



Appeal Decision

Site visit made on 8 November 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/Q3115/W/23/3315519

32 Kennylands Road, Sonning Common, Reading RG4 9JT

- 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 Bluejay Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P21/S5308/FUL, dated 17 December 2021, was refused by notice dated 13 January 2023.
 - The development proposed is the demolition of the existing bungalow and the construction of 1 pair of semi-detached houses with associated landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and the construction of 1 pair of semi-detached houses with associated landscaping and parking at 32 Kennylands Road, Sonning Common, Reading RG4 9JT in accordance with the terms of the application, Ref P21/S5308/FUL, dated 17 December 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the planning application the Sonning Common Neighbourhood Development Plan Review (NP) has been made, the relevant NP policies are therefore Policies RD1, RD3, RD4 and RH3, referred to in the Council's decision notice.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located within a predominately residential area with an eclectic mix of dwellings of a range of architectural styles, including 2 storey and single storey dwellings. The properties fronting this part of Kennylands Road are set back a similar distance from the highway with parking areas between the dwellings and the front boundaries, and generally sit within plots of a similar width with generous gardens to the rear. The regular pattern of siting and layout of the dwellings contributes to a pleasant sense of uniformity to the street scene.

6. The appeal proposal would see the replacement of the existing bungalow on the site with 2 semi-detached properties to be constructed with red facing brick and a slate roof. Whilst they would have accommodation within the roof space, the dwellings would have the appearance of 2 storey properties. Despite the symmetrical design and the presence of individual front doors, the development, which would have a shared vehicular access and parking area to the front, would nevertheless be largely indiscernible as 2 separate dwellings in the wider streetscape. Moreover, when viewed together the pair would be of a similar scale and height to nearby detached properties, many of which, like the appeal proposal, also have extensive areas of hardstanding for the parking of vehicles to the frontages.
7. The projecting elements to rear elevation of the dwellings would give rise to a greater overall massing to the rear of the properties. Nonetheless, due to the design and subservient scale of these elements, the resulting increased bulk of built form would not be dissimilar to a rear adjunct, which is a common feature in a residential setting and would not have a tangible effect on the overall appearance of the development. In that regard the proposal would not be at odds with the prevailing character of the area.
8. The rear gardens to serve the proposed dwellings would be narrower in width than those of the adjoining properties. Nevertheless, the subdivision of the plot would not be widely perceived and would therefore have no meaningful effect on the overall character and appearance of this part of the settlement. The spacing between the flank elevations of the building and the side boundaries of the site would not be dissimilar to others nearby. Consequently, the proposed built form would not appear unduly cramped or incongruous and would therefore assimilate comfortably within the layout of the surrounding residential development.
9. For the foregoing reasons I conclude that the proposal would not harm the character and appearance of the area. It would therefore accord with the high quality design aims of Policies DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 adopted December 2020 (LP), in so far as they require development to respect the local context and to be designed to enhance and complement the surroundings. It would also accord with the aims of Policies RD1, RD3, RD4 and RH3 of the NP which collectively seek to ensure that new development demonstrates good design and respects the existing character of the village having regard to, among other things, plot widths.

Other Matters

10. Due to the siting, design and orientation of the proposed dwellings the development would not give rise to any direct overlooking of the neighbouring properties, specifically the areas immediately to the rear of the adjoining dwellings.
11. The side elevation of the proposed dwellings would project beyond the rear wall of the adjoining properties. Whilst the 2 storey flank wall would project only a modest distance the single storey elements adjacent to the side boundaries of the site would project further. However, due to the siting and height of the built form in relation to the ground floor windows in the adjoining properties, as well as the patio area to the rear of 30 Kennylands Road, the proposal would not give rise to any significant harm to the living conditions of the occupiers of the adjoining properties in terms of loss of light or outlook. Nor would the

building appear unduly overbearing when viewed from the rear of the adjoining properties.

12. I acknowledge that Policy RH2 of the NP lends particular support to smaller units, however my attention has not been drawn to any policy that prevents the provision of larger dwellings.
13. Concerns have been raised regarding parking provision to serve the development and the potential effect of additional on street parking on highway and pedestrian safety. The Highway Authority indicate that the on-site parking provision would meet relevant standards and raised no objection to the proposal in terms of highway safety, and I have no reason to disagree.
14. Whilst existing hedging on the site may be required to be removed to facilitate the development, a planning condition to secure a scheme of soft landscaping could secure appropriate replacement planting if deemed necessary.
15. I note concerns regarding the potential for asbestos to be present in the existing building. However, the Council's Environmental Protection Officer is satisfied that there are no potential sources of contaminated land that could impact the development site. There is nothing before me to suggest otherwise, however in the event that this matter should arise during demolition works it would be covered by other legislation. Nor is there any substantive evidence that the development would impede the operation of the photovoltaic solar panels on neighbouring properties.
16. My attention has been drawn to a historical covenant on the land which it is suggested would restrict future development at the site. However, this is a civil matter that falls outside of the planning regime.

Conditions

17. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty. I have also imposed a condition requiring details of external materials in the interests of the appearance of the development and area.
18. In the interests of highway safety conditions are necessary to secure the provision of parking to serve the development, means of access and the closure of the existing access. Conditions to secure surface water and foul water drainage schemes are necessary to ensure the development would not exacerbate flooding or cause pollution in accordance with Policies ENV12 and EP4 of the LP. I have not included the Council's suggested surface water requirements, which are overly prescriptive, in order to allow the parties to agree details.
19. A Bat Scoping Report and Preliminary Ecological Appraisal dated 20 January 2022 and subsequent Bat Survey Report dated 8 August 2022 both prepared by the Ecology Co-op conclude that the proposal would not have an adverse effect on bats, subject to appropriate mitigation measures. The Council has indicated that it is satisfied that integral bespoke bat roosting features could be incorporated into the development to provide alternative roosting opportunities to those in the existing building. Based on the evidence before me I have no

reason to disagree. Accordingly, a condition is required to agree the provision of appropriate mitigation and compensation measures.

20. A condition to secure details of soft landscaping, to ensure a satisfactory appearance to the development is also necessary. A condition to secure the implementation of the measures set out in the Energy Statement is necessary, in accordance with Policy DES10 of the LP. I have removed the requirement for the submission of a Verification Report as it has not been shown that this is necessary given the other parts of the condition.
21. The Council has suggested a condition removing permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Bearing in mind the limitations of the GPDO in terms of size and position of development permitted, I am not persuaded that the site circumstances are such to justify the removal of these permitted development rights to safeguard the living conditions of the occupiers of the adjoining properties or the character of the area.
22. The installation of electric vehicle charging points is covered by the Building Regulations and so a condition in that respect is not necessary.

Conclusion

23. For the reasons set out above the appeal is allowed, subject to conditions.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-02, PL-05 Rev 07, PL-06 Rev 07, PL-07 Rev 07, PL-08 Rev 07, PL-09 Rev 07, PL-10 REV 07, PL-11 REV 07, PL-12 REV 07 and PL-18 REV 06.
- 3) No development above slab level shall take place until details of materials to be used in the external construction and finishes of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter in perpetuity.
- 4) Prior to the first occupation of the development hereby permitted details of the layout and construction of the proposed means of access to the site shall be submitted to and approved in writing by the local planning authority. The access shall be constructed in accordance with the approved details prior to the first occupation of the development and shall be retained permanently thereafter.
- 5) Prior to the first use of the new access, the existing access onto Kennylands Road, shall be permanently stopped up in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the closed access shall remain closed and shall not be used by any vehicular traffic whatsoever.
- 6) Prior to the first occupation of the development hereby approved, details of the construction of the parking and turning areas shown on drawing no. PL-05 Rev 07 shall be submitted to and approved by the local planning authority. The parking spaces shall be completed before the first occupation of the development hereby permitted and shall be kept available for such use in thereafter in perpetuity.
- 7) Prior to the commencement of the development hereby approved, excluding demolition, a scheme for the provision of surface water drainage from the development, including future maintenance and management of the scheme, shall be submitted to and approved in writing by the local planning authority. Details should include a statement to explain how surface water will be managed on site during the construction phase. The approved drainage scheme shall be implemented prior to the first occupation of the development and maintained and managed in accordance with the approved details in perpetuity thereafter.
- 8) Prior to the commencement of the development hereby approved, excluding demolition, a scheme for the provision of foul water drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained in perpetuity thereafter.

- 9) Prior to the commencement of the development hereby approved, full details, including drawings and specifications, of the bat mitigation and compensation measures stated in section 5.2 of the Bat Survey Report prepared by The Ecology Co-operation Ltd, dated 8 August 2022, Project No: P5035 shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and retained permanently thereafter.
- 10) No development above slab level shall take place until a scheme of landscaping of the site, including planting of trees and shrubs, the treatment of hard standings, and the provision of boundary treatment has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development. All areas of hard standing and boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) Prior to the first occupation of the development hereby approved the details set out in the submitted Energy Statement shall be implemented. The measures shall be retained and maintained permanently thereafter.

******end of conditions******