



Appeal Decision

Site visit made on 5 January 2024

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2024

Appeal Ref: APP/X0360/W/23/3322710

5A, 5B and 5C Mayfields, Sindlesham, Wokingham RG41 5BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Farley Construction Limited against the decision of Wokingham Borough Council.
- The application Ref 222590, dated 22 October 2022, was refused by notice dated 19 December 2022.
- The application sought planning permission for the erection of 3 detached dwellings with associated access and parking following partial demolition of the existing dwelling without complying with conditions attached to planning permission Ref F/2014/2581, dated 11 March 2015.
- The conditions in dispute are: No 2 which states that: This permission is in respect of the submitted application plans and drawings numbered 28 rev P1, 29 rev P1, 30 rev P6, 32 rev P1, 33 rev P1, 35 rev P3, 36 rev P3, 37 rev P3, 38 rev P3, 39 rev P3, 40 rev P3, Design Access and Sustainability Statement (HS-1-3-DAS) all received by the Local Planning Authority on December 3, 2014. The permission is also in respect of Tree Survey in Contemplation of Development (PS940 26/01/2015) and Tree Plan received on January 26, 2015. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority; No 11 which states that: Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. The landscaping scheme shall also include details of all proposed boundary treatment. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which within a period of 5 years from the date of planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority; No 17 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space; No 18 which states: No building shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing(s)/details. The cycle parking/storage shall be permanently so-retained for the parking of bicycles and used for no other purpose; No 19 which states: No building shall be occupied until details of bin storage area/facilities have been submitted to and approved in writing by the local planning authority. The bin storage area and facilities shall be permanently so-retained

and used for no purpose other than the temporary storage of refuse and recyclable materials.

- The reasons given for the conditions are: No 2: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved; No 11: To ensure adequate planting in the interests of visual amenity; No 17: To ensure that adequate parking space is available on the site, so as to reduce the likelihood of roadside parking, in the interests of highway safety and convenience; No 18: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel; No19: In the interests of visual and neighbouring amenities and functional development.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for costs which I have dealt with in a separate decision.

Background and Main Issues

3. The development involving the erection of three detached dwellings has been constructed without complying with conditions subject to which the original planning permission was granted. I also note that the original permission itself was amended following a subsequent planning application that was also approved and it is that later permission that has been implemented.
4. In summary, the proposal would involve material changes to both the landscape plan and the parking layout. Also, the appellant seeks to avoid providing separate cycle parking/storage facilities for two of the dwellings and instead it is proposed that cycles would be stored in the single garages. It follows that such an arrangement would also require an amendment to another condition which currently restricts the use of the garages for the parking of vehicles ancillary to the residential use. The proposal would also involve a material change to the red line plan which demarcates the appeal site, which in turn means that it is proposed that bin stores previously required by condition would not be provided.
5. The main issues are:
 - The effect of the proposed revised landscaping scheme and parking layout on the character and appearance of the area;
 - Whether appropriate parking provision and arrangements would be provided; and
 - Whether adequate provision would be provided for the storage of bicycles.

Reasons

Character and appearance

6. As outlined above, disputed condition No 11 required that prior to the commencement of the development a scheme of landscaping should be submitted and approved by the local planning authority and that the scheme

would be implemented in accordance with the approved details in the first planting and seeding seasons following occupation of the buildings. Although a landscaping scheme has been approved, (the approved landscaping scheme) the appellant has not implemented it but rather seeks to amend it and has submitted a revised landscaping scheme (the proposed landscaping scheme). Further, the approved plans show a different layout, including a revised parking layout to that now proposed.

7. The appeal site is located within a residential area comprising a mix of housing types including detached dwellings on spacious plots and more densely developed rows of terraced properties. Many properties have trees, hedges and shrubs in their front and rear gardens. This creates a verdant green appearance that makes a significant contribution to the character and appearance of the area.
8. The approved landscaping scheme would result in the introduction of a number of proposed trees, shrubs, hedges, herbaceous planting, the use of proposed climbers and amenity grass. Importantly the three parking spaces in the north-west part of the site would have been appropriately spaced with one orientated at an angle to avoid a block of hard landscaping dominating this part of the site. As a result, the approved landscaping scheme would have appropriately softened the appearance of the development and would have been compatible with the verdant green appearance of its surroundings to ensure that it integrated within its setting.
9. The same cannot be said for the proposed landscaping scheme. I accept that it would improve the existing as built situation as it would result in additional groundcover plants, the introduction of small garden trees, native hedgerows, both along the north-west boundary and to the front of 5B Mayfields along with additional shrub planting. However, it would result in a material reduction in the overall amount of soft landscaping in comparison to the approved landscaping scheme. More importantly, the proposed parking layout and associated landscaping in the north-western part of the site would result in a significant unsightly block of hard landscaping to accommodate three parking spaces in a row. Further to allow vehicles to enter and exit the northern most space, the depth of a significant part of the landscape strip next to the rear of No 7 Mayfields (No 7) would be materially reduced.
10. This arrangement would result in a landscaping scheme that would not appropriately soften the appearance of the development and the reduction in soft landscaping particularly to the rear of No 7 and the changes to the parking layout in the north-western part of the site would result in a landscaping scheme that would not satisfactorily integrate with its surroundings. As a result, it would not provide appropriate hard and soft landscaping and would unacceptably harm the underlying character and appearance of the area. Further, the proposed amendments would materially diminish the quality of the approved development.
11. As a result, the proposed landscaping scheme would not comply with Policies CP1 and CP3 of the Council's adopted Core Strategy Development Plan Document January 2010 (CSDPD) and Policy TB06 of the Council's adopted Managing Development Delivery Local Plan, February 2014 (LP) which among other things seek to ensure developments provide attractive schemes that integrate with their surroundings and provide appropriate hard and soft

landscaping. Although the three dwellings have been constructed Policy TB06 of the LP remains relevant given the context of the original proposal.

12. Moreover, the proposed landscaping scheme would not comply with the Council's Borough Design Guide Supplementary Planning Document, June 2012 (SPD) which among other things seeks to ensure development contributes positively to the underlying character of the local area, respond to its context and does not harm the existing character of the local area. The proposal would also not accord with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character and that the quality of approved development is not materially diminished as a result of changes being made to a permitted scheme.
13. I therefore conclude that the proposal to not comply with the relevant existing conditions and to amend the proposal to introduce the proposed landscaping scheme and revised parking layout would have an unacceptable impact on the character and appearance of the area and as previously explained would conflict with Policies CP1 and CP3 of the CSDPD, Policy TB06 of the LP, the guidance contained within the SPD and with the relevant policies of the Framework.

Parking provision and arrangements

14. Separate from my conclusions on the effect the proposed amendments to the parking layout would have on the character and appearance of the area, I will now consider whether appropriate parking provision and arrangements would be provided.
15. The appeal site is located along a private access road which links to Mayfields. There are enough parking spaces to serve the development. However, given the need for parking to be contained within the appeal site itself, the total number of spaces should not be reduced. As a result, and notwithstanding the other uncovered spaces that would be provided, an important component of the overall provision includes parking within the single garages, that count as 0.5 space per dwelling against the total parking space requirement.
16. Although as currently laid out, some of the parking bays as demarcated by block paving are deficient in length, there remains adequate space beyond the paved areas within the overall parking area to allow vehicles to satisfactorily park. Moreover, there is a sufficient area to allow sufficient manoeuvring space so that vehicles can enter and exit the appeal site safely. Although vehicles overhanging the parking spaces would look anomalous, overall, the proposed amendments to the parking layout would not cause any highway or pedestrian safety concerns.
17. I therefore conclude that the proposal to not comply with relevant conditions and to replace approved plans to allow for an amended parking layout would not have an unacceptable impact on parking provision and arrangements. As a result, the proposal would not conflict with Policy CP6 of the CSDPD which seeks to ensure developments provide appropriate vehicular parking and do not cause highway problems. The proposal would also comply with the SPD which seeks to ensure parking spaces accommodate cars satisfactorily.
18. Further, the proposal would also comply with the Framework which sets out that development should only be prevented on highway grounds if there would

be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, which do not apply in this case.

Cycle Parking and Storage

19. Secure and covered parking for cycles was required to be provided in accordance with approved drawings/details. The appellant submitted details of appropriate facilities but with the exception of one of the dwellings, separate cycle parking/storage facilities have not been provided.
20. The appellant suggests that it would be reasonable to allow cycle parking/storage within the garages and has proposed amendments to conditions to allow that to happen.
21. However, as outlined above, the parking spaces within the garages are an important component of the overall parking provision. Given the size of the garages, if a vehicle was parked inside, it would not allow for the convenient storage and retrieval of cycles. As a result, this would not be a satisfactory arrangement.
22. Among other things, Policies CP1 and CP6 of the CSDPD and Policy CC07 of the LP support opportunities for reducing the need to travel, particularly by private car, encourage enhanced facilities for cyclists and seek to ensure developments provide appropriate cycle parking facilities as set out in Appendix 2 of the LP. Moreover, the SPD sets out that parking in residential development must include cycle parking. These policies and guidance are consistent with the Framework which supports the provision of secure cycle parking.
23. It follows that secure cycle parking/storage should be provided as part of the development. Insufficient facilities are currently provided and the appellant's proposals to address this matter are not adequate as the garages are needed to provide for vehicle parking. As a result, the proposal would result in the inadequate provision of cycle parking/storage and would thereby conflict with the relevant development plan policies, the SPD and the Framework.
24. I therefore conclude that conditions that require cycle parking/storage to be provided and that garages are kept available for the parking of vehicles are both necessary and reasonable. Consequently, the proposal would result in an unacceptable under provision of cycle parking/storage which as previously explained would conflict with Policies CP1 and CP6 of the CSDPD, Policy CC07 of the LP, the guidance contained within the SPD and with the relevant policies of the Framework.

Other Matters

25. As outlined above, the proposed amendments would also result in a change to the appeal site boundary which in turn would mean that the bin store required under disputed condition 19 would not be provided. I note that this is not included as a reason for refusal, and I agree with the Council that the storage of bins to the side or rear of the dwellings would be a better outcome for the site. Therefore, if in all other respects the proposal would have been acceptable, I would not have had a concern about this proposed amendment.
26. The appellant has queried whether if I were to have any reservations about a single aspect of this appeal it would be possible for me to issue a split decision. However, given the unacceptable harm I have identified above and bearing in

mind if I issued a split decision, it would involve me granting a new planning permission it would not be appropriate to issue a split decision in this case. Not least because this would lead to significant difficulties in identifying which plans I was approving and which conditions should be imposed.

27. I note that the appellant has expressed concern about the conduct of the Council. Furthermore, I note that the relevant Officers recommended approval. However, I have determined the appeal on its individual planning merits and the conduct of the parties or the fact that Officers recommended approval has not altered my view on the main issues or justify harmful development at the appeal site.

Conclusion

28. For the reasons given above I conclude that overall, the proposal is contrary to the development plan and there are no material considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR