



Appeal Decision

Site visit made on 20 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2022

Appeal Ref: APP/X0360/W/22/3292689

Land at the rear of 1 and 1A Milestone Crescent, Charvil, Berkshire RG10 9RG

- 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 Shanaz Shah against the decision of Wokingham Borough Council.
 - The application Ref 212029, dated 5 June 2021, was refused by notice dated 16 August 2021.
 - The development proposed is erection of 3 bedroom detached house with associated parking, refuse and recycling bins and bike shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The statement of case submitted by the appellant initially contained a conclusion which did not relate to the appeal site. This was subsequently amended and the amended information considered under this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to amenity space;
 - The effect of the proposed development on the living conditions of the occupants of neighbouring dwellings with regard to privacy and outlook; and
 - Whether the proposed development would provide suitable biodiversity net gain.

Reasons

Character and appearance

4. The site consists of a plot of land to the rear of 1A and 1 Milestone Crescent which is authorised for use as a garden. Milestone Crescent consists of semi-detached dwellings, with 1A being a more recent addition of a detached dwelling, on the corner with Milestone Avenue. Although the site address is given as Milestone Crescent, the dwelling would front onto and primarily be

read within the context of Milestone Avenue. Milestone Avenue marks the edge of the settlement, with development on only one side of the road, with land designated as open countryside directly adjoining the undeveloped side of the road. Milestone Avenue is characterised by large, detached dwellings within generous plots, set well back from the road. The generous set back, mature vegetation in front gardens, and development on only one side of the road, gives Milestone Avenue a pleasant open and semi-rural character which provides a visual transition between settlement and open countryside.

5. The proposed dwelling would be a modest size, in a modest plot, set relatively close to the road. The front elevation would have a similar set back from Milestone Avenue to the side elevation of 1A Milestone Crescent. Despite this, the proposed front elevation, and even the proposed rear elevation, would be further forward than the frontage of the houses along the rest of Milestone Avenue. The scale of the proposed dwelling in relation to its plot mean that the proportion of built form to garden space would be significantly greater than elsewhere along Milestone Avenue, or even Milestone Crescent. The location of the dwelling close to the road would disrupt the established building line and grain of development along Milestone Avenue and close down the established sense of openness. This would result in a development with a cramped appearance at odds with and detrimental to the spacious and open character of the area. Furthermore, it would urbanise the site leading to a more stark contrast between the built up area and the open countryside opposite the site.
6. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. Consequently, the development would not comply with Policies CP1 and CP3 of the Wokingham Borough Core Strategy (2010) (CS) which seek to ensure that development is well designed, maintains the high quality of the environment and is of an appropriate scale and layout for the area. In addition, as the site is a residential garden and on the edge of a settlement, it also fails to comply with Policies CC02, TB06 and TB21 of the Wokingham Borough Managing Development Delivery Local Plan (2014) (MDD). Amongst other things, these policies require development to respect the transition between the built up area and the open countryside, make a positive contribution to the character of the area, integrate with the surrounding building line and rhythm of plot frontages, and take into account the character of the adjacent landscape.

Living conditions – Future occupants

7. Policy TB6 of the MDD requires a site to be of adequate size to accommodate the development proposed in terms of the setting and spacing around buildings and amenity space. The Wokingham Borough Council Design Guide Supplementary Planning Document 2012 (SPD) provides guidance on what is considered appropriate garden amenity space and is a material consideration in the determination of this appeal.
8. It is evident from the submitted plans that the proposed garden would be small for the size of the dwelling, with the narrow areas to the rear and one side being, in practical terms, suitable only for storage uses. The rear garden would be around 2.2m in length, which is significantly less than the 11m sought by the SPD. The area to the front would be dominated by parking and bin and bike storage.

9. The main area of usable garden would be to one side of the dwelling and its size would make it difficult to accommodate the range of activities that the occupants of a 3 bedroom dwelling might reasonably expect. In addition, the side garden would lack privacy by being located immediately adjacent to the road. Therefore, both the quality and quantity of garden amenity space would be unacceptable, particularly in an area characterised by generous gardens.
10. I conclude that the proposed development would not provide acceptable living conditions for future occupants, with regard to amenity space. Consequently, the development would not comply with Policies CP3 of the CS and TB06 of the MDD, which together, amongst other things, seek to ensure that development is well designed and provides sufficient amenity space. The proposal also fails to comply with guidance on the provision of good quality amenity space set out in the SPD and the National Planning Policy Framework (the Framework).

Living conditions – Neighbouring occupants – Privacy and outlook

11. The rear elevation of the proposed dwelling would be in close proximity to the boundary with 2 Milestone Crescent. Two large windows are included in the first floor of the rear elevation, looking directly towards the garden space of No 2 at close quarters. These windows are shown on the plans as being obscure glazed, which would limit the impact on neighbouring privacy to some extent. However, the windows are not shown as being fixed and hence direct overlooking would be possible from open windows. One of these windows would serve a bedroom and while it would also be served by another window, I do not consider it good design to need to obscure, and indeed fix, a bedroom window in order to maintain neighbouring privacy.
12. The side elevation of the proposed dwelling would be in close proximity to the rear boundary of 1 and 1A Milestone Crescent. Despite a reasonable distance to the rear elevations, due to the location of the proposed dwelling it would unacceptably dominate the outlook from the rear of Nos 1 and 1A and their gardens. However, due to the separation distance and the location and orientation relative to each other, the proposed dwelling would not have an unacceptable impact on the living conditions of the occupants of the adjacent dwelling on Milestone Avenue.
13. I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of neighbouring dwellings with regard to privacy and outlook. Consequently, the development would not comply with Policy CP3 of the CS which, amongst other things, seeks to ensure that development is well designed and does not result in detriment to the amenities of adjoining land users and occupiers. The proposal also fails to comply with guidance to ensure privacy set out in the SPD and paragraph 130 of the Framework which states that development should ensure a high standard of amenity for existing and future users.

Biodiversity

14. I have been presented with no information to suggest the site has any form of biodiversity designation. Currently, the small area is unmaintained former garden space bounded by fences, with gardens on 3 sides and a road on the other. Given this, despite being on the end of the countryside, I have no evidence to suggest that the site is of any particular biodiversity value. The proposal includes the planting of boundary hedgerow, which could be secured

by condition, as could other appropriate biodiversity enhancement measures. Therefore, suitable biodiversity net gain could be secured if the proposal was otherwise acceptable. Consequently, subject to conditions, the development could comply with Policies CP1 and CP7 of the CS and Policy TB23 of the MDD with regard to biodiversity.

Planning balance

15. The Council has accepted that their deliverable housing land supply is less than five years for current decision-making. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework), policies which are most important for determining the application are considered to be out of date. The proposal does not impact on areas or assets of particular importance, so in accordance with paragraph 11dii, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 11d is also reflected in Policy CC01 of the MDD.
16. The harms I have identified above are significant, multiple and would be long lasting, so I ascribe them substantial weight. The site is in a sustainable location and the general design of the dwelling would be acceptable. However, this is an expectation of any good development so is a neutral element in the overall planning balance. The proposal would also clear up an otherwise neglected site, a benefit which is reflected in some support for the scheme, but this could be achieved without building a dwelling, so is of minimal weight.
17. In terms of public benefits, the provision of a new dwelling would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Notwithstanding this, any construction benefits would be modest and short term and one dwelling would make little difference to the overall supply of housing across the Council area. I can therefore give these benefits only moderate weight.
18. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, the paragraph 11d presumption in favour of sustainable development does not apply. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Conclusion

19. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR