



Appeal Decision

Site Visit made on 8 June 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/R0335/W/20/3265593

Whitegates, St Marks Road, Binfield, Bracknell RG42 4AT

- 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 Makarchuk against the decision of Bracknell Forest Borough Council.
- The application Ref 20/00529/FUL, dated 9 July 2020, was refused by notice dated 18 November 2020.
- The development proposed is extensions and alterations to enlarge house and enlarge 6 bedsits and add a 7th bedsit.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the living conditions of the occupiers of No 1 Woodies Close with particular regard to privacy and b) highway safety with particular regard to parking provision.

Reasons

Living Conditions

3. No 1 Woodies Close is sited at the end of a terrace of dwellings that run perpendicular to the rear boundary of the appeal site. There is a tall Leylandii hedge sat on this boundary, separating the plots. The rear elevation of the appeal property directly faces the side elevation of No 1 and its rear garden space.
4. There are already a substantial number of first floor windows across the whole of the rear elevation of the appeal building which face No 1 Woodies Close. The proposed development would introduce 4 new Juliet balconies on this elevation, also at first floor level, which would all again face the side of No 1 (which includes a window into its habitable living space) and its rear garden space. This would significantly increase the potential for overlooking of the rooms along the side of No 1, as well as its rear garden. The closer proximity of what would be the revised rear elevation would also increase the impression of being overlooked for users of the garden space.
5. The Council's Design Supplementary Planning Document (2017) (Design SPD) sets out, amongst other things, that a reasonable back to back distance between dwellings is 22m in order to maintain an acceptable level of privacy for occupiers. With the proposed extension, the rear elevation of the appeal building would be approximately 13.9m from the side elevation of No 1 Woodies Close. I appreciate that the site circumstances do not involve back to

back presentation. But the orientation of the rear elevation of the appeal building relative to the garden of No 1, renders the principles of the Design SPD guidance applicable to the appeal scheme. The significant shortfall in the recommended distance suggests to me that the proposed development would be too close to maintain an acceptable standard of privacy for the users of the garden to No 1 specifically.

6. Coming back to the hedge that separates the plots, this would go some way to mitigating the harm that I have found. That said, and as the Council has highlighted, this hedge is within the curtilage of the appeal property and could be removed at any time. I note the appellant's comments that the Council could protect the hedge with a tree preservation order (TPO) to ensure this boundary treatment is retained. However, the Council has made it clear that this is not a legitimate prospect, as TPOs should not be used to protect hedgerows, and insufficient public benefit would be achieved from affording the hedge such protection in any event. On this basis, it cannot be assumed that the hedgerow will remain in situ long term, and were it ever removed, the impact of the proposed development on the privacy of No 1 would be unacceptable.
7. The appeal scheme would therefore cause unacceptable harm to the living conditions of neighbouring occupiers, by way of overlooking, leading to a loss of privacy. The proposed development would therefore conflict with Policy EN20 of the Core Strategy¹ and the Design SPD, which together seek to protect the amenity of neighbouring properties, which includes ensuring that any new development does not lead to an unacceptable loss of privacy.

Highway Safety

8. The Parking Standards SPD 2016 (Parking SPD) sets out prescribed parking numbers for new development. To meet the requirements of the Parking SPD, 11 on-site dedicated spaces would be needed in conjunction with the proposed development (3 for the residential dwelling and 8 for the guest house).
9. The Council has indicated that the development will provide 9 on-site parking spaces, although the plans do appear to show 10. Either way, this means there would be a shortfall of at least 1 dedicated space, if not 2. Such a shortfall could lead to overspill parking on nearby roads.
10. The location for any necessary overspill parking would most likely be along Woodies Close which runs immediately adjacent to the side of the appeal property. I acknowledge residents' concerns that this small cul-de-sac already becomes congested due to the current level of street parking, which is evident from some of the photographs provided. Similar concerns have been highlighted by Binfield Parish Council. During my site visit, I could see several cars parked entirely on areas of grass verge along the road, which is indicative of parking issues within this area. Any additional overspill parking along Woodies Close could therefore exacerbate the existing congestion issues, which in turn could compromise highway safety due to inconsiderate or obstructive parking.
11. In situations where on-street parking at Woodies Close is already at capacity, drivers could be left searching for alternative parking locations, including St

¹ Bracknell Forest Core Strategy Development Plan Document 2008

Marks Road where the appeal site is situated. This is a busy classified road and the Council's evidence highlights a history of accidents very close to the appeal property. Any risk of overspill parking along this stretch of road would therefore be a particular concern, as any obstructive parking would certainly be to the detriment of highway safety.

12. I note the appellant's comments that an arrangement is in place with Newbold College opposite to the appeal site to accommodate any necessary overflow parking. However, in the absence of any evidence to this effect or a planning obligation to secure such arrangement, this cannot weigh in my decision. Moreover, as local residents have highlighted, the existence of such an arrangement is suggestive of a legitimate need for overflow parking to make up for the shortfall of on-site parking provision. I also note the appellant's comments that tandem parking arrangements on the appeal site could accommodate more vehicles, however this could lead to its own safety concerns, as insufficient turning space would be left on-site which could then result in vehicles reversing out on to St Marks Road.
13. For the reasons set above, the proposals would result in a harmful effect on highway safety, and consequently conflict with Policy M9 of the Local Plan², Policy CS23 of the Core Strategy and Policy BF1 of the Binfield Neighbourhood Plan 2015 – 2026 (2016), which seek to protect the local road network and the safety of its users by securing appropriate levels of parking provision in connection with new development. As set out above, the appeal scheme would also fall short of the requirements set out by the Council's supporting Parking SPD.

Conclusion

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

James Blackwell

INSPECTOR

² Bracknell Forest Local Plan 2002