



Appeal Decision

Site visit made on 21 October 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/W0340/W/22/3293964

72 Windmill Road, Mortimer Common, Reading RG7 3RL

- 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 Groom (Groom Estates Berks) against the decision of West Berkshire Council.
 - The application Ref 21/00563/FULD, dated 23 July 2021, was refused by notice dated 20 October 2021.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I saw on my visit the new dwelling that has been erected close to the south-western corner of the appeal site, and which is depicted in Figure 6 of the appellant's statement (albeit without the car port which has been installed adjacent to the garage). It is referred to in the evidence as No 24 or No 24A, but according to the occupiers it is 24C King Street, and I have thus called it 'No 24C' in my decision.
3. The Council's decision refers to policies in the West Berkshire Local Plan Review 2020 – 2037 (2020) ('LPR'). However, as they form no part of the development plan, and given the early stage that the plan has reached, I agree with the principal parties that they carry only limited weight.
4. The scheme was amended during its consideration by officers. I have determined the appeal on its planning merits on the basis of drawing no. 7007/1 Rev D. The appellant acknowledges that there is a slight inconsistency between that site plan and Figure 20 in his appeal statement, which appears to show the dwelling located slightly further to the east.

Main Issues

5. The main issues are:
 - Whether or not a safe and convenient means of access would be provided for emergency, service and delivery vehicles; and
 - The effect of the proposed development on the living conditions of adjacent occupiers, with particular regard to overlooking.

Reasons

Means of access

6. The proposed dwelling would be sited beyond the end of a track which provides a means of vehicular access to the rear of 56, 62, 64 and 72 Windmill Road. The principal parties agree that the track is around 70 metres long, and that its width is typically 2.5 metres, although that decreases to around 2.4 metres at one point.
7. Part 1 of the Council's Quality Design Supplementary Planning Document (2006) ('SPD') sets out at paragraph 2.1.7 that new development should be designed to cater for servicing, including movements by large refuse and emergency vehicles.
8. In its evidence the Council refers to the Manual for Streets ('MfS') which in turn references the Building Regulations' requirements for access and facilities for the Fire Service. Amongst other things, Part B5 of the Building Regulations states that for an access from the highway, and to allow for operating space, there should be a minimum carriageway width of 3.7 metres between kerbs, and that below this there should be consultation with the Fire Safety Officer. It continues that simply to reach a fire, the access route could be reduced to 2.75 metres over short distances, provided that the pump appliance can get to within 45 metres of dwelling entrances.
9. For his part the appellant states that the proposed dwelling will accord with parts B1 to B4 of the Building Regulations, but acknowledges that it will not meet the requirement at B5. However, he states that a residential sprinkler system would be used, and notes that the MfS states that these are highly regarded, that their presence allows a longer response time to be used, and that a site layout which has been rejected on the grounds of accessibility for fire appliances may become acceptable if its buildings are equipped with these systems.
10. The Royal Berkshire Fire and Rescue Service ('RBFRS') raised no objection to the scheme, but observed that it would comment on the suitability of the access at Building Regulations stage. However, it also stated that if the access does not fit the required dimensions at B5, then no fire appliance would be able to reach the new dwelling.
11. The distance from Windmill Road to the proposed dwelling would be well over 70 metres and the access is significantly below the width recommended by the MfS. According to the Council's research, summarised at paragraph 5.24 of its statement, the smallest vehicle used by the RBFRS is 2.55 metres wide. From the evidence before me I am not therefore satisfied that an appliance could get to within 45 metres of it. It is clear to me, notwithstanding the appellant's position and the representation by RBFRS, that this matter needs to be considered at the planning stage, given that, from the available evidence, no alternative means of access would be available.
12. Whilst the proposed sprinkler system may allow for a longer response time, I have significant concerns that fire appliances would not be able to get to within a suitable distance of the proposed dwelling in order to tackle a fire; and the proposed sprinkler system would not adequately mitigate against the significant shortcomings of the access.

13. Additionally, based on the information at paragraph 5.25 of the Council's statement, a 2.45 metre wide ambulance would not be able to reach it.
14. Residents could wheel their bins to the roadside for collection. Whilst the distance involved would be much greater than the recommended 30 metre 'wheelie bin drag distance' in the MfS, the surface is level and I do not consider this to be such an onerous requirement as to warrant dismissal of the appeal. Other dwellings on Windmill Road have roadside collection.
15. As pointed out at paragraphs 6.35 to 6.40 of the appellant's statement the access would be sufficiently wide to enable a variety of transit vans to access the site for deliveries. If, occasionally, a delivery vehicle, including those too wide to use the access, had to park on Windmill Road, any disruption caused would be temporary, and it would not have a significant harmful impact on the safety and convenience of highway users.
16. Summing up, I consider that the scheme could be adequately serviced by refuse and delivery vehicles. However, for the above reasons, I am not satisfied that it could be appropriately accessed by emergency vehicles.
17. The scheme would therefore conflict with Policy CS 14 of the West Berkshire Core Strategy 2006 – 2026 (2012) ('WBCS') which, amongst other things, requires proposals to create safe environments and address matters such as community safety; and with the similar stance in LPR Policy SP 7. It would also conflict with Policy GD2 of the Stratfield Mortimer Neighbourhood Development Plan 2017 ('SMNP') which requires layouts to be provided in accordance with the MfS.
18. I accept that, having regard to paragraph 111 of the National Planning Policy Framework ('Framework'), there would not be a severe impact on the road network, but the scheme would conflict with its paragraph 112 which requires development to allow for access by emergency vehicles; and with the broadly similar stance in the SPD.
19. WBCS Policy CS 13 is of limited relevance on this specific issue, as is SMNP Policy GD5 which principally addresses design matters, including refuse storage and collection which I have found to be acceptable. SMNP Policy RS5 is not relevant as it addresses housing allocations. I have not been provided with LPR Policy SP 22, which is referred to by the Council in its decision, but in any event, I have attached only limited weight to that emerging plan.

Living conditions

20. I observed that No 24C has a first floor master bedroom window which has an easterly outlook, with the proposed dwelling off-set slightly to the side. At ground floor it has kitchen patio doors which face the same direction, and closer lounge patio doors in its northern face. Those two sets of doors lead straight onto a private outdoor amenity space, which is located close to the boundary with the appeal site.
21. According to the Council, the distance from the bedroom window in the proposed dwelling's western face to the master bedroom window and the kitchen doors at No 24C would be around 18 metres. This would be less than the 21 metre guideline in order to preserve privacy between houses, referred to in Part 2 of the SPD at paragraph 1.14.2. The SPD also recognises the need for privacy in gardens, especially those areas immediately outside the building.

22. Having regard to the representation and photos submitted by No 24C, and notwithstanding the shallow pitched garage, given the distances involved and the angles of view, the scheme would result in a limited degree of harmful overlooking of No 24C's habitable rooms from that bedroom window, and of parts of its garden when looking down from there over the boundary fence.
23. There is some disagreement between the principal parties regarding the size and position of the proposed rooflights. However, as the rooflight on the dwelling's southern elevation would illuminate a hallway, where the occupants would not typically dwell, any views out from it would be fleeting. Its northern elevation would include three rooflights, but these would serve bathrooms and a store. Given the use of those rooms, the presence of boundary vegetation, and the distance to the rear faces of the properties on Windmill Road, they would not cause a harmful degree of overlooking.
24. The outlook from the small first floor master bedroom window would be mainly down the proposed dwelling's own garden. Views from there towards the principal rear faces and gardens of 26 and 28 King Steet would be oblique, and partially screened by vegetation.
25. Nevertheless, for the reasons above, the scheme would cause a limited degree of harm to adjacent occupiers' living conditions as a result of overlooking from the bedroom window in the western elevation. On this issue the scheme would therefore conflict with those parts of WBCS Policy CS 14 which require proposals to make a positive contribution to quality of life; with SMNP Policy GD1 which requires that consideration be given to the amenity of adjacent residents; with Framework paragraph 130 which requires a high standard of amenity; and with the SPD.
26. It would also conflict with the broadly similar approach in LPR Policy SP 7 and DC 30 concerning the need for a high standard of amenity for neighbouring occupiers, having regard to issues such as overlooking. However, as WBCS Policy CS 19 addresses the historic environment and landscape character it is not relevant to this issue.

Other matters

27. In its favour the scheme would deliver a relatively small house and flexible accommodation, for which I am told there is a local need, and it would be sustainably located close to the services and amenities of this Rural Service Centre.

Planning Balance and Conclusion

28. I have found that the scheme would fail to provide an appropriate means of access by emergency services, and that it would also cause limited harm to the living conditions at No 24C.
29. The scheme's limited benefits would not outweigh the combined harm that it would cause. It would conflict with the development plan when considered as a whole. Having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR