
Appeal Decision

Site visit made on 1 February 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 4 March 2022

Appeal Ref: APP/W0340/W/21/3282691

18 Sandhills Way, Calcot, Reading, RG31 7PQ

- 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 Adam Vickers (VIRH Limited) against the decision of West Berkshire District Council.
 - The application Ref 20/02861/FUL, dated 1 December 2020, was refused by notice dated 11 March 2021.
 - The development proposed is demolition of existing two storey extension and garage and erection of two-storey building to form 1 x 3-bedroom dwelling with associated car parking, access, hard and soft landscaping, refuse and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two storey extension and garage and erection of two-storey building to form 1 x 3-bedroom dwelling with associated car parking, access, hard and soft landscaping, refuse and cycle stores at 18 Sandhills Way, Reading, RG31 7PQ in accordance with the terms of the application, Ref 20/02861/FUL, dated 1 December 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are as follows:
 - whether the proposal makes adequate provision for parking and any consequent effect on living conditions in the area and on highway safety;
 - the effect of the proposal on the character and appearance of the area and upon the living conditions of the future residents of the proposal, with regards to private amenity space; and
 - the effect of the proposed development upon the living conditions of the occupiers of No.16 Sandhills Way and other surrounding residential occupants in respect of outlook and noise.

Reasons

Whether the proposal makes adequate provision for parking off-road and any consequent effect on living conditions in the area and on highway safety

3. No.18 Sandhills Way is an end of terrace property. The front gardens of the terrace are all open grassed areas and face on to a public footpath which runs to the east. A forecourt of garages lies further to the east of the properties. Due to its position at the end of the terrace, No.18 is an anomaly in the group

as it has parking to the front of the property, with existing access over the forecourt of garages. The design of Sandhills Way and some of the other surrounding residential roads have been done in such a way that they are provided with communal parking areas and garage courtyards rather than individual driveways. No.18 has an existing two storey side extension and attached single garage, which would be demolished to accommodate the proposed 3 bedroom dwelling.

4. The existing house is a House of Multiple Occupation (HMO) which has 6 bedrooms. The proposed development would change No.18 back to its original 3 bedroom house whilst adding another 3 bedroom house on the side. Cumulatively the proposed development would result in the same number of bedrooms as currently accommodated within the existing dwelling. No.18 is currently served by 1 parking space as the Council do not count the garage towards parking spaces. The proposed development would provide 3 parking spaces – 2 spaces for the proposed dwelling and 1 for No.18.
5. Under the requirements of Policy P1 of the West Berkshire Housing Site Allocations Development Plan Document (Site Allocations DPD) (2017), a 3 bedroom house in the Eastern Urban Area (EUA) is expected to provide 2 car parking spaces as a minimum. Therefore, there would be a shortfall of 1 parking space against the adopted parking standards. However, it is worth noting that there is already a shortfall of 2 parking spaces on the site as a 4 bedroom house is expected to provide 3 parking spaces on site. Given that the existing HMO actually provides 6 bedrooms, it could be argued that the existing shortfall is much greater.
6. The appellants refer to the communal parking courts and on street parking in the vicinity to accommodate the shortfall. It's worth noting that the surrounding communal parking courtyards were well used at the time of my site visit, as the local residents have highlighted. Nevertheless, it is likely that the existing occupants of No.18 already use the surrounding on street parking or communal parking given the limited parking at No.18 at present. Therefore, it is considered that given the existing shortfall of parking at No.18, the proposals would not put any additional pressure on the surrounding roads or communal parking areas. Therefore, the slight under provision of off street parking spaces would not harm the amenity of the area nor would it harm highway safety.
7. Local residents have raised concern over the potential harm to the safety to the pedestrians using the footpath to the front of the appeal site. However, the proposals would not be introducing cars into an environment where there are currently no vehicular movements. Users of the footpath already have to be vigilant of cars when leaving the footpath to cross the garage forecourt. They also have to be wary of any car movements associated with the existing parking space of No.18. Pedestrians approaching the footpath from the east would be able to see cars manoeuvring to the front of No.18 and the proposed dwelling. Furthermore, vehicles entering and exiting the appeal site would be travelling at relatively slow speeds due to the nature of the site. Whilst I accept the proposals would be introducing additional car movements, it is not considered that this would be a significant number as to make the proposal unacceptable on this ground.

8. Concerns have also been raised by local residents in terms of the practicalities of using the proposed parking spaces, including the size of the parking spaces. The appellants have provided a tracking plan of the parking spaces. The Council's highways officer is satisfied that the vehicles can manoeuvre in to and out of the parking spaces. The highway officer is also satisfied with the size of the parking spaces shown. I have no evidence before me to dispute these findings. In the interests of clarity, a condition requiring the parking and turning spaces for the existing and new dwelling to be provided as shown on the approved plans would be necessary to ensure that the parking and turning of vehicles can be achieved as proposed.
9. The likelihood of vehicles either having to turn in the garage forecourt area or reverse out of the proposed parking spaces, across the forecourt on to Wheatland Close has also been raised as a concern by local residents. However, both of these circumstances happen currently due to there being an existing parking space in front of No.18. Given the limited additional vehicle movements caused by the additional 2 parking spaces, and the lack of objection from the Council's highways officer, it is not considered that these would warrant refusal of the proposal.
10. It is also apparent that the properties of Sandhills Way benefit from permitted development rights in relation to introducing hardstanding to the site frontage to be used for car parking and can do so without any consent from the planning or highway authority. The impact of doing so on both highway safety and on the amenity of the area would be very similar to the proposals. I consider that that there is a real prospect that this would be implemented and therefore, I attach material weight to this fallback position.
11. To conclude, the proposed development would not provide the 4 on site parking spaces as set out by Policy P1 of the Site Allocations DPD. However, under the terms of criteria iii of Policy P1, for the reasons set out above, including the existing shortfall in parking and the fallback position, it is considered that exceptional circumstances have been demonstrated to allow a shortfall of 1 parking space on the site. The proposals would not harm highway safety or the amenity of the area as a result of the under provision. Therefore, the proposals would be in accordance with Policy P1 of the Site Allocations DPD. The proposals would also accord with paragraph 111 of the National Planning Policy Framework (the Framework) (2021) which states 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.

Character and appearance of the area and living conditions of future residents

12. The proposed parking would replace the existing grassed area to the front of No.18. I appreciate the contribution that the front gardens currently make to the character and appearance of the area. However, as already noted, No.18 is already an anomaly in the terrace with its existing parking space. Whilst the proposals would increase the amount of hardstanding, it would not be uncharacteristic to the terrace due to the existing hardstanding in place and its location to the side of the garage forecourt. The fallback position referred to above would also carry weight in these circumstances.
13. A hedgerow is also proposed along the front of the site, alongside the footpath. This would blend in with existing local boundary treatments and assist in

mitigating the visual impact of the proposed parking area. A landscaping condition would ensure that this would be delivered.

14. The terrace of Sandhills Way are currently linked at ground floor with their small porch areas. The terrace has a uniformed appearance, most notably due to their roof form and profile. The surrounding area is a mixture of terraced, semi detached and detached properties.
15. The appeal scheme would represent an appropriately designed addition to the terrace. The proposals have reflected the design details of the existing building, incorporating the long-pitched roof, a front dormer window at first floor and sympathetic window detailing. Therefore, whilst the proposals would result in the new dwelling being attached in a different way than the rest of the terrace, it would represent an appropriate addition to the terrace and thus to the wider area.
16. The West Berkshire Supplementary Planning Document (SPD) Quality Design - Part 2: Residential Development states that for a 3 or more bedroom house, the suggested garden size is 100 square metres. This is guidance rather than being prescriptive and the SPD notes that it is the quality of the space provided that matters most. Therefore, whilst the gardens associated with both No.18 and the proposed dwelling fall short of the recommended 100 square metres, it is considered that both gardens would still be large enough to carry out their functional role associated with a family dwelling as required by the SPD. Furthermore, their size would be similar to the other dwellings in Sandhills Way.
17. Therefore, in view of the above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area and upon the living conditions of the future residents of the proposal, with regards to private amenity space. It would be in accordance with the design principles set out by Policy CS14 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (DPD) (adopted 2012) which states that new development must demonstrate high quality and sustainable design the respects and enhances the character and appearance of the area. The proposed development would be in accordance with the guidance set out in the Quality Design SPD in regards to outdoor amenity space. The proposals would also be in accordance with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area.

Living conditions

18. Two of the proposed parking spaces would be situated in front of No.18. Whilst I acknowledge that the parking would be situated closer to No.16 than it currently is, it is unlikely that the additional movements and manoeuvring created as a result of the additional 2 parking spaces would be significant enough to make the proposal unacceptable on this matter. Any noise or light spillage associated with the vehicles would also be limited. A condition for landscaping to be introduced along the boundary with No.16 would, in time, mitigate against any impact that the car headlights might have.
19. In regards to the impact of the additional parking spaces on the general tranquillity of the area, as noted above, the proposals would not be introducing cars in to an environment which is currently completely devoid of vehicular

movements. Whilst there would be an increase in movements, these would not be significant enough to warrant a refusal on this basis.

20. It should also be noted that the fallback position referred to above carries weight in these circumstances too.
21. This leads me to conclude that the proposed development would not harm the living conditions of either the occupiers of No.16 or the other nearby residential properties. It would be in accordance with Policy CS14 of the Core Strategy DPD which states that development should make a positive contribution to the quality of life in West Berkshire. It would also be in accordance with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for existing and future users.

Other matters

22. The Parish Council raise concern over the cycle parking being inappropriately located to the rear of the dwellings, as future occupants would have to carry bicycles through the house. I note that 2 cycle spaces would be situated to the front of the dwellings, with another 6 spaces to the rear. Given that the location of the cycle stands would provide safe and secure cycle parking to both the front and rear of the dwellings, I am satisfied that the proposed cycle parking would be acceptable.
23. Concern has also been raised over the easement rights over the garage forecourt. However, this is a private matter. Whilst construction vehicles are likely to be disruptive, this would be short term and would not be a reason to withhold planning permission. A condition is considered necessary to limit the disturbance to existing occupiers.

Conditions

24. The Council have suggested 8 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary. The plans condition is necessary to provide certainty. I have been provided with a set of revised plans, on the basis that the original plans submitted did not include a scalebar or northing point and these are included in the condition. In order to minimise disruption to surrounding residents, a condition to limit demolition and construction to acceptable hours has been attached. A condition for the parking and turning spaces for the existing and proposed dwelling to be completed prior to the occupation of the development is considered necessary in order to ensure the parking associated with the development is delivered so that highway safety is not harmed.
25. I have given careful consideration to the Council's suggested condition regarding restricting permitted development rights relating to HMO's, bearing in mind the PPG's advice that such conditions should only be used in exceptional circumstances. It is considered that due to the parking shortfall on the site and the local concerns regarding parking in the area, it is reasonable and necessary to attach a condition restricting the use of the dwellings to Use Class C3 as there would be insufficient parking on site if the dwellings were used as HMO's.
26. The Council have simply recommended that materials should match the existing development. Whilst the plans appear to show matching materials would be used, no further details have been provided in the application.

Therefore, a sample of the external materials to be used should be approved in the interests of the character and appearance of the area.

27. The Council have also suggested the removal of permitted development rights in relation to extensions and outbuildings. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. It is considered that as the rear gardens of the properties are already below the recommended garden size, it would be both reasonable and necessary to ensure that the dwellings do not extend in size, thus potentially creating additional bedrooms and reducing the garden sizes down even further below the recommended size, without a further planning application being submitted to the Council.
28. In the interests of both the character and appearance of the area and the living conditions of No.16 Sandhills Way, a landscape condition has been added to ensure a suitable landscaped screen between the proposed parking spaces and No.16 and alongside the footpath.

Conclusion

29. I note and have paid significant regard to the comments provided by both the local residents and those noted in the committee minutes. However, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: AR001-CD000, AR001-CD011, AR001-CD150 Rev A, AR001-CD102 Rev A, AR001-CD010 Rev A, AR001-CD101 Rev A, AR001-CD100 Rev A and AR001-CD160 Rev A.
- 3) Demolition or construction works shall take place only between 0730 and 1800 on Mondays-Fridays, 0830 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) The dwelling hereby permitted shall not be occupied until the approved vehicle parking and turning spaces for the existing dwelling and new dwelling hereby approved on the site have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring at all times.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order with or without modification), the 2 dwellings hereby permitted shall only be used as a single dwelling house (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the

Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).

- 6) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out on the site, without planning permission being granted by the Local Planning Authority on an application made for that purpose.
- 8) No dwelling shall be occupied until an agreed landscaping scheme has been submitted and approved in writing by the local planning authority. This scheme shall include a suitable landscaped screen between the proposed parking spaces for No.18 Sandhills Way and the adjacent No.16 Sandhills Way and a landscaped scheme alongside the footpath. The landscaping works shall be carried out in accordance with the approved details and shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.