



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: 06 April 2022

Appeal Ref: APP/X0360/W/21/3280409

344 Barkham Road, Wokingham RG41 4DE

- 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 Ben Haines (Haines Home Construction) against the decision of Wokingham Borough Council.
 - The application Ref 210536, dated 8 February 2021, was refused by notice dated 4 May 2021.
 - The development proposed is for a 3 bedroom bungalow with associated parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for a 3 bedroom bungalow with associated parking and landscaping at 344 Barkham Road, Wokingham RG41 4DE in accordance with the terms of the application, Ref 210536, dated 8 February 2021, subject to the conditions in the attached Schedule of Conditions.

Preliminary Matters

2. The appellant has submitted a revised plan, drawing no PD301 Rev C, which show the internal sections have been amended to construct a restricted access in front of the rearward dormer window. This change is minor and no party, including the Council who has commented on it, would be prejudiced by my assessing the scheme with regard to it. However, there is a minor discrepancy on the plan relative to others. It shows a roof plan with pitched roof dormers and a hipped roofed front annex. In that context, I have assessed the scheme on the basis of the original roof designs, but with the restricted access to the dormer window as show on drawing no PD301 Rev C, as this was what was evidently intended.
3. I also note that the landscaping plan, 2021/01/CH/D, shows a further alternative roof design and footprint. However, as that plan is focussed on landscaping, rather than the form of the dwelling proposed, that discrepancy is not significant in my assessment of the scheme.

Main Issues

4. The main issues are;
 - The effect of the proposed development on the character and appearance of the area.

- The effect of the proposed development on the living conditions of the occupants of 342 Barkham Road and 1 Dowles Barn Close, with regard to privacy.
- Whether the proposed development would provide adequate accommodation for future occupants, with specific regard to light to the bedroom accommodation proposed in the roofspace.

Reasons

Character and Appearance

5. The site is located within a residential area of Wokingham. The site is severed from but was previously part of the rear garden of 344 Barkham Road, which also adjoins Dowles Barn Close to the side.
6. Barkham Road is largely characterised by detached dwellings with long rear gardens, resulting in a low density and verdant character and appearance. However, to the south and west of the appeal site, more recent residential development has been established where a mix of dwelling types and plots sizes are present. This includes detached dwellings within shallower plots but also terraced properties fronting Dowles Barn Close, and a two-storey detached dwelling flanking the Close (350A). As such, within the immediate context, there is a mix of property types and plot layouts and sizes. This provides some flexibility to the established pattern of development along Barkham Road.
7. The proposed dwelling would face the rear elevation and garden of No 344. It would flank and be directly accessed off the Close. Due to the level of separation from Barkham Road, it would not have a particularly strong visual relationship to the Road itself, with views of the site being more significant from the Close.
8. Although not a typical layout, in that respect the proposal would not be unusual in this context. The proposed dwelling would, for example, reflect the orientation and relationship of 350A Barkham Road to the Close. The detached bungalow design would also be a similar scale and height as the properties on Barkham Road as well as maintaining the established building line to the side. The proposal would also include a private garden that maintains a good level of separation to the south and would be comparable in length and width to several dwellings within the vicinity, especially those within Dowles Barn Close. Accordingly, in this context, the proposed development would harmonise with the varied pattern of development within the vicinity.
9. I therefore conclude that the proposed development would not lead to an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with the requirements of Policies CP1 and CP3 of the Wokingham Core Strategy 2010(CS), Policies TB06 and TB21 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (2014) (LP); and the Wokingham Borough Design Guide (BDG). These policies and guidance, amongst other matters, seek to ensure proposals maintain or enhance the high quality of the environment, are of an appropriate scale, height, materials and layout, which integrates into its surrounding. The proposal would also accord with the provisions of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

10. The Council also cite Policies CCO2 and CC03 of the Wokingham Borough Council Managing Development Delivery Local Plan 2014. It is indicated within the Council's evidence that CC02 was included by mistake. However, there is no clear indication why CC03 was also included. CC03 seeks to protect Green Routes, but there is no evidence before me that indicates the appeal site lies within this designation. Whilst there are trees on the site, the proposal would not adversely affect them. Consequently, I do not find that the proposal would conflict with Policy CC03.

Living Conditions

11. The front roof plane of the proposed dwelling would include a dormer that would face direct towards the rear elevation of No 344. There are no windows/openings proposed in the east elevation facing the garden of No 342. The two dormers in the rear roof plane would serve a bedroom and study and would look towards the side elevation wall and rear garden of 1 Dowles Barn Close as well as the rearmost section of the garden of No 342.
12. Having regard to the window in the front dormer, this would serve a stairwell, a functional or circulatory space in the house. The window to the stairwell is relatively small and would be sufficiently distant from the rear elevation of No 344. As such, this window would not result in any meaningful views that would be harmful to the neighbours privacy at No 342 either. The rear dormer windows would enable views towards the rearmost section of the garden of No 342. However, these would be less direct views of a long garden, which would generally be in line with a level of mutual overlooking that is evident within the immediate locality.
13. The rear dormer windows would directly face the side elevation of No 1. From what I saw on site, there is a single ground floor opening in the side elevation, but this largely protected from any overlooking by the proximity and height of the boundary enclosure. Furthermore, the windows would be sufficiently distant from the garden and would not directly face the private garden of this property. Given the distance and angle of view, these windows would not result in undue loss of privacy.
14. I acknowledge that there is a concern over perceived overlooking and noise, but having regard to the number of windows, the size, the distance and angle of view, the windows would not be harmful in this regard. Noting the variety and different relationship between properties, which are varied and in certain instances closer knit as reasoned above, I am not of the view that the effect of one new dwelling would be unacceptable in terms of the perception of overlooking or in respect of noise.
15. My attention has been drawn by the Council to two previous appeal decisions in support of their case on the perception of overlooking and noise. I have had regard to them.¹ I appreciate that some of the windows in the previously dismissed schemes would have been in similar locations, however, there are differences between the previous appeals and the one subject of this appeal. For instance, additional windows were proposed in the previous scheme facing Barkham Road properties. Furthermore, there were additional windows proposed in the rear of elevation of the proposed dwelling close to the party boundary with No 342. Ultimately, the changes to the scheme would result in a

¹ APP/X0360/W/19/3241800 and APP/X0360/W/20/3255955

different impact upon neighbours living conditions, with regard to the perception of overlooking and noise. I have considered this particular scheme on its merits and based on my site visit observations.

16. Drawing the above reasoning together, the proposed dwelling would not unacceptably affect the living conditions of the occupants of No 342 Barkham Road or 1 Dowles Barn Close, having regard to overlooking or the perception of overlooking. As such, the proposed scheme would accord with Policy CP3 of the Core Strategy 2010 and the guidance contained within the BDG, which in summary, seek to ensure new development does not unacceptably impact the living conditions of neighbours. The proposal would also comply with the objectives of the Framework in that regard.

Living Conditions of Future Occupants

17. I accept that the useable floorspace within the top floor bedroom would be limited by the slope of the roof and that the main window proposed is a relatively modest and not central within the space. I have noted earlier that a revised plan has also been submitted which restricts access to the dormer. However, the internal space meets the space standard indicated within the BDG. In my experience some restricted head height is typically accepted by occupants rather than unduly constraining the comfortable use of rooms. Moreover, the window here would be reasonably sized for its context and faces south-easterly (and thus will benefit from good levels of natural light).
18. I, therefore, conclude that the proposed development would provide adequate accommodation for future occupants, with regard to light to the bedroom accommodation in the roof. Accordingly, the scheme would comply with Policy CP3 of the CS, Policy TB07 of LP and the guidance contained within the Borough Design Guide 2012. These policies, and guidance, states that all dwellings must provide adequate internal space in an appropriate layout to accommodate a range of lifestyles.

Other Matters

19. I have had regard to the concerns raised by nearby residents, including matters relating to drainage, access to the site, the high number of planning applications submitted at this address and the implementation of the previously approved scheme. Also, concerns were raised over the appeal not being submitted within the specified time period and the certificate of ownership being completed incorrectly.
20. I am satisfied that a single additional dwelling would be acceptable in this location within respect to highways impacts as well as being within a location where connections to a mains foul sewer could be provided. Planning does not override any required consent that would be needed, via a private legal agreement, to connect to a foul drain on private land or gain vehicle access over private land.
21. I accept that the site has a lengthy and contentious history, which in itself has caused some disquiet. However unfortunate, that in itself would not weigh against allowing the appeal. Also, whether or not the previous scheme has been implemented by virtue of the works on the ground is not for me to determine as part of the appeal.

22. Having regard to the evidence before me the appeal is valid in terms of timing, and no parties have been prejudiced by procedural matters referred to by interested parties. The appeal has offered the opportunity for a fresh round of comments on the merits of the scheme, to which I have had careful regard.

Conditions

23. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the Framework and Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording thereof.
24. In the interests of clarity, it is necessary to define the approved plans for the scheme. (Consistent with my reasoning in paragraphs 2 and 3 above). Conditions ensuring samples of external finishes are used, that trees are protected, and landscaping is included are necessary to safeguard the character and appearance of the area. It is not, however, necessary for materials details to be provided prior to commencement, as these details can be agreed prior to their use in the development. Conversely, landscaping and tree protection details are necessary up front to protect the adjacent trees during and following construction. The appellant has agreed to these pre commencement conditions.
25. Conditions ensuring the implementation of details of cycle provision, parking, access, turning and visibility splays and an electric charging vehicle strategy are necessary to ensure the provision and availability of parking, electric charging infrastructure and cycle storage to serve any future occupiers. It would also protect highway and pedestrian safety as well as help reduce harmful emissions from the scheme.
26. In my view the proposed garden would be of a sufficient size, such that the restriction of permitted development under Schedule 2, Part 1, Class A and D would be overly onerous. However, additional changes and extensions to the roof, windows in the side elevation as well as outbuildings should be limited to protect the living conditions of those nearby given the confines of the site and the potential for insensitively located development to adversely affect neighbours.

Conclusion

27. 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 subject to the conditions below.

M. P. Howell

INSPECTOR

SCHEDULE OF 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: PD300 Rev B, PD301 Rev C other than in relation to the roof plan thereupon illustrated, PD302 Rev A, PD304 Rev B and 2021/01/CH/D in respect of landscaping alone.
- 3) Prior to their use in the construction of the dwelling, samples or details of the proposed external materials to be used must be submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the approved samples, which shall thereafter be retained.
- 4) No development hereby permitted, including any groundworks, tree felling, tree pruning, demolition, soil moving or temporary access construction) shall commence until an Arboricultural Method Statement and Scheme of Works has been submitted to and approved in writing by the Council (collectively the 'Arboricultural scheme'). The Arboricultural scheme, consistent with approved plan 2021/01/CH/D in respect of landscaping referred to in condition 2, shall provide for the retention of trees, shrubs and hedges that may be affected by the development proposed in line with British Standard 5837:2012, or successor document. The development hereby permitted shall be undertaken in line with the Arboricultural scheme thus approved. No excavations for services, storage of materials or machinery, parking of vehicles, deposition or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area fenced off pursuant to the approved Arboricultural scheme. Any fencing or other works approved via the Arboricultural scheme shall be kept in place until all construction works have been completed and all equipment, machinery and surplus materials have been removed from the site.
- 5) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed; any trees, shrubs or hedges removed without consent, or which are dying or which have been severely damaged or become seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species.
- 6) Prior to the commencement of the development and notwithstanding the details shown on approved plan 2021/01/CH/D, a landscaping scheme shall be submitted to and approved in writing by the local planning authority, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the development. Any trees or plants which, within a period of 5 years from the date of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Prior to the occupation of the dwelling hereby permitted, the vehicle parking spaces and turning areas shall be provided in accordance with the approved plans. The vehicle parking spaces and turning areas shall be permanently maintained and remain available for the parking and turning of vehicles at all times.
- 8) Prior to the occupation of the dwelling hereby permitted, details of the secure and covered bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. The bicycle storage shall be implemented in accordance with the approved details prior to occupation of the dwelling and shall be permanently retained thereafter.
- 9) Before the dwelling hereby permitted is first occupied, details of the access shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the agreed details. Such details shall ensure that vehicular access visibility splays of 2m by 43m are achieved, and pedestrian visibility splays at the intersection of the driveway of 2m by 2m (that dimension to be measured along the edge of the drive and the back of the footway from their point of intersection). Once implemented visibility splays shall thereafter be maintained free from obstruction above a height of 0.6m from adjacent ground level.
- 10) Prior to the occupation of the dwelling hereby permitted, details of the electric vehicle charging strategy and a timeframe for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be carried out in accordance with the approved details and shall thereafter be maintained in that manner.
- 11) Notwithstanding the provisions of Classes B, C, and E of Part 1 of the Second Schedule the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no outbuildings, or enlargement or alterations to the roof of the dwelling hereby permitted shall be carried out, nor shall any windows or opening be inserted in the eastern side elevations of the dwelling hereby permitted.