



Appeal Decision

Site visit made on 19 October 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/W0340/W/22/3312028

Land to the rear of 123 & 125 Bath Road, Thatcham RG18 3BH

- 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 and Mrs Ian White against the decision of West Berkshire District Council.
 - The application Ref 22/01494/FULD, dated 22 June 2022, was refused by notice dated 9 September 2022.
 - The development proposed is the construction of three detached bungalows together with associated parking and access off Bath Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form is dated 4 June 2021. However, the appeal form states that the planning application was dated 22 June 2022 which is consistent with the Council's documents, including the decision notice. Therefore, I have amended the date as set out in the banner heading accordingly.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide adequate surface water drainage; and,
 - the effect of the proposed development on the living conditions of the occupiers of Nos 123 and 125 Bath Road (Nos 123 and 125) with particular regard to noise and disturbance and the adequacy of outdoor space.

Reasons

Character and appearance

4. The appeal site is located within a residential area characterised by a mix of house types, most of which occupy generous sized plots and feature softly landscaped gardens and private driveways to the front and linear gardens to the rear. Notwithstanding the more recent developments in the area, including Francis Close, there is a sense of spaciousness in the vicinity of the appeal site derived in part from the positioning of properties within their plots and the set back from the highway. The abundance of soft landscaping provides a verdant

quality. Together, these characteristics positively contribute to the character and appearance of the area.

5. The appeal site lies behind residential properties that front Barfield Road and Bath Road to the north and south respectively and it forms an undeveloped enclave that is enclosed on all four sides by residential development. The appeal site has a relatively open aspect, which together with the adjacent linear gardens reinforces the sense of spaciousness and verdant character of the locality. Although the location of the appeal site means that it is not readily visible within the street scene, the openness and verdant appearance of the site is plainly visible to the occupants of nearby properties. As such, it contributes to the character and appearance of the area, nonetheless.
6. The density of the development, the proposed building design including materials and back land location would not be uncharacteristic of the area. However, the introduction of three dwellings, associated hardstanding, intervening boundary fencing, and other domestic paraphernalia would significantly extend built development into an area that is currently devoid of buildings and structures. In doing so, the appeal proposal would erode the openness and verdant character of the appeal site. Moreover, due to the proposed density and the close-knit positioning, the development would appear cramped within the appeal site, contrasting awkwardly with the spacious character of the site. For these reasons, I find that the appeal proposal would read as an obtrusive and incongruous form of development.
7. In coming to this view, I have had regard to the previous appeal decisions¹, and it is noted that the Inspector concluded that the proposed developments would not cause unacceptable harm to the character and appearance of the area more widely. However, these schemes related to the erection of a single dwelling. Therefore, they were materially different to the scheme before me.
8. I note the Council's concerns regarding the erection of the proposed acoustic fencing. However, this fencing would be generally in keeping with the existing boundary treatments that I observed at my site visit. Further, whilst additional fencing would be introduced along the side elevations of Nos 123 and 125, it would not be overly prominent within the street scene, nor would the access appear more enclosed than the existing situation. As such, I do not consider that this aspect of the proposal would be detrimental to the character and appearance of the area.
9. Accordingly, the proposed development would conflict with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026 (the Strategy). Amongst other aspects, these policies seek to ensure that development is of high-quality design which responds to the context of the existing settlement form and pattern. It would also be inconsistent with the design objectives of the National Planning Policy Framework (the Framework), the Quality Design – West Berkshire Supplementary Planning Document Series Part 2: Residential Development 2006 and the Area Design Focus Statement for Bath Road and Thatcham 2006.

¹ APP/W0340/W/18/3193524 and APP/W0340/W/18/3198698

Surface water drainage

10. The appeal site is located within Flood Zone 1 and therefore is at low risk of flooding from rivers and the sea. However, for the purposes of the Council's Strategic Flood Risk Assessment, it lies within a Critical Drainage Area (CDA). These areas are identified as being most at risk from groundwater and surface water flooding.
11. The Flood Risk Assessment² (FRA) indicates that surface water from the proposed development would be discharged via a ground soakaway and/or sewer. Porous/permeable areas within the proposed development would be maximised. Oversized Sustainable Drainage Systems (SuDS) would be used, and it is noted that the strategy has been designed up to and including the 1 in 100 year +40% climate change event. Resistant and resilient measures including full waterproofing of all ground floor structures would also be incorporated.
12. Although there is understood to be an existing connection to the sewer and it is noted that Thames Water did not object to the planning application, there is nevertheless no clear evidence before me to indicate that there is sufficient capacity within the mains sewer to accommodate the additional surface water run-off. Furthermore, in the absence of any site-specific infiltration rates, I cannot be certain that discharge to ground would be feasible at the site.
13. Therefore, while the FRA indicates that the appeal site is a 'no/very low hazard' in all Environmental Agency (EA) scenarios and that precautionary mitigation measures would be sufficient to manage flooding on the site throughout the lifetime of the development, there is a lack of substantive detail to adequately demonstrate that the proposed drainage strategy would be appropriate at this location. Therefore, I am not persuaded that drainage could be dealt with by a planning condition.
14. For these reasons, it has not been demonstrated that surface water would be adequately managed. The proposal would therefore conflict with Policy CS 16 of the Strategy, which amongst other aspects seeks to ensure that development in flood risk areas is safe and does not increase flood risk elsewhere. It would also be inconsistent with the Framework where it seeks to ensure that development includes appropriate surface water management measures and would be made safe for its lifetime without increasing flood risk elsewhere.

Living conditions

15. The driveway for the new dwellings would follow the same route as Nos 123 and 125. Given that this is an established route for vehicles, noise arising from vehicular movements will already be experienced by the occupants of these properties. Similarly, given the location of the proposed parking relative to the existing off-street provision to the rear of Nos 123 and 125, any noise from vehicles in this position would be broadly similar to that currently arising. Although there would be some additional noise from the proposed development and possible fleeting disturbance from headlights at night, taking account of the existing situation and the suburban location, I do not consider that this would result in unacceptable harm to the living conditions of the occupiers of Nos 123 and 125.

² Flood Risk Assessment and SUDS Strategy for Planning prepared by ARK Environmental Consultancy Ltd (August 2022)

16. A Noise Impact assessment³ (NIA) accompanied the planning application. Subject to mitigation being in place, the NIA indicates that the noise levels from the proposed development would be significantly lower than existing ambient noise levels and therefore would not cause harmful disturbance. These findings generally support my own assessment.
17. The rear garden areas of Nos 123 and 125 are enclosed by timber fencing and are entirely separate from the appeal site. The evidence indicates that this has been the case for a considerable period. Under these circumstances, the existing outdoor space at Nos 123 and 125 would be unaffected by the proposed development.
18. The proposal would undoubtedly alter the outlook from the rear windows of the adjoining properties located on Bath and Barfield Road. However, the proposed dwellings would be located a sufficient distance away and would be single storey. As such, I do not consider that the proposal would be overbearing or oppressive.
19. Consequently, I find that the proposed development would not harm the living conditions of the occupiers of Nos 123 and 125 Bath Road with particular regard to noise and disturbance and the adequacy of outdoor space. It would therefore accord with Policies CS 14 and saved Policy OVS6 of the West Berkshire District Local Plan 1991-2006. Amongst other aspects, these policies seek to ensure that new development is appropriate in terms of its location and minimises any adverse impact as a result of noise generated. It would also be consistent with the Framework where it seeks to secure a high standard of amenity for existing users.
20. The Council's decision notice alleges conflict with Policy CS 19 of the Strategy which relates to the historic environment and landscape character. My attention has not been drawn to any wording therein which relates to noise disturbance and outdoor space. Therefore, it is not determinative to this main issue.

Other Matters

21. The appellant submits that the principle of residential development at this location would be acceptable and would make use of a vacant, underutilised plot of land in an accessible location. In doing so, it would contribute to the shortfall of bungalows in the area which would be suitable for a variety of occupants including elderly and disabled persons. In addition, the proposal would bring short-term benefits in terms of construction expenditure and employment and would contribute to the local economy and viability of local services. However, given the scale of the proposed development, I find that the economic and social benefits would be limited.
22. The proposed dwellings would be designed to achieve a high energy efficiency rating and would make provision for an electric vehicle charging point. These benefits are of moderate weight. Whilst adequate parking, refuse storage and outdoor space would also be provided, these are neutral factors. Consequently, whilst I have had regard to the above considerations, and acknowledge the Framework's objective of significantly boosting the supply of housing, they do not outweigh the harm that I have identified or the conflict with the development plan.

³ Noise Impact Assessment – Technical Report: R9439-1 Rev 0 dated 14 December 2021

23. I have regard to the appellant's submissions regarding the Council's request for an additional planning fee and the lack of proactive engagement during the planning application process. Although I sympathise with the appellant, these matters have no bearing on my considerations of the merits of the appeal proposal.
24. Although not cited within the refusal reason, the Council's delegated report indicates that the design of the proposal would fail to provide a safe living environment or address crime prevention. However, due to the location of the appeal site and its proximity to neighbouring properties combined with the proposed layout, it seems to me that there would be a reasonable level of natural surveillance. Consequently, I do not consider that the proposal would leave future occupiers of the development more vulnerability to crime.

Conclusion

25. Whilst having had regard to the support from the Town Council and residents, the appeal proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. The appeal is therefore dismissed.

H Wilkinson

INSPECTOR