



Appeal Decision

Site visit made on 2 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/X0360/W/22/3296611

1 Westlands Avenue, Shinfield RG2 8EB

- 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 Frederick Philip of Grace Developers Limited against the decision of Wokingham Borough Council.
 - The application Ref 220104, dated 13 January 2022, was refused by notice dated 14 March 2022.
 - The development proposed is erection of 1no. end of terrace dwelling, following demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Frederick Philip on behalf of the appellant against Wokingham Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Whilst the appellant's name in the application form was listed as "Mr F Benjamin", the appellant's agent has since confirmed this was a factual error. The appeal will therefore proceed in the name of Mr Frederick Philip (of Grace Developers Ltd), in line with their correct details.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of both the existing and new dwellings; and
 - highway safety, with particular regard to access provision.

Reasons

Character and Appearance

5. The appeal property comprises a two-storey semi-detached dwelling and separate detached garage, which is located on the curved corner junction of Westlands Avenue and St Barnabas Road. These roads are predominantly

residential in nature, and are made up of comparable semi-detached and small terrace dwellings.

6. The gardens to the appeal property and its adjoining neighbour wrap around their respective side elevations, which leaves a notable gap with their closest neighbours on each side. These gaps provide a sense of openness and space around the properties, which contributes positively to the street scene. They also provide a degree of symmetry to the pair of dwellings, which is important to the street scene owing to their prominent corner location.
7. The corner of the front elevation of the new dwelling would be built up to the boundary of the appeal property along Westlands Avenue, which would eradicate much of this side garden. As well as reducing the sense of space and openness in and around the appeal property, it would also detract from the shared symmetry between the two dwellings, which would be harmful to the street scene.
8. Given the orientation of the appeal property and its adjoining neighbour, their front elevations currently conform to an established front building line along both Westlands Avenue and St Barnabas Road. In turn, the dwellings help create a seamless transition between the properties along both roads. The side elevation of the new dwelling would project much further forward than neighbouring properties along Westlands Avenue, thereby disrupting the common front building line. It would also interrupt the coherent transition between properties along the two roads. In turn, the new dwelling would appear discordant and incongruous within the established pattern of built form, which would again harm the street scene.
9. Most properties along Westlands Avenue and St Barnabas Road include on-site parking directly along their frontage. Conversely, the parking spaces to serve the new dwelling would be located to its side, due to insufficient space to its front. This arrangement would sit uncomfortably alongside the established pattern of parking along the road, and would lead to a further mismatch in appearance between the new dwelling and neighbouring properties. Once again, this incongruity would undermine the prevailing character of the road.
10. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policies CP1 and CP3 of the Council's Core Strategy¹, which seek to ensure development maintains and enhances the quality of the surrounding environment, through high quality design, which is appropriate in scale, layout and built form. The development would also conflict with Policy TB06 of the Council's Local Plan² which says applications for development within residential gardens will be resisted, unless it would have a positive relationship with existing built form, layout and spaces around buildings. This Policy also highlights that such development would need to integrate properly with the area, with regard to the built-up coverage of each plot, building lines, rhythm of plot frontages and parking areas. Finally, the development would also conflict with the overriding design and character objectives of the National Planning Policy Framework (2021) (Framework).

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

² Wokingham Borough Development Plan, Adopted Managing Development Delivery Local Plan, February 2014

Living Conditions

11. The Council's Borough Design Guide³ says that residential gardens should have a minimum depth of 11m. Whilst the appeal property and adjoining neighbour currently fall short of this depth, the garden which wraps around the side of each property currently helps compensate for this shortfall.
12. The proposed development would subdivide the existing garden to accommodate separate outdoor amenity space for each of the dwellings. Irrespective of the garden size of other nearby properties, this would result in a narrow and short rear garden to the existing property, which would fall significantly short of the size requirements promoted by the Borough Design Guide. In turn, the retained garden area for the existing dwelling would feel overly cramped and constrained, and would be insufficient to serve the needs of a typical family dwelling.
13. In terms of internal space, the proposed new dwelling would have a floor area of approximately 80sqm. Even if the dwelling were to have an occupancy of only 4 people, this would fall short of the minimum internal space requirement for a two-storey 3-bedroom dwelling, which is 84sqm⁴. As a result, its living space would again be inadequate and cramped, which would be harmful to the living conditions of its occupiers.
14. The development would therefore fail to provide adequate living and amenity space for the occupiers of the existing and new dwelling, which would be to the detriment of their living conditions. The development would conflict with Policies CP1 and CP3 and the Core Strategy, which seek to ensure new development promotes high-quality environments, without detriment to the amenities of land users. The development would also breach the space requirements prescribed by the Nationally Described Space Standards, as well as those set out in Policy TB07 of the Local Plan. As highlighted above, the development would also conflict with the guidance set out in the Borough Design Guide and the Framework.

Highway Safety

15. Notwithstanding the differences in parking arrangement, the parking spaces for the proposed new dwelling would offer comparable visibility to other dwellings along Westlands Road. Given the substantial width of the road and adjoining pavements, visibility from the proposed parking spaces in both directions should provide adequate visibility when accessing and egressing the property. Moreover, the speed of vehicles in and around the site is generally modest, given its distinct residential nature. On account of these factors, safe manoeuvring to and from the proposed new dwelling should be possible, without risk to highway safety. Specific details of visibility splays could be secured by condition.
16. I am therefore satisfied that the access to the development would be acceptable in terms of highway safety. In this regard, the development would be consistent with Policy CP6 of the Core Strategy and Policy CC07 of the Local Plan, which together require new development to provide acceptable levels of parking, which promotes road safety in and around the site. The development would also be consistent with the highway safety provisions of the Framework.

³ Wokingham Borough Council, Borough Design Guide, Supplementary Planning Document, June 2012

⁴ Technical Housing Standards, Nationally Described Space Standard

Other Matters

17. Whilst permission has previously been granted for a side extension to the appeal property, it is understood that this permission has since lapsed, and is therefore no longer a legitimate fall-back. In any event, the proposed new dwelling would be significantly wider than the consented extension, and its impact on the street scene would therefore be materially different. The extension would also have enabled the parking spaces to remain at the front of the property, which would have been more in-keeping with the pattern of development along the street. Moreover, as an extension to the existing property, the retained garden and internal space would also be much larger than now proposed, thereby providing a better living environment for its occupiers. On account of these differences between the two developments, the extension permission is not directly comparable to the development now proposed, and would not justify approval.
18. The parties dispute whether or not the Council can demonstrate a five-year supply of deliverable housing land. Nonetheless, and irrespective of whether paragraph 11(d)(ii) of the Framework (the “tilted balance”) is engaged, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
19. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area, highlighting that development should be visually attractive and sympathetic to local character and surrounding built environment. It also says development should promote health and well-being, with a high standard of amenity for existing and future users. The content of the Framework therefore reflects the overriding design, character and amenity principles of the Council’s Core Strategy and Local Plan in terms of new residential development. Even accounting for the Framework’s objective of boosting the supply of housing, the conflict between the proposal and the relevant policies of the Council’s Core Strategy and Local Plan would therefore be attributed significant weight in this appeal, irrespective of the Council’s housing land supply position.
20. As mentioned above, the proposal would contribute to the Council’s housing stock. Whilst any increase is desirable, the net addition of one dwelling would only be a modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of harm to the character and appearance of the area and to the living conditions of existing and future occupiers would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply in any event.

Conclusion

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

James Blackwell

INSPECTOR