



Appeal Decision

Site visit made on 13 November 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/R0335/W/24/3343037

Ascot House, Rectory Close, Bracknell RG12 7BD

- 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 Amir Govani against the decision of Bracknell Forest Borough Council.
 - The application Ref is 23/00411/FUL.
 - The development proposed is a change of use from HMO to C2 Use Class (Residential Institution) of main building on site and introduction of outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the word retrospective from the description of development above, as it does not describe development. However, for the avoidance of doubt, there is no dispute between the main parties that, as I observed on site, the erection of an outbuilding and the change of use to C2 has taken place in accordance with the plans before me. I have therefore considered the appeal on the basis that this the development has already taken place.
3. Amended plans have been submitted with the appeal which show the removal of decking and canopy associated with the outbuilding, amending the parking layout and amending the landscaping. However, I have determined the scheme of the basis of the plans before the Council at the time of their decision, rather than the suggested amended plans as part of my decision. This is because I cannot be sure third parties would have been aware of them.
4. Since the determination of the planning application, the Council has adopted the Bracknell Forest Local Plan 2020-2037 (BFLP) (adopted March 2024). This replaces the Core Strategy Development Plan Document and Bracknell Forest Borough Local Plan and as such, the Council set out that the policies referenced in the refusal reasons are replaced. BFLP policies are referred to in the appellant's appeal statement, and I have had full regard therefore to the replacement policies relating to the main issues set out below.
5. The BFLP includes Policy LP 39, which refers to specialist housing proposals. Whilst not a reason for refusal, the Council also does not consider that the proposal meets the requirements of this policy, specifically in relation to servicing arrangements, including usable garden and amenity space. The appellant does not dispute that this policy is now relevant, and accordingly, I give it full weight.

Main Issues

6. As such, the main issues in this case are:

- highway safety;
- the effect the proposal has on the living conditions of the occupiers of the neighbouring property, 'Calcot', with specific regard to outlook and light;
- whether the development provides adequate living conditions for occupiers with respect to service arrangements and the provision of outdoor space; and
- the effect the proposal has on the character and appearance of the area.

Reasons

Highway safety

7. The development proposes 7 off street parking spaces. This is the same number as the approved 14 bed HMO use of the site. However, Section 7 of the Supplementary Planning Document Parking Standards (2016) states that for a proposal for sheltered accommodation, 1 space per 1.5 units is required, with 1 additional space per 4 units for residents. The Council set out that this adds up to a requirement for 10 car parking spaces for residents plus 4 spaces for visitors. The policy does however set out that in relation to residents, the requirement should be '*flexibly applied dependant on mobility requirements of residents*'.
8. The submitted parking surveys set out that this would meet the requirements of the use, as '*there has never been a need for more than 4 parking spaces on site, due to the way the property operates and the residents within it.*'
9. There is no dispute between the main parties that the site is considered to be in a sustainable location, within walking distance of the facilities and services provided within the town centre. From what I observed, I have no reasons to disagree in this respect. However, this would not prevent residents, staff or visitors from using their cars to park at or near the appeal site.
10. I observed that the surrounding streets were very busy in terms of parking, with parking on pavements, blocking garages and filling every available on street space. This made manoeuvring difficult and parking in close proximity to the site not possible. Whilst only a snapshot in time, this accords with the comments of the Council Highways Officer.
11. As such, the significant shortfall in off street parking and subsequent parking on the surrounding streets will lead to highway safety issues.
12. Even if the results of the submitted parking surveys are accepted, they are based upon the nature of the present occupants and their treatment. A different C2 operator could have a greater demand.
13. A condition restricting residents from parking on site would not prevent them from parking nearby. The letter submitted from the operators does not specify that all their sites would have the same specific treatments and therefore parking needs. As such, based on the evidence before me, a condition that limits the use of the site to the current operators would not prevent different treatments by the same operator in this location, and subsequent different

parking demands. There is therefore no mechanism before me to control the use and parking demand.

14. As such, even if adequate visibility splays were provided and the parking spaces were practical and usable, on the evidence before me therefore, the development results in harm to highway safety. The development is therefore contrary to the highway safety protection goals of BFLP Policies LP 25 and LP 62.

Living conditions – neighbouring occupants

15. The outbuilding is located in very close proximity to the boundary with 'Calcot', a single storey property. Whilst the outbuilding is also single storey, there is a difference in land levels between the two sites, and the outbuilding is at on a higher level.
16. 'Calcot' has a number of windows facing the outbuilding. The submitted daylight and sunlight report¹ (DSR) sets out that these serve a bathroom and two bedroom windows. The DSR sets out that the effect on daylight (vertical sky component and no sky line) and sunlight reaching these windows meets BRE² guidelines.
17. The baseline taken for these measurements includes previous outbuildings on site, shown on photographs and on plans, which the Council set out did not have planning permission. However, the DSR sets out that the previous vertical sky component, even with the previous outbuildings, was at an acceptable level. As such, the provided baseline does not illustrate any unacceptable impact. There is no evidence before me to contradict this, and as such, I am satisfied that the rooms receive an acceptable level of daylight and sunlight.
18. Nevertheless, I observed that bedroom 3, as identified in the appellants Appeal Statement, looks directly at the proposed outbuilding. Given the differences in land height, the outlook from this window is already compromised by fencing, with only limited views of the sky and trees possible. The outbuilding sits proud of the fence height, further limiting the outlook from this window. Given the height of the outbuilding, the occupants of this room are faced with a significant and prominent blank elevation in sufficiently close proximity to restrict the existing outlook and be visually dominant, even over the existing boundary fence. The development results in a sense of enclosure that adversely affects the quality of living conditions available to users of this room as a result.
19. There is no evidence before me that the previous outbuildings on site, which from the photographs and plans submitted to be smaller than the outbuilding on site at present, had a similar effect on outlook.
20. The outbuilding therefore harms the living conditions of the occupiers of the neighbouring property, 'Calcot', with specific regard to outlook. The development therefore conflicts with BFLP Policy LP 50 which requires development to not adversely affect the amenity of surrounding properties.

¹ by Planning for Sustainability, September 2023

² Buildings Research Establishment 209

Living conditions – existing/future occupants

21. As set out above, BFLP Policy LP 39 relates to 'Specialist Housing', defined as accommodation for older people, disabled people and/or vulnerable people with specific housing needs. The policy encourages the provision of such accommodation within defined settlements subject to consideration against a number of criteria, including criterion iii, which requires that:
 - iii) *the proposal provides adequate service arrangements to meet the needs of the development and includes garden and amenity space of appropriate size and quality.*
22. The supporting text to the policy states that proposals should be accompanied by an identifiable package of on-site personal care provision commensurate with the use and include information setting out the type and quantum of communal facilities.
23. The appellant has provided information relating to the operator of the appeal site, who adhere with Care Quality Commission requirements. The floor plans illustrate the location of bedrooms, en-suites and a shared kitchen and living room on the first floor of the building, in addition to a separate meeting space in the outbuilding. This would help meet the requirements and needs of the development.
24. Nevertheless, no garden or amenity space is provided on site. The Framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is particularly important for the residents which are described as having various mental health issues.
25. Whilst the appellants set out that there is public open space nearby on Rectory Lane, I observed that this comprises of footpaths through a wooded area or open grassland directly next to the highway. The space at the 'the parks' is located some distance from the appeal site. As such, neither represent 'safe and accessible high quality amenity space', as required by the supporting text to the above policy.
26. As such, adequate living conditions are not provided for occupiers, in respect to the provision of outdoor space. The proposal is therefore contrary to BFLP Policy LP 39.

Character and appearance

27. The appeal site is located in a busy, urban setting directly next to the A322, close to the centre of Bracknell. The building, which has not been altered externally from the previously approved scheme, is surrounded by hardstanding, save for some limited planting directly next to the front and side elevation, as shown on plan 534 009. This is in common with the surrounding buildings, such as the large apartment building directly opposite, which have some limited planting at the frontage or along parking areas, which soften the built form to a modest degree. The appeal site also has a number of trees on (but outside) its side and rear boundaries, which provide some visual relief, screening and verdant character.
28. Paragraph 3.3.3 of the Supplementary Planning Document 'Design' (2017) states that development plots should be large enough to accommodate the

proposed built development and the requirements associated with it. However, the development does not appear out of keeping with the immediate dense, urban surroundings. In this context, the proposed layout is neither impractical in this respect nor unattractive.

29. The development does not harm the character and appearance of the area. There is no conflict therefore with the high standard of design and regard to local character goals of BFLP Policies LP 28 and LP 50, and Policies HO4, HO7 and HO 8 of the Bracknell Town Neighbourhood Plan (2016-2036).

Other Matters

30. The officer report refers to the Thames Basin Heaths Special Protection Area. No information is provided of this designation, subsequent requirements and relationship with the appeal site. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
31. I have found that the C2 use would lead to harm to highway safety, living conditions of the occupiers of the neighbouring building, and would not provide adequate living conditions for occupiers. I attach substantial weight to these findings against the appeal.
32. However, it is a positive consideration that the development would provide support services for impaired people in the area. There is no information before me that that other similar facilities nearby are not available, and I therefore attach moderate weight to the benefits the development would afford those persons.
33. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the risks caused by the development outweigh its benefits in terms of eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

34. For the reasons set out above, the appeal is dismissed.

B Phillips

INSPECTOR