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# Appeal Decision

Site visit made on 31 August 2022

**by M. P. Howell BA (Hons) DipTP MRTPI**

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

**Decision date: 15 November 2022**

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**Appeal Ref: APP/E0345/W/22/3298362**

**The Moorings, Mill Green Boathouse, Mill Green, Caversham, Reading RG4 8EX**

- 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 Ivan Carter against the decision of Reading Borough Council.
  - The application Ref 210544, dated 1 April 2021, was refused by notice dated 7 February 2022.
  - The development proposed is a vehicular access with permeable surface on land south of Mill Green to provide access to The Moorings
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description I have used reflects what was agreed during the time the planning application was with the Council. It provides a precise description of the development to which the appeal relates.
3. There is some dispute over the use of The Moorings. Information has been provided with the appeal to support claims of a commercial use. However, a Certificate of Lawful Development application is currently being considered by the Council but remains undetermined. As the matter of the lawful use has not been decided, and the appellant is proposing to use the access for a leisure use, I determined the appeal on this basis.
4. In order to overcome matters relating to drainage, the appellant has requested that the appeal is determined on the initial set of drawings submitted to the Council on 21st June 2021. The appellant also proposes minor plan revisions to the initial plans, referenced 106 Rev E and 107 Rev E. The changes include a guardrail to one side to overcome highway and pedestrian concerns. The Council have concerns that accepting these plans would evolve the scheme, and the changes have not been the subject of consultation. I have considered these drawings under the principles established by the Courts in *Wheatcroft*<sup>1</sup>.
5. I have had regard to the Council's position, but the initial plans and documents were consulted upon as part of the application process. The guardrail information is new and was not seen by the Council and consultees during the application. However, it would not substantially alter the nature of the development, and it would not be necessary to reconsult neighbours on this change. Furthermore, the drawings were submitted with the appeal submission in a timely manner and the Council had time to consider these changes. I am, therefore, satisfied that no

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<sup>1</sup> *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

party, including the Council who have viewed drawings would be prejudiced by my assessing the scheme with regard to it.

6. In light of this, I have determined the appeal on the basis of the plan reference Nos: 101 Rev A, 102 Rev A, 103 Rev A, 104 Rev A, 105 Rev A, 106 Rev E and 107 Rev E.

### **Main Issues**

7. The main issues are the effect of the proposed development on:

- the character and appearance of the area, including trees.
- the green network.
- road and pedestrian safety
- drainage and flooding.

### **Reasons**

#### *Character and Appearance*

8. The appeal site relates to a pedestrian footpath, known as Mill Green. The footpath is relatively short in length, situated between Piggott's Road and Mill Green. The footpath provides a more secluded walkway by the Thames River as well as pedestrian access to several residential dwellings. It adjoins the front gardens of residential dwellings on one side, and extended gardens and green spaces that border the Thames River on the other. The proximity of the footpath to the river together with the surrounding gardens and trees, results in a tranquil and verdant character and appearance in an otherwise built-up urban area.
9. The appeal site is nearer to the eastern end of the footpath and comprises a banking and ditch adjoining the footpath. It is bordered by mature trees, which are situated within the adjoining boat repair yard. On the other side are dwellings, which front the footpath, and are mostly set back behind gardens with low lying built enclosures with taller trees and hedgerows. The site is undeveloped, and the adjoining trees together with extra width and low-lying scrub on the banking adds value to the tranquil and verdant character and appearance of the area.
10. The proposed vehicular access would extend a single track from Mill Green (the vehicle highway) to the access to the Moorings. The vehicular access would be approximately 70m in length and would vary in width along its length. A lamppost and telegraph pole situated in this site would also need to be removed.
11. I appreciate that the vehicular access has been designed to be lower than the existing footpath and finished with a permeable stone. However, the proposed development would result in the removal of the low-lying scrub and vegetation, and the replacement of the ditch with limestone gravel and stone filled gabions. Although the existing footpath is hard surface, the replacement of the ditch with stone filled gabions and loose gravel would harden the appearance of footpath. This harm would be exacerbated by the prominence and length of the access track, which would extend a good proportion of Mill Green detracting from the tranquil and verdant character and appearance of the site.

12. The application was supported by an Arboricultural Report (AR). Although there were no trees on the appeal site, the boatyard adjacent to the site and the trees within the private gardens would be affected. The AR, which categorises trees based on guidance in British Standards<sup>2</sup>, identifies that the affected trees are mostly Category C trees. The AIA states that the proposal would be within the Root Protection Area (RPA) of G3 (includes 2 No Ash, 2 No Willow, 2 No Hawthorn and a Sycamore), G4 (An ash and Sycamore) H1 (collective of 21 Cypress Trees) and 2 No ash, 2 No Willows and a Hawthorn.
13. In light of the revised plans showing the gabions abutting the footway, a letter has been submitted by David Clarke (Consultant Arboriculturist) as evidence. The letter indicates that the change to the plans would have a potential impact on the rooting area of G3. In particular, the excavation for the proposed development would sever any roots that are present and affect the viability of the trees. However, it is indicated that these trees are of low amenity value and replacement trees would offset the loss of trees within G3.
14. I appreciate that individually the trees are not worthy of protection. However, the trees that could be affected are important in visual amenity terms, not least due to their position, number and prominence within the locality. As a group they have an amenity value that is significant along footway and helps to screen the adjacent commercial boatyard. In this regard, the trees are important as they contribute to the tranquil and verdant character and appearance of the area. For this reason, the impact of the proposed development on the trees identified within G3, and their loss, would be harmful to the tranquil and verdant character and appearance of the area.
15. I note that a condition could require provision of off-site tree planting. However, any replacement trees would be in a different location, and would not offset the harm the proposed development would have on the collective amenity value of the trees within the boatyard.
16. Accordingly, the proposed development would have an adverse impact on the character and appearance of area, contrary to the requirements of Policies CC7 and EN14 of the Reading Borough Local Plan 2019 (LP). These policies require all development to be of high design quality, which responds positively to their local context and create or reinforces local character and distinctiveness. Furthermore, groups of trees will be protected from damage or removal where they are of importance.
17. The Council has also cited Policy EN13 of the LP, which seeks to protect the Thames River as major landscape feature by safeguarding it from development that would detract from its character and appearance. I acknowledge that the appeal site adjoins the Thames River, and regard must be had to aims of Policy EN13 of the LP. However, at this section the footpath does not provide outward views of the Thames River, and the access track along with any impacts upon trees would be localised to the footpath. As such, the proposed development would not detract from the character and appearance of the Thames River as a major landscape feature, complying with the aims of Policy EN13 of the LP.

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<sup>2</sup> BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations

### *Green Network*

18. The appeal site, along with the remainder of Mill Green forms part of an allocated green link identified in the Reading Borough Local Plan 2019. Although it is not a site with an identified biodiversity interest, it is a site that has potential for biodiversity value, which stitches the green network together.
19. An 'Ecological Appraisal' dated 28 May 2021 (EA) was submitted with the appeal. It is indicated that the site represents a location that has habitat features, which are suitable for use by protected species. However, initial survey found no protected species or evidence of protected species on the site. The EA also includes recommendations for mitigation and enhancement at the site, including measures to limit any lighting to avoid impact on any trees with potential bat roosts, as well as proposing bird, bat and insect boxes as enhancements.
20. Although I have had regard to the appellants position and the information contained with the EA, the proposed development would be located on land identified as an existing green link. Criterion a of Policy EN12 of the LP specifically states that the identified green network shall be maintained, protected, consolidated, extended and enhanced. Permission will not be granted for development that fragments the overall network.
21. By proposing an access track, which includes the removal of the low-level scrub and vegetation and trees, the proposed development would fail to maintain, protect, consolidate, extend or enhance the existing green link. It would also lead to a fragmentation of the green network. Accordingly, the proposed development would have an unacceptable impact on the green network. As such, the proposed development would be contrary to Policy ENV12 of the LP.

### *Road and Pedestrian Safety*

22. As indicated, the appellant has clearly set out that the vehicular access is being proposed in association with the appellant's leisure use. I have considered the traffic movements on this basis.
23. I have had regard to the appellant's position, however, the scope of what can be concluded from the evidence before me is limited. I accept the traffic numbers for the use could be low, and vehicle conflict with the adjoining boatyard could be mitigated through conditions ensuring visibility can be achieved. However, the 'general arrangement plan' as well as vehicle tracking information set out the Technical Note on Highways and Transport Matters, does not include the siting, width and length of the gabions proposed along the boundary with the boat yard. Consequently, based on the evidence before me, it is not possible to ascertain whether the proposed development could achieve a minimum 2.75m width along its length, in accordance with advice and guidance set out in Manual for Streets (MFS).
24. With the above in mind, the proposed development fails to demonstrate that the access track would be a sufficient width to allow a private car to access the Moorings safely, as well as manoeuvre into and out in a forward gear. Furthermore, a narrow road width, below 2.75m, could result in a conflict between vehicles and pedestrian or cyclists utilising Mill Green, thereby resulting in an increased risk of incidents to the detriment of road and pedestrian safety.
25. Accordingly, based on the limited evidence before me, I consider the proposed access track could have an adverse impact on road and pedestrian safety along

Mill Green. Therefore, the proposal would fail to comply with Policy TR3 of the Reading Borough Local Plan 2019, which requires proposals to not be detrimental to the safety of users of the transport network, including pedestrians and cyclists.

### *Drainage and Flooding*

26. Policy EN18 of the Reading Local Plan 2019 sets out where development in areas at risk of flooding is necessary, it should not reduce the capacity of the floodplain to store floodwater, impede the flow of floodwater or in any way increase the risks to life and property arising from flooding. Wherever possible, development should be designed to reduce flood risk both on and off the site.
27. The application site is within Flood Zone 3b, and the Environment Agency (EA) has set out that the development should be considered as 'water compatible' development. This means that the proposed access to the Moorings would be an acceptable form of development in principle, providing that there is no net loss of floodplain storage, and that water flows are not impeded or that it causes an increase in flood risk elsewhere.
28. The amended section plan, reference 106 Rev E – Proposed Section does not alter the position of the gabions or the level of the proposed access track. Consequently, in my judgement, the details set out in the Planning Application and Flood Risk Assessment and the Flood Risk Addendum report 2021 can be relied upon in this instance. The Environment Agency has stated that provided the proposed development is carried out in line with the measures set out in the Section 4 of the Document entitled: Planning Application and Flood Risk Assessment, DLA Planning, April 2021) and the Flood Risk Addendum report 2021, then they have no objection on the grounds of fluvial flood risk.
29. Accordingly, subject to conditions, the proposed development would not have an adverse impact upon flooding and drainage at the site or surrounding area, in compliance with the requirements of Policy EN18 of the LP. This policy seeks to ensure development would not reduce the capacity of the floodplain to store floodwater, impede the flow of floodwater, or in any way increase the risks to life and property arising from flooding.

### **Conclusion**

30. The proposed development would conflict with the development plan and there are no material considerations of sufficient weight that would indicate a decision other than in accordance with it. The appeal should, therefore, be dismissed.

*M. P. Howell*

INSPECTOR