
Appeal Decision

Site visit made on 20 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal Ref: APP/X0360/W/21/3287167
128 Reading Road, Wokingham RG41 1HA

- 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 Wayne Courtnage against the decision of Wokingham Borough Council.
 - The application Ref 212112, dated 17 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is full application for the proposed erection of 1no. two storey detached dwelling and conversion of existing dwelling to ancillary outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of 1no. two storey detached dwelling and conversion of existing dwelling to ancillary outbuilding at 128 Reading Road, Wokingham RG41 1HA in accordance with the terms of the application, 212112, dated 17 June 2021 and subject to the conditions set out in the schedule at the end of this letter.

Preliminary Matters

2. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposal upon protected trees;
 - Whether the proposed development would result in an unacceptable risk from flooding; and
 - The effect of the proposal upon the living conditions of surrounding residents, in particular from potential overlooking.

Reasons

Character and appearance

4. The appeal site is located on the southern side of Reading Road, between Woosehill Spine Road and the rear of properties along Westward Road. Access to the site is via a long, unmade drive, which for the majority of its length passes through an area of woodland.

5. In contrast to the wooded northern part, the southern element of the appeal site is relatively open and includes a detached dwelling, an area of hardstanding and an area laid to grass. Further to the south is a detached dwelling, Ochiltree Cottage, which is a Grade II Listed Building. To the west are the rear gardens of the properties on Westward Road.
6. The surrounding area is predominately residential, although there are a number of commercial properties along Reading Road. The character of surrounding residential development is relatively well defined by the nature and appearance of the dwellings in Woosehill and those on Westward Road, which comprise an estate form of development.
7. Whilst the proposed development would differ from this character, this does not necessarily mean that it would result in harm to the character of the area. To my mind, due to its location, the dominance of the woodland and its physical separation from surrounding residential development, the appeal site has a character of its own. This character is reinforced by the existing building on site, which in design and appearance, is different from those around it. Furthermore, when considered alongside the adjoining Ochiltree Cottage, there is little pattern or rhythm to the layout of existing development on the site.
8. The existing building on site comprises a timber clad, single storey building, with rooms in the roof, that are served by roof lights in the eastern elevation. The roof is tiled and relatively steeply pitched and, as a result, is partially visible from Woosehill Spine Road to the east. The appeal proposal would involve the conversion of the building to a double garage and associated store, with an office above. Existing windows in the western elevation would be replaced to accommodate the change. Whilst the existing building is relatively large, it would be smaller in height than the proposed dwelling, which would be sited to the north. In contrast, the proposed dwelling would be of traditional materials, with timber detail and a similar tiled and pitched roof. This contrast, combined with its lower height and different overall appearance, would result in the existing building being observed as a subservient building to the proposed new dwelling.
9. Due to its height and scale, parts of the upper floor and roof of the proposed dwelling would be visible when seen from Woosehill Spine Road. This would increase the urbanisation of the appeal site. However, it would be seen mainly alongside the existing building and against the backdrop of the woodland. Therefore, given the presence of the dualled spine road that serves Woosehill immediately to the east, alongside the presence of the existing building on the site, I do not consider that this additional urbanisation would be so adverse as to harm the character and appearance of the area in this respect.
10. Drawing the above together, whilst the proposed development would be different in appearance to those around it and would increase the amount of development on the site, I do not consider that this would materially harm the character and appearance of the area. Neither do I consider that the layout and orientation of the proposed dwelling would harm the character and appearance of the area. Furthermore, due to the overall appearance of the existing building, both in terms of its design and materials, it would still retain the appearance of a subservient and ancillary building to the proposed new dwelling.

11. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, accords with Policies CP1 and CP2 of the Core Strategy 2010 (CS), Policies TB06 and TB21 of the Managing Development Delivery Local Plan 2014 (MDDLDP), Policies R1, R2 and R22 of the Borough Design Guide Supplementary Planning Document 2012 (BDGSPD) and the Framework.

Trees

12. The existing woodland to the north of the appeal site includes a number of protected trees (TPO 1241/2008). Due to the position of the appeal site, these trees are a prominent feature within the street scene along both Reading Road and Woosehill Spine Road. In conjunction with those on the eastern side, they present a sylvan and verdant entrance to Woosehill.
13. From the evidence before me, the proposed dwelling would lie outside of the protected woodland. There are however a number of trees and landscaping on the site, which, given its position in relation to the proposed development, would most likely be lost.
14. Unlike the protected woodland to the north, the existing trees and hedgerows on the southern part of the appeal site make only a limited contribution to the character and appearance of the area. As a result, whilst their loss would have some impact, given their limited contribution, I do not consider that this would materially effect the character and appearance of the area. Moreover, the existing woodland would remain unaltered by the proposed development, thereby allowing the retention of the importance of the woodland setting of the western side of Woosehill.
15. The appellant has suggested that the matter could be dealt with via an appropriately worded condition, which would also secure the provision of additional replacement planting. Such a condition could also ensure the implementation of measures to ensure the woodland trees, including those along the access way, are protected during construction. The Council consider that such a condition would not allow for the full consideration of impacts on trees, which should form part of the consideration of the principle of development. Whilst I understand the position of the Council, given my conclusions above in relation to the overall limited contribution the trees on the southern part of the appeal site make, I am persuaded by the submission of the appellant and consider that a condition would be an appropriate way to address the matter.
16. For these reasons, I therefore conclude that the proposed development would not have an adverse effect upon trees and, in this respect, accords with Policies CP1 and CP3 of the CS, Policies CC03 and TB21 of the MDDLDP and section 15 of the Framework.

Flooding

17. The majority of the appeal site lies within Flood Zone 1. However the entrance to the site is within Flood Zone 2, with part of the access being within Flood Zone 3. To the east, is Flood Zone 2, where the Council have identified a medium risk of surface flooding across the site.
18. The appeal application was not supported by a Flood Risk Assessment, with the appellant identifying that one was not submitted following advice received from

the Council. Nonetheless, the issue relates to whether it is possible to secure safe access and egress given the fact that parts of the access currently fall within Flood Zone 2 and Flood Zone 3.

19. In this respect, I am mindful of the existing residential properties that currently use the existing access. Whilst the proposal would result in the provision of a new dwelling, it is intended that the existing detached dwelling would be converted into an ancillary building to serve the new property. As a result, whilst the amount of built footprint would increase, I therefore do not consider that the proposed development would result in an intensification of use of the access.
20. No details were provided with the appeal application in regards to the disposal of surface water and foul water drainage. However, I note that in this regard, the Council's Drainage Officer raised no objection to the proposal. Furthermore, no comments were received from the Environment Agency. On this basis, I consider that these matters could be appropriately addressed via a suitably worded planning condition.
21. For the above reasons, I therefore conclude that the proposed development would not result in an unacceptable increase to flood risk and, in this respect, would accord with Policy CP1 of the CS, Policy CC09 of the MDDL P and the Framework.

Living conditions

22. To the west of the appeal site are the rear of the properties that comprise Westward Road, which are predominately detached dwellings, set within relatively long gardens. Their rear boundaries form the western boundary of the appeal site.
23. The proposed development would include windows that would face towards the rear of the properties in Westward Road. Given the position of the dwelling, there is the potential that the proposed development could result in overlooking of neighbouring properties, in particular the rear garden areas. However, from the evidence before me, the proposed dwelling would be located a sufficient distance away from the neighbouring dwellings to ensure no adverse overlooking. As a result, I do not consider that the proposed development would harm the living conditions of surrounding residents.
24. For the above reasons, I conclude that the proposed development would not harm the living conditions of surrounding residents and, in this respect, accords with Policies CP1 and CP3 of the CS, Policy R15 of the BDGSPD and the Framework.

Other Matters

25. It has been put to me by the appellant that the Council are presently unable to demonstrate a 5 year land supply. Paragraph 11 of the Framework requires decisions to be made in accordance with the presumption in favour of sustainable development. As it has been concluded that the proposals accord with the relevant development plan policies, there is no requirement, in this instance to consider the proposal against the so-called tilted balance.
26. I acknowledge the concerns raised by local residents in relation to additional traffic and highway issues, however I have no technical evidence to

substantiate this and there is no evidence that highway safety would be compromised. Furthermore, I note that the Council's Highway Officer did not object to the proposals and the Council did not conclude that they would amount to reasons to justify withholding planning permission. Therefore, I find that the development would not have an unacceptable impact on highway safety.

27. I note the comments raised in relation to the potential impact of the proposal upon existing biodiversity. However, there is no substantive evidence that there would be any adverse effect on biodiversity issues within the area as a result of the proposal.
28. Concerns have also been raised with regards to the potential for noise during construction. I acknowledge that construction would cause some disruption, however this would be temporary and could be mitigated through the provision of suitably worded planning conditions.
29. In reaching my decision, I am aware of the previous planning history, including the enforcement appeal decision that relates to the site. I have however come to my decision based on the appeal proposals alone.

Conditions

30. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
31. To prevent an increased flood risk from surface water, it is necessary to attach a condition requiring the submission of proposed drainage details. In this respect I note that the Council have suggested two conditions to cover this matter, condition 3 and condition 7. To my mind, only one of these conditions is required. Given the level of detail contained within proposed condition 7, I consider this to be the most appropriate condition to attach. For this reason, it is not necessary or appropriate to attach the Council's suggested Condition 3.
32. To ensure the safeguarding of the character and appearance of the area, a condition is necessary with regards to the provision of external materials to require their submission and approval by the local planning authority.
33. In respect of trees, it is appropriate to attach a condition requiring the submission and approval of an Arboricultural Method Statement and Scheme of Works. To protect the character and appearance of the area, I consider it is both appropriate and necessary to require the provision of a landscaping scheme.
34. To ensure the delivery of biodiversity improvements, it is appropriate to attach a condition requiring the submission of details.
35. To protect highway safety, it is appropriate to attach conditions to ensure the proposed parking arrangements are provided and retained in accordance with the submitted plans. For the same reason, it is appropriate to attach conditions to ensure that the garage space is available for the parking of cars and appropriate cycle parking is provided.

36. To ensure adequate provision of refuse provision, it is appropriate to attach a condition requiring the provision of a bin storage area.
37. To prevent increase flood risk, it is appropriate to attach a condition to ensure the provision of permeable surfacing.
38. The Council's suggested condition 14 seeks to restrict permitted development rights and is justified on the basis of protecting trees and neighbouring amenity. In this respect, I am however mindful of the advice contained within the Framework and in particular Paragraph 54, which requires a clear justification for such a condition. In this instance, I do not consider that such a condition is necessary, and as a result, would fail to meet the tests required for the provision of planning conditions.
39. To protect the living conditions of local residents, it is necessary and appropriate to attach a condition to restrict hours of work. For the same reason and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction Management Plan.

Conclusion

40. For the above reasons, I conclude that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This decision is in respect of the plans numbered PL-01 Rev B, PL-04 Rev B and PL12 Rev B, dated 21 July 2021 and received 27 July 2021, PL-07, PL-08 and PL-09, dated 4 March 2021 and received 17 June 2021. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.
3. Prior to the commencement of the development, hereby permitted, details of the materials to be used in the construction of the external surfaces of the building/s shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the so-approved details.
4. Prior to the commencement of the development or any other operation, hereby permitted, an Arboricultural Method Statement and Scheme of Works shall be submitted to and approved in writing by the local planning authority. It shall provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012.

No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

5. Prior to the commencement of the development, hereby permitted, details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority.

Hard landscaping details shall include, as appropriate, proposed finished floor levels or contours, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials. Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable as well as all boundary treatments.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority.

Any trees or plants which, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

6. Prior to the commencement of the development, hereby permitted, details of the drainage system shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - a) A flood risk assessment including details of satisfactory access and egress within and from the site in the event of an emergency.
 - b) BRE 365 test results (or similar soil tests) demonstrating whether infiltration is achievable.
 - c) Full calculations demonstrating the performance of soakaways.
 - d) A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high-water table level (or precautions take to account to protect the proposed equipment).
 - e) Details demonstrating how and by who SuDS would be managed.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

7. Prior to the occupation of the development, hereby permitted, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new building and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the garden), shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved.
8. No part of any building hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.
9. No building shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing(s)/details. The cycle parking/ storage shall be permanently so retained for the parking of bicycles and used for no other purpose.
10. No building shall be occupied until the bin storage area/ facilities have been provided in full accordance with the approved details. The bin storage area and facilities shall be permanently so retained and used for no purpose other than the temporary storage of refuse and recyclable materials.
11. New hard surfacing hereby permitted shall be constructed from porous materials or provision shall be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the development, and the hard surfacing shall thereafter be so maintained.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.
13. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) Measures to control the emission of dust, dirt and noise during construction; and
 - v) A scheme for recycling/disposing of waste resulting from construction works.