endure for more than 20 years. The Council does not object to the principle of a no-dig method of construction for the permeable paving in these parts of the development. On the evidence before me I have no reason to reach a different view in that regard.
27. However, while further details of the proposed no-dig method have been provided by the appellant,⁶ including that 'the determining factor is the existing ground level as that cannot be reduced', this has not reconciled the apparent conflict with the appellant's drainage report⁷ which nonetheless indicates that if surface water infiltration to a soakaway is not possible at the appeal site (and

³ TPO 1101/2006.

⁴ 'Arboricultural Survey and Planning Integration Report' prepared by Quaife Woodlands, September 2019.

⁵ British Standard 5837:2012 Trees in relation to design, demolition and construction.

⁶ 'Arboricultural Appeal Statement' prepared by Quaife Woodlands, 28 March 2020 - Appellant's appeal statement of case, Appendix 2, paragraphs 2.3 and 2.4.

⁷ 'SuDSSmart Pro' Prepared by GeoSmart Information, 8 November 2019 – page 27.

which has not yet been established by the appellant) the SuDS permeable paving would need foundation and construction works 0.25m below existing ground level.

28. This would therefore require excavation within the RPA of these TPO trees, including T8, and be at odds with the appellant's arboricultural recommendations. I saw at my site visit that these TPO trees make a significant contribution to the character and appearance of the area, in particular within Area A2 and especially T8, for broadly the same reasons as trees in Area A1 set out above. Moreover, these trees in Area A2 are closer to Duffield Road and as a result are more conspicuous in public views. Consequently, these TPO trees also have significant visual amenity value.
29. This fundamental inconsistency goes to the principle of the proposed layout and quantum of the development in these regards and consequently any judgement on whether to grant planning permission. Accordingly, it would not be appropriate to relegate consideration of this matter to a planning condition, as the appellant otherwise suggests, were I minded to grant planning permission.
30. I accept that the development would result in some alteration and works to existing landscaping and the non-TPO trees along the Duffield Road frontage, for example to facilitate the access driveway and some car parking spaces. However, these would not be extensive changes and there would be sufficient space for some landscape mitigation planting, including to reinforce existing planting along Duffield Road. There would also be space for replacement trees within the communal garden to off-set the loss of most of the category U TPO trees. Were I to grant planning permission I am satisfied that suitable details could be secured by a condition.
31. However, such planting would either be relatively low level or, in the case of trees, take many years to reach an appreciable height and density of foliage. Consequently, it would not overcome the harm that I have identified in the first main issue above, in particular when such landscaping was not in leaf.
32. Considering the above, the appellant has not justified the loss of some TPO trees and has not demonstrated that there would be no harm to other TPO trees proposed to be retained. The appeal proposal would therefore cause, and be likely to cause, significant harm to trees protected by a Tree Preservation Order. It would not accord with CS Policy CP3(c) and (d) or with LP Policies CC03 and TB21. These policies include that development should have no detrimental impact on important landscape features and should protect and retain existing trees and maintain or enhance the ability of the site to support flora and retain features that contribute to the landscape. It would also conflict with Framework paragraph 170 which includes that development should contribute to and enhance the natural and local environment by protecting valued landscapes and recognise the intrinsic character and beauty of trees.

Affordable housing

33. The Council's strategic housing market assessment identifies a net affordable housing need in the borough of 441 dwellings per annum. In addition, there are currently over 1,400 households on the Council's housing register. There is therefore a significant established need for affordable housing provision which I note the appellant does not dispute.

34. I appreciate that the level of financial contribution offered by the appellant in the UU would otherwise accord with, and meet in full, the Council's calculation method for a commuted sum towards off-site affordable housing provision, were it the appropriate mechanism in this appeal. I also acknowledge that it might otherwise allow affordable housing to be provided elsewhere in the borough and that the supporting text to CS Policy CP5 confirms that the Council intends this policy to help deliver affordable housing 'across the borough'.
35. Nevertheless, I note that the Council's pre-application advice to the appellant was that a contribution to affordable housing was required 'in line with Policy CP5' of the Council's core strategy and, furthermore, that during its consideration of the application it 'would like to see onsite affordable homes in this location'. Indeed, that advice was consistent with CS Policy CP5 which includes that the minimum affordable housing provision, which is to be made 'on site', for development in this location is 40% (ie for this net gain of 11 residential units to be provided as 4 flats on-site and a 0.4 unit pro rata financial commuted sum towards off-site provision).
36. However, the appeal proposal makes no provision for on-site affordable housing. Furthermore, the appellant has not submitted a viability statement or any other substantive evidence to justify why it cannot provide 40% (or any) of the flats as affordable housing on-site. Providing affordable housing on the appeal site in this part of the borough, rather than elsewhere, would meet the Council's objectives by a means that is ordinarily expected and required by CS Policy CP5.
37. Considering the above, the appeal proposal would not make satisfactory provision for affordable housing on the appeal site. It would therefore cause significant harm to the provision of affordable housing in this location and would be at odds with the Council's adopted housing and planning strategy in circumstances of a significant affordable housing need. It would not accord with CS Policies CP1 and CP5 or with LP Policy TB05. These policies include that development should enhance the quality of the environment (in this context by providing affordable housing) and provide a mix of dwelling types and tenures including a minimum percentage of affordable housing. It would also conflict with Framework paragraphs 59, 61 and 62 which include that development should address the needs of groups with specific housing requirements, including those who require affordable housing, and ordinarily expect this to be met on-site.
38. Consequently, I am also satisfied that the obligation to make an affordable housing financial contribution in the UU would not make the appeal proposal acceptable in planning terms. As such it would not accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 or all of the tests for planning obligations set out in Framework paragraph 56.

Living conditions

39. All of the proposed flats would have access to amenity space on the appeal site. Most (10) of the 12 flats would have private external amenity space provided as terraces or balconies and could accommodate at least 2 chairs and a small table. Having regard to the SPD the terraces and balconies would

therefore be large enough for normal domestic activity such as eating, socialising or relaxation.⁸

40. At ground level there would be a visual and noise privacy screen between two adjoining terraces but the proposed box hedges would not be tall or dense enough to screen the terraces completely visually or acoustically from people passing by in reasonably close proximity, including at the rear to access the building or from passing vehicles at the front. In addition, some views towards these terraces would be possible from upper floor Juliette balconies. However, such intrusion would likely be intermittent in nature and in flatted developments it is not unusual or uncommon to moderate expectations for ground floor private amenity spaces in these regards. In this context, the ground floor terraces would nonetheless provide a useable private amenity space for the occupiers of the ground floor flats without undue disruption or disturbance.
41. Two first floor flats would have Juliette balconies and would not therefore provide private external amenity space. However, the reasonably large double doors with side windows would provide a tangible sense of spaciousness within the main living area, especially when the doors were open, and would as a result be conducive to normal domestic activity of the sort described above. Furthermore, the occupiers of these two upper floor flats, indeed all occupiers of the appeal proposal, would in any event have access to a communal garden open space. I note that in such circumstances the SPD indicates that private outdoor space in the form of a balcony or a terrace is less 'important'.⁹
42. Whilst neighbouring houses may have larger private garden areas or longer gardens, as the Council suggests, the appeal proposal is for a block of flats and this is therefore an incompatible conflation. The communal garden would include open grassed areas and more secluded landscaped areas with trees and shrubs and would also complement the hard surfaced terraces. I appreciate that the terraces, landscaped planters and proposed landscaping along the inside edge of a boundary fence with the railway would consume some space on the appeal site. However, this would be to a very limited degree and the main part of the communal space at the rear of the flats would be reasonably deep and relatively wide. It would therefore be suitable in siting and area for normal domestic activity but also for more extensive leisure, recreation and play purposes. Consequently, it would provide an attractive and useable communal open space for all occupiers.
43. The communal open space would be located, in part, along the appeal site boundary, facing towards the railway line. However, I saw that the railway line is in a reasonably deep cutting with relatively steep sided, vegetated slopes and a number of nearby residential properties have gardens that are sited in a similar relationship to the railway line. In addition, the appellant's noise report¹⁰ confirms that the proposed acoustic fencing along this boundary of the appeal site would result in a 'good environment' for occupiers using the communal open space and that 'significant adverse effects will be avoided'. I note that the Council has provided no objective evidence to the contrary in this regard. On the evidence that is before me, I am therefore satisfied that

⁸ SPD R16 - page 49.

⁹ SPD R16 - page 49.

¹⁰ 'Environmental Noise Assessment Report' prepared by Aulos Acoustics, 3 July 2019 – pages 17-19.

there would be no undue noise disturbance caused to occupiers of the appeal proposal using the communal open space.

44. Considering the above, there is no compelling reason for me to find that the private or communal open spaces would be 'underutilised', as the Council suggests, and the appeal proposal would not therefore cause harm to the living conditions of future occupiers, with particular regard to private and communal external living space. It would accord with CS Policies CP1 and CP3(a), (b), (e) and (f). These policies include that development should be functional, appropriate in scale of activity and layout, provide suitable complementary facilities and uses and spaces should integrate with their surroundings, including appropriate landscaping. It would also accord with the SPD, in particular recommendation R16, considering that a key objective of the SPD is to 'minimise' not eliminate overlooking, loss of privacy and loss of amenity, and to ensure that development 'meets the needs of its users'.¹¹
45. It would also be consistent with Framework paragraphs 124 and 127, which include that development should create high quality places, be visually attractive as a result of good layout and appropriate and effective landscaping and should have a high standard of amenity for future users.

Location and facilities and services

46. In the recent appeal decision referred to above the Inspector acknowledged that access to some local facilities and services by future occupiers of those houses by walking 'would not be attractive to most people' but would be accessible by bus (albeit with a restricted frequency) or bicycle, offering 'a reasonable alternative to the private car'. Given the proximity of that site to the appeal site I consider that the Inspector's conclusions¹² in these regards broadly apply to the appeal proposal.
47. However, the current appeal site is not directly connected to nearby bus services or to Sonning by a continuous pavement. Nor would it be if a new pavement is constructed as part of the appeal permission as it would require residents of the proposed flats to cross Duffield Road twice to reach the nearest bus stops in Pound Lane. Albeit that it is a relatively short section of Duffield Road to the junction with Pound Lane (about 95m) there is nonetheless no pavement or street lighting. The absence of a direct footway connection would therefore potentially bring pedestrians into conflict with vehicles, including older and disabled people, children and parents with pushchairs. I appreciate that Pound Lane is not the only pedestrian route into Woodley (indeed it is not the most suitable given that there is no pavement across the Pound Lane railway bridge) but it is the most direct and therefore otherwise most likely to be used.
48. Notwithstanding the above, I note that the Council's pre-application advice to the appellant included advocating a scheme for 8 flats on the appeal site and thus an increase in residential intensity of development and residents to that extent. I also saw that West Court contains a reasonably large number of flats, thus residents. However, the Council's most relevant development plan policies¹³ do not provide any particular threshold beyond which the Council

¹¹ SPD, Paragraph 1.1.

¹² As set out in paragraphs 11 to 14 of the decision.

¹³ CS Policies CP6 and CP9 and LP Policy CC01.

considers development would be incompatible with existing or proposed levels of facilities and services at Sonning (or Woodley); nor with regard to what quantum of residential development would be within a reasonable understanding or expectation in this 'limited development location'.

49. I am not therefore able to reach a firm conclusion in this regard. However, the evidence that is before me indicates that the quantum of development in the appeal proposal (ie net gain of 11 units and, as the Council suggests, up to 52 residents) militates against its suitability in this location in this regard. Consequently, the number of residential units in the appeal proposal is likely to need to be moderated for the above reasons but likely also having regard to my findings in the first and second main issues above.

Other Matters

50. It is common ground between the main parties that, further to appropriate surveys, there is a reasonable likelihood of reptiles and bats being present on the appeal site and being affected by the appeal proposal. These bats and reptiles are a European Protected Species (EPS) protected, inter alia, under the 'Habitat Regulations'.¹⁴ However, the UU contains obligations for mitigation that would be implemented at an appropriate time and there is no evidence before me to suggest that these measures would not be effective. Accordingly, the proposal would maintain the population of these species at a favourable conservation status. The UU would also ensure a financial contribution is paid to the Council to be used to deliver training initiatives to encourage the use of local labour and people with requisite skills and abilities in the delivery of the proposal. The Council has based the level of contribution on the construction value of the proposal using the Construction Industry Training Board benchmark values. I have no reason to reach a different view in this regard.
51. I am therefore satisfied that the obligations referred to above are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in Framework paragraph 56. However, the absence of harm in these regards is a neutral factor in my decision.
52. The Council considers that it can demonstrate a 5.23-year housing land supply¹⁵ including taking into account the effects of the Covid-19 pandemic on housing completion rates. The appellant suggests that the effect of Covid-19 means that it is 'highly likely' that there isn't a 5-year housing land supply, that Covid-19 will continue to have 'further implications' for the delivery of housing in the borough and that even the Council's most recent 5-year housing land supply statement 'is not able to take into account the full impact of Covid-19'. The appellant also suggests that the Council is being 'overly optimistic' about housing delivery on its major strategic sites and sites outside settlement boundaries.
53. However, the appellant has provided no substantive objective evidence in these regards and albeit with a base date of 31 March 2020 the Council's 5-year housing land supply statement is nonetheless the most up-to-date. Moreover,

¹⁴ Conservation of Habitats and Species Regulations 2017.

¹⁵ 'Wokingham Borough Five Year Housing Land Supply Statement at 31 March 2020', published 14 January 2021.

in two recent appeal decisions¹⁶ referred to by the appellant I note that the Inspectors found that the Council had a 5-year housing land supply. On the evidence before me in this appeal, the Council can therefore presently demonstrate a 5-year housing land supply.

54. Keepers Cottage is a Grade II listed building in Duffield Road and accordingly great weight should be given to its conservation.¹⁷ The appeal proposal would add to the extent of built form on the appeal site and be closer to Keepers Cottage than the existing house. However, Keepers Cottage is located around a bend in Duffield Road and is set well back from the road edge. It has a principal elevation facing away from the appeal site and is sited within a distinct immediate curtilage. The intervening gap would be about 90m and line of sight would also be obscured in part by boundary trees and hedgerows. The proposal would not therefore affect the special architectural or historic interest of Keepers Cottage, or its setting. Consequently, there would be no harm to, or loss of, the significance of this designated heritage asset or its setting¹⁸ and the appeal proposal would therefore preserve Keepers Cottage and its setting.¹⁹ I also note that the Council did not object to the appeal proposal in this regard.
55. The Planning Inspectorate has issued a screening direction²⁰ that the appeal proposal is not Environmental Impact Assessment development. I note that the screening direction refers to the appeal site as being located 'near to the Thames Basin Heaths Special Protection Area' (the SPA). However, there is no evidence before me from either main party in this regard. I cannot therefore be certain that the proposal would provide suitable mitigation of its impact on the SPA or that the proposal would not therefore adversely affect the integrity of the SPA. Nonetheless, as I intend to dismiss the appeal on other grounds, there is no prospect of planning permission being granted in this case and it is not necessary for me to consider this matter any further.
56. There is no evidence before me to substantiate that the proposed mix of flat sizes 'would meet a local demand' or 'would free up larger family houses in the borough', as the appellant otherwise suggests. However, I accept that the appeal site is a small site and I note that the appellant suggests that it is deliverable; if so, it could be built out relatively quickly. In addition, the net gain of 11 residential units would make a contribution to the Government's objective of 'significantly boosting' the supply of homes. It would also result in financial contributions relating to the New Homes Bonus and the Community Infrastructure Levy and the appeal proposal would result in job creation, including during construction. However, the scale of the development (11 units) is relatively modest and these would therefore be limited benefits of the appeal proposal.
57. I appreciate that the existing house and outbuildings are not of any particular intrinsic architectural merit, that the flats would meet the Council's internal space standards and that there would be no unacceptable adverse effect on the living conditions of occupiers of neighbouring houses. The development would also be satisfactory having regard to flooding and drainage, refuse and recycling, the number of car and cycle parking spaces and it would incorporate

¹⁶ APP/X0360/W19/3238048 and APP/X0360/W/19/3235572.

¹⁷ Framework paragraph 193.

¹⁸ Framework paragraph 194.

¹⁹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

²⁰ Letter to the Council, copied to the appellant, dated 7 September 2020

sustainable design and construction methods. However, the absence of harm in these regards is a neutral factor in my decision.

58. Sonning Parish Council and some local residents are concerned about increased traffic arising from the appeal proposal. The Parish Council's speed survey is not before me in evidence in this appeal. I saw that traffic volume and speed in Duffield Road was moderate but nonetheless commensurate with the standard of this road. I also saw that queuing is inevitable given that there are traffic lights controlling vehicles crossing the single lane bridge over the railway line. Pound Lane is a reasonably busy main road but has street lighting and there is good visibility for vehicles at the junction with Duffield Road. Construction traffic is an unavoidable but temporary consequence of new development. There is no substantive evidence before me to suggest that construction or resident traffic could not safely access the appeal site or would cause unacceptable highway conflict.
59. The Parish Council and some residents are also concerned about overlooking. However, in comparison to the existing house on the appeal site the appeal proposal would significantly reduce the number of windows facing the adjoining house at first floor level and views would be restricted by the tall (about 4-6m high) boundary evergreen hedgerow. In addition, the screening effect of intervening trees and hedgerow would restrict overlooking of properties in Pound Lane to the rear of the appeal site. Alleged loss of value due to the appeal proposal is not a material planning consideration and there is no substantive evidence before me to suggest that there would be any insurmountable drainage issues arising from the proposed development.

Planning Balance and Conclusion

60. As explained in the main issues above, the appeal proposal would cause significant harm to the character and appearance of the area, to trees protected by a Tree Preservation Order and by failing to make acceptable provision for affordable housing. I give substantial weight to each of these harms. There would be no harm to the living conditions of future occupiers and the absence of harm in this regard is a neutral factor in my decision. The appeal proposal would provide modest benefits, including for housing delivery, and I give these moderate weight.
61. Accordingly, these benefits do not outweigh or overcome the harm that I have identified and the appeal proposal would not accord with the development plan overall. Even if I were to accept the appellant's view on 5-year housing land supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
62. There are no material considerations that indicate that my decision should be taken otherwise in accordance with the development plan. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR