



Appeal Decision

Hearing held on 28 January 2025

Site visit made on 29 January 2025

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/X0360/W/24/3352010

Land at and to the rear of 238 & 240 Nine Mile Ride, Finchampstead, RG40 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Elivia Homes against the decision of Wokingham Borough Council.
- The application Ref 232298 sought approval of details pursuant to condition No 1 of a planning permission Ref 211889, granted on 13 December 2022.
- The application was refused by notice dated 20 June 2024.
- The development proposed is described as "Application for the approval of reserved matters pursuant to outline planning consent 211889 for 'the erection of up to 32 dwellings. All matters reserved other than means of access from the existing highway on Nine Mile Ride and associated infrastructure, landscaping and demolition of 2 existing dwellings'. Appearance, Landscaping, Layout and Scale to be considered."
- The details for which approval is sought are: Appearance, landscaping, layout and scale.

Decision

1. The appeal is dismissed

Preliminary Matters

2. Amended plans were submitted with the appeal to address the council's concerns regarding outlook from balconies by removing them from the houses on plots 6-10 in the south-east corner of the site, by adding lines of sight from windows between plots 17-21 and 14-16 to show the potential for overlooking between these plots, as well as widening the walkway into the woodland in front of plot 10. These plans were consulted on, and interested parties were also given the opportunity to comment on them during the Hearing. The changes are modest, and interested parties are not prejudiced by my including these amended plans as part of my determination of this appeal.
3. The appeal site is part of an allocated housing site, and benefits from outline planning permission for up to 32 dwellings. The appeal proposal is for 26 houses, with the 2 existing houses on the site to be demolished, for a net gain of 24 houses on the site.
4. Following a discussion of conditions during the Hearing I asked for the appellant to confirm in writing that they agreed to the imposition of pre-commencement conditions. The Hearing was formally closed once this confirmation was received.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the area, including whether the proposed landscaping would result in a development compatible with its woodland setting; and,
- The effect on the living conditions of neighbouring occupiers with particular regard to overlooking and outlook, and whether it would provide acceptable living conditions for future occupiers.

Reasons

Character and appearance

6. The appeal site lies to the rear of houses on Nine Mile Ride, a historic hunting ride through the previous Royal Forest. The historic woodland character of the area is evident in the presence of mature trees along Nine Mile Ride and both on and as a backdrop to the appeal site and surrounding houses. The contribution made by these trees is recognised in the Wokingham Borough Landscape Character Assessment 2019 (the Assessment). Within the Assessment the site is recognised as falling within a landscape character area identified as containing large expanses of mixed woodland containing mature trees which are important ecological habitats and provide a sense of place and history. The Assessment also notes the distinctive pattern of interconnected woodland and forestry, and distinctive long straight historic roads following the route of rides.
7. This stretch of Nine Mile Ride is characterised by linear ribbon development, with houses of individual character or in small groups of no more than three of the same design. Houses along this stretch are generally detached, of one or two storeys in height, and sited on generously sized plots. They are typically sited close to the street, but there is some variance in the immediate vicinity of the appeal site in particular.
8. The existing houses at 238 and 240 are set back from the street behind neighbouring houses, and due to the topography of the site are set at a higher ground level than the properties in front of them. Due to the extent of setback, the intervening houses and the presence of mature trees within the appeal site the existing houses are not prominent in the street scene despite their higher ground level.
9. The appeal site rises upwards away from Nine Mile Ride, with a level difference of several metres from the end of the vehicle access to the houses proposed to be built furthest from it. These houses would include the tallest of the proposed houses, from house type E.
10. The appeal proposal would involve the construction of 26 houses and the removal of a substantial volume of established trees, many of which are the subject of Tree Preservation Orders. This would inevitably affect the character of the site in the surrounding area. However, this was recognised in the grant of the outline planning permission¹, where my colleague found that the site is very well contained with heavily restricted views into and across it. Even

¹ Planning Inspectorate ref: APP/X0360/W/22/3295631 dated 13 December 2022

allowing for the extent of proposed tree removal, I agree generally with my colleague on this point. My colleague further found that a significant loss of trees from the site was an inevitable consequence of its allocation for housing development. I also agree with this point.

11. The scale of development would be at a density higher than the surrounding area, even allowing for the reduced proposal of 26 houses. The development would be particularly visible from surrounding properties, in part because of the height and elevated position of some of the houses. In addition, the density would result in smaller plot sizes than those of most neighbouring dwellings, including some terraced houses which are not typical in the immediate surrounding area. From these surrounding properties, the development would be seen in varying degrees of prominence.
12. The eastern boundary of the site would be the subject of extensive landscaping works, including the removal of all non-native trees. This would include several mature Lawson cypress trees, many of which are sited close to the 3 new houses Oak Manor, Willow Cottage and Orchard House. These would be replaced with hedgerow planting, while some existing trees in this area would be retained. The retained trees and proposed hedgerows would provide some screening but the nearest houses on the appeal site would be visible from these existing houses, especially from the two houses which have a common boundary with the appeal site. The houses on plots 7 and 8 would be prominent from Oak Manor in particular, with the resulting relationship a substantial change in the character of the area as experienced by the occupiers of that property.
13. The principle of development of the appeal site has been established, and the 3 new houses occupy part of the wider allocated site. However, the development proposes the loss of a prominent part of the boundary planting as seen from Oak Manor. This would be contrary to the established woodland character and cause a loss of the enclosed character which was recognised by my colleague in their decision to grant outline planning permission on the site. This would result in harm to the character and appearance of the area as seen from Oak Manor.
14. I have considered whether this matter could be resolved through use of conditions. However, there is no guarantee that an acceptable relationship could be secured in this way, and the occupiers of Oak Manor would not necessarily be consulted on the discharge of a condition. Accordingly, I do not consider that the issue could be resolved in this way. I have also considered that the occupiers of Oak Manor could erect or plant additional boundary treatments within their own land. However, such would be outside of the control of any permission for the appeal site. It would also be unreasonable for a development outside of their control to require the occupiers of that property to introduce such measures on their own land.
15. Elsewhere, the screening provided by the retained trees and proposed landscaping would be more effective. While the appeal site is only part of the allocated site it is inevitable that any housing development on it would result in change to its character and appearance. Other than in relation to Oak Manor, the effect would largely be contained to the interior of the site, with only a limited impact beyond it due to the extent of retained trees within the site. As part of the proposed development the retained woodland on the site

would have been the subject of a 10 year management plan intended to improve its overall quality and value.

16. Views of the development from Nine Mile Ride would be limited principally to along the proposed accesses. Such views would be distant, given the depth of the accesses, and from elsewhere on Nine Mile Ride the proposed houses would be seen as a backdrop to the existing houses, as well as in the context of the retained and proposed trees and landscaping. In this context the change would not be harmful to the character and appearance of the area.
17. Houses would be placed along the full length of the eastern boundary of the developed part of the appeal site, backing onto houses on Heath Ride. That lane slopes upwards from Nine Mile Ride at a much gentler gradient from the appeal site. The houses backing onto the appeal site are set back from the lane with an increasing difference in levels from the lane along its length. These houses therefore are seen against the backdrop of the trees on the appeal site. Whilst the proposed development would be visible from the lane, it would be seen as a background presence in the context of the nearer houses and with some screening provided by the retained trees. This would be a change from the current character, but given the urban setting of the wider area this would not amount to harm to its character.
18. Wick Hill Lane curves around two sides of the appeal site, and at its closest runs along the southernmost boundary of the site along the retained woodland. That retained woodland would provide screening for the development, but some of the proposed houses would be visible from other angles along the lane, including from close to Silverwood and Tubney. The houses on plots 11-16 due to their size and proximity to those houses would be visible from the lane. However, they would be seen as a backdrop to Silverwood and Tubney, and there would be screening from the intervening woodland to the rear of the houses and the retained trees on the appeal site. While this would result in a change to the character of Wick Hill Lane, this change would be modest in scale, and so would not be harmful.
19. The internal layout of the development would provide passive surveillance of the communal areas, including to some degree the retained woodland. This woodland would be accessible to occupiers of the development. It would also be accessible to anyone else from the development, although not from Wick Hill Lane. A path leading through the woodland would exit along the west boundary where natural surveillance would come from the occupiers of the house on plot 13. This path, the retained woodland and areas of public open space around the site would contribute towards retaining a degree of the woodland character which the site currently possesses. Other than as noted above, the development would retain enough of that woodland character that it would not otherwise be harmful to the character and appearance of the area.
20. The appeal proposal would involve laying hardstanding throughout the site to provide access to the houses. This is an inevitable consequence of a development of this scale and would be somewhat countered by the proposed soft landscaping. While it would result in a significant change to the internal character of the site, the degree of enclosure would mean that this would not affect the character of the wider area.

21. The development would include areas of public open space. Other than the retained woodland, the largest of these would be next to the vehicle access and would be visible from many of the houses in the north of the site. While not large in itself it would be well landscaped and would provide an attractive focal point in this part of the site. The landscaped path along part of the west boundary would also provide an area of public open space and a connection to the retained woodland. Although somewhat marginalised by its location, this would also make it a quieter area removed from the main areas of vehicle movement and hard landscaping.
22. Elsewhere, there would be smaller green breaks to the sides of the semi-detached pair of houses on plots 4 and 5. These would be modestly sized areas of limited value but would make some additional contribution to the overall character of the development. The maintenance strips, while not open to public use, would also generally secure soft landscaped areas around much of the perimeter of the development.
23. Overall, therefore, the appeal proposal would be harmful to the character and appearance of the area, as perceived from Oak Manor. It would consequently conflict with policies CP1 and CP3 of the Core Strategy and CC01 of the Managing Development Delivery Local Plan 2014 (the Local Plan). These policies require, amongst other things, that development maintain or enhance the high quality of the environment.
24. The development would otherwise, considering that the principle of development has been established, be acceptable in terms of integrating into its woodland setting. It would therefore accord overall with policies CC03 and TB21 of the Local Plan and Policy IRS6 of the Finchampstead Neighbourhood Plan 2023. These policies seek, amongst other things, for development to retain the condition, character and features that contribute to the landscape and seek to retain mature or important trees, groups of trees or woodland on site.

Living conditions

25. The removal of the Lawson cypress trees from the boundary would result in there being little visual separation between the garden to Oak Manor and the houses on plots 6, 7 and 8 of the appeal proposal. The separation distance between the houses would accord with the council's guidance. However, at present the garden to Oak Manor is effectively entirely private with little or no direct overlooking from any neighbouring property.
26. A hedgerow would be planted along the shared boundary. This would be comprised of specimens of up to 1 metre in height. I am mindful that the proposed species could grow over time to provide meaningful screening. However, this would take several years, during which the neighbouring occupiers would experience both overlooking and the perception of being overlooked. Given that little or no overlooking occurs at the present time due to the mature trees and orientation of neighbouring properties, this would result in unacceptable harm to their living conditions. I have considered whether this could be addressed through planning conditions. However, as detailed above I do not consider that this would be reasonable.
27. The proposed houses would be set back from the shared boundary in line with council guidance on separation distances. Oak Manor has no windows in the

elevation facing towards the appeal site. While the houses on the appeal site would be visible from Oak Manor, the separation distance and presence of existing houses in the area means that the development would not result in unacceptable harm to the outlook from that property.

28. Willow Cottage also shares a boundary with the appeal site. However, there would be greater retention of existing trees along this section of the boundary. The screening provided would limit intervisibility between Willow Cottage and its garden and those houses proposed for plots 4 and 5. The relationship would be acceptable overall in terms of the impact on the existing occupiers' living conditions.
29. Other existing properties, including Tubney, Silverwood and Orchard House, would be sufficiently distant or well screened by retained vegetation that no undue harm from overlooking would result from the proposed houses.
30. The detached houses on plots 14-16 and the terraced houses on plots 17-21 would be oriented back-to-back. The houses on plots 14-16 would be several metres higher due to the change in levels within the site. The higher houses would be prominent in the rear outlook from the terraced houses. However, the separation distance between the rear elevations accords with the council's guidance and the shared rear boundary treatments would prevent undue overlooking of the lower houses and gardens. On balance, the relationship would be acceptable in terms of outlook and privacy.
31. The development layout would include circulation space around the houses. The courtyards for vehicle manoeuvring would connect to the footpath that would run along the western boundary and into the retained woodland. This would encourage residents to use the woodland for recreation alongside their own gardens and the areas of public open space within the development.
32. The retained woodland would be accessible to anyone from within the development, but not from the public right of way along Wick Hill Lane. This would limit its use by non-residents, and therefore also any risk of crime or anti-social behaviour arising from the woodland being accessible. Overall, the relationship of the houses to the woodland would be acceptable.
33. The development would increase the volume of pedestrian and vehicle traffic along the accesses, which at present each serve a single house. This would inevitably result in an increase in noise perceived by the neighbouring occupiers. However, such disturbance would be transient, and these houses face onto Nine Mile Ride which is a well-used road, albeit that each is set back from it. Nonetheless, any additional noise or disturbance arising from the increased levels of traffic would be relatively modest. It would not result in unacceptable harm to the neighbouring occupiers' living conditions, even taking account of the removal of the existing trees next to 240a.
34. The proposed development would provide acceptable living conditions for future occupiers. Its effect on the living conditions of most neighbouring occupiers would be limited and would not result in undue harm to them. However, it would cause direct overlooking of Oak Manor, and as a result its occupiers would experience an unacceptable loss of privacy. It would therefore conflict with policy CP3 of the Wokingham Borough Core Strategy 2010 (the Core Strategy). This policy requires, amongst other things, that development

be of a layout and built form without detriment to the amenities of adjoining occupiers.

Other Matters

35. Submissions from interested parties make clear that neighbouring occupiers were uncertain about various elements of the development. These included the distance between existing and proposed houses, and the extent of tree removal at the site. This is regrettable, and better engagement with these parties before and during the application and appeal could have addressed these concerns.

Conclusion

36. The principle of residential development on this site has already been established as acceptable. The appeal proposal involves a lower density than approved in outline.
37. However, the prominence of the nearest houses as seen from Oak Manor would be out of keeping with the woodland character of the site. Furthermore, the detailed development would cause unacceptable harm to the living conditions of neighbouring occupiers through overlooking and loss of privacy.
38. The appeal proposal therefore conflicts with the development plan, and there are no material considerations to indicate a decision other than in accordance with it. Accordingly, the appeal is dismissed.

M Chalk

INSPECTOR

Appearances

For the appellant

Zack Symons	Barrister
David Wetherill BA (Hons) MSc MRTPI	Planning witness
Colin Pullan BA (Hons) DipUD	Design witness
Neil Furber BSc (Dual Hons) PGDip CMLI	Landscape witness

For the council

Sarah Castle MRTPI	Planning Enforcement Team Manager
Bridget Crafer CMLI	Landscape architect

Interested parties

Matt Dymant	Resident
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