



Appeal Decision

Site visit made on 7 November 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/X0360/W/24/3339875

252a Nine Mile Ride, Finchampstead, Wokingham RG40 3NT

- 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 Nick Brister (Sterling Contractors Ltd) against the decision of Wokingham Borough Council.
 - The application Ref is 232225.
 - The development proposed is the demolition of the existing bungalow and the construction of 2 semi-detached houses and a self-build detached bungalow, with associated access, car parking, amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Nick Brister against Wokingham Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. One of the Council's reasons for refusal related to the access serving Plots 2 and 3 and the associated visibility splay. However, the Council has now acknowledged that this is no longer a matter in dispute. I have therefore not considered the issue any further as part of my decision.

Main Issues

4. The main issues are the effect of the proposed development on: (i) the character and appearance of the area, including the effect on protected trees; (ii) biodiversity; and (iii) the living conditions of the occupiers of No. 252b Nine Mile Ride, with particular regard to sunlight and daylight.

Reasons

Character and Appearance

5. The appeal site is located on a corner plot between the roads of Nine Mile Ride and Kiln Ride Extension. In general, the immediate area is predominantly characterised by the presence of detached homes set within large plots of land. The number of mature trees and hedgerows also contribute strongly to the character of the surroundings. As a result of these factors, the area has a very pleasant spacious and verdant feel. The appeal site itself reflects these

characteristics and so makes a very positive contribution to the character and appearance of the wider area.

6. The proposed development would involve the demolition of the existing bungalow and the erection of three new dwellings. Two semi-detached dwellings, that would each be two storeys in height, would be situated on the part of the site fronting onto Nine Mile Road. A self-build bungalow would also be built to the rear of the site, fronting Kiln Ride Extension. Given that all three homes would be directly accessed from an existing road, it seems to me that the proposed layout would not represent backland development.
7. However, in providing three dwellings on the site, it is abundantly clear that the site would have a much more cramped appearance than the vast majority of plots in the immediate surroundings. This would be exacerbated by the fact that the bungalow would be sited very close to the southern and western boundaries of the site, in contrast to most of the homes nearby which have fairly large areas of space around them, including by being set back from the road.
8. As a result, the proposed development would appear highly incongruous and out of place in the context of its surroundings and the existing feeling of spaciousness that exists would be greatly eroded. In addition, the amount of built form and hardstanding, including the parking area for Plots 2 and 3, would also erode the verdant character of the site. Verdancy would also be reduced further by the enforced removal of part of the mature hedgerow alongside Kiln Ride Extension to enable access to the two parking areas.
9. There are a small number of semi-detached houses in the vicinity. However, the two proposed as part of this scheme would be staggered so that their frontages would not quite align. I note that this staggered effect might follow the building line of the surrounding properties, however in itself, this design feature would appear as a very unusual and incongruous detail in this area which would also result in harm.
10. The appellant has provided an Arboricultural Impact Assessment, produced by Aspect Arboricultural Ltd (the AIA). The AIA outlines that twelve trees would need to be removed as part of the proposed development. These trees are regarded within the AIA as being of low individual quality, including a sweet chestnut tree, identified as T3, which is subject to a Tree Preservation Order (TPO). It seems to me that, while these trees may not contribute significantly to the character of the area when considered on their own, their removal as a collective would inevitably have some form of negative impact, even if additional planting is proposed. Indeed, tree T3 is noted in the AIA as having moderate value as part of the collective.
11. The AIA also sets out that excavation work would be required within the root protection areas of several remaining trees, including trees T7, T20 and T22 which are also subject to TPO's. Furthermore, T7 and T20 would require pruning to their canopies. The AIA concludes that the required excavation work can be undertaken without harming the trees. However, even if this is the case, the pruning would inevitably have some effect on their appearance, if only limited. I note that there is disagreement between the parties with regards to whether tree T20 should be regarded as a veteran tree. However, given the level of harm I have already identified to character and appearance, particularly in relation to layout, this issue would not alter my decision.

12. As a result of these considerations, I am entirely satisfied that the proposed development would lead to significant harm to character and appearance. I note that there is good tree coverage to the northern frontage of the site. However, it seems to me that the proposed development would still be at least partly visible from Nine Mile Road, particularly in the winter months when there are no leaves on the deciduous trees that are present. Furthermore, the three dwellings would be easily visible via the two access points on Kiln Ride Extension. As such, the visibility of the proposed scheme, which is unlikely to be suitably mitigated by additional planting, increases the significant harm further.
13. I therefore conclude that the proposed development would be in conflict with Policies CP1 and CP3 of the Core Strategy 2010 (the CS), Policies CC01, CC03, TB06 and TB21 of the Management Development Delivery Local Plan 2014 (the MDD), as well as Policies AHD1, D3 and IRS6 of the Finchampstead Neighbourhood Plan 2023 (the NP). Taken together, the relevant aspects of these policies seek to ensure that new development is sustainable and well designed, including by preserving character and appearance and protecting trees and hedgerows. The proposal would also conflict with the parts of the Borough Design Guide Supplementary Planning Document that have similar aims.

Biodiversity

14. The original planning application was submitted to the Council prior to the mandatory biodiversity net gain requirements coming into force. As such, the proposed development is not subject to that policy. Nevertheless, the effect of the development on biodiversity is still a material consideration.
15. The appellant has provided a Biodiversity Net Gain Assessment, produced by Arbtech. The assessment concludes that the proposed development would result in a biodiversity net loss of approximately 16%. In order to address this position, and increase biodiversity by 10% overall, the appellant is committed to purchasing credits to provide off-site benefits. The Council has confirmed that this would be an appropriate way to mitigate the identified harm.
16. A planning obligation has been provided that seeks to secure this approach. As far as I am aware, I do not have confirmation from the Council that the planning obligation has been agreed. However, I can see no reason to disagree with the main parties that this approach would satisfactorily address the loss of biodiversity on site, and I therefore find that the proposed development would not result in harm in this regard. There would therefore not be any conflict with CS Policies CP1, CP3 or CP7, or MDD Policy TB23, the relevant aspects of which seek to ensure that new development is sustainable, including by preserving and enhancing biodiversity.

Living Conditions

17. The semi-detached house, identified on the plans as Plot 2, would be in close proximity to the existing property at 252b Nine Mile Ride, and indeed, would be sited slightly forward of it.
18. In order to assess the potential impact of the proposed dwelling on the amount of sunlight and daylight reaching the front facing windows of No. 252b, the appellant has provided a Daylight, Sunlight and Overshadowing

Assessment, produced by Hawkins Environmental in January 2024 (the DSOA).

19. The study concludes that the effect of the proposed development on the neighbouring property would be negligible. The DSOA seems to be based on a robust methodology and I can see no reason to disagree with its findings. Furthermore, I noted on my site visit that the garden of No. 252b contains several mature trees, close to its boundary. Given their presence, it seems highly unlikely that the proposed dwelling could have a harmful effect on the amount of daylight or sunlight reaching the front facing windows.
20. As such, I find that the proposed development would not result in a harmful effect on the living conditions of the neighbouring occupiers. It would therefore conform with CS Policy CP3, the relevant aspects of which seek to preserve living conditions. It would also conform with the parts of the Borough Design Guide Supplementary Planning Document that have similar aims.

Other Matters

21. The proposed development has the potential to affect the Thames Basin Heath Special Protection Area. However, as I am dismissing this appeal, there is no requirement for me to consider this matter further.

Planning Balance and Conclusion

22. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
23. In this instance, the benefits of the proposal include the provision of a net addition of two homes that would assist in meeting need in the area, support for local facilities, and create jobs during the construction phase. The efficient use of land, including a site that is partly previously developed, and the provision of one self-build home, also weighs in favour of the scheme. I have also concluded that there is potential for enhanced biodiversity. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford moderate weight to them overall given that they are relatively minor in nature.
24. I have concluded that there would be material harm to the character and appearance of the area. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance. In this instance, the harm would be significant and enduring.

25. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm.
26. The appeal is therefore dismissed.

C Butcher

INSPECTOR