



Appeal Decision

Site visit made on 10 October 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/W0340/W/21/3281488

1 Bryant Place, Purley On Thames, Reading RG8 8ET

- 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 David Wood against the decision of West Berkshire District Council.
 - The application Ref 20/03017/FULD, dated 15 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is erection of two storey house with associated amenity space and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey house with associated amenity space and car parking at 1 Bryant Place, Reading, RG8 8ET in accordance with the terms of the application, Ref 20/03017/FULD, dated 15 December 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form did not give the applicant's name, stating only that it was care of Berrys, the planning agent company. The appeal is in the name of Mr David Wood. It has been confirmed in writing that Mr David Wood was the original applicant, via the agent.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area, including with reference to a protected tree;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to living space and outside amenity space; and
 - The effect of the proposed development on biodiversity.

Reasons

Character and Appearance

4. The site is part of a housing development in a predominantly residential area. There is a mix of short terraces, semi-detached and detached dwellings, constructed in brick with tile roofs and white detailing. Some dwellings are gable fronted and others have the roof pitch to the front.

5. Many dwellings feature projecting bay windows at first floor. There are a number of examples in the immediate area of dwellings where the side elevation is close to, or directly adjoining the highway.
6. The site is at the end of a short terrace of 3 dwellings of uniform design, with pitched roofs to the front and rear. It is on a corner plot, fronting onto a parking area and adjacent to the highway to the side and the rear. There is currently a section of garden to the side of the dwelling setting the side elevation away from the road. There is a tree, covered by a Tree Preservation Order (TPO) in the rear garden.
7. The proposal would add a dwelling to the end of the terrace, constructed in matching materials. It would have a gable to the front and rear. Although this would be in contrast to the rest of the host terrace, there are other frontages in Bryant Place, and nearby, which feature gables directly next to roof slopes. The dwelling next to the other end of the terrace includes a gabled front, so the proposal would not visually unbalance the terrace.
8. The side elevation of the proposed dwelling would be close to the highway, but no more so than nearby dwellings in similar plots. While there are other examples of dwellings with a side door and windows, the proposal would have the main entrance to the side which is not typical of the area. Despite this, the impact on the streetscene would not be negative and would create some active frontage onto the road.
9. The side facing dormer would be an element not seen elsewhere in the immediate area. Combined with the other windows serving the bedroom in the roof space, it would make the dwelling appear modestly more imposing within the streetscene. However, it would not appear incongruous on the corner plot. This is particularly the case because the older dwellings in the terrace opposite the site, across the parking area, are a full three storeys in height.
10. The size of the dwelling and the plot it would sit within would be modest but the layout would be informed by the context of the terrace which has dwellings and plots of a similar size. The proposal would make efficient use of land while not appearing overly cramped. Taken together, the above factors mean that the location, scale and design of the proposal would not be out of keeping with the character and appearance of the host terrace and the surrounding area.
11. The protected tree in the rear garden is highly visible and a prominent and attractive element of the streetscene. Its loss would be detrimental to amenity as well as the character and appearance of the area. However, the proposal does not seek to remove the tree and need not result in its loss. Indeed, the design of the dwelling sets the rear elevation back to limit any impact on the root protection area (RPA) of the tree. An arboricultural impact assessment has been submitted which estimates the proposal would result in a modest additional incursion of built form into the RPA. The assessment goes on to outline an approach using specialist engineered foundations which would mitigate the impact of the proposal on the RPA. I note the comments from the Council Tree Officer and the content of BS guidance. However, I have been presented with no substantive evidence to suggest that suitable technical solutions and tree protection measures, secured by condition, would not ensure the retention of the tree whilst enabling the proposal to proceed and any required storage to be appropriately located.

12. I acknowledge that the proposal may result in additional requests from residents to undertake works to, or remove, the tree. However, the tree would remain protected, and hence any such works would require authorisation from the Council.
13. I conclude that the proposed development would not cause harm to the character and appearance of the site and surrounding area, including with reference to a protected tree. Consequently, the development would comply with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006 - 2026) Development Plan Document (Adopted July 2012) (CS), which together, amongst other things, seek to ensure that development is well designed and respects the character and appearance of the area, including the natural and built environment. Furthermore, it would accord with the National Planning Policy Framework (the Framework), including Paragraphs 127 and 130, which seek to secure well designed places that are sympathetic to the landscape setting.
14. The tree is within a private garden and therefore does not class as green infrastructure, so Policy CS18 of the CS does not directly apply. The proposal is within a settlement where Policy ADPP1 of the CS seeks to locate most new development, so I find no specific conflict with this policy.

Living Conditions

15. The plans show the dwelling as containing two bedrooms and a study. A condition preventing the study from being used as a third bedroom would not be reasonable or enforceable. I have therefore considered the proposal as potentially being a three bedroom dwelling, as did the Council.
16. On this basis, the proposal may not meet nationally described space standards. However, Planning Practice Guidance and the Framework sets out that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their development plan to the nationally described space standard, and only where the need for an internal space standard can be justified. In this case, I have not been informed that the development plan makes reference to the nationally described space standards, so they can only be considered as advisory. Though modest, I have no reason to conclude that the living space in the proposed dwelling would be inadequate.
17. The area of outside space for both the proposed new dwelling and the existing dwelling would be relatively modest, and less than the sizes suggested in the West Berkshire Quality Design Supplementary Planning Document Part 2 (adopted 2006) (SPD). However, the SPD only suggests sizes and notes that flexibility is needed. It goes on to outline that gardens should provide basic storage and drying amenities and allow for outside play and sitting space. The size, shape and usability of the proposed gardens is adequate for these purposes. The tree would shade both gardens, but not to an extent that would make the gardens unusable.
18. I conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to living space and outside amenity space. Consequently, the development would comply with Policy CS14 of the CS, which amongst other things, seeks to ensure that development is designed so that it functions effectively. I find no specific conflict with the guidance in the SPD with regard to amenity space.

Biodiversity

19. While the site may be relatively near a local wildlife site, it is within a built up area. As set out above, the proposal does not seek to remove the tree, so its biodiversity value would be retained, along with any habitat it provides for protected species such as birds and bats. Conditions can be imposed to secure the retention of the tree and the addition of bird and bat boxes in mitigation for any potential loss of nesting and roosting sites in the eaves and roof of the existing dwelling and ensure biodiversity net gain overall.
20. I therefore have no evidence to suggest that the proposal would result in harm to locally designated sites, or habitats and species of principal importance for conserving biodiversity. Consequently, the proposal would comply with Policy CS17 of the CS, which seeks to protect biodiversity assets. Furthermore, it would accord with paragraph 174 of the Framework which seeks to protect and enhance sites of biodiversity value, in a manner commensurate with their statutory status or identified quality in the development plan.

Conditions

21. The Council have suggested a range of conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. A condition specifying the approved plans is necessary to provide certainty.
22. I have limited the use of pre-commencement clauses to where they are essential for the condition to achieve its purpose. The protected tree on site needs to be retained in the interests of character and appearance and biodiversity. Hence protective measures and specialist construction techniques are required. For these reasons, it is necessary to secure tree protection arrangements before any work on site starts. Therefore, the tree protection condition is a prior to commencement condition.
23. The Council suggested conditions for both a construction method statement and a construction environmental management plan. Given that the proposal is only for one dwelling the full range of details in the suggested conditions would not be reasonable or necessary, and some are covered as needed by the tree protection condition. However, to protect the living conditions of neighbours and highway safety I have imposed a condition requiring the submission and approval of basic construction method details. These need to be approved and implemented prior to commencement so they cover all works. Both prior to commencement conditions have been agreed to in writing by the appellant.
24. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure the use of appropriate materials in the external surfaces of the development and to secure the implementation and maintenance of appropriate hard and soft landscaping. No details of surface water drainage have been provided with this appeal, so I have attached a condition to ensure that an adequate system for the drainage of the site is provided. I have also attached conditions to ensure the provision of adequate parking and cycle storage to, respectively, ensure highway safety and encourage sustainable travel. Biodiversity enhancement has been secured by a condition.

25. The Council also suggested a condition to secure electric vehicle (EV) charging points. The amended Building Regulations, which came into force on 15 June 2022, require the installation of EV charging points for new dwellings. Planning decisions should not duplicate the function of other regulatory bodies or controls. Therefore, as the development would be subject to the amended Building Regulations, it is not necessary to impose a planning condition to secure EV charging points.

Conclusion

26. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following list of approved drawings and documents: Location Plan ref 0001 rev A; Existing sit and floor plans 0002 rev A; Existing elevations 0003; Proposed block plan 0004 rev A; Proposed site plan 0005 rev A; proposed plans and elevations 0006; and the Arboricultural Impact Assessment by SMW Tree Consultancy Ltd dated 7 Dec 2020, including appendices.
- 3) No development shall take place, including site clearance and any other preparatory works, until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. It shall include details of:
 - The specialist engineered foundations to be used in root protection area;
 - An arboricultural watching brief in accordance with a written scheme of site monitoring;
 - Details of protective fencing; and
 - Details of how the storage of materials or machinery, parking of vehicles, and fires will be controlled.

The development shall be carried out in full accordance with the approved details. All tree protection measures shall be implemented prior to commencement of, and retained for the duration of, the construction works.

- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details for the duration of the works. It shall include details of:
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding;

- Measures to control the emission of dust and dirt during construction;
 - Practical measures, both physical measures and sensitive working practices, to avoid or reduce impacts during construction.
- 5) Prior to any works above slab level, a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water run-off within the site. The scheme shall be implemented in accordance with the approved details prior to first occupation of the new dwelling and shall be retained thereafter.
- 6) Notwithstanding the approved plans, prior to their use in the development a detailed schedule of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Samples of the materials shall be made available for inspection on request. The development shall be carried out in accordance with the approved materials.
- 7) Notwithstanding the approved plans no soft landscaping works shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved scheme within the first planting season following completion of building operations, or following first occupation of the dwelling hereby approved, whichever occurs first. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or seriously damaged within five years of completion of the approved soft landscaping scheme shall be replaced within the next planting season by others of a similar size and species to that originally approved.
- 8) Notwithstanding the approved plans no hard landscaping works shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development. All hard landscaping works shall be completed in accordance with the approved scheme prior to first occupation of the dwelling hereby approved.
- 9) Prior to first occupation of the dwelling hereby approved, the vehicle parking shall be implemented in accordance with the approved plans. Thereafter the approved vehicle parking shall be kept available at all times.
- 10) Prior to first occupation of the dwelling hereby approved, cycle parking and storage shall be provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.
- 11) Prior to first occupation of the dwelling hereby approved, two bat brick or bat boxes and two bird boxes shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

*****End of Conditions*****