



Appeal Decision

Site visit made on 9 November 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

Appeal Ref: APP/R0335/W/21/3275378

Land to the Rear of 5 Forest Road, Crowthorne RG45 7EH

- 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 RJDLM Crowthorne Limited against the decision of Bracknell Forest Council.
 - The application Ref 21/00092/FUL, dated 29 January 2021, was refused by notice dated 13 April 2021.
 - The development proposed is erection of two dwellings including means of access and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site is located within the Thames Basin Heaths Special Protection Area's (SPA) zone of influence. Consequently, the proposal has been considered in the context of statutory duties set out within the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The matter has been dealt with later in my decision.
3. New evidence comprising SPA related planning obligations was submitted under a unilateral undertaking during the course of the appeal. As this could potentially be a legally binding document, it is necessary for me to take it into account as far as it is relevant to the main issues. Consequently, the Council was given an opportunity to comment on whether the planning obligations are necessary and suitably provided and the matter has been dealt with later in my decision.
4. Crowthorne Neighbourhood Plan 2021 was made following the Council's decision on the original planning application. Any emerging policy implications have been duly considered under the appeal.

Main Issues

5. The main issues are the effect of the proposal in relation to:
 - (a) the character and appearance of the area;
 - (b) living conditions of neighbouring occupiers including their outlook; and
 - (c) highway safety.

Reasons

Character and Appearance

6. The site is located on land to the rear of 5 Forest Road, where the immediate area is predominantly residential in character. The Bracknell Forest Character Area Assessment Supplementary Planning Document 2010 (CAA) defines the area as East Crowthorne; comprising a series of parallel streets overlaid on an undulating topography with diverse architecture and no prevailing design approach.
7. The pattern of development along the bulk of Forest Road comprises elongated and narrow plots of land with dwellings set towards the frontage and adjacent to the highway. This creates short front garden areas and long rear garden areas.
8. The pattern of development at the junction of Forest Road and Napier Road is different insofar as the length of the rear garden areas are truncated. For example, the rear garden area of 1 Forest Road is truncated by the plot of 11 Napier Road. It appears that the dwellings with truncated rear garden areas benefit from plots that are wider in comparison to the majority of other plots along Forest Road.
9. Whilst acknowledging it has already been compartmentalised on the ground, based on the Location Plan, the plot of 5 Forest Road is in somewhat of a rare position in that it is elongated and wide. Consequently, it provides a transition between the wider truncated plots at the junction of Forest Road and Napier Road and the narrower elongated plots along the remainder of Forest Road.
10. The CAA is clear that development plots should be large enough to accommodate the proposed built development in an arrangement that is practical and attractive. In this context, the proposal would truncate the plot of 5 Forest Road so that it became a similar length to other plots directly adjacent at the junction of Forest Road and Napier Road.
11. Furthermore, the proposal would subdivide the plot so that the resultant plots would be a similar width to other plots along the remainder of Forest Road. Consequently, the proposal would result in plots that are both narrow and truncated, which is not a combination reflected elsewhere in the locality and is indicative of the site's overdevelopment resulting in a cramped character and appearance.
12. I acknowledge the Council's view that the proposal would appear visually intrusive behind existing development, including the bungalows at 9 and 11 Napier Road, whilst also noting their position on the design of the proposed dwellings. However, I am mindful that there are already views of other two storey dwellings behind.
13. There is also inherent variation in the types of dwellings in the locality, reinforced by the CAA which describes the area as having diverse architecture with no prevailing design approach. In relation to trees, it is not clear why planting within the rear garden areas could not be secured by an appropriate landscaping condition. Consequently, the proposal would not be harmful in these particular respects.

14. Overall, notwithstanding the locality's diverse architecture that is conducive to different design approaches, and the ability to secure tree planting by condition, the proposal's cramped siting would harm the character and appearance of the area and conflict with Saved Policy EN20 of the Bracknell Forest Borough Local Plan 2002 (LP), Policy CS7 of the Core Strategy Development Plan Document 2008 (CS) and the CAA.
15. Among other things, these seek to ensure development comes forward so that it is appropriate in layout and siting, both in itself and in relation to adjoining buildings and spaces.

Living Conditions

16. The dwellings at 9 and 11 Napier Road are located directly to the south of the site and are positioned at a right angle relative to the existing dwelling at 5 Forest Road. This is atypical of the wider locality where there is generally a parallel arrangement between dwellings and rear garden areas, and where the proximity of the prevailing built form and relationship with existing rear garden areas is generally well controlled with appreciable separation distances.
17. As previously discussed under character and appearance, some of the rear garden areas around the junction of Forest Road and Napier Road are truncated, and this includes the rear garden areas of 9 and 11 Napier Road. This creates an intimate relationship with the site and consequently the proposal would erect a dwelling that directly abuts the rear boundary of 9 and 11 Napier Road. The limited separation distances, right angle relationship and appreciable scale of the proposal would generate a harmful overbearing effect on their neighbouring rear garden areas.
18. These observations were clear from my site visit and from looking at the plans and is an assessment that does not necessarily require a separation distance metric derived from guidance. Furthermore, there is nothing before me demonstrating that the proposal's potential acceptability in relation to daylight and sunlight is indicative of its effects on outlook and sense of enclosure or harmful overbearing.
19. The site may be within a dense urban environment where closer living arrangements arise. However, as already identified, the majority of other dwellings are arranged in parallel and benefit from appreciable separation distances which control effects on living conditions. The proposal in this case is not arranged in such a way and gives rise to harmful effects on living conditions.
20. Overall, the proposal would harm the living conditions of neighbouring occupiers in relation to harmful overbearing effects on their outlook. This would conflict with Saved Policy EN20 of the LP and the Design Supplementary Planning Document 2017. Among other things, these seek to ensure that development comes forward without harming living conditions of neighbouring occupiers.

Highway Safety

21. The site is located off a private highway which adjoins Napier Road. There is public and private off street car parking behind High Street directly adjacent to the site and some limited opportunities for parking on surrounding residential streets.

22. It is not clear that there is a predictable or reliable supply of parking opportunities in the area. However, on the other hand the local highway network is low speed and there is no evidence that existing parking pressures are giving rise to objective highway safety concerns. Whilst noting the Council's photographs, I am not clear that it shows instances of illegal parking and I did not witness such parking during my site visit.
23. The proposal would create an access off the private highway to serve two dwellings and provide four off street parking spaces. However, it is clear that one of these would not be of sufficient width and there is no evidence that the access visibility splays would be in accordance with the Parking Standards Supplementary Planning Document 2016. Given the limited space demands for cycle parking it is not clear why such provision within the site could not be secured by planning condition.
24. Consequently, the proposal would give rise to a shortfall in off street parking whilst also providing insufficient evidence on access visibility, conflicting with Saved Policy M9 of the LP, Policy CS23 of the CS and the Parking Standards Supplementary Planning Document 2016.
25. Notwithstanding, the National Planning Policy Framework (the Framework) is a material consideration and Paragraph 111 is clear 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.
26. In this context, the shortfall would be limited to a single space and the private highway is low speed with no evidence of existing safety concerns. Consequently, even without a parking survey, it is clear that the additional on street parking demands associated with the proposal would be extremely limited and it would be highly unlikely to tip the existing balance towards an unacceptable level of highway safety, even if parking is currently at a premium.
27. The additional vehicles entering and exiting the site and using the private highway would be similarly limited in number and effect. This in conjunction with the low speed nature of the highway would mitigate unacceptable effects on highway safety in relation to visibility splays.
28. An overarching consideration is the site's accessibility pursuant to Paragraph 107 of the Framework and the fact that the site is in walking distance of shops and services, which would mitigate daily dependence on private vehicles and reduce parking demands and potential movement conflicts further.
29. Altogether, given the mitigating circumstances the proposal would not give rise to unacceptable impacts on highway safety and Paragraph 111 suggests that a decision should be taken otherwise than in accordance with the development plan on this particular matter.

Other Matters

30. The site is within the zone of influence of the Thames Basin Heaths SPA. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider the potential for likely significant effects under the Habitats Regulations or any planning obligations advanced to provide mitigation in this context.

31. The Council is not currently able to demonstrate a five year housing land supply. However, given that the proposal is for a limited quantum of development, any benefits derived from the efficient use of land, or housing land supply and town centre vitality contributions would also be limited.
32. Consequently, the adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development under Paragraph 11 d) would not be engaged.
33. The appellant contends that the proposal has not been objected to on a number of other fronts, but this is not indicative of the proposal's wider acceptability, as determined under the main issues.

Conclusion

34. Although the proposal would be acceptable in relation to highway safety, it would still conflict with the development plan as a whole in relation to its effects on the character and appearance of the area and living conditions of neighbouring occupiers. Consequently, for the reasons given the appeal is dismissed.

Liam Page

INSPECTOR