



Appeal Decision

Site visit made on 8 November 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/R0335/W/22/3294767

329 Yorktown Road, College Town, Sandhurst, Berkshire GU47 0QA

- 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 Mrs Saroja Sundaramurthy against the decision of Bracknell Forest Council.
 - The application Ref 20/00716/FUL, dated 20 August 2020, was refused by notice dated 29 September 2021.
 - The development proposed is the erection of 2 no. 3 bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal concerned a lack of mitigation towards any impact of the development on the Thames Basin Heaths Special Protection Area (SPA). However, subject to securing appropriate mitigation in the form of payments towards the provision of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM), the Council has confirmed that this issue would be adequately addressed. The appellant has submitted a planning obligation as part of this appeal to secure these payments, which would therefore conceivably overcome this reason for refusal. Nonetheless, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) to determine any impact of the proposal on the integrity of the SPA, is not required. I have therefore not addressed this matter further.

Main Issues

3. In this context, the main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, as well as those of the future occupiers of the new dwellings.

Reasons

Character and Appearance

4. The appeal site is located on the northern side of Yorktown Road, between the junctions of Branksome Hill Road and College Road. The site is broadly triangular in shape, and has a narrow frontage on to Yorktown Road, which

widens out as it extends rearwards. Whilst there are commercial premises nearby, the area is predominantly residential in nature, and is made up of a variety of house types, including detached, semi-detached and terraced dwellings. Whilst there are discrete examples of backland development in the vicinity of the appeal site, they are not sufficiently prevalent to be characteristic of the area.

5. The proposed development would subdivide the plot to no. 329, and would introduce two new dwellings within its rear garden. The new dwellings would be accessed via a shared driveway, which would run alongside no. 329.
6. Plots sizes along Yorktown Road, specifically between the junctions of Branksome Hill Road and College Road, vary between approximately 230m² and 686m². Notwithstanding this degree of variance, the development would lead to plots of between 160m² and 180m², which would be more than 20% smaller than the smallest plot currently found in the street scene. The scale of the new dwellings would therefore fail to reflect the scale of their closest neighbouring properties. In turn, both the new and existing dwellings would appear overly cramped and constrained within their wider context, which would be to the detriment of the prevailing character of the area.
7. Section 3.6 of the Council's Design Supplementary Planning Document (2017) (Design SPD) says that "*all backland development should be subordinate i.e. it should occupy a minor proportion of the block in which it is sited*". In this instance, the combined plot size of the two new dwellings would far exceed the retained plot for no. 329. In turn, the new dwellings would dominate the existing property, and could not therefore be described as subordinate. The Design SPD also says that backland development should not face the rear boundaries of other properties, as would be the case here. The proposal would therefore contravene several aspects of the Design SPD's guiding principles for backland development, which would result in an uncomfortable relationship between the new dwellings and surrounding built form.
8. As mentioned, there are examples of backland development near to the appeal property. However, the backland development to the north of the site fronts on to Davis Gardens, as opposed to facing the rear of other houses, which means it is able to integrate more effectively with its surroundings. Whilst there is backland development to the rear of no. 2 Branksome Hill Road, this example alone would not be sufficient to establish a trend for backland development which would justify the proposal and the associated harm.
9. On account of these factors, I consider that the development would harm the character and appearance of the area. It would conflict with Policy CS7 of the Council's Core Strategy Development Plan Document (2008) (Core Strategy) and saved Policy EN20 of the Bracknell Forest Borough Local Plan (2002) (Local Plan). These policies seek to ensure new development respects local patterns of development, through design which is appropriate in scale, mass, layout and siting. The development would also contravene several guiding principles for backland development set out in the Design SPD, as well as the overarching design objectives of the National Planning Policy Framework (2021) (Framework).

Living Conditions

10. Whilst the size of the gardens to serve the two new dwellings and the existing dwelling would be limited, they would be sufficient to accommodate activities such as playing, drying clothes, cycle, waste and recycling storage. In this regard, the outdoor space to serve the dwellings would meet the minimum requirements set out in the Design SPD. The gardens would also be comparable in size with a number of other properties in the area, which means their size would not be wholly unique. On account of these factors, I consider that the outdoor amenity space to serve the dwellings would be adequate.
11. The addition of two new dwellings would invariably lead to a small increase in the number of vehicle movements along the existing access driveway. However, the driveway already provides access to the garages for nos. 329, 331 and 333 Yorktown Road, which means domestic vehicle movements between nos. 329 and 331 are already commonplace. In turn, the incremental increase in vehicle movements arising from the two new dwellings would be unlikely to make a meaningful difference to the enjoyment of these neighbouring properties.
12. On this basis, I am satisfied that the proposed development would not cause undue harm to the living conditions of future occupiers of the new dwellings, nor those of existing or neighbouring occupiers. In this regard, the proposal would be consistent with saved Policy EN20 of the Local Plan, which seeks to ensure new residential development protects the amenity of neighbouring properties, and provides adequate levels of private amenity space. The development would also broadly align with the amenity principles set out in the Design SPD and the Framework.

Other Matters

13. The Council cannot demonstrate a five-year supply of deliverable housing, which means its policies relating to delivery of housing are out of date. This means paragraph 11(d)(ii) of the Framework (the tilted balance) is engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
14. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment. The content of the Framework therefore reflects the overriding character and appearance principles of the Council's Core Strategy and Local Plan in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies of the Core Strategy and Local Plan should therefore be attributed significant weight in this appeal.
15. The net addition of two dwellings would make a modest, yet welcome contribution to the Council's housing supply. Nonetheless, I do not consider that this benefit would be sufficient to outweigh the harm to character and appearance of the area. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the

presumption in favour of sustainable development does not apply in this instance

Conclusion

16. Whilst I have found in favour of the appellant with regard to living conditions, the development would harm the character and appearance of the area. In turn, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR