



Appeal Decision

Site visit made on 13 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/W0340/W/22/3302807

17 Laytom Rise, Reading, West Berkshire RG31 6FQ

- 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 Zoran Miljus against the decision of West Berkshire District Council.
 - The application Ref 21/02721/FUL, dated 26 October 2021, was refused by notice dated 7 February 2022.
 - The development proposed is the change of use from amenity land to garden land, creation of vehicle access and erection of boundary treatments
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on the character and appearance of the area, including green infrastructure.

Reasons

3. The appeal site is land to the rear of 17, Laytom Rise. The appeal site is a rectangular shaped piece of land, which adjoins 17, Laytom Rise, a private parking area accessed off Warbreck Drive and a large open playing field and park. Typically, the rear gardens on Laytom Rise, adjoining the playing field, are consistently sized and shaped, with a fairly uniform rear boundary line, finished in timber fencing. The existing gardens are also generally appropriate in size, shape and function, commensurate with the size of the property. The appeal site is open to the field and the adjacent parking area and comprises a mature tree and some low-lying bushes and vegetation. The appeal site makes a positive contribution to the open and verdant character and appearance of this area.
4. The proposed development would enclose a parcel of land into the rear garden of 17 Laytom Rise. A 1.8m close boarded fence would be erected along the boundaries with the field and parking area, as well as enclosing the mature tree within the garden or lawn area. The land would be used as extended garden and for a single parking space.
5. Although the garden extension would not be substantial in size, doubling the length would result in a significantly larger garden than the adjoining residents, which extend in an unusual direction and appear excessive when compared to predominate layout and plots sizes on Laytom Rise. Although the proposed materials and height of the fence would be in line with the nearest enclosures, the fact that the garden would be the only one to extend in this manner, would

be uncharacteristic of the surrounding area, at odds with the consistent shape, form and boundary line of the houses backing onto the field from Laytom Rise. The introduction of extended garden and enclosure in this manner would fail to integrate into immediate surroundings, damaging the openness of the appeal site, which is a positive aspect of the character and appearance of the area.

6. The proposed development would also enclose low lying bushes and a mature tree. The playing field, bushes and tree are part of the areas green infrastructure. Although it is proposed to retain the tree, insufficient detail has been provided on how it would be retained, and protected, through the construction period of the proposed development. In addition, the position, size and maturity of tree would mean that it would be located centrally, impacting upon the useable space and overshadowing a proportion of the extended garden. As such, due to the size and position, it is likely that there would be increasing pressure from occupants to cut back, prune or remove the tree to utilise the additional space and reduce overshadowing.
7. Due to the lack of information, and the potential pressure for the tree to be cut back or removed, I am not satisfied that the proposal could be carried out without significant risk to its survival. Although the tree is not protected as part of a preservation order, it does form part of a line of trees along the back boundary of Laytom Rise. As a group they have an amenity value that is significant to the area. In this regard, the tree contributes positively to the area, and its loss would be harmful to the verdant character and appearance of the area.
8. Accordingly, the proposed development would have an unacceptable impact on the character and appearance of the area, including green infrastructure. The proposed development would be contrary to Policies CS14, CS18, CS19 of the West Berkshire Core Strategy 2012 (Core Strategy) and the West Berkshire Quality Design Supplementary Planning Document (SPD). These policies, and guidance, seek to ensure that new development is a high quality and sustainable design that respects and enhances the character and appearance of the area, including the protection and enhancement of existing green infrastructure.
9. The proposal would also be contrary to the policies of National Planning Policy Framework (the Framework), where it seeks to secure high quality design that reflects the character of the area and protects allocated green space.

Other Matters

10. The appellant indicates that the appeal site is overgrown, and the fence would improve the appearance of the area and reduce anti-social behaviour. However, from what I saw on my site visit, the land appeared to be maintained and positively contributes to the character and appearance of the area. Furthermore, there is little evidence on how the proposal would reduce anti-social behaviour. As such, these matters do not outweigh the harm identified above.
11. The appellant has drawn my attention to other garden extensions in the area, as well as fence enclosures of a similar size and scale on the perimeter of the playing field. Although I acknowledge that timber fences are commonplace in the locality, from what I saw, the garden spaces on the perimeter are all fairly uniform and they do not extend into the playing field in the same manner. Furthermore, while other garden extensions may have been permitted in the area, I have not been provided with the detail of this permission. In any event, it would have been in a

different location where the impact on the site and its immediate surroundings would have been different. As such, the examples highlighted are not comparable and I have considered the appeal proposal before me on its own merits.

12. Although I have had regard to the information concerning ownership of the land, this would be civil matter between land owners and does not affect my overall conclusions on the main issue.

Conclusion

13. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR