



Appeal Decision

Site visit made on 25 October 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/W0340/W/22/3294504

61 Russell Road, Newbury RG14 5JX

- 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 Stuart Bartlett of Bartlett Property Development against the decision of West Berkshire District Council.
 - The application Ref 21/002424/FULD, dated 21 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is demolition of existing dwelling and erection of four dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The living conditions of future occupiers of the proposed dwellings in respect of external space;
 - The effect of the proposal on car parking and highway safety; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. To provide adequate living conditions for future occupiers, the West Berkshire Quality Design Supplementary Planning Document, adopted 2006 (SPD) advises that dwellings with three or more bedrooms, such as those proposed here, should have a minimum size of 100sqm. It is undisputed that for each of the dwellings the proposed rear gardens are smaller than this minimum size.
4. The 100sqm figure is a suggested guideline in the SPD, which makes clear that it is the quality of the outdoor space that matters most. The SPD advises that space needs to be large enough to accommodate a garden shed, washing lines and other domestic features and to allow for comfort, privacy and children's play. The proposal includes some outdoor space including cycle storage buildings and refuse storage. The SPD also recognises the need for flexibility, to accommodate density requirements and make the best use of land.
5. However, the proposed gardens would fall substantially short of the SPD's standard, including plots 1 to 3 where less than a third of the space sought by

the guideline would be provided. Thus, the proposal would not provide enough space for the uses described above to be undertaken practically or be of sufficient quality. As such, this limited provision would not achieve adequate design quality.

6. The National Planning Policy Framework (the Framework) requires that future users should have a high standard of amenity. Also, the coronavirus pandemic highlighted the need for adequate private outdoor space and its importance for health and wellbeing. Such small private outdoor amenity space as proposed would conflict with these aims.
7. The appeal site is within convenient walking distance of allotments, and Northcroft Park which is a substantial public park with safe and accessible play space. However, these public spaces would not provide space of equivalent convenience, privacy and utility to that typically found within a rear garden, suitable for example for clothes drying or secure storage of garden furniture. Nor would public facilities provide the more private type of outdoor space sought by the SPD. Therefore, whilst public areas may complement private open space provision, they would not be a suitable substitute for the private outdoor amenity spaces required in this case.
8. In the appeal at 50B Bartholomew Street, Newbury¹, the Inspector found that amenity spaces much smaller than those proposed here were acceptable. This was because of the size of the dwellings, the general character of the area and their proximity to the town centre. However, these were for smaller townhouses, less likely to be used for family accommodation and so requiring less outdoor space. Moreover, in contrast to the proposal, the townhouses were within the town centre with its greater facilities. Given the different circumstances of the current appeal, I give this appeal decision only limited weight.
9. I have also been referred to the relatively recent developments forming Butson Close and Lipscombe Close nearby. I saw these on my visit but have few details of their planning background. I have no substantive evidence before me that the size of the dwellings or their gardens are comparable to the current appeal proposal, or of the planning policy context that led to their development. As such, I can give these developments very little weight in reaching my decision.
10. I therefore conclude that the proposal would fail to provide adequate living conditions for future occupiers of the proposed dwellings in terms of external space. As such, the proposal would be contrary to Policy CS14 of the West Berkshire Core Strategy 2006-2026, adopted July 2012 (WBCS), which requires among other things that development is high quality and makes a positive contribution to quality of life locally. For the reasons given above, the proposal would also conflict with the SPD and the Framework.

Parking and Highway Safety

11. Russell Road and its immediate surroundings consist of dwellings at a relatively high density, many without off-street car parking, although there are private parking areas behind and opposite the appeal site, on Dyson Close. Parking on some sections of local roads is controlled through a parking permit scheme,

¹ APP/W0340/W/20/326493

- including restrictions on when non-permit holders can park, as well as by double-yellow lines. Other sections of local roads have no such restrictions.
12. The site is located within Zone 2 under Policy P1 of the Housing Site Allocations DPD 2006-2026 (HSAD), adopted May 2017. This requires that three-bedroom houses have a minimum of 2.5 parking spaces within their curtilage. The proposal would provide only 2 spaces per dwelling, resulting in a shortfall of 0.5 spaces per dwelling.
 13. The Government's Manual for Streets advises that visitors' spaces can sometimes be omitted or reduced. However, I have no substantive evidence to support the suggestion by the appellant that this shortfall relates specifically to visitor parking. Furthermore, I have little reason to believe that most visits to the proposed development would not occur during evenings and weekends. This is when residents are more likely to be at home and also when adjoining streets are likely to be under more parking pressure. As such, in my view the shortfall forms part of the overall identified need.
 14. HSAD Policy P1 envisages exceptional cases where parking not in accordance with its standard may still be acceptable. The appeal site is within reasonable walking distance of the town centre with its facilities, for future occupiers of the proposed development. It is also close to bus stops on Craven Road and an on-street hire car facility. As such, there would be realistic alternatives to private car use for residents of the proposed development and their visitors. Census data shows that average car ownership locally is below 2 cars per house.
 15. However, car ownership data and accessibility to services and facilities were taken into account in determining the parking zone boundaries. That the site is close to the Zone 1 boundary or that parking needs will vary within each Zone (such as the example referred to me at Pond Close) does not negate their validity. I have no reason to believe that sites close to the zonal boundary, as here, are exceptional.
 16. Furthermore, notwithstanding the site's location, average car ownership levels and alternative parking facilities, the parking survey submitted by the appellant found that for most of its period only a relatively small number of free parking spaces were available within the survey area at most times. This accords with my observations during my weekday morning site visit.
 17. In addition, the survey found that on Thursday evenings demand for spaces exceeded supply. Albeit that the survey and my visit represent a snapshot in time, it is common ground that parking stress in the immediate vicinity of the site is high, a view I share. Whilst there are public car parks around 10 minutes' walk away, these are chargeable including during evenings and weekends, discouraging their use by residents on a regular basis.
 18. Within the context of the relatively high level of parking stress locally, the proposal would result in a greater likelihood of indiscriminate car parking on footways, as future residents seek to park close to their home. I observed that pavement parking was already taking place in the locality and, given the proposal's shortfall in the number of parking spaces compared to the Council's standard, the proposed development is likely to exacerbate this. This would risk highway safety because pedestrians may then have to walk in the road, resulting in potential conflict with vehicles.

19. I therefore conclude that the proposal would unacceptably harmfully impact on car parking and highway safety. As such, it would fail to comply with Policy P1 of the HSAD. It would also conflict with the Framework's advice at paragraph 111, that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Character and Appearance

20. This part of Russell Road consists of relatively dense housing that consists primarily of rows of terraced dwellings, positioned tight to the pavement. That said, exceptions to this include the nearby modern apartment block at Russell Court, which has a design that emulates the appearance of the terraces but is taller than them and set back from the pavement.
21. Viewed from Russell Road and Dysons Close, the gardens and parking areas would be largely screened by the proposed housing itself or by landscaping. The proposal has a driveway and parking area in a similar position to the existing arrangement, and there are larger areas of parking and hardstanding nearby including on Dysons Close. As such, the proposed layout would not be particularly contrived in respect of its visual appearance. Together, these factors would help the proposal to assimilate visually into its setting.
22. The proposal would replace an existing bungalow which, because of its lower height and low-density form, is somewhat out-of-place with its surroundings. The proposal would be taller than the terraces immediately adjacent to it but would have a similar height to Russell Court and so would not appear excessively tall. The proposal also takes design influences from the existing street scene by being sited close to the pavement. For these reasons, visually and spatially it would moderately enhance the appearance of the street scene.
23. As such, the design and layout of the proposal, and its number of dwellings would reflect the dense and somewhat varied character of the street scene surrounding it. As such, the proposed development would not appear noticeably cramped or overdeveloped.
24. Therefore, I conclude that the proposal would fit in acceptably with the character and appearance of the area. As such, it would comply with WBCS Policies ADPP1, CS14 and CS19, which together require that new development respects and enhances the character and appearance of its surroundings and is appropriate in terms of its location, scale and design. It would also comply with the similar requirements of the SPD and the Framework.

Planning Balance and Conclusion

25. The proposal would contribute to local housing supply in the form of four new dwellings in place of the existing dwelling, with associated socio-economic benefits during and after construction. Also, it would moderately enhance the character and appearance of the area. However, the benefits would be limited by the scale of development and would not outweigh the totality of identified harm to the living conditions of future occupiers of the proposed dwellings, and car parking and highway safety.

26. Therefore, the proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

O Marigold

INSPECTOR