



Appeal Decision

Site visit made on 3 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/R0335/W/23/3314766

11 The Close, College Town, SANDHURST, GU47 0RE

- 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 Fiona Lassiter against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/01057/FUL, dated 6 November 2021, was refused by notice dated 27 October 2022.
 - The development proposed is the erection of 3no. dwellings on land with parking and access integrated.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents now include a formal Unilateral Undertaking dated 12 July 2023 and signed by the owner which, in general terms, agrees to make a financial contribution towards the mitigation and management of the effects of the development on the Thames Basin Heaths SPA should the appeal be allowed and the development commenced (see paragraphs 27-30 below).
3. The appellant asks that if there is some objection to the proposal for three dwellings on the site the *Wheatcroft* principles should be invoked to allow for the two dwellings sited adjoining the ditch. However, the guidance in *Wheatcroft* (as updated by *Holborn Studios Ltd*) applies to where amended plans are submitted and that has not occurred in this case. Moreover, it would be difficult to disaggregate the proposed layout to only refer to part of it. I will therefore make a decision on the proposal taken as a whole.

Main Issues

4. The main issues are the effect of the development proposed on:
 - The character and appearance of the area including on existing trees;
 - The living conditions of neighbours and future occupiers of the houses;
 - Highway safety including the provision of parking; and
 - Wildlife habitats including the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Background

5. The appeal site comprises a semi-detached house and its large garden which lie at the eastern end of a short cul-se-sac of similar residential properties in a built-up suburb of Sandhurst. To the east of the site lies a straight-line drain/ditch (referred to by the Council as the Yorktown Road ditch) and then open land/woodland used by the military.
6. It is proposed to demolish existing extensions to the semi-detached property and form a 'dog-leg' access to the rear of the site and site two detached properties there and one to the east of the access.

Policy context

7. The development plan includes saved policies in the Bracknell Forest Borough Local Plan (BFBLP) as adopted in 2002 and the Core Strategy Development Plan Document (CSDPD) adopted in 2008. These plans predate the National Planning Policy Framework and this may limit the weight that can be given to them. I will assess the accord with the Framework as each policy arises in an issue. The Council is preparing a new local plan which appears to be at an advanced stage post Examination but I have not been advised of applicable policies.
8. The appellant says and the Council accepts that it cannot demonstrate a 5 year supply of housing land as required under section 5 of the Framework, therefore paragraph 11(d) is engaged in this case. The Council says that it had 4.44 years supply as at April 2022 and, when adopted the new local plan will make an adequate supply more certain.
9. In terms of general policies the site lies in a defined settlement and there is no objection in principle to new development in this location subject to local and site specific impacts and the wider issue of the effect on the SPA.

Character and appearance

10. The Close has a simple residential character of mainly two storey 'semis' fronting a relatively narrow side street. At the end of the cul-de-sac it appears that No.14 has been added as an afterthought on the opposite side to the site and it has a large expanse of gravel at the front. In part the proposed new house to the east of the existing one would be of a similar form when viewed from the Close, subject to the degree of demolition involved to make the gap. However, in the case of the proposal I am concerned that the juxtaposition of buildings, parking spaces and access would make the spread of development visually cramped when seen from the Close and would not result in the same character of development as the rest of this street.
11. The proposed two houses to the rear of the site would also be at odds with the existing pattern of development and would be visually imposing on the character and appearance of the area. I acknowledge that this backland development would not be seen from the public realm of The Close but the proposed houses would be readily apparent to the occupiers of other houses, particularly No's 7 and 9, and the development would visually dominate the otherwise mainly open hinterland of rear gardens.
12. The appeal site also forms the urban edge of the settlement locally and the proposed coverage of houses, parking spaces and small gardens would abut

the settlement boundary with little space available for planting or landscaping to soften this suburban edge.

13. I have taken account of the other examples mentioned of 'backland development' where new housing is said to have been permitted, in particular the scheme off Academy Place. However, from the plan supplied the layout of this housing scheme appears to be more of a continuation of frontage development within a site of greater width than the appeal site, rather than in a backland location. Therefore I am not able to place much weight on this submission as a precedent in favour of the appeal scheme.
14. In terms of the effect on trees I have taken account of the appellant's Arboricultural Survey and Constraints Report (April 22). This assesses the trees on or overhanging the site as one category B, which has amenity value and should be retained, and 9 category C trees assessed as 'preferable to retain' but their removal may be acceptable for development. T12 is an oak tree subject to a TPO in a neighbouring garden which in part overhangs the appeal site.
15. At my visit I judged that the layout of the houses and gardens has not been designed to accommodate the trees worthy of retention. Even where the proposed footprint of the houses misses the root protection area of the trees the small gardens proposed would be overshadowed by the trees. There is likely to be pressure from subsequent occupiers to have the trees removed or reduced.
16. Given the presence of the site on the edge of the settlement the loss of trees would harm the character of the area and the intensity and spread of development over the site does not allow for reasonable replacement planting. This adds to my concern about the visual impact of the proposal.
17. Overall, on this issue I find that the proposal to site three houses in the side and rear garden of the existing property would be materially at odds with the existing pattern of development and would have a 'squeezed in' and stark effect on the appearance of the locality on the edge of the settlement. This would be seriously harmful to the character of the area and would not accord with the provisions of saved Policy EN20 of the BFBLP and Policy CS7, together with the guidance in the Design SPD. These policies are consistent with the guidance in section 12 of the Framework which seeks to achieve high quality and beautiful places, and should be given full weight.

Living conditions

18. This issue is concerned with the relationship of the proposed houses to the neighbouring houses and gardens, and to each other, particularly in terms of overlooking and privacy and whether overbearing. In assessing this aspect I have had regard to the guidance set out in the Council's Design SPD.
19. Although the submitted site plan is not well annotated with dimensions, it appears to me that the house on plot 02 would be sited close to the boundary and within about 6 or 7m of the rear of the house at No.9. Although the outlook would be angled and there is an en-suite window proposed at first floor level closest to the boundary, I am concerned that the occupiers of No.9 would be overlooked and would suffer a loss of privacy. Moreover, the houses proposed on plots 02 and 03 would look over the short rear gardens of the

existing property and the house on plot 01 and the distance apart would be well less than the standard set out in the SPD.

20. In relation to the rear of the site, plots 02 and 03 would have the houses sited within about 7 metres of the rear boundary with the properties in College Crescent. This relationship would again be well below the recommended standards in the SPD and there would be overlooking of the gardens of these properties, notwithstanding that there are some outbuildings in the adjacent parts of the gardens.
21. Overall on this issue I find that the layout and scale of the three houses proposed would not achieve satisfactory separation distances. These houses would have a dominating effect on the living conditions of the occupiers of the adjacent property in The Close. These occupiers and the ones in the new houses proposed would be likely to suffer from overlooking and a loss of privacy. All of this harm results in the proposed layout conflicting with part (viii) of saved policy EN20.

Highway safety

22. In considering this issue I note that the highway authority object to the proposal on a number of grounds and I have had regard to the copy of the layout plan annotated with comments in Appendix 2 of the Council's statement.
23. Although The Close is relatively narrow and had cars parked on the carriageway and the pavements at the time of my visit, the main problem lies at the end of the cul-de-sac and the junction with the appeal site rather than the principle of having a shared surface road.
24. Although the layout is short on details it appears to me that the entrance to the site would be particularly tight with the proposed 'dog-leg' in the driveway being at a point where the vehicles manoeuvre into the two parking spaces in front of the existing property and the house proposed on plot 01. I agree with the highway authority that this arrangement would not provide reasonable visibility of pedestrians from vehicles and *vice versa*. This is likely to result in a conflict over user's safety and pressure for vehicles to be parked in the turning area.
25. In terms of parking provision while each new house proposed would have two parking spaces allocated I have doubt over the 'useability' of the ones on plots 02 and 03. The spaces appear to be too small when judged against usual standards, and in a tandem format with limited turning space shown to be available. This would be likely to result in obstruction and a poor residential environment.
26. I conclude on this issue that it has not been shown that the proposed layout would deliver a safe and well-functioning residential environment with adequate visibility for both drivers and pedestrians and that it would conflict with the guidance in paragraph 110 (b) of the Framework by not ensuring safe and suitable access to a site for all users.

Wildlife habitats including the Thames Basin Heaths SPA.

27. First the Council refers to the effect on the Yorktown Road Ditch which has not been assessed in the preliminary Ecological Appraisal submitted with the application. However although the ditch may appear on the Environment

Agencies river network it has not been shown how this feature is of ecological importance as a habitat or why the proposed development would have an adverse effect on it.

28. The second issue is with the SPA. It is established that the Thames Basin Heaths SPA is in a poor ecological state and that further pressure arising from additional residential development around the area would be likely to have a significant adverse effect. The appeal site lies within the defined buffer zone of the SPA where measures for avoidance and mitigation are expected in accordance with the Council's Thames Basin Heaths SPA SPD (April 2018). This usually takes the form of a financial contribution.
29. In this case, as mentioned in paragraph 2 above a Unilateral Undertaking (UU) has now been submitted by the appellant. However, the Council advises that the UU is flawed in terms of title and whether binding on all parties, and does not contain a payment for monitoring and reference to SAMM¹. Neither has it been established that there is SANG² capacity at the moment to accommodate the proposed development.
30. If all the other aspect of the development considered under the main issues had proved to be acceptable then the parties would have been given additional time to resolve the stated problems with the UU. However as I have assessed the other main issues as having fundamental adverse impacts I am not minded to allow the appeal, subject to the final planning balance, and therefore this issue over the effects on the SPA remains unresolved. For similar reasons I do not need to undertake an Appropriate Assessment under the Habitat Regulations. The proposal therefore conflicts with CSDPD Policy CS14 and the associated DPD.

Other Matters

31. Local people also raise concerns about the additional housing proposed adding to problems of flooding in the area where present drainage systems are said not to cope with prolonged periods of rain. However there is no clear technical evidence before me to establish that drainage cannot be resolved through the normal submission of a scheme required by condition.

Planning balance

32. The proposal needs to be considered in the context that the Council cannot demonstrate an adequate supply of land for new housing.
33. On the main issues I have found that the proposed houses would be seriously harmful to the character and appearance of the area and would also harm the living conditions of neighbours as well as the occupiers of the new houses themselves. The development would also not accord with the policy on the protection of the special habitat of the SPA. The proposal therefore conflicts with the relevant policies in the development plan as mentioned above. Moreover, the proposal would also not have safe access for vehicle users and pedestrians contrary to the guidance in the Framework. These negative effects are fundamental to the scheme proposed and could not be reasonably resolved by amendments required by condition as the appellant suggests.

¹ SAMM – Strategic Access Management and Monitoring;

² SANG- Sustainable Alternative Natural Greenspace

34. These findings have to be balanced with other considerations. The proposal would make a small contribution to the supply of new family housing and make efficient use of land in an area already developed. The development proposed is small in scale and could be built out relatively easily and there would likely be small local employment benefits during the construction phase and some limited economic benefit from the additional people living there.
35. However, these benefits are small in scale and very general in application and they do not outweigh the environmental harm that the proposal would cause. The proposal would conflict with the development plan when read as a whole.
36. Assessed against the provisions of the Framework the proposal would not constitute sustainable development because of the serious harm to the character and appearance of the area and not resulting in a well-designed place; the harm to the living conditions of neighbours and the need for safe access, as well as the harm to a special habitat, and they all provide clear reasons for refusing the development proposed.
37. Overall, the other considerations put forward do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

38. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR