



Appeal Decision

Site visit made on 6 December 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/X0360/W/24/3336778

247 Finchampstead Road, Finchampstead, Wokingham RG40 3JR

- 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 Andrew Russell, Russell Highbury Properties Limited, against the decision of Wokingham Borough Council.
 - The application Ref is 232154.
 - The development proposed is 1 detached 5 bed house.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for the award of costs has been made by Wokingham Borough Council against Russell Highbury Properties Limited. This is subject to a separate decision.

Preliminary Matters

3. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. Main parties have been given the opportunity to comment on the implications of the revised Framework. Where received, comments have been taken into account.

Main Issues

4. The main issues are: a) the effect of the proposed development on the character and appearance of the area, including in respect of its effects on trees; b) whether the proposed development would provide suitable living conditions for future occupiers; and c) the effect of the proposed development on the Thames Basin Heath Special Protection Area.

Reasons

Character and Appearance

5. The appeal site predominantly forms part of the rear garden of no. 247 Finchampstead Road (no. 247), which is a detached dwelling that occupies an end plot along a row of dwellings. There is an extant planning permission (ref: 223614) to demolish the existing dwelling at no. 247 and erect two semi-detached dwellings fronting onto the street, which I understand the appellant is planning to progress.
6. The appeal site contains several trees along its perimeter that are subject to Tree Protection Orders (TPOs). An area of woodland also runs to the rear of many of

the dwellings along Finchampstead Road, including the appeal site, which separates the dwellings from an existing golf course beyond. However, the area of 'woodland' to the rear of the appeal site is mainly open; with several trees having been felled relatively recently, albeit remaining specimens have since been made subject to a group TPO. The presence of mature trees and hedgerows along much of Finchampstead Road, including residential boundaries, ensures the area has a rather verdant character.

7. The appeal site is also located alongside a sizeable commercial car dealership. Despite the presence of the adjacent commercial use, the surrounding area has a highly residential character with a semi-rural feel. Furthermore, due to its siting and proposed use, the appeal development would be read much more in conjunction with the neighbouring residential built form than the more distinctive and separate commercial development.
8. The section of Finchampstead Road that the appeal site sits within is characterised by residential development that varies in its precise scale, form, and appearance, but has a clear linear arrangement. Most dwellings are set along a consistent building line, facing onto the main highway, behind front gardens. This results in the dwellings having a strong presence within the streetscene, and together with their rather generous plots, it creates a largely consistent pattern and grain of development. Dwellings in the wider surrounding area, whilst varying in scale, appearance, and plot sizes, also tend to front onto their respective streets.
9. The proposed development would involve a dwelling of substantial scale in a backland position. Its siting to the rear of the established residential building line, tight to the boundary of the adjacent neighbouring dwelling, and lacking a street frontage, would appear at odds with the predominant layout of surrounding residential development. Indeed, the siting and orientation of the proposed dwelling, together with its plot size and layout, would combine to result in a rather cramped and ill-fitting form of development.
10. Despite some screening from vegetation and adjacent commercial buildings, the proposal would remain conspicuous from public vantage points, particularly during winter periods when vegetation is not in leaf. Nor do I consider that the redevelopment of no. 247 through the separate permission (ref: 223614) would have any notable mitigating impacts for the current proposal.
11. Although there are already limited examples of backland/tandem dwellings nearby along Finchampstead Road, they are not highly characteristic of the pattern of development in the area. Additionally, the existing backland developments are modest single storey buildings and are located within a far more discreet position within the streetscene than the appeal site. Consequently, public views of the existing backland dwellings are extremely limited.
12. The appellant has also suggested the incorporation of additional boundary treatments/vegetation would further screen the proposed development. The appeal scheme would nevertheless not reflect the character of the surrounding area. Moreover, vegetation should not be relied upon to screen otherwise unacceptable development, particularly as there can be no guarantees over its long-term retention.
13. Turning to trees, the proposal would involve the removal of a group of trees (G16) adjacent to the boundary line of the appeal site. They are Category C quality trees

and appear to be a section of unmanaged laurel and hazel hedge, as such, they provide only a limited contribution to the verdant character of the area. Subject to the proposal incorporating suitable soft landscaping, which could be secured via appropriate conditions, I do not consider the loss of these trees would be detrimental to the character or appearance of the area.

14. The Council has also expressed concerns regarding development activity taking place within the root protection areas (RPAs) on a number of other trees at the site. However, since the determination of the original planning application, a group of trees (G13) near the site boundary (off-site) have been removed by the relevant landowner. The RPAs of these trees would have been the most likely affected by the proposed development. Meanwhile, from the evidence before me and my observations on site, I am satisfied that subject to relevant conditions (in relation to matters such as construction practices, routing of services, and areas of hardstanding) the health of the remaining trees on site could be suitably secured. Still, this does not overcome my concerns with the proposal's design.
15. Overall, I find that the appeal scheme would cause harm to the character and appearance of the area. It therefore conflicts with Policies CP1 and CP3 of the Wokingham Borough Council Adopted Core Strategy Development Plan Document (January 2010) (the 'Core Strategy') and Policies CC01, TB06 and TB21 of the Council's Managing Development Delivery Local Plan (February 2014) (the 'Local Plan'). Together amongst other matters, these policies seek to promote high-quality development that makes a positive contribution to the character of the area, including through respecting the layout of existing development.
16. For reasons outlined above, the proposal would not though conflict with Local Plan Policy CC03, in respect of its aims of protecting and retaining trees, hedges, and other green infrastructure.

Living Conditions of Future Occupiers

17. The proposed development would be a sizeable five-bedroom dwelling. It would be provided with approximately 200sqm of garden space. The garden space would predominantly be split between an area at the front and another to the side of the proposed dwellinghouse, with no practical usable space to the rear of the building.
18. Because of its position at the front of the property alongside the access driveway and parking spaces, as well as its relationship with adjacent commercial uses, the front garden would not provide an enticing or particularly private outdoor space for use by future residents. From my observations on site, I do not consider the introduction of landscaping, details of which would need to be secured via planning conditions, would make a suitable or meaningful difference to the quality and likely useability of this garden space.
19. The additional garden space to be provided to the side of the proposed dwelling would measure approximately 16m in length. This area of garden though would be rather narrow in width and would also accommodate bin stores/cycle parking to serve the property. Despite the overall quantum of garden space to be provided, the area for practical and private use would be rather limited. In the context of a sizeable five-bedroom house, I do not consider that the proposal would provide an appropriate quality of useable private space, that would enable multiple residents to simultaneously undertake a range of outdoor activities typically associated with a family home. Regardless of the Council's lack of specific design guidance on

outdoor garden spaces, I consider that the proposal would therefore not provide suitable living conditions for future occupant's in respect of access to private outdoor space.

20. Turning to outlook and light, although not south-facing, the proposal's main living spaces (i.e. the living room, dining room, and family/breakfast/kitchen space) would each be sizeable and have dual aspects, including large extents of glazing. As such, these rooms would offer suitable outlook and are unlikely to be gloomy in nature. Although none of the proposed bedrooms are south facing, this does not mean that they would be subject to inadequate living conditions. The largest two proposed bedrooms would again both have dual aspects. While each of the proposed bedrooms appear to be well proportioned and served by adequately sized windows to allow in sufficient light.
21. The proposed dwelling would be positioned tight to the boundary with the adjacent area of 'woodland'. Still as the area of woodland next to the site has largely been denuded of trees, under the current circumstances, the rooms within the proposed dwelling that would face onto the woodland would have sufficient outlook and not be considerably overshadowed. Additionally, there can be no guarantees that remaining trees on the adjacent woodland (under the group TPO) will rejuvenate and mature to a considerable size and extent.
22. The only single aspect room that would face onto the area of woodland would be one of the dwelling's proposed five bedrooms, albeit not one of the principal bedrooms. If the trees on the adjacent woodland were to mature into sizeable specimens, it would likely lead to a reduced standard of outlook and loss of natural light for the relevant bedroom. Even so, as a whole, I consider the proposed dwelling would still be likely to provide a high standard of internal space for potential future occupiers. Therefore, I am also not convinced that the proposal would lead to any significant pressures to undertake works to protected trees within the woodland, which the Council would be unable to resist.
23. Nevertheless, through the provision of inadequate private outdoor garden space, the proposed development would not provide suitable living conditions for future residents. Accordingly, the appeal scheme conflicts with policies CP1 and CP3 of the Core Strategy, and Policies CC01 and TB06 of the Local Plan. Together, amongst other matters, these policies seek to promote high-quality development that includes the provision of appropriate amenity space.
24. In respect of this main issue, the Council's decision notice also referred to Local Plan Policies CC02 ('Development limits') and TB07 ('Internal space standards'). However, I have not found the proposal to be contrary to these policies.

Thames Basin Heath Special Protection Area

25. The appeal site is located within the zone of influence, of the Thames Basin Heath Special Protection Area (SPA). The SPA is a European designated site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The SPA is designated due to it comprising an internationally important area of heathlands that support rare species of birds, namely nightjar, Dartford warbler and woodlark.
26. During the appeal process, the appellant has provided an executed legal agreement under Section S106 of the Town and Country Planning Act 1990. This

would secure a financial contribution towards SPA access management and monitoring measures, to better manage and monitor visitors use of the SPA.

27. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further.

Other Matters

28. There is no robust evidence before me to demonstrate that the planning permission (ref: 223614), for the wider redevelopment at no. 274, is not viable or unlikely to proceed without the additional proposed development sought under this appeal.

Planning Balance and Conclusion

29. The proposed development would cause harm to the character and appearance of the area, whilst it would not provide suitable living conditions for potential future residents. Despite compliance with various other development plan policies, the proposal would therefore not accord with the development plan taken as a whole.
30. The Council is unable to demonstrate a five-year housing land supply, while based on the information before me, its shortfall is likely to be significant.
31. The appeal scheme would provide a dwelling in a sustainable location. This would not greatly increase the total supply of housing in the area, but any additional provision is likely to be beneficial given the Council's highlighted housing land supply position. Furthermore, the Framework indicates that the development of small and medium sites can make an important contribution to meeting the housing requirements of an area. There would also be wider socio-economic benefits associated with the delivery and subsequent occupation of the proposed dwelling. Albeit, given the scale of the proposal, these would be limited in nature.
32. The support for the proposal in the Framework is countered by the importance it attaches to design as a key aspect of sustainable development. This establishes that development that is not well designed should be refused.
33. Consequently, I find that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
34. For the reasons outlined above the appeal scheme conflicts with the development plan as a whole, and material considerations including the aims of the Framework, do not justify a decision other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR