
Appeal Decision

Site visit made on 25 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2022

Appeal Ref: APP/R0335/W/21/3280129

7 Flint Grove, Bracknell RG12 2JN

- 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 and Mrs Arden against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00224/FUL, dated 1 March 2021, was refused by notice dated 2 July 2021.
 - The development proposed is the installation of a detached pre-fabricated garden building to be used for family use and business use to host phonics classes.
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Decision

1. The appeal is allowed and planning permission is granted for a detached pre-fabricated garden building to be used for family use and business use to host phonics classes at 7 Flint Grove, Bracknell RG12 2JN in accordance with the terms of the application, Ref 21/00224/FUL, dated 1 March 2021, and the plans submitted with it, subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs was made by Mr and Mrs Arden against Bracknell Forest Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner and decision above, which is taken from the application form, omits wording that is not itself development. In my decision, I have additionally omitted the word 'installation' because the garden building has been erected and internally fitted out for the uses sought by the appellant. It also includes a front porch not shown in the submitted plans. I have determined the appeal on this basis.
4. The application form refers to Use Class D1 'Non-residential institutions' which included '(c) for the provision of education'¹. At the date of the application this use class had been revoked and replaced by Use Class F.1 'Learning and non-residential institutions' which includes '(a) for the provision of education'. The Council referred to Use Class F.1 in its consideration of the application. I have considered the appeal on the same basis.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

Main Issue

5. The main issue is the effect of the phonics classes use on the character and appearance of Flint Grove and the living conditions of occupiers of houses in this road, having particular regard to car parking, noise and disturbance.

Reasons

6. The appeal property is a detached house in Flint Grove, which is a cul-de-sac of twelve similar large houses and gardens. At my site visit (and having regard to the evidence before me) I was able to see that due to intervening boundaries, buildings, landscaping or distance these houses and gardens are largely visually or spatially discrete from other surrounding suburban residential development. The cul-de-sac has a distinct secluded, tranquil ambience.
7. The garden building is professionally manufactured and stout in materials and construction. It would be used by one of the appellants, Mrs Arden, to teach phonics (letter sounds) to up to six children aged 1 to 4 years old in up to two classes a day. This would also involve singing, dancing and games, some set to music, but no learning activity outside in the rear garden. Each child would be accompanied by at least one parent/guardian or a childminder, who may be responsible for more than one child. At other times the garden building would be used by the appellants' family for purposes ancillary to their residential use and occupation of the appeal property.
8. There is no evidence of other businesses in the cul-de-sac. Nevertheless, while the phonics classes would operate on a commercial basis, this business would be small-scale in scope and overtly educational in nature. It would not, therefore, be fundamentally incompatible in this residential area and setting.
9. The garden building is set back a long way from the road, behind a large double garage and closed off by a side wall and gate. As a result, teaching activity within it and attendees passing through the rear garden would not be apparent in any public views.
10. It is sited next to part of the rear garden of No.6 Flint Grove, which includes a patio and seating area, facing away from the rear elevation and habitable rooms of this house. The appellants' acoustic report² confirms that noise within the garden building would cause less than moderate annoyance and fall below a lowest observed adverse effect level. The Council's environmental health officer did not disagree. In the absence of any objective evidence to the contrary, I have no reason to find otherwise. Other houses or gardens in Flint Grove, or nearby, are significantly more distant and consequently would experience less impact in these respects.
11. Given the urban location of the appeal site some attendees may walk or cycle to the phonics classes. There would, though, likely be more cars routinely parked in the front garden or in the road compared to residential use of the appeal property and the garden building by a single household. This increase in people, cars and vehicle movements would be in plain sight. However, all of the houses in the cul-de-sac have provision for off-street parking in front drives or gardens. Some have garages and some have extensive hardstandings with space for several cars. Where such space is more limited, I anticipate that visitors (including deliveries) or any multiple car owning families park

² Noise Impact Assessment Ref 8873/SL - Acoustic Consultants Limited, 26 February 2021

on-street. Albeit a snap-shot, I saw that parked cars in front gardens and on the road, and the associated movement of people, are an intrinsic part of the streetscene.

12. The position and size of the proposed extended parking hardstanding would be similar to some others in the cul-de-sac. There is no evidence that the Highway Authority objects to the proposed widening of the dropped kerb. While the phonics classes would take place Monday to Friday, it would not operate at weekends or on bank or public holidays. Furthermore, parking activity for each class would be for relatively short periods of time (likely about an hour overall allowing for arrivals and departures) and at most twice a day between the hours of 09:30 and 14:45. Consequently, it would be transient in nature and with at least a 45 minute interval³ would not result in undue visual clutter or a lasting or overly urbanising impact on the streetscene.
13. In addition, the phonics classes and related travel activity would take place outside of normal peak travel to work or journey to school times when most car movements and/or parking at other houses, or in the road, would likely be less evident. It would also be at times of the day when most other houses or gardens would likely be least occupied. This would be outside of periods when the occupiers of other houses in Flint Grove, or nearby, might be more sensitive to noise and disturbance, such as early morning or evenings, and would avoid times when gardens are most likely to be used for normal outdoor domestic activity such as relaxation or entertaining.
14. While a phonics class would intensify traffic and people at the appeal site and in this residential area, it would however be a relatively low key use in nature, duration and pattern of activity. Moreover, external activity associated with each individual class at the front of the appeal site, including in the road, would be intermittent as classes begin and end. Albeit with an increased frequency, each occurrence would be similar to a domestic gathering or event, such as a child's birthday party, including car engine and door closing sounds, parental conversation and children's raised voices.
15. Taking all of the above into account, I find that the effect of increased activity at the appeal site associated with the phonics classes would not cause harm to the character or appearance of Flint Grove or to the living conditions of the occupiers of houses in this road, having particular regard to car parking, noise and disturbance. Accordingly, it would comply with Policy EN20 of the Bracknell Forest Borough Local Plan 2002. This policy includes that development should be in sympathy with the appearance and character of the local environment and not adversely affect the amenity of surrounding properties and the adjoining area. Nor would it, therefore, conflict with the provisions of the Council's relevant supplementary planning documents (SPD) that I have been referred to⁴.
16. The proposal would also be consistent with objectives of the National Planning Policy Framework (Framework) to sustain the economy, promote inclusive communities, facilities and services and encourage multiple benefits from the use of urban land. The Framework also seeks to ensure that development is

³ To allow sufficient time for attendees at a first class to vacate the appeal site and Flint Grove before attendees arrive for a second class

⁴ 'Streetscene SPD 2011' and 'Design SPD 2017'

sympathetic to local character and the surrounding built environment with a high standard of amenity for existing residents.

Other Matters

Other interested party comments

17. I appreciate that there have been letters of support and objection made by local residents, including some beyond Flint Grove, and that some residents of Flint Grove made no comment at all. I have given due weight to these considerations and there is no substantive evidence that the application or appeal was not properly advertised or consulted upon. Any deed that might restrict a trade, business or profession in Flint Grove or which might purport to control nuisance or annoyance to occupiers of houses in this road, would be a private civil matter between the respective parties.
18. The Council did not object to the size or design of the garden building, or to its siting, for family use ancillary to the residential occupation of the appeal property. Nor do I. The Council agrees that the requisite on-site parking standard for the phonics classes use can be met and it has no highway safety objection, including with regard to any potential obstruction of the road or over-running of the carriageway width. Despite some interested party concerns in these regards, there is no substantive evidence to the contrary and I therefore have no reason to find otherwise.
19. An evidenced 'need' for the phonics classes, including that the same or similar classes may be delivered elsewhere in the locality (or would be better conducted elsewhere) is not material to my decision. There is also no compelling reason advanced to suggest that my decision would make it difficult for the Council to resist future applications for other similar development or business uses in Flint Grove. I have considered the appeal proposal on its individual planning merits.

Conditions

20. The Council has suggested some conditions. Where required, I have modified the wording of the conditions in the interests of clarity and have had regard to the tests in Framework paragraph 56 and Planning Practice Guidance⁵. I have also considered the need for any other conditions. The main parties were given an opportunity to comment on these conditions and I have taken comments received into account.
21. The development has already commenced, so the standard time limit condition is not necessary, but some proposed works have not yet been carried out. A condition is therefore necessary to specify the approved plans to ensure certainty (1). In the interests of clarity, despite a minor inconsistency in the approved plans, which is not material to my decision, the garden building already erected including a front porch is hereby permitted.
22. A condition is necessary to ensure that suitable cycle parking is provided on the appeal site. The Council agreed to secure cycle storage in the garage (which would also be under cover) and in the rear garden, rather than what is shown in the submitted plans. I also agree. However, there are no specific details of the cycle parking provision. To encourage this mode of travel and potentially

⁵ Paragraph 21a-003-20190723

reduce reliance on the private car, details of the position and type of cycle parking to be provided (eg suitable stands) are therefore required (2).

A condition is also necessary so that sufficient car parking spaces are provided on the appeal site and to potentially reduce the likelihood or extent of on-street parking (3).

23. The proposal is for a specific use and as such a condition is necessary to ensure that it operates within the acceptable given parameters (4). These include a minimum time interval between classes sufficient to allow the dispersal of attendees from a preceding class before arrivals to a subsequent class. Consequently, the Council's suggested further limitation (that attendees shall vacate the site before the start of a subsequent class) is not necessary and would also not be enforceable. It would also unreasonably prevent anyone from attending two consecutive classes.

24. Though not suggested by either main party, I have included a condition to ensure that no other use within Use Class F.1, which might have different effects or impacts, could be established without planning permission (5). Conditions (2) to (5) are also in the interests of the character and appearance of Flint Grove and the area, and the living conditions of the occupiers of houses in this road and nearby.

Conclusion

25. The proposal would accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.

26. Consequently, for the reasons given above I conclude that subject to conditions the proposal is acceptable and the appeal should succeed.

Robin Buchanan

INSPECTOR

Schedule of Conditions (5)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans, except in respect of cycle parking:
 - 849/01 Location plan
 - 849/05 Rev A Proposed site plan, plans and elevations
 - Product #AV103 Specifications & detailed sketches
- 2) Notwithstanding condition 1, the garden building shall not be used for phonics classes until details of cycle parking facilities shall have been submitted to and approved in writing by the local planning authority and then provided in accordance with the approved plans. These facilities shall be retained thereafter for cycle parking during the phonics classes in accordance with the approved details.
- 3) Notwithstanding condition 1, the garden building shall not be used for phonics classes until car parking spaces have been provided in accordance with the approved plans. These spaces shall be retained thereafter for car parking during the phonics classes in accordance with the approved plans.
- 4) The phonics classes use hereby permitted shall take place in accordance with the following limitations:
 - A maximum of two classes per day Monday to Friday between 09:30 and 14:45 and not on Saturday, Sunday or a Bank or Public Holiday
 - A maximum of 6 children per class
 - No class shall exceed 45 minutes in duration
 - A minimum of 45 minutes shall elapse between the end of one class and the start of another class
 - All learning activity shall be undertaken within the garden building
- 5) The garden building shall be used for a purpose ancillary to the residential use and occupation of the appeal property or for phonics classes within Use Class F.1(a) and for no other purpose (including any other purpose in Class F.1 of Schedule 2, Part B to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).