



Appeal Decision

Hearing (Virtual) held on 28 February and 1 March 2023

Site visit made on 3 March 2023

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/X0360/W/22/3308965

101 and 101A Pound Lane, Sonning, Wokingham, RG4 6GG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Aspire LPP against the decision of Wokingham Borough Council.
 - The application Ref 220133, dated 14 January 2022, was refused by notice dated 25 May 2022.
 - The development proposed is Outline application for the proposed erection of a 4 storey 70 Bedroom care home with associated parking and servicing following demolition of the existing 2 No dwellings and outbuildings (Access, scale, Layout and Design to be considered).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters submitted for consideration except for landscaping, which is reserved. Whilst there was significant time discussing landscape features during the Hearing, I am mindful that all related plans are currently in an illustrative form.
3. Prior to the Hearing, the main parties reached agreement that the appeal development would not cause harm to bat species, subject to appropriate licensing. Therefore, part of the fifth reason for refusal was no longer being contested, albeit outstanding concerns remain regarding the natural environment in general. I have taken this into account in my decision.
4. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (S106) is submitted with the appeal. I shall return to this later in my decision.

Main Issues

5. The main issues for the appeal are the effect of the development upon:
 - the character and appearance of the area;
 - climate change objectives;
 - living conditions of neighbouring occupiers at Nos 4 and 5 Sonning Gate, and prospective occupiers of plots 3 and 4 Sonning Golf Course;

- assets of the natural environment, including landscape and biodiversity features;
- social infrastructure; and
- the need for the development.

Reasons

Character and appearance

6. The appeal site sits on the eastern side of Pound Lane adjacent to the Sonning Golf Club. The frontage of the site, much like the immediately surrounding streets, is lined with mature trees and hedgerows, giving a distinctively green and landscaped character to the vicinity. Dwellings, typically two-storey in height, are partially obscured from view because of the amount of vegetation, although urban development does have a greater presence along the A4 corridor to the north.
7. On the appeal site are two detached dwellings with generous front and rear gardens. They share a common rhythm with neighbouring development on the eastern side of Pound Lane, forming a recognisable spacious pattern between property and landscape. The height, form and mass of these dwellings are consistent with other nearby properties in Sonning Gate, West Drive and Segrave Court. The appeal site and surroundings fall within the settlement boundary for Sonning and a landscape character area¹, although it has greater affinity with the built environment rather than with the defining characteristics of the wider landscape character area.
8. The proposal is for a four-storey care home to be constructed, with one floor set within a basement. It would be broadly T-shaped, with a proportion of the building extending deep into the rear of the appeal site. The building would have a multitude of design elements ranging from gable projections, hipped roofs, pitched roofs, a variety of dormer windows, bay windows and glazed balconies. The main entrance portion of the building would have the highest roof, with the northern wing having a slightly lowered ridge. An area of hardstanding for parking would be formed across the site frontage.
9. The proposed building, with its expansive facades and proportions, would be wholly uncharacteristic in the immediate context and bears no resemblance to the immediate surrounds on Pound Lane. It would be a significant structure of irrepressible height and mass, dwarfing nearby dwellings in terms of scale and bulk, even though it would be positioned more centrally to the appeal site than the current pair of dwellings. Whilst properties at Sonning Gate provide depth of development away from Pound Lane, the depth of the proposal would be delivered as a single continuous solid block, failing to respect the spacious nature of the surroundings. The complicated design incorporating various styles and forms would be in stark contrast to the comparatively simple and modest designs of nearby dwellings.
10. I acknowledge the building would be no closer to the highway than the existing dwellings on the appeal site, but plan PL-010 demonstrates that it would be highly prominent in the street scene despite the boundary vegetation. The planned loss of two large frontage trees from the frontage, not shown on the

¹ Wokingham Landscape Character Area J4: Woodley-Earley Settled and Farmed Clay

3D visuals of the scheme², would open up a gap through which the development would appear prominent and dominating. The appeal scheme would not be readily seen in the context of any other larger building, making it an incongruous form of development.

11. My attention is drawn to the south of the appeal site whereon there is an extant permission for residential development³ and an outstanding appeal⁴ for a care home. I note that the approved residential development on that land shares the generous spacing and rhythm seen elsewhere in Pound Lane. If that development were to complete, it would reinforce the dominant and alien nature of the proposal's undomestic scale and form. There is nothing before me to suggest that the proposed care home on the land to the south is acceptable in light of its own material considerations, so I give this potential scheme very limited weight.
12. I note other existing and planned developments to the northeast of the appeal site, but these are contained in a different context with no clear intervisibility or connection with Pound Lane. Whilst they fall within the general locality, they do not inform or influence the prevailing character or appearance of development along Pound Lane. There are modern residential interventions along Pound Lane, such as Segrave Close and Sonning Gate, but these are of a domestic scale reasonably replicating the spacing and rhythm of the locality, which clearly the appeal development does not.
13. For these reasons, I consider the proposal represents an intrusive and unduly assertive form of development that is out of character with the locality in terms of height, bulk, scale, mass and proportions. This would be contrary to policies CP1 and CP3 of the adopted Wokingham Borough Core Strategy 2010 (CS) and policies CC03, TB06 and TB21 of the adopted Wokingham Managing Development Delivery Local Plan 2014 (MDD), which seek to secure high quality design respectful of local character and landscape.

Climate Change Objectives

14. Policy CP1 of the CS seeks development that minimises carbon emissions. The National Planning Policy Framework (the Framework) suggests new development should be planned for in ways that can help to reduce greenhouse gas emissions.
15. The main parties agree that construction, as a process, would generate a degree of emissions. The issue in this case arises from the proposed large basement and accompanying sunken garden area, which the Council state would release an unnecessary quantity of emissions to the detriment of the environment through vehicles transporting the spoil to a disposal site.
16. The main parties disagreed on the volume of earth to be excavated, ranging from 4,301 to 4,700 cubic metres, with the appellant citing the lower figure based upon technical contractor knowledge and experience. On the basis of the lower figure, this would generate a total of 574 trips and thus 25.5 tonnes of emissions above those emissions typically expected to arise from the construction process.

² Appendix DB28 to Douglas Bond's Statement

³ Application reference 161529

⁴ APP/X0360/W/3313232

17. I acknowledge that the overall carbon product of the basement construction would be an extremely low percentage of the legislated fourth carbon budget, but this must be taken in context of a wider climate emergency⁵. Opportunities should be taken to lower emissions from all development in accordance with local and national policies. In this case the appellant confirmed that no specific mitigation was built into the construction process to reduce emissions, with all excavated material destined for off-site landfill rather than being reused in the landscaping proposals.
18. Although the Applicant verbally identified a quarry nearby as a potential disposal site for the excavated material, thus reducing the length of journey for the 574 vehicle trips, I have nothing before me to confirm this mitigation is secured. From my site visit, the appeal site was relatively flat, and it was clear that the basement would be a significant undertaking and engineering operation. The total of 574 trips would be a substantial number of vehicular movements solely related to this part of the construction process. Taking a precautionary approach based on the predictions presented in evidence, I consider that carbon emissions would be unnecessarily released from the development without mitigation. The fact that the proposal would be constructed conscientiously and with energy saving features is expected in any event and would not count towards mitigating the construction effects.
19. For this reason, I find the proposal would generate excessive greenhouse gas emissions. This would be contrary to policy CP1 of the CS, which requires proposals to minimise carbon emissions through giving careful consideration to all aspects of development form.

Living conditions

20. Nos 4 and 5 Sonning Gate are two storey dwellings orientated with their principal windows facing northeast/southwest, parallel to the boundary shared with the appeal site. The respective gardens abut, adjoin and run adjacent to the boundary of the appeal site. From my site visit, I noted the shared boundary was densely landscaped with both evergreen and deciduous trees. I was however able to get glimpses of the roofs of both Nos 4 and 5 from the appeal site, as well as sight of the windows in the flank elevation of No.5.
21. The southern appeal site boundary is much more open, with a far more loose-knit pattern of planting. Beyond that boundary would be the rear gardens of plots 3 and 4 of the extant residential planning permission at Sonning Golf Club. I was able to stand on the appeal site and clearly watch the golfers across a wide expanse of the golf course, demonstrating very high intervisibility at present.
22. The proposal would introduce three levels of windows above ground facing towards the flank boundaries of the appeal site. In addition, gable projections would be incorporated on the side elevations of the proposed building containing balconies for rooms at all levels. The rear wing of the proposed building would be set a modest distance away from the side boundaries and, although landscaping is a reserved matter, the appellant commits to bolster boundary planting.

⁵ Wokingham Climate Change Interim Policy Position Statement December 2022

23. The Council conceded that, with regards to the existing dwellings at Sonning Gate, issues of outlook and overlooking would not be experienced straight away because of the existing landscaping along the boundary. In the future, the Council anticipate the landscaping would be removed either through death, disease, age or other pressure, which would then result in adverse impacts on outlook and privacy. It was clarified at the Hearing that these impacts would be on the private garden areas only, rather than direct effects on habitable rooms. It was also confirmed that the separation distances recommended to avoid loss of privacy to habitable rooms, set out in the Borough Design Guide, did not cover any situation other than a back-to-back relationship.
24. From my site visit, the existing landscaping on the boundary with Sonning Gate properties appeared a reasonable buffer, although some of the evergreen tree canopy appeared brown and in poor condition. This was described at the Hearing as the trees suffering from "heat stress" following the 2022 summer heatwaves, but certainly indicated the fragility of this boundary as a screening feature. If these trees were to fail, then occupiers of No.4 and No.5 Sonning Gate would not be able to have private enjoyment of their gardens because of the proposed proliferation of upper-storey windows facing them.
25. The same principles apply to the southern boundary where, at present, there are already significant gaps in the tree coverage. I acknowledge that plots 3 and 4 Sonning Golf Club do not yet exist, but the main parties reported commencement of that development verbally at the Hearing, giving rise to a reasonable expectation that it would be completed in due course. The gardens of those dwellings would therefore be in full view of the upper floor windows across the whole flank elevation of the proposal.
26. It would take considerable time for any proposed landscaping measures to fill the gaps on the southern boundary, or to provide a secondary line of screening behind the evergreen trees on the northern boundary. I agree with the Council that the effects of overlooking to the northern side would not be immediate. I cannot however find the same for the southern boundary where future occupiers of plots 3 and 4 would experience a loss of privacy in the short to mid-term.
27. I accept that future residents of the care home would not necessarily be mobile or active enough to be standing at their windows for long periods. The proposal to affix 1.5-metre-high screens around the balconies would account for some reduction in the overlooking potential of the development. However, prospective care home residents would still expect to enjoy views from their windows and balconies. If confined to their rooms because of frailty and health, they are likely to value those views and private outside areas even more. There is no guarantee that any future resident would not be able to stand at a balcony and look over the privacy screen. Thus, the potential for overlooking remains and, from the point of view of neighbouring occupiers, this would be harmful to the quiet private enjoyment of their respective properties.
28. In terms of outlook, the proposed building would be a large feature within views from within the garden areas of both existing and adjacent properties. I note however that, even if all landscaping were to fail, the gardens of neighbouring occupiers are modest and multi-aspect. This fact, coupled with the orientation of the respective neighbouring properties, would mean views to

the proposed care home would be partial in an overall vista. I do not therefore consider the proposal would cause a significant loss of outlook.

29. With regards to noise, I do not agree with the Council's position that the appeal site has high levels of tranquillity. Throughout my site visit, whilst the trees on site provided visual relief from an urban environment, the presence of vehicle noise was constant from the A4 corridor. This in itself did not prove a significant disturbance, but it was noticeable and detracts from any perception of tranquillity. Noise was also generated from the users of the golf course.
30. The proposed care home would be a noise sensitive receptor in its own right as opposed to being a generating source. Outdoor activity in the grounds of the care home, characterised by conversation in the majority, would not give rise to such significant levels of noise as to disturb the quiet enjoyment of neighbouring occupiers in my view.
31. Deliveries, service vehicles and staff movements, with the latter being dictated by shift patterns of carers, would predominantly take place during the daytime rather than at unsociable hours. The appellant was willing to accept a condition in this regard and I consider that alone would restrict the potential for evening noise, noting of course that medical vehicles would be the unfortunate and unavoidable exception. Such activities would take place at the frontage of the building in any event, so would not be readily disruptive to neighbouring gardens.
32. In conclusion, I consider the living conditions of neighbouring occupiers would be adversely impacted by a loss of privacy only, resulting from the proposed development. This would be contrary to policies CP1 and CP3 of the CS, which together seek a high quality of design without detriment of the amenities of adjoining land users including open spaces or occupiers and their quality of life.

Assets of the natural environment

33. The appeal site is largely undeveloped with a predominance of landscaping on all boundaries, individual specimen trees within the lawned garden areas and a cluster of tall trees to the northeast. A significant strip of hedge separates the rear gardens of 101 and 101A Pound Lane at present. Whilst all the trees and hedgerows are within the context of private gardens, they nonetheless contribute significantly to the interface of urban and countryside environments.
34. The proposed development would see the central part of the appeal site cleared of its vegetation for the construction of the T-shaped care home. The care home would have significant depth and would be accompanied by a sunken garden, with a number of paths and other man-made features in the remaining grounds. To the site frontage, the existing driveways would be expanded to enable a large hard-surfaced car park to be provided, some 191 square metres more than what currently exists on the appeal site.
35. The frontage of 101A contains two large trees, identified as T27 and T28, that are important contributors to the green corridor approach into Sonning along Pound Lane. The trees are proposed to be removed on grounds of their condition, although there is dispute that T27 is only showing dieback symptoms as opposed to dying, and there is also dispute as to whether T28 is a notable or veteran tree.

36. On my visit, T27 was not showing signs of new foliage or growth. On the basis of the assessment in the appellant's arboricultural survey, I do not consider the tree could make a contribution to the appeal site in the long-term. It, just like T28, is likely to have had its health affected by the brick piers erected at the entrance into 101A. Its loss, whilst regrettable for the contribution it makes to the street scene, would be inevitable in my view with or without the appeal development.
37. Regarding T28, I note there to be a number of different definitions as to what constitutes a veteran tree with both the Framework and the Biodiversity Net Gain Metric 3.0 (the Metric) being cited. Crucially though, upon questioning, the Council did not submit any objection to the appeal on the basis of an irreplaceable habitat being lost under paragraph 180(c) of the Framework. I therefore take the approach that the tree does not qualify as a veteran.
38. However, the loss of T27 and T28 has to be taken in the context of other losses taking place on the appeal site. I note that a much greater proportion of the appeal site would be covered with hard surfaces and built development than at present, with a significant reduction the amount of green space. There is a significant hedge containing several trees in between 101 and 101A that would be removed for the proposal, with other freestanding trees likely to be lost as well as a pond. These are important landscape and biodiversity assets that would require, particularly in the case of the pond, compensation of equal measure under the terms of the Metric.
39. Landscaping is a reserved matter, though illustrative plans had been submitted suggesting scrub vegetation, wildflower meadows and more tree planting would take place. The appellant's inputs into the Metric calculations were criticised by the Council, though the appellant was keen to stress that the illustrative plans demonstrated that a future reserved matters submission could secure appropriate landscaping and biodiversity net gain.
40. The delivery of biodiversity net gain is not yet mandatory, but this does not necessarily justify substantial losses. The biodiversity potential of any new or replacement landscaping would be constrained because of the high degree of management associated with keeping grounds safe, navigable and presentable for care home residents. The myriad of habitats proposed to be created would be suppressed in my view because of the proposed use, notwithstanding the Council raises serious concerns about the feasibility of such proposals. Whilst there could be some enhancement, I find that there would be a very harmful impact on wildlife that could not be sufficiently mitigated at the reserved matters stage.
41. On this basis, the proposal would adversely harm assets of the natural environment. This would be contrary to policies CP3 and CP7 of the CS as well as CC03, TB21 and TB23 of the MDD. Taken together, these policies seek to preserve the intrinsic character and beauty of the landscape and ensure no detrimental impact upon important ecological or landscape features.

Social Infrastructure

42. The Council have an active policy, TB12 of the MDD, that seeks to address a local skills and knowledge imbalance within the Borough. Developments are required, either through their construction and operation or through financial payments, to contribute to reducing the skills gap.

43. A total of 30-35 jobs would be created through the proposal on a shift rota basis. In addition to this the appellant provided a S106 seeking to secure further benefits towards employment and skills. Under the S106, the appellant would have the choice of whether to adopt an Employment and Skills Plan or make an equivalent financial payment to the Council, to be decided prior to the commencement of the development.
44. When queried at the Hearing, the Council confirmed they were happy for this choice to be written into the agreement. A signed, dated and executed copy of the agreement was submitted on 7 March 2023 in accordance with my timetable. I have reviewed the S106 and can confirm that it meets the required standard and is fit for purpose.
45. For this reason, as clarified by the Council, the final reason for refusal falls away and is not contested. I find that the proposal, with the S106 in place, would meet the requirements of policy TB12 of the MDD.

The need for the development

46. National Planning Practice Guidance identifies that housing for older people is critical⁶. At the Hearing, the Council agreed that there is a requirement for care home facilities in the Borough but this is not an acute need. This is because of a number of factors such as the housing need derived from the forthcoming Local Plan Update, bed vacancies within existing care homes and a number of planning permissions having recently been granted.
47. The Council's local housing needs assessment undertaken in 2019 informs the emerging Local Plan, and states that there is a demand for 949 beds over the plan period of 2018-2036. However, the main parties acknowledge the emerging Local Plan is at a very early stage of preparation, so consequently can only be given very limited weight. It follows logically that the evidence base for that forthcoming Local Plan, until tested and proved robust, can also only be given limited weight. In this context, I find the appellant's case more compelling and reasonable.
48. A variety of reasons for bed vacancies in the existing care home stock were cited, but these vacancies have to be placed in the context of a current post-Covid recovery and a future ageing population. Furthermore, the appellant put forward uncontested evidence on the incomparability of recent planning approvals with the type of development on offer here, that being a care home defined under Use Class C2 of the Town and Country Planning (Use Classes Order) 1987 (as amended). This also discounts the fact that a proportion of those permissions granted by the Council have not yet been commenced. On this basis, there does appear a need for high quality care home accommodation and choice within the Borough that is not yet being met or reconciled through planning policy or decisions.
49. For these reasons, I find that there is a well-reasoned case for the proposed development, and it is needed in with policy CP2 and CP5 of the CS, which require an appropriate housing mix to be delivered to meet the needs of residents and inclusive communities.

⁶ Paragraph 001 Reference ID: 63-001-20190626

Other Matters

The Planning Balance

50. It is common ground between the main parties that the Council cannot demonstrate a robust 5-year housing land supply. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 7 of the Framework. Paragraph 11(d)(ii) of the Framework is therefore engaged.
51. Nonetheless, the Framework does not prescribe the weight that should be given to any conflict with the most important policies, and this is a matter for the decision-maker. Decision-makers are not legally bound to disregard policies of the development plan when applying the tilted balance.
52. The Council argue that despite only having a 3.95-year supply at present, there has been historic over delivery of housing in the Borough, and this should be taken into account. Whilst the efforts of the Council to address their supply deficit are laudable, the fact remains that there is a current shortfall and therefore the strategic housing policies of the Council are out-of-date. However, with the appeal site already within the settlement boundary wherein there is no objection in principle to new development, the importance of housing policies, within the so-called basket of most important policies, is reduced. The most important policies, in my view, direct how development is to be delivered within the settlement and how this is compatible with the surroundings.
53. The appeal scheme provides needed care home provision, an equivalent release of market dwellings⁷ to the open market, employment during both construction and operation, economic activity during its lifetime and a secure healthy living environment. It would achieve this provision within an area deemed accessible by the main parties and within the settlement boundary for Sonning wherein are other services. This is, therefore, a modest package of benefits that weigh in favour of the development taking place.
54. Against this are the harms I have identified in respect of the character and appearance of the area, assets of the natural environment, unnecessary increases in carbon emissions and harm to the living conditions of adjacent occupiers. These harms are framed in the context of conflict with adopted and important local planning policies.
55. In my view, whilst there are clear economic and social benefits arising from the appeal scheme, the development would fail the environmental limb of sustainable development as defined in the Framework. There is no question that the proposal aims to provide high quality healthcare facilities to the benefits of future residents, but this aim has not translated into an appropriate or sustainable development. I apportion significant weight to the harms caused to the environment both from a townscape, landscape and ecology perspective and consider these harms would demonstrably outweigh the benefits accrued to the proposal.
56. The appellant points to a recently permitted 57-bed retirement scheme on land contiguous with the appeal site. Each case must however be determined on its own merits, and I find that the other schemes do not justify an unacceptable

⁷ The appeal statement says 38 or 39, but both parties verbally referred to 37 dwellings at the Hearing.

form of development. Equally, whilst I recognise the findings of other Inspectors in the appeals cited by the appellants, the site-specific circumstances of this appeal require their own individual assessment.

57. Written submissions detail a positive pre-application process, although I do note the Council caveated the acceptability of the proposal with regards to consideration of those matters that are now subject of this appeal. The fact that other planning matters, not forming part of the reasons for refusal, have been agreed as being acceptable is neutral in any planning balance.
58. There was no dispute from the appellant as to the individual consistency of policies CP1 and CP3 of the CS or policies CC03, TB06, TB21 and TB23 of the MDD with the Framework. I therefore consider that they are able to attract full weight and, as per my findings above, the proposal is contrary to these policies. In conclusion, the appeal development causes significant harms and conflicts with policies of the adopted Development Plan as a whole. I find that there are no material considerations to warrant a decision other than in accordance with the Development Plan.

Conclusion

59. For the reasons given above, the appeal is dismissed.

D Wallis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Douglas Bond
Nigel Newton-Taylor
Dominic Farmer
Gary King
Colin Morrison
Mark Mackworth-Praed

FOR THE LOCAL PLANNING AUTHORITY:

Senjuti Manna
Una Haran
Mark Croucher
Duncan Fisher
Ian Church
Jenny Lamprell
Brigette Crafer

INTERESTED PARTIES:

Councillor Michael Firmager