



Appeal Decision

Site visit made on 23 July 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/R0335/W/24/3338074

52 Park Road, Bracknell, Bracknell Forest RG12 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dan Taylor against the decision of Bracknell Forest Borough Council.
 - The application Ref is 23/00356/FUL.
 - The development proposed is change of use of amenity land to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following publication of its decision notice, the Council adopted the Bracknell Forest Borough Local Plan 2024 (BFBLP). Its policies supersede those of the Core Strategy Development Plan Document cited in the reasons for refusal. I have determined the proposal against the development plan policies in force at time of my decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is an area of amenity land adjacent to a footpath and behind the rear boundary of no 52, a detached dwelling which fronts onto Park Road.
5. The site is within the town's built-up area and, whilst a public house neighbours no 52, the surrounding area is predominantly residential in use. The Bracknell Forest Council Character Area Assessment Supplementary Planning Document identifies the area surrounding Park Road as dominated by mixed residential development. Surrounding housing estates and the row of dwellings along Park Road contribute to the area's suburban character.
6. The footpath is a hard-surfaced pedestrian route connecting dwellings at North Green to Park Road. The footpath is flanked by mown grass verges on either side with trees, shrubs, and patches of overgrown vegetation.
7. The appeal site comprises a wider section of this amenity land on the inside bend of the footpath. The site is undeveloped, providing open space which allows lines of sight across the bend in the footpath. The site therefore contributes to the openness to the footpath.

8. The site is densely vegetated, contributing some ecological value, but is inaccessible and offers no recreational function. However, the site's green, appearance provides separation between the footpath and dwelling plots, and screens and softens the appearance of boundary fences and surrounding built development. The spacious, open, and green appearance of the site therefore contributes positively to the character of the area.
9. The proposal seeks to change the use of the land to extend no 52's rear garden. The proposal would clear the site and enclose it with a 1.8m high, timber, close-boarded fence. The proposal would change the site's appearance to that of private garden land. The proposal would therefore significantly alter the character of the site.
10. Whilst a modest strip of grass verge would be retained, the boundary fence would be close to the footpath. The siting of the tall fence would significantly reduce the width of this area of amenity land, resulting in a loss of the open character of the area. In addition, the fence would obstruct sight lines, reducing visibility along the footpath. The retained buffer would not therefore be sufficient to maintain the area's open character, and users of the footpath would experience a harmful enclosing effect.
11. The footpath passes close by the side boundary of no 54 Park Road and the proposed fence would follow the line of the boundary of the side garden of no 24 North Green and be sited a similar distance to the footpath. Since the appeal site comprises land behind no 52's rear boundary and within the inside bend of the footpath, the relationship of no 52 to the footpath differs materially from that of nos 24 and 54.
12. The appellant asserts the proposal would increase the garden in line with neighbouring residential curtilages. However, no 52's existing rear boundary follows the line of neighbouring plot boundaries, and its private rear garden appears of similar size to nearby plots. I have been provided no evidence to suggest the existing provision of garden land is inadequate.
13. It is suggested the land is subject to restrictive covenants preventing the erection of buildings. However, as set out above, harm would arise through the siting of the fence. Therefore, the visual amenity and experience of users would not be retained.
14. The appellant indicates the proposal would reduce the risk of anti-social activities taking place on the site, such as fly-tipping, drinking, and drug-taking. I have no evidence to suggest the site is regularly subject to such issues. The proposal would prevent access to the site, thus reducing opportunity for anti-social activities to occur on site. However, it is unclear how the proposal would prevent such activities from being displaced elsewhere along the footpath. Therefore, it is not demonstrated that the proposal would reduce the risk of anti-social activities in the area to any significant degree.
15. The delegated report confirms the proposal would not harm the living conditions of neighbours and the Local Highways Authority did not object on grounds of highway safety. However, due to its enclosing effect, the proposal would erode the footpath's spacious character and visibility to the detriment of the experience and perceived safety and security of pedestrians.

16. It is suggested public access to the site could be removed at any time. There appears little incentive for the landowner, a housing association, to enclose the site and I have no reason to consider this a realistic prospect.
17. As set out above, the proposed change of use would result in the clearance of the site, changing its appearance from amenity to land to a domestic garden. The erection of the boundary fence would have an enclosing effect on the footpath, reducing visibility and harming the spacious, green character of the area to the detriment of the experience of pedestrian users of the footpath. The proposal would therefore harm the character and appearance of the area.
18. The proposal would therefore conflict with BFBLP Policies LP28 and LP50 which require proposals maximise the opportunity for linkages between green spaces, reflect and enhance the local character of the area, enhance biodiversity, and ensure good natural surveillance of public and private routes and spaces. In addition, the proposal would not satisfy BFBLP Policies LP50, LP53 and LP54 which require development retain existing assets on a site that has a visual or ecological value in the local environment, including important open areas, and retain trees, hedgerows, and ecological features.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR