



---

# Appeal Decision

Site visit made on 4 October 2022

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 November 2022**

---

**Appeal Ref: APP/X0360/W/22/3298797**

**2 Grovelands Road, Spencers Wood RG7 1DP**

- 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 Shazad Khan against the decision of Wokingham Borough Council.
  - The application Ref 214165, dated 23 December 2021, was refused by notice dated 21 February 2022.
  - The development proposed is the demolition of the existing dwelling and erection of new detached dwelling and car port.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Whilst not part of the planning application, the appellant has submitted a Shadow Study with the appeal. As this study does not amend the proposed development but provides further information and the Council have provided comments in response, I do not consider the interests of third parties would be prejudiced if I take this study into account.

## Main Issues

3. The main issues of this appeal are the effect of the development on:
  - the provision of renewable energy with particular regard to the operation of the solar panels on 4 Grovelands Road (No 4); and
  - the character and appearance of the area.

## Reasons

### *Solar panels*

4. A High Court ruling<sup>1</sup> established that “interference with the solar panels is a material planning consideration by reason of the part played by them in addressing (however modestly, on an individual scale), issues of climate change”. Further to this, Chapter 14 of the National Planning Policy Framework (the Framework) establishes the way in which local planning authorities should help meet the challenge of climate change. This includes ensuring new development takes account of, amongst other things, layout, building orientation and massing to minimise energy consumption.

---

<sup>1</sup> McLennan, R v Medway Council & Anor [2019] EWHC 1738 (Admin) (10 July 2019)

5. Given the scale and proximity of the proposed development to the solar panels on the neighbouring bungalow at No 4, the appeal proposal would not comply with the 45 degree line measurement set out in the Wokingham Borough Council Borough Design Guide Supplementary Planning Document (2012) (the SPD). Although a Shadow Study has been provided, it illustrates the shading from the proposed development at three time scenarios during one day of the year only. Additionally, there are discrepancies in the date referenced in the appellant's statement of case and on the Shadow Study illustrations. As such, it does not provide sufficient detail to determine that there would be adequate levels of sunlight reaching the solar panels. Based on the evidence before me, I conclude that the proposed development would result in some shading of the panels.
6. The same concerns were not raised by the Council on an approved planning application<sup>2</sup> on the appeal site, comprising a similar development. Given the side elevation of the approved scheme would be sited further away from the boundary with No 4, it would not lead to the same loss of sunlight to the solar panels.
7. I conclude that the proposed development would reduce the amount of sunlight reaching the solar panels on the neighbouring property, which would result in an unacceptable reduction in the provision of renewable energy. As such, it would be contrary to Policy CP1 of Wokingham Borough Local Development Framework – Adopted Core Strategy Development Plan Document (2010) (the Core Strategy). This policy, amongst other things, seeks to minimise energy consumption through a range of measures, including considering the appropriate layout and orientation of development.
8. I also find conflict with Chapter 14 of the Framework which seeks to minimise energy consumption. Additionally, the proposed development conflicts with the SPD which requires new residential development to provide appropriate levels of daylight and sunlight to new and existing properties and contribute towards environmental sustainability.
9. In the decision notice, the Council also refer to Policy CP3 of the Core Strategy. However, as this policy covers broader and more general principles for development, it is not determinative for this main issue.

#### *Character and appearance*

10. Grovelands Road is characterised by a variety of detached dwellings including bungalows. Dwellings are set back from the road behind deep front gardens and driveways, partially screened by a variety of boundary features. Significant extensions and alterations have been made to many of the existing dwellings, resulting in a variety of styles and architectures present. However, due to the front set backs, large gaps between the buildings and a lack of detached garages close to the road frontage, the area has a spacious character. Combined with the grass verges on both sides of the road, the boundary hedges and mature trees add a verdant element to this character.
11. The appeal site comprises a detached bungalow, with a large front driveway area and a single garage positioned at the side but set back from the front elevation. Whilst not a listed or locally listed building, nor located within a

---

<sup>2</sup> Planning Application Ref 211997

conservation area, given its scale and siting within the appeal site, the existing bungalow contributes positively to the overall spacious character of the road.

12. Although the existing building line along the road is staggered, the proposed car port would be positioned closer to the road than other parking structures nearby. Given the height of the existing hedge and trees in the verge adjacent to the front boundary, the car port would be partially screened, particularly in longer views along the road. Regardless, as these features are located outside the redline, I cannot be certain they are in the control of the appellant and, as such, their retention and maintenance cannot be assured. In closer views from Grovelands Road and Hyde End Road, despite being open, the car port would be an incongruous feature in the streetscene.
13. My attention has been drawn to other examples of garages positioned forward of dwelling frontages in the area. Based on my observations of these examples, whilst positioned perpendicular to the road, the majority of the garages are attached and an integral part of the dwelling.
14. Although the SPD does contain garage specific design principles, it also advises that "structures for parking, such as car ports or garages, should generally be set back from the building". Even if the garage design guidance in the SPD didn't refer to car ports, given the similarities between the bulk and scale of a garage structure, the principles are relevant.
15. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, contrary to policies CP1 and CP3 of the Core Strategy and Policy CC03 of the Wokingham Borough Development Plan – Adopted Managing Development Delivery Local Plan (2014). These policies, amongst other things, seek to maintain or enhance the high quality and character of the environment. In addition, I find conflict with the guidance set out within the SPD which requires new development to positively respond to the context and maintain local character.

### **Other Matters**

16. I acknowledge the comments regarding the major improvements required to the existing dwelling to meet energy efficiency and living standards, and the cost comparison with building a new dwelling. However, as the appeal site benefits from a planning permission, this opportunity is available to the appellant.
17. The fact that the Council raised no issues with the demolition of the existing dwelling, rooflights or the conversion of the loft space to habitable rooms are not reasons, in themselves, to allow development that is unacceptable. Whilst I note that the Council did not request further information during the determination of the planning application, they are not bound to do so.
18. Even if I were to consider the proposed development would not prejudice the safety of highway users, cause harm to the living conditions of existing and future occupiers, or increase the risk of flooding, these could be neutral factors.

### **Conclusion**

19. The proposed development would conflict with the development plan as a whole and there are no material considerations, either individually or in

combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR