



Appeal Decision

Site visit made on 1 February 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 24 February 2022

Appeal Ref: APP/X0360/W/21/3282513

69 Paddick Drive, Earley RG6 4HF

- 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 Din Uppal against the decision of Wokingham Borough Council.
 - The application Ref 211156, dated 29 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is for a change of use from amenity land to residential and relocation of wall and fence.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use from amenity land to residential and relocation of wall and fence at 69 Paddick Drive, Early RG6 4HF in accordance with the terms of the application, Ref 211156, dated 29 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; SQS210-10-100 Rev B, SQS210-10-101 Rev B.
 - 3) Prior to their construction, details of the wall and fence enclosures shall first be submitted to and approved in writing by the local planning authority. The agreed details shall be carried out in accordance with the approved details and maintained in that manner thereafter.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area and public safety.

Reasons

Character and Appearance

3. The site relates to a pedestrian footpath from a residential estate to an area of public open space. The footpath is relatively short in length and bordered on both sides by the boundaries of several residential properties on Paddick Drive. The initial section of the footpath is bordered by private drives, hedges and low three rail fences. As the footpath borders the rear garden spaces of the appeal site and the adjacent 33 Paddick Drive, the grass verge area widens and is lined by unkempt shrubbery and brambles. The footpath has a pleasant openness, which adds value to the character and appearance to the area.

4. The three-bar timber fence proposed would be low and permeable, ensuring the planting behind would remain visible from the footpath and the public open space to the south. The 1.8m wall would be taller but has been reduced in length to limit its visual impact but still provide access to a gas flue. From what I saw on site, this type of wall is not uncommon within the vicinity, in particular, a similarly designed wall of this height is already visible in the footpath, at 33 Paddick Drive. Consequently, the proposed fence and a wall of this height, length and design would not appear odd or out of place in this location.
5. It is appreciated that the proposed wall would be closer to the footpath, requiring the removal of some low-lying bushes and brambles. However, the vegetation at this section is neglected and appears unsightly, which does not add significant value to the visual appearance of the footpath. Moreover, the wall proposed is short in length, which together with the set back and the retention of the shrubbery along the remainder of the boundary would safeguard against the wall appearing as a dominate feature and damaging the openness of the footpath. Accordingly, the proposed development would not be harmful to the openness of the footpath, which adds value to the character and appearance to the area.
6. I have had regard to concerns raised over the tunnelling effect that could be created by the proposed boundary wall relocation and the loss of landscaping. However, the wall would not be of a length and height that would create a tunnelling effect that would be harmful to the character and appearance of the area.
7. I, therefore, conclude that the extension of the garden and the erection of the wall and fence would not have a harmful effect upon the character and appearance of the area. Accordingly, the scheme is compliant with the aims and objective of Policies CP1 and CP3 of the of the Wokingham Core Strategy 2010(CS) and Policies CC03 and TB21 of the of the Wokingham Borough Adopted Managing Development Delivery Local Plan (2014) (LP). These polices, in general, seek to ensure development permitted is of a high quality of design maintain or enhance the quality of the environment, contribute to a sense of place in spaces and having regard to the landscape character of the area. The proposal would also accord with the provisions of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Public Safety

8. From what I saw on site, the existing vegetation and shrubbery already encloses the entrance to the footpath to a degree, and when coupled with the slight bends, there is not a clear sight line along its entire length. The wall would project out further than the existing boundaries but is set back from the public open space, providing a similar line of sight from the south. When viewing the wall from the north, the wall would not extend beyond the existing verge and the angled projection of the wall would be concealed by the retention of the existing shrubbery and bushes. As such, a 'blind spot' would not be formed and the introduction of the wall in this location would not adversely impact upon the level of visual surveillance and pedestrian safety on the footpath.

9. My attention has been drawn to an appeal decision¹ for a similar type of change of use and enclosing of land. This site is not within the same context, and I have not been provided with the full details that would have been available to the previous decision makers. As such, I am unable to make an informed comparison between the proposed development in that case and the one subject of this appeal.
10. As such, I do not find that there would be an unacceptable risk to public safety, complying with the aims of Policy CP3 of the CS and Policies CC03 and TB21 of the LP. These policies seek to ensure new development promotes accessibility and permeability between and within existing corridors, including public rights of way. The scheme would also comply with the general thrust of section 8 of the Framework, which promotes public safety in healthy and safe communities.

Other Matters

11. I appreciate that there are concerns that the allowance of this scheme would lead to similar proposals coming forward, however, every case would need to be considered on its own merits. Therefore, the approval of this scheme would not set a precedent for further extensions of garden to be agreed, especially if in those cases the resultant development would harm to the character and appearance of the area.

Conditions

12. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the National Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording.
13. It is necessary in the interests of clarity, to define the approved plans for the scheme. A pre commencement condition was requested for details of the boundary wall, however, this is not necessary for the use of the land as garden to be acceptable. As such, I have amended the condition to require the details to be submitted prior to the construction of the wall.

Conclusion

14. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR

¹ Appeal Ref: APP/X0360/W/18/3201310