



Appeal Decision

Site visit made on 6 June 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/X0360/W/21/3287264

41 London Road, London Road, Wokingham RG40 1YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Tomiko Shimizu against the decision of Wokingham Borough Council.
 - The application Ref 211804, dated 24 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is a 4 bed house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.
3. The Council's first reason for refusal says that the proposal fails to make adequate provision for off-street parking. The Council has since retracted this element of the reason for refusal, as the proposal does make provision for on-site parking, in accordance with policy requirements. This reason for refusal therefore primarily relates to access arrangements, and any associated impact on highways safety. I have determined this appeal on this same basis.

Main Issues

4. In this context, the main issues are the effect of the development on:
 - highway safety, with particular regard to access; and
 - the Thames Basin Heaths Special Protection Area.

Reasons

Highway Safety

5. The appeal site would provide off-street parking for both the existing dwelling and the proposed new dwelling, at a capacity consistent with local policy. Access to the new dwelling would be via a narrow driveway between nos. 41 and 45 London Road. The existing dwelling would rely on access from

Easthampstead Road public car park to the west, over which there is a licence agreement between the appellant and the Council.

6. Notwithstanding this current arrangement, given the temporary nature of the licence, continued access from the public car park cannot be guaranteed long-term. Indeed, if this licence were terminated or revoked, access to the parking spaces for the existing dwelling would become reliant on the driveway between nos. 41 and 45.
7. Moreover, and irrespective of the longevity of the licence agreement, it would be difficult to regulate the proposed access arrangement, as any condition securing such arrangement would be difficult to enforce in practice. This means there would be little to prevent occupiers and visitors of no. 41 using the driveway in tandem with occupiers/visitors of the new dwelling, whether for convenience or some other reason. The proposed gates would not adequately overcome this risk, as there would be no mechanism to prevent dual use by occupiers of both properties.
8. These factors mean there is a legitimate risk that the driveway would be used on a shared basis, whether on completion of the development or at some other point in the future. This would be problematic, as the driveway is too narrow to accommodate two-way vehicle movements. Consequently, any drivers accessing the driveway from London Road would need to stop, wait or even reverse back on to the road, were they to encounter another vehicle exiting the property at the same time. Shared use of the access would increase the prevalence of this scenario.
9. This risk is amplified by the location of the appeal site along London Road, which is a busy classified road connecting the town centre with the strategic road network to the east. Any need to manoeuvre in this location would therefore pose a significant safety concern, as the increased likelihood of conflict between vehicles would lead to a heightened risk of accident or collision. This risk would be particularly acute for drivers approaching from an easterly direction, as visibility of the driveway is heavily compromised by the curved alignment of the road, the height of the buildings on either side of the driveway, and the on-street parking in front of nos. 45 – 53.
10. For these reasons, the development has the potential to compromise highway safety, and would therefore conflict with Policy CP6 of the Council's Core Strategy¹. This Policy requires new development to promote road safety, and to mitigate against any adverse impact on local and strategic transport networks. The proposal would also conflict with the provisions of the Framework, which is clear that planning permission should not be granted for development which would have an unacceptable impact on highway safety.

Thames Basin Heaths SPA

11. The development would be located within 5km of the Thames Basin Heaths Special Protection Area (SPA). The SPA is afforded protection under the Habitat Regulations², owing to its importance to the conservation of a variety of ground-nesting birds.

¹ Wokingham Borough Local Development Framework, Adopted Core Strategy, Development Plan Document, January 2010

² The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations)

12. The additional dwelling would have the potential to increase recreational use of SPA, owing to the corresponding increase in visitor numbers. In combination with other small-scale development, this means the development could result in increased disturbance to the protected habitats and species found in this location. In turn, it is not possible to rule out likely significant effects on the SPA.
13. The Council has adopted a strategic solution to help mitigate against such effects. This mitigation is primarily achieved through the provision of Suitable Alternative Natural Green Space (SANG), and/or financial contributions towards Strategic Access Management and Monitoring. Whilst the appellant has indicated a willingness to meet these obligations, there is no section 106 agreement before me to secure them. In the absence of appropriate mitigation, significant effects on the integrity of the SPA cannot be ruled out.
14. As I am dismissing the appeal on other grounds, ultimately this factor would not have changed the outcome of the decision. Nonetheless, without appropriate mitigation, the proposal would conflict with Policy CP8 of the Core Strategy and Policy NRM6 of the Local Plan³, both of which seek to safeguard protected sites.

Other Matters

15. Irrespective of whether the visibility splays would meet requisite technical standards, they would be severely compromised by on-street parking along the frontage of nos. 45 – 53. Vehicles parked in this location obstruct visibility to and from the driveway access, which compounds the risks associated with the access being used on a shared basis.
16. The issues associated with the proposed access would remain, regardless of its legality for use. This factor therefore does not alter my findings. Moreover, whilst there is no history of accidents along London Road, the proposed access arrangement could introduce a heightened risk of conflict between vehicles, which in turn could lead to an accident in future.
17. Although I attach some weight to the self-build nature of the proposed development scheme, this factor alone would not outweigh the potential harm to highway safety which has been identified above.

Conclusion

18. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. Therefore, and for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

³ Wokingham Borough Development Plan, Adopted Managing Development Delivery, Local Plan, February 2014