
Appeal Decision

Site visit made on 24 August 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/X0360/W/21/3273859

5 South Lake Crescent, Woodley, Reading RG5 3QW

- 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 O Temple against the decision of Wokingham Borough Council.
 - The application Ref 210433, dated 9 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is the erection of a detached three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has provided a Plans and Elevations plan, drawing number 2569 02B and requested that I determine the appeal against this revision rather than the earlier version¹ upon which the Council made their decision. The revisions include a rearranged first floor layout such that bedroom 1 would be at the front of the property with a bathroom and en-suite to the rear. This has implications for the first floor windows that serve those rooms. In the rear elevation, at first floor level the width of the easternmost window (now serving the bathroom) is narrower and obscure glazed. The window to the landing is also shown as obscure glazed. In addition, the windows in the front elevation intended to serve bedroom one and the kitchen are wider than shown on the original plan. The alterations propose relatively minor amendments to windows shown in the original plans. As such, I am satisfied that no one would be seriously prejudiced by my determination of the proposal in relation to the revised plan.
3. There is a reference to policy T06 of the Wokingham Borough Development Plan, Managing Development Delivery Local Plan, February 2014 (MDD) in refusal reason 1 on the Council's decision notice. Having regard to the information before me there does not appear to be a policy T06 in the MDD. It is reasonably clear that the Council intended to refer to policy TB06 – Development of Private Residential gardens. The appellant's submission has referred to policy TB06, and therefore, no one would be prejudiced by my determining the proposal on this basis.

¹ Plans and Elevations Drawing Number 2569 02A.

4. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The main parties have had the opportunity to comment on the revised Framework as part of the appeal process.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of 4 South Lake Crescent having regard to privacy, and;
- The level of off-street parking provided and its effects on highway safety.

Reasons

Character and appearance

6. South Lake Crescent comprises an established residential area characterised by mainly two storey semi-detached houses. There is a distinctive deliberate layout to the area, whereby for the most part, dwellings are regularly positioned around an elongated looped road layout and face towards the road. The evidence suggests that this dates from the late 1940's². The generally regular set back and spacing between pairs, prevalent use of similar materials and broadly similar form gives coherence to the area. At some prominent corner sites³, dwellings are chamfered to address the corner, which adds interest and aids legibility.
7. Although some subsequent development has taken place, the underlying layout structure is still discernible and sets prevailing characteristics that contribute positively to the area, resulting in a pleasant ordered suburban character. Principle R1 of the Borough Design Guide, Supplementary Planning Document, June 2012 (SPD) advises that residential development should be designed to contribute positively towards the historic or underlying character and quality of the local area.
8. 5 South Lake Crescent is a semi-detached house at the northern end of the road loop adjacent to a forked junction that provides one of the entrances into the road from the wider network. No.5 together with the adjoining No.6, occupies an ordered position on the end of an arc of broadly similar semi-detached pairs to the west that closely follow the curving road alignment. The generous gaps between the two storey elements of the respective pairs establishes a balanced rhythm and allows for glimpses between buildings.
9. The appeal site forms part of the garden of No. 5 lying east of the dwelling and closer to the forked junction at a prominent point in the street scene. The general absence of built form gives space to the curving arrangement of dwellings to the west. It signals a transition between differing sections of South Lake Crescent, namely the less distinctive access section that leads to Crockhamwell Road within which there is greater variety of building type, and the more ordered curved arrangement within which No.5 is situated. As such, No.5 and the appeal site make a positive contribution to the street scene.

² Council's Delegated Officer report, Planning history section, reference 41/48.

³ Junctions of South Lake Crescent with Pearson Way and The Close

10. The proposal would introduce a two-storey detached dwelling with a hipped roof onto the appeal site. This would not successfully integrate with the surrounding pattern of development for the following reasons. Firstly, the appeal site associates strongly with the curving group of semi-detached dwellings around the northern part of the road loop. As such, the detached nature of the dwelling and use of a hipped roof would be at odds with the established building type used in the distinctive arrangement. Even though there is a detached dwelling with a hipped roof on the eastern side of South Lake Crescent, for the reasons outlined it would not be appropriate to take design cues from the access section of South Lake Crescent in preference to the prevailing more immediate context.
11. Secondly, continuing a straight building line from Nos5 and 6 would unnaturally elongate one component of the arched configuration and would fail to respond to the curving alignment of the road onto which it would face. This would be reinforced by the greater set back of the frontage from the carriageway relative to No.5. Neither would this approach be in keeping with how prominent corner development has been addressed elsewhere in the estate, whereby buildings have been carefully positioned to address the corner. Principle R8 of the SPD states that it is important that buildings on corners are designed to respond to their position in the layout. By comparison to the positive examples nearby, the proposal would provide a weaker response that fails to recognise its prominence in the street scene.
12. Thirdly, as illustrated in the street scene plan⁴, the gap between the two storey elements of the proposed dwelling and No.5 would be notably narrower than the spacing of the paired houses around the curve to the west. Although the appellant points out that the spacing would comply with the 1 metre inset from boundaries referred to in the SPD, this is to provide adequate access⁵. It does not suggest that it would always provide appropriate spacing for the purposes of responding to the surrounding context and expressly states that gaps between buildings that make an important contribution to the rhythm of the street and to local character should be incorporated into the layout of new housing.
13. Furthermore, policy TB06 of the MDD requires development on residential gardens to make a positive contribution to the character of the area including the relationship of the existing built form and spaces around buildings within the surrounding area. That would not be achieved by the gap proposed in this case whereby the dwelling would appear squeezed onto the end rather than a natural continuation of the established curving pattern. Neither would the removal of the unassuming single storey element for No.5, which the appellant refers to as substandard, outweigh my concern.
14. The culmination of these points would be a development that would have a discordant effect by undermining the prevailing deliberate layout. The prominence of the site in the street scene would exacerbate the degree of harm. It follows that the proposal would not add to the overall quality of the area but would rather erode the sense of place. As such, it would conflict with paragraph 130 of the Framework.

⁴ Drawing number 2569 04

⁵ Page 48, SPD

15. I acknowledge that some aspects of the design would be more successful, such as the proposed height, materials, extent of plot coverage, opportunities for boundary landscaping and respecting the building line established by 4 South Lake Crescent. I further note that the verge on the corner would remain. Nevertheless, these factors do not outweigh or overcome the harm I have identified.
16. Reference is made to the recent residential development⁶ opposite the appeal site, which I observed at my site visit. The layout of the 10 semi-detached houses follows the alignment of the road, with even gaps between the pairs. As such it respects the important positive qualities of the area and therefore, differs from the proposal before me. Hence, it does not attract weight in favour of the proposal.
17. I recognise that the proposal would make more efficient use of the land, for which encouragement can be found in the Framework. Nevertheless, paragraph 124d) of the Framework confirms that such support is not unqualified and stipulates that decisions should take into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.
18. Accordingly, I find that the proposal would have an unacceptable harmful effect on the character and appearance of the area. Therefore, it would conflict with policies CP1 and CP3 of the Wokingham Borough Local Development Framework, Core Strategy, January 2010 (CS) and policy TB06 of the MDD. These policies, amongst other matters, seek to maintain or enhance the high quality of the environment by requiring new development to positively contribute to a sense of place in the buildings and spaces themselves, and in the way they integrate with their surroundings.

Living conditions

19. The Council are concerned that the development would result in unacceptable overlooking to a second floor window in the gable end of 4 South Lake Crescent. I have no evidence to suggest that this window does not serve a habitable room and so have considered the impact on this basis.
20. Policy CP3a) of the CS states, amongst other things, that permission will be granted for developments that do not cause detriment to the amenities of adjoining occupiers and their quality of life. Principle R15 of the SPD further advises that buildings must be designed to provide reasonable levels of visual privacy to habitable rooms. It goes on to give guidelines for minimum separation distances which would normally safeguard privacy.
21. The recommended minimum distance that most closely resembles the proposed relationship between the rear of the dwelling and the gable end flank wall of No.4 is 12 metres between a flank wall and rear elevation. The separation distance would be approximately 11 metres, and therefore, the proposal would fall short of the recommended minimum. However, whilst the SPD is a material consideration and carries considerable weight, it is guidance rather than a mandatory requirement. In this case, the relationship would not fall significantly short of the recommended distance.
22. Furthermore, the height of the window at No.4 serves the second floor accommodation in the roof space. Hence, the rear facing first floor windows of

⁶ Reference 183380, Proposed Site Plan, Appendix 2, Appellant's Appeal Statement

the proposed dwelling would be lower. This would inhibit direct-intervisibility between them.

23. Moreover, the revised plan shows a different internal layout whereby only one rear facing window at first floor would serve a habitable room, namely bedroom 2. The other first floor windows would serve the landing and bathroom respectively and so would not constitute habitable rooms for the purposes of principle R15 of the SPD. In addition, they would be obscure glazed. The position of bedroom 2's window would be towards the western end of the site and so would face towards the rear edge of No4's flank wall. Therefore, it would not directly align with the second floor window which is centrally positioned.
24. Taking these factors together, the differences in height and alignment of the windows means that the separation distance provided in this case would be sufficient to retain a reasonable level of privacy for the occupants of No.4. It follows that it would not compromise their living conditions and would accord with paragraph 130f) of the Framework which states that development should ensure a high standard of amenity for existing and future users.
25. The Council points out that the revised plans would have bedroom windows facing dwellings on the other side of the road to the east, and approved dwellings to the south. However, my observations were that the proposed configuration of units, position of windows and separation distances proposed would be unlikely to result in unreasonable overlooking in those instances.
26. Accordingly, I find that the proposal would not be unacceptably harmful to living conditions of the occupants of 4 South Lake Crescent having regard to privacy. Therefore, I find no conflict in this regard with policies CP1 and CP3 of the CS which, amongst other matters, seek to maintain the privacy and amenity of adjoining occupiers.

Parking

27. Policy CP6d) of the CS indicates that permission will be granted for development that provides appropriate vehicular parking, having regard to car ownership. The explanatory text⁷ states that the borough has one of the highest car ownership rates of any English local authority.
28. Policy CC07 of the MDD states that planning permission will only be granted where the proposal meets the Council's parking standards and that the new scheme retains an appropriate overall level of off-street parking. Appendix 2 of the MDD sets out the standards according to land use and different areas of the borough. The appeal site appears to lie within an urban area⁸ for the purposes of the parking standard. The formulaic methodology advocated for housing development includes allocated, unallocated and visitor parking. Calculations are based on tables and take account of the number of habitable rooms and bedrooms in the housing proposed.
29. At present, no formal off-street suitably surfaced parking space is provided for No.5. However, it appears from the tracked grass area and existing crossover onto South Lake Crescent that in practice some informal off-street parking has taken place in the garden. The proposal would provide two allocated spaces for

⁷ Paragraph 4.36

⁸ Figure 1, Appendix 2, MDD

the proposed dwelling and two allocated spaces for No.5. These would be located to the front of the dwellings, which would be a broadly similar arrangement to dwellings to the west.

30. The Council state that three spaces should be provided for each dwelling or alternatively an additional shared space should be provided to those shown. They base this requirement on the comments of the Highway Authority⁹. However, a clear calculation of how these figures were arrived at, showing the workings of how the parking standard in Appendix 2 of the MDD applies in this case has not been provided. Accordingly, doubt remains in relation to the following matters. Firstly, how the standard applies to existing dwellings such as No.5, where no formal parking provision exists. Policy CC07 refers to the retention of an appropriate overall level of off-street parking, but in this instance, it does not currently exist to be retained. There is little basis to suggest that the standard should apply retrospectively to existing dwellings. As such, the provision of two allocated spaces for No.5 would be an improvement.
31. Secondly, the Council have not clarified whether the additional parking requested to that shown would be for unallocated parking demand, visitor parking or both. The tables and recommendations in Appendix 2 refer to fractions of parking spaces in both instances, which does not easily lend itself to development for a single dwelling. It is not explained whether normal rounding conventions should apply. As a result, neither party has satisfactorily demonstrated what the overall parking baseline standard in this case should be.
32. Furthermore, the advice in paragraph 0.3, Appendix 2 of the MDD states that the parking standards should be regarded only as a starting point in any discussions with the Borough Council, as it should be recognised that each development site will need to be assessed on its own merits, within the wider context of the area in which the development sits. This indicates that there is some flexibility in its application. This is reinforced by the flexibility shown for the recent development¹⁰ to the south of the site where there was a shortfall in the provision of on-site unallocated or visitor parking spaces.
33. Therefore, even if I were to accept that a further shared space was required to meet the parking standards in this case, then some of the mitigating factors¹¹ that were taken into account for the recent residential development opposite would equally apply. As such, it is relevant that the proposed dwelling would benefit from good accessibility to public transport and would be in walking distance of retail services and facilities as this would be likely to lead to reduced demand for unallocated or visitor parking.
34. Moreover, the degree of impact arising from a shortfall of one shared space is unlikely to result in significant harm due to overspill on-street parking as there are some opportunities nearby for on street parking with no obvious restrictions in force. Paragraph 111 of the Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. On the basis of the information before me, neither of those scenarios would arise as a result of the proposal.

⁹ Consultation response dated 24.3.21

¹⁰ Reference 183380, Committee Report, Appendix 2, Appellant's Appeal Statement

¹¹ Paragraphs 61-62 Committee Report reference 183380, Appendix 2, Appellant's Appeal Statement

35. Accordingly, I find that the proposal would make suitable parking provision for the development. On that basis, I find no conflict with policy CP6 of the CS or policy CC07 of the MDD. These policies, amongst other things, require development to provide appropriate levels of parking and avoid causing highway safety problems.

Planning balance and Conclusion

36. The main benefit of the proposal would be the provision of an additional dwelling towards the overall housing supply in an accessible location near to shops, schools and public transport links. It would make more efficient use of the land and as a self build dwelling, would diversify the housing market. These are both factors for which general encouragement is given in national policy. Furthermore, some economic benefits would arise from the construction of the dwelling and there would be additional economic activity associated with the future occupants. Nevertheless, the extent of benefits accrued from a single dwelling would be limited.
37. It will be seen that I did not find harm in relation to the living conditions of existing residents, nor the proposed parking arrangements. However, these do not amount to positive benefits as they are required in order to be policy compliant. As such, they are neutral factors in the overall balance.
38. Balanced against that, is the harm that would be caused to the character and appearance of the area, as well as the harm arising from the conflict with policies in the development plan that seek to protect this. Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Accordingly, this matter attracts significant weight.
39. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise¹². In this case, I conclude that the proposal would be contrary to the policies of the development plan that seek to achieve well-designed places. The benefits of the proposal do not attract sufficient weight such that the decision should be taken other than in accordance with the development plan.
40. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹² Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.