



Appeal Decision

Site visit made on 11 April 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/R0335/W/22/3308960

37 Stoney Road, Bracknell RG42 1YP

- 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 Michael Griggs against the decision of Bracknell Forest Council.
 - The application Ref 21/00792/FUL, dated 9 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is the construction of 2 storey 3 bedroom end of terrace dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent from my visit that works to the appeal property had taken place. A rear dormer and a single storey rear extension had been constructed, and the side extension had been demolished, all being works approved under application reference 21/00428/FUL. Notwithstanding this, I have determined the appeal on the basis of the submitted drawings, rather than what has occurred on site.
3. The Council refused the original application for two reasons. The second reason was concerned with the adverse effect of the proposal on the special features and integrity of the Thames Basin Heaths Special Protection Area (SPA). During the appeal, the appellant submitted a completed S106 Legal Agreement (S106) securing payment for avoidance and mitigation measures to alleviate the harm to the habitat site. The Council has stated that the S106 secures avoidance and mitigation measures for the SPA and that the second reason for refusal is withdrawn. Having regard to the provisions of the S106 and the comments of the Council, the appeal turns on the remaining reason for refusal.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of nearby residents, having particular regard to outlook and privacy.

Reasons

Living Conditions

5. The appeal property is an end of terraced two storey house within a residential area that comprises similar aged and styled houses. A characteristic of the estate is the planned layout and repeated forms of the houses, whether they are semi-detached or terraced. The houses are positioned behind similar sized front gardens, with each terrace comprising repeated house styles. In addition to these characteristics, the houses also have similar sized rear gardens. This, and the presence of areas of open space near to road junctions, gives a spacious and planned cohesive appearance to the estate.
6. The two storey nature of the houses, the areas of public open space and repeated lengths of private gardens is such that there is a consistently spacious separation between the terraces. There is a degree of mutual overlooking occurring from the upper floor windows of the houses near to the appeal property, particularly into the rear gardens.
7. To one side of the existing parking area of 37 Stoney Road (No 37) is a row of protected trees. Particularly when in leaf these trees would form a dense continuous green line, and from my site inspection it was apparent that the crown of one of the trees extends into the appeal site. Given this and that the proposed dwelling would occupy the width of the plot, the rear garden of 2 Honeyhill Road (No 2) would be bounded by tall trees and a tall house to the west and south.
8. The height of the proposed dwelling and its close proximity to the shared boundary would when combined with the presence of the trees create an imposing and restricted outlook for the occupiers of No 2. The proximity of the dwelling to the shared boundary would dominate the outlook of the occupiers of No 2, and would appear conspicuously intrusive when compared to the consistently spacious separation of the nearby houses. The enclosure of the rear garden would be exacerbated by the rear dormer which would harmfully exaggerate the bulk and height of the dwelling. There is an existing evergreen hedge along the rear boundary of No 2, but even if this survived the development works, compared to the height of the house it would do little to ameliorate the impact.
9. Other two storey side extensions have been drawn to my attention by the appellant, including that already permitted for No 37, and others at 35 and 29 Stoney Road, and that at No 2. In each case these extensions have a legible subservience to their hosts, thereby maintaining the character and appearance of the area and also the living conditions of nearby residents. None of the other extensions has a full width, deep rear dormer. Even the dormer permitted on No 37 is set back from the flank wall, and the side extension is away from the side boundary. Given these differences, the cases do not form a binding precedent for allowing the appeal.

10. The appellant has pointed out that the Council has no specific side to rear distance advice in the Design Supplementary Planning Document (2017) (SPD). Nevertheless, in this instance there is a planned and deliberate spaciousness between the houses, and having respect for the local context and existing grain of an area is advised in the SPD. In this case not only would the house be very close to the shared boundary, but it would have a tall, essentially three storey blocky form due to the dormer. Furthermore, the proposed two storey front gable would project beyond the front wall and bays of the host terrace. Taken as a whole, the position of the house, its width, height and bulk, would form an imposing and dominating outlook for the occupiers of No 2. Although there is a gentle slope downhill towards the appeal property, even this difference in height would not ameliorate the tall, bulky form of the proposed dwelling.
11. Of concern to local residents is a loss of privacy and light. The dwelling would extend the line of the existing terrace and given this, nearby properties would not experience a significant additional loss of daylight or sunlight. As regards privacy, there would be a first floor window in the flank wall, but it could be conditioned to be obscure glazed and it would serve a landing, and the overlooking of nearby properties from this window would be limited. The separation between the upper floor windows and the houses at Appletree Place would be such that the distances between them would ameliorate the impact of the direct overlooking that would occur, as with the existing dormer on No 37. The house would be positioned in a perpendicular relationship to those in Honeyhill Road and this positioning would result in some loss of privacy to the occupiers of these properties. However, the rooms closest to the neighbouring properties would be bathrooms, which could be obscured glazed, and from the bedroom windows overlooking would be at an oblique angle, from some distance away, thereby minimising the harm.
12. For these reasons, the dwelling would unacceptably impact upon the living conditions of nearby residents, and the suggested conditions would not mitigate this harm. The proposal would fail to accord with Policy EN20 of the Bracknell Forest Borough Local Plan (2002) (LP), and Policy CS7 of the Bracknell Forest Borough Core Strategy (2008) (CS). These policies seek amongst other things, that development is in sympathy with the appearance and character of the area and local identity, and that it does not adversely affect the amenity of surrounding neighbouring properties, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Other Matters

13. The appeal site is within 5km of the Thames Basin Heaths SPA, which are an extensive network of lowland heaths nationally and internationally recognised and protected. These heathlands host internationally important habitats and species, particularly birds. The heathlands are under significant pressure from increased public access

and use, and a net increase in the number of dwellings and occupiers in the area would increase the pressure upon these important habitat sites.

14. The Council has produced the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018) (SPD), detailing a strategy for the avoidance and the mitigation of impacts of new residential development upon these important sites. These require that a contribution is made towards mitigating the impact of additional residents, including measures to provide alternative recreational locations, and access, management and monitoring measures. Such measures reflect the objectives of LP Policy EN3 and CS Policy CS14 which seek amongst other things to not permit development that would either alone or in combination with other development, have an adverse effect upon the integrity of the SPA.
15. Given the location of the proposed dwelling, future occupiers would be likely to impact upon the SPA having a significant effect upon their integrity. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to me as the competent authority. The appellant provided a S106 during the appeal, securing a contribution towards the mitigation measures identified in the SPD, which the Council has accepted. I will return to this matter below.
16. Local residents have raised concerns regarding the impact of the proposal on nearby protected trees, traffic safety, parking and the future use of the house. I am obliged to consider the proposal on the basis of the evidence before me, rather than what may happen, and as regards the other concerns, following my findings on the main issue I have no need to consider them further.
17. Finally, concerns of local residents and the appellant regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Planning Balance

18. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
19. The provision of an additional dwelling would contribute towards the supply of housing, and this social benefit carries significant weight. There would also be a small, time-limited economic benefit arising from the construction phase of building an additional home, and future residents would contribute to the local economy, albeit given the size of the home, this contribution would be a moderate benefit. There would

also be social and environmental benefits arising from the location of the dwelling in a residential area close to services and facilities. The use of energy conservation measures would be a further environmental benefit.

20. Weighing against these benefits would be the significant social harm arising from the scheme. The proposal would deliver an additional high-quality family home, but in doing so would cause unacceptable harm to the living conditions of nearby residents. This harm weighs heavily against the scheme.
21. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse social impacts in this case carries substantial weight, and this thereby significantly and demonstrably outweighs the environmental and economic benefits and even the weight that derives from the benefits of providing an additional dwelling, when assessed against the policies in the Framework as a whole.
22. Returning now to the matter of the protected Thames Basin Heaths, if I had come to a different conclusion it would have been necessary for me to undertake an Appropriate Assessment and further consideration of the likely effectiveness of mitigation measures. In doing so I would have had regard to the provisions of the S106 and whether there would be significant effects arising from the proposal, either alone or in combination with other schemes, as I would have to be certain that the integrity of the protected site would not be adversely affected. However, as I am dismissing the appeal for other reasons, this assessment has not been necessary.

Conclusion

23. The scheme would cause unacceptable harm to the living conditions of nearby residents, and the suggested conditions would not mitigate this harm. The proposal would conflict with the development plan and objectives of the Framework, and there are no considerations that outweigh this conflict. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR