



Appeal Decision

Site Visit made on 22 June 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/X0360/W/21/3271017

Hearn and Bailey Garage, Basingstoke Road, Three Mile Cross RG7 1BA

- 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 Stuart Hall of Colony Architects Ltd against the decision of Wokingham Borough Council.
 - The application Ref 201557, dated 26 June 2020, was refused by notice dated 6 October 2020.
 - The development proposed is erection of 4no. dwellings consisting of 4no. 3 bedroom dwellings with associated landscaping, bin enclosure, bicycle store, garaging and car parking, following demolition of the existing car garage and change of use to residential (C3).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Wokingham Borough Council against Mr Stuart Hall of Colony Architects Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development from the decision notice. Although different to that on the application form, the number of bedrooms for plots 1 and 2 were altered following submission. The description correctly identifies the number of bedrooms as shown on the submitted plans.
4. The appellant included amended floor plans in their appeal submission¹ that made minor changes to the openings of the dwellings. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place. While not before the Council at the time of their decision, they were submitted at the outset of the appeal and therefore parties have had the opportunity to comment. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take these plans into account. I have considered the appeal on that basis.
5. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes relevant to the main issues in this appeal and therefore no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

¹ Drawing No 03-00 Rev P5 and 03-01 Rev P5

Main Issues

6. The main issues of the appeal are:

- Whether the proposed development would cause unacceptable harm to the employment land supply in the area,
- Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to outlook, internal and external space,
- The effect of the proposed development on public safety, with particular regard to the off-site nuclear emergency planning arrangements for the Burghfield Atomic Weapons Establishment (AWE),
- The effect of the proposed development on the character and appearance of the area, with particular regard to the Three Mile Cross Area of Special Character (ASC) and the setting of nearby listed buildings; and
- The effect of the proposed development on highway safety, with particular regard to car parking, turning and sight lines.

Reasons

Employment Land Supply

7. Policy CP15 of the Core Strategy² seeks to provide a range of size, type and quality of premises for different types of user and that they should not lead to a net loss of floorspace in B use. Policy 11 of the NP³ indicates that the re-use of employment sites may be supported where proposals demonstrate that the commercial use of the premises is no longer viable.
8. The evidence before me and my observations on site indicate that some upgrading of the premises would be required. However, the appellant's "Commercial viability & employment analysis" does not provide a detailed breakdown of the total costs it outlines as being required to bring the site up to the expectations of a future tenant. Therefore, it has not been shown that this would prevent future commercial use of the site. Since the appeal was submitted an application has been put in for works to the existing building without change of use.
9. The comparative yield data provided to support the appellant's calculations for the value of the site related to premises that are generally of a greater floorspace than the appeal site. Moreover, although the properties selected give a broad market view, none are motor car garages and therefore not directly comparable. The buildings also do not appear to be comparable given the concerns raised by the appellant over the condition of the appeal site. The cost of improvement works would be something to be considered as part of an acceptable yield.
10. A marketing exercise is given as an example of the evidence required in Policy 11 of the NP and one is needed for change of use of A1 premises. Nonetheless, the development plan does not specifically require such an exercise for this type of proposal. A marketing exercise has only recently commenced for the

² Wokingham Borough Core Strategy Development Plan Document

³ Shinfield Neighbourhood Plan

appeal site. Details of the marketing, including the price and whether there have been any offers have not been provided. In the absence of a longer-term marketing exercise and the lack of other convincing evidence, it has not been demonstrated that there is no demand for the site.

11. There is limited justification regarding the demand for motor trade premises or the competition effect from a new occupier of the site. The Employment Land Needs Study (January 2020) is said to identify the need for additional employment land. While the previous occupiers have moved on to new premises, and there are no current employees at the site, the demolition of the existing premises would lead to a loss of commercial floorspace.
12. There is limited evidence to suggest that the Council's assertion that they can demonstrate a 5-year supply of housing land is incorrect or that their housing strategy is failing to provide sufficient homes. Potentially limiting factors such as Green Belt and flood zones have been raised. Despite this and that there is support for the re-use of brownfield sites as well as there being no presumption against residential development in this location, there is no clear evidence of unsatisfied demand for residential development in the area. The contribution to housing supply would not be significant as would economic benefits from the construction and occupation of the dwellings.
13. The site is located along the main road through Three Mile Cross and there are other commercial premises nearby. This and the lack of evidence of historical complaints over noise and disturbance means I see no reason why the re-introduction of similar future uses would do so.
14. Therefore, in the absence of any substantive evidence to the contrary the proposed development would have an unacceptable effect on employment land supply. It would fail to accord with Policy CP15 of the Core Strategy and Policy 11 of the NP where they seek to prevent net loss of floorspace in B use, and require demonstration that commercial use is no longer viable or a lack of demand for business use.
15. Paragraph 219 of the Framework states existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
16. There is a positive approach to alternative uses where land is not allocated for a specific purpose in plans in the Framework. However, this is where it would help meet identified development needs. It also states that significant weight should be placed on the need to support economic growth and productivity and encourages sustainable economic growth. While the above policies do not directly reflect the Framework, they are in general conformity with it.
17. While Policy TB11 of the MDD⁴ is included in the refusal reasons, the evidence does not indicate the site is within a Core Employment Area. Policy TB17 of the MDD relates to day to day shopping facilities. As such, these weigh neither for nor against the scheme.

⁴ Wokingham Borough Adopted Managing Development Delivery Local Plan document

Living Conditions

18. Policy TB07 of the MDD and the Design Guide⁵ sets out minimum size requirements for Gross Internal (floor) Area (GIA). Both main parties also refer to the THS⁶ in regard to space standards and no alternative standards have been highlighted. I see no reason why it is not a benchmark material consideration.
19. While said to be effectively a study, and future occupiers could alter the use of rooms, the floorplans show that Plots 1 and 2 would have 3 bedrooms. The smallest bedroom falls below the minimum standards set out in the THS. Moreover, these dwellings would not meet the GIA for 3-bedroom 2 storey dwellings in the THS or for a 3-bedroom house in Policy TB07. From the figures before me, the master bedroom of Plot 1 would also be below the minimum floor space required for a double bedroom and both Plots 1 and 2 do not provide the internal storage space requirement of the THS.
20. Plots 3 and 4 would have living accommodation over 3 floors with all 3 bedrooms being shown with double beds. Therefore, in the absence of compelling evidence that they would be used as a single bedroom due to headroom limitations, I have considered them as 6 person properties. Even if I were to consider these plots to be 2 storey dwellings, they would not meet the GIA required in the THS.
21. In light of the above, while the aim may have been to make efficient use of space, the proposed development would not provide appropriate internal space for future occupiers.
22. The gardens would be rectangular in shape adjacent to the main elevation, of comparable depth to the adjacent properties and would receive direct sunlight for some of the day. The Design Guide also refers to more compact gardens where it relates to urban areas and local character and there is public open space that occupiers could walk to.
23. Nevertheless, the depth of the rear gardens would be significantly lower than the minimum garden length set out in R16 of the Design Guide. The Design Guide does not state the minimum depth is only to overcome overlooking concerns with Figure 4.26 showing it in the context of flank wall rather than back to back properties. There are no on-site alternative spaces to compensate for the shortfall. Furthermore, although bike and bins storage areas are provided, the remaining usable space would be limited.
24. While the immediately adjacent properties may have limited rear gardens, the predominant pattern of development in the area is of properties with more generous rear garden spaces. The narrowness of the plots also limits the overall size of the space in comparison to those adjacent.
25. While resident's preference of gardens size and types may vary, there is a need to ensure that provision is made that relates to the house type and likely number of occupiers. The scheme would fail to provide appropriate external living space for occupiers.

⁵ Borough Design Guide Supplementary Planning Document

⁶ Technical Housing Standards-Nationally Described Space Standard

26. Reference is made to a scheme at Finchampstead Road where nearby public amenity space was considered to compensate for a lack of on-site space. I do not have details of that scheme such as plans, full officer report or the policies and other considerations at the time of that decision. However, it is said to have been a scheme for flats and therefore is not directly comparable to the appeal proposal.
27. Most bedrooms would not have a dual aspect and front windows face on to the road. However, this reflects the adjacent properties and R18 of the Design Guide does not state that a dual aspect is required for each bedroom. Given the size of the openings, although not facing south, sufficient sunlight and daylight would be able to enter the rooms.
28. Furthermore, as a result of the separation between the windows and any built form or boundary treatments there would be a reasonable outlook for each dwelling. There has been no clear evidence that the proposed layout would result in insufficient ventilation.
29. As such, the proposed development would fail to provide appropriate living conditions for future occupiers with regard to internal and external space. It would be contrary to Policies CP1, CP2 and CP3 of the Core Strategy, Policy TB07 of the MDD and the Design Guide. These, in part, require schemes to ensure that the layout and size of schemes are suitable, functional and address the needs of occupier.

Public Safety

30. The site is now located within the recently extended Detailed Emergency Planning Zone (DEPZ) for the AWE. The process for extending the DEPZ is not a matter for this appeal and there is no clear evidence that the re-assigned zones are inaccurate.
31. Policy TB04 of the MDD states that development will only be permitted where the applicant demonstrates that the increase in the number of people can be safely accommodated having regard to the needs of "Blue light" services and the emergency off-site plan for the AWE site at Burghfield. The DEPZ is said to focus responders to the areas of greatest risk to their health should there be a radiation emergency on site which affects the off-site communities.
32. The ONR⁷ advised against the scheme unless supported by the Emergency Planning Manager who opposed it. The proposal would introduce residential occupiers where there are currently none, in a location where the emergency plan arrangements include supporting the welfare requirements of those in the affected area. This may include the provision of social care, food, shelter and potentially short to long term emergency accommodation.
33. I note the justification outlined in the appellant's Radiological Implications of Potential Accidents at AWE Burghfield. The proposal is of a moderate scale and near the edge of the DEPZ allowing some Blue Light services to enter and where urgent evacuation is less likely to be needed. Moreover, there have been no changes to the activity or risk at the AWE. In addition, a radiation emergency would be extremely unlikely and its effect on the site partly dependant on weather conditions.

⁷ Office for Nuclear Regulation

34. From the evidence before me, residential uses would not be subject to the same Health and Safety legislation as commercial uses. There is no clear evidence that an incident would be more likely during the day. Residential occupiers would be more likely to occupy the site at all times of day and night. Residential comings and goings, as well as personal tendencies to leave the site during an incident may not be the same as that of commercial use. Nonetheless, there are also different implications for the need to provide evacuees with shelter, even if for a short time.
35. While some measures may not require emergency services in the event of an incident, the number of residents living within this part of the DEPZ is already said to exceed the evacuation centre capacity. Similar issues at other nearby and alternative centres are also highlighted.
36. The scheme would not create a significant additional burden, and this is partly offset by possible commercial occupiers at the site. Nonetheless, the proposal would further increase pressure on the resources available to be able to implement the emergency off-site plan. Furthermore, cumulative impacts from small scale development would serve to create additional difficulties in executing the emergency plan.
37. There is no compelling case that the site could and would be converted to B1 use. Also, this would still have a commercial, rather than residential use and the above concerns would still apply. Therefore, I give little weight to this as a fallback position.
38. The Boundary Hall scheme decision was prior to the Framework and Radiation (Emergency Preparedness and Public Information) Regulations 2019, in a different Council area. The benefits associated with that scheme would have been different to the one before me given their relative scale. A further site at Diana Close related to a scheme that was dismissed and that was found to be contrary to Policy TB04 of the MDD.
39. Other more recent appeal decisions have been put before me, following the change in the DEPZ, were dismissed. The outcome of potential development sites in a future Local Plan are outside the scope of this appeal. In any event, I have considered the proposal on its own merits.
40. As such, while the risk is very small and the size of the development modest, it would have an adverse effect on public safety with regard to the off-site nuclear emergency planning arrangements for the AWE. It would be contrary to Policy TB04 of the MDD. It would also be contrary to the Framework where it states decisions should promote public safety including appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

Character and appearance

41. The Swan Inn and The Mitford are listed buildings on the opposite side of the road and therefore I have had special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess.
42. The significance of these lies, in part, in their individual traditional proportions, features and materials. The setting of the listed buildings currently includes a variety of built form and mix of uses.

43. The site is located opposite the Three Mile Cross Area of Special Character (ASC). Buildings are positioned close to the road near the crossroads with linear residential development set back further as you travel away from the junction. The significance of the ASC as a non-designated heritage asset lies, in part, in the position of development showing the origins and growth of the settlement and the attractive appearance of buildings, many of which have retained their original form and features.
44. The appeal site is identified as a negative feature in the ASC, including its open forecourt⁸. The assorted built form at the site and considerable hardstanding means it does not contribute positively to the setting of the ASC or the settings of the nearby listed buildings at present.
45. The proposed dwellings would project further forward than many nearby properties. Nevertheless, there is a varied building line on both sides of the street and the existing canopy at the site extends up to the pavement. Properties further away from the site have generous front gardens. However, those either side of the site and opposite, that it would most readily be viewed with, have far more limited space resulting in a much less open feel to the streetscene.
46. There is no consistency to the built form along Basingstoke Road with differing external materials, building styles and sizes. While not found on the adjacent dwellings I saw modern properties with 2 storey front gable projections in the street. Therefore, while the proposed dwelling would not replicate any of the properties in the vicinity, it would draw on elements already found in the streetscene. That the architectural style would not match that of the adjacent rows of dwelling in terms of the narrowness of the dwellings themselves, door orientation, timber elements and gable features would not appear discordant with the diverse built form along Basingstoke Road.
47. Many properties along Basingstoke Road have their parking areas to the front. While landscaping helps to screen these in some instances, many of these hardstanding areas are prominent when travelling along the road. The appeal site at present is also largely covered by hardstanding where parked vehicles would be prominently positioned and views through to the dwellings behind.
48. The shared parking area would be screened by the dwellings in most views on the approach to the site. There is also a similar shared parking area between blocks of built form at Sherton House. Although it is indicated that this scheme was a conversion under the prior approval process, it nonetheless forms part of the streetscene where the appeal scheme would be viewed.
49. There is frequent landscaping along parts of Basingstoke Road to the front and within plots. Nonetheless, this is less so near the appeal site where there is a mix of commercial and residential buildings. The appeal site itself and the adjacent properties have little space for greenery to the front or rear boundaries.
50. There would be some separation between the end plots and the existing dwellings adjacent as well as spacing within the site where the parking area is proposed. The depth of the plots would be comparable to Hawthorne Cottage. Nevertheless, as a result of the narrowness of the dwellings, the proposal

⁸ Built Environment Survey Wokingham District Plan April 1994

would result in a greater density and smaller plots than those I saw nearby. This would give the plots a cramped feel.

51. Notwithstanding this, the proposed scheme would remove the existing buildings and introduce residential dwellings that would be more in keeping with the area. I see no reason to reach a different finding to the Heritage and Conservation Officer in that the proposal would result in a visual improvement. The improvements that the scheme would lead to would outweigh the harm that would arise from the cramped appearance of the plots.
52. Therefore, the proposed development would lead to a small enhancement of the character and appearance of the area, the ASC and the setting of nearby listed buildings. It would accord with the design and conservation aims of Policies CP1, CP3 and CP5 of the Core Strategy, Policies CC03, TB24 and TB26 of the MDD as well as the Design Guide.
53. Furthermore, it would accord with the aim of the Framework to take account of the desirability of sustaining and enhancing the significance of heritage assets and where it aims to ensure proposals are sympathetic to local character.

Highway Safety

54. The proposal would provide off street parking spaces for the dwellings in accordance with the standards set out in Appendix 2 of the MDD. There would only be a minor shortfall of 1 visitor parking space. Notwithstanding this, the standards state they should be regarded only as a starting point and that each development site will need to be assessed on its own merits.
55. Much of Basingstoke Road near the site has double yellow lines limiting the potential for on street parking. Car ownership information for the area also indicates that the allocated spaces for the properties would be likely to be used.
56. Nevertheless, there are parts of nearby streets without parking restrictions. While only a snapshot in time, during my visit, there was sufficient on street space available close to the site. Although there are no designated crossing points, these spaces were within an appropriate walking distance from the site. As such, given the other options available the limited shortfall for on-site visitor parking could be accommodated nearby without detriment to highway safety. There are also public transport options close by.
57. To enter and leave the site in a forward gear, vehicles would need to manoeuvre across the footway. Nonetheless, the movements could take place without needing to cross onto the road itself. Given the scale of the scheme, the number of vehicle movements would not be significant. In addition, the manoeuvres would be likely to be at low speeds. The width of the pavement and alignment of the road near the site would give pedestrians sufficient visibility of these movements. There are also a number of access points along this part of the road, including some without turning space. Consequently, the presence of vehicles making such manoeuvres would not be unexpected.
58. At the time of my visit, there was a relatively consistent flow of traffic passing the site in both directions. No speed survey has been provided to indicate that speeds at or near the site are below the 40mph limit. Notwithstanding this, the existing parking layout at the site would require vehicles to reverse on or off the road, potentially with other parked cars adjacent greatly restricting views

for drivers and pedestrians. The current arrangement also has access points across much of the site, including either end of it. The sight lines in these areas would be less than could be achieved under the proposed scheme. Even with these limitations no compelling case has been made that they have led to accidents at or near the site.

59. Therefore, even if I were to agree that the visibility splays fall below distances set out in Manual for Streets, in light of the above factors, the proposed development would not have a harmful effect on highway safety. It would comply with Policies CP3 and CP6 of the Core Strategy 2010, Policy CC07 and Appendix 2 of the MDD and the Design Guide where they state schemes should be safe, provide appropriate vehicle parking, and not cause highway safety problems.
60. Moreover, it would accord with the Framework where it seeks safe and suitable access for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
61. The Framework states that policies and decisions should not make use of or reflect the former Design Bulletin 32.

Other Matters

62. There is no detailed evidence to indicate that the revised DEPZ has caused significant issues for the delivery of housing in the Council area, that their housing requirement is incorrect or that they do not currently have a 5-year supply of housing land.
63. Nevertheless, the proposal would align with the Framework where it seeks to significantly boost the supply of homes and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities accessible from the site. As with those associated with the re-use of previously developed land, the benefits from these factors, and weight they attract, would be limited given the size of the development.
64. There would be a small benefit in terms of the character and appearance of the area. A lack of harm from other considerations is a neutral factor.
65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
66. The proposal conflicts with the development plan in regard to living conditions of future occupiers which I give significant weight as a result of the range of concerns. The effect on employment land supply attracts moderate weight due to the scale of the loss. I give limited weight to the effect on public safety due to the low risk and the size of the development. The policies and guidance relating to these matters are broadly consistent with the Framework.

67. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

Conclusion

68. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR