



Appeal Decision

Site visit made on 1 April 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/X0360/W/24/3356351

Land at St Sebastian's Close, Crowthorne, Wokingham RG40 3XA

- 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 Christopher Howell of Ashridge Land Ltd against the decision of Wokingham Borough Council.
 - The application Ref is 240768.
 - The development proposed is construction of 6 x 2-bedroom dwellinghouses (Use Class C3) together with associated access road, parking, landscaping, refuse storage and private amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address and description of development from the application form as they are sufficiently precise.
3. Additional section drawings were provided with the appeal along with changes to the parking layout and further information on visibility splays and swept path analysis. In addition, a response to biodiversity matters was provided by The Ecology Co-op. These related to only minor changes to the scheme, were provided at the outset of the appeal and parties have had the opportunity to comment on them. Therefore, they would not be prejudice by my taking them into account in my reasoning. The Council have subsequently withdrawn their reason for refusal relating to highway safety.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - Whether the appeal site is an appropriate location for the proposed development with regard to the local strategy and accessibility to services and facilities,
 - Whether the proposed development would provide appropriate living conditions for future occupiers with regard to outdoor space, outlook, privacy and security,
 - The effect of the proposed development on the living conditions of occupiers of St Sebastian's Court with regard to privacy and outlook,

- The effect of the proposed development on biodiversity, and
- The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The mature vegetation at the appeal site is seen in glimpses from Nine Mile Ride, between properties with woodland beyond. The surrounding area and the site share some of the characteristics identified in the Wokingham Borough Landscape Character Assessment. However, it is seen with, from and surrounded by St Sebastian's Close, the car park and sport facilities and the rear of Nine Mile Ride properties. Its immediate context includes hard surfacing and buildings behind the frontage development and itself was formerly developed in part. As a result, the site does not appear as part of the countryside, tranquil or remote and makes a limited contribution to the Forest and Rides Valued Landscape.
6. Nevertheless, although there is some variation, plots are generally relatively deep with lengthy space to the front, rear or both. The proposed plots would have far shallower gardens than typical and would be much smaller overall. Even though there would be some space outside of the plots, properties would sit uncomfortably close to their rear boundaries and as such appear cramped in comparison to the surrounding area. This would erode the spaciousness that gaps between the low density of the built form currently create and is a positive aspect of the existing character and appearance of the area. While views from Nine Mile Ride would be limited, the harm would be obvious from nearby properties, the car park and sports facilities.
7. Much of the development on this side of Nine Mile Ride was historically linear frontage development. However, there are several examples of properties set back and behind these near the site such as St Sebastian's Close and Grove Close. Therefore, the presence of residential buildings and paraphernalia as proposed on this section of Nine Mile Ride would not appear incongruous and the existing houses lining the historic rides would be retained. Notwithstanding this, the proposed properties would not be orientated on to the road that serves them or follow a linear pattern, something that is the predominant feature of even the properties set back from Nine Mile Ride. As a result, the proposed layout would appear disjointed and discordant.
8. There is no clear evidence to indicate how T12 and T20 could be retained and as well as lower quality trees, T26 would be removed. In addition, the proximity of mature trees to Plot 1 would restrict the outlook and light for future occupiers to some degree as well as cause potential nuisance. Nevertheless, several mature trees would be kept and were the appeal to be allowed conditions could be imposed in relation to works near or within root protection areas and management of retained trees. Some of these trees would also have grown near to hardstanding areas associated with the former use of part of the site. Large areas of woodland along with other pockets and individual trees would remain near the site. The retained features and proposed planting would ensure that, while there would be an inevitable change at the site from the scheme, the verdancy of the site would be maintained.

9. That the proposed properties would have the same general appearance, and form is not untypical with there being sections or rows of properties of similar design along Nine Mile Ride. Moreover, the materials, scale and features of the proposed properties would draw on those in the area and that they would be seen with. The proposed large elements of fenestration would, although not matching many of the buildings nearby, not be significantly different to that at St Sebastian's Court.
10. Some proposed car parking spaces would not be adjacent to the dwelling they serve and there would not be a consistent parking layout. Nonetheless, there are different parking arrangements nearby including parking courts, the car park adjacent and various on plot arrangements. Consequently, it would not appear discordant.
11. There are currently gardens that are adjacent to public spaces, such as the car park adjacent to the site. Suitable boundary treatments would ensure a clear demarcation of public and private spaces.
12. Therefore, the proposed development would significantly harm the character and appearance of the area. It would be contrary to Policies CP1, CP3 and CP11 of the Core Strategy¹ and Policies CC02, CC03, TB06 and TB21 of the Local Plan². These, in part, aim to maintain a high quality environment and ensuring development is of appropriate design. The scheme though would not conflict with the Framework with regard to protecting valued landscapes.

Location

13. For the reasons above the scheme would not maintain the quality of the environment. Moreover, even if the appeal scheme was considered not to lead to excessive encroachment or expansion away from original buildings, it does not meet the other relevant criteria for development outside development limits as set out in Policy P11 of the Core Strategy.
14. While the development of nearby facilities may be reliant on the scheme, the proposal itself is only for housing and in any event, in the absence of a planning obligation connected to this scheme there is no mechanism to secure the funding of facilities as suggested.
15. That the site is close to the settlement limits and other development or whether it is previously developed land, does not mean compliance with the relevant criteria, as the policy requires schemes to accord with multiple ones. Therefore, it would not accord with the development strategy.
16. Policies CP1, CP9 and CP6 of the Core Strategy amongst other things, seeks to minimise emissions, locate development where there will be a choice of modes of transport and be of a scale reflecting accessibility to facilities and services available. Policy CP2 of the Core Strategy includes requirements regarding specific parts of the community such as ageing population, families and those less able.
17. The appeal site would exceed the specific distances to different public transport services and the other facilities set out in the SPD³ in many instances. However,

¹ Wokingham Borough Core Strategy Development Plan Document 2010

² Wokingham Borough Development Plan – Adopted Managing Development Delivery Local Plan 2014

³ Wokingham Borough Council Borough Design Guide Supplementary Planning Document June 2012

there would be schools and bus stops within the walking distances. There would also be other facilities not listed in the policy such as the sports clubs.

18. Although the width varies in places, there is a footway and lighting along much of Nine Mile Ride. There are also public rights of way and through Bramshill Forest giving access to other facilities, transport options and connections to larger settlements. However, given the distances involved and the lack of lighting in places it is unlikely that future occupiers of the site would walk to facilities, particularly at times of darkness or inclement weather.
19. The bus service is not to the frequency set out in the SPD and there are no dedicated cycle facilities at the site. There is some bus provision and cycle facilities in the wider area linking the site to a greater range of services and facilities. Bus stops are near to the site and despite not having a shelter or crossing points would still be an option for future occupiers.
20. The distances to services and facilities involved are not substantial and the range and type of transport options will vary dependant on the user. Nevertheless, there would likely be a reliance on private vehicles.
21. Therefore, the appeal site is not an appropriate location for the proposed development with regard to the local development strategy and accessibility to services and facilities. It would be contrary to Policies CP1, CP2, CP3, CP6, CP9, CP11 and CP17 of the Core Strategy and Policies CC02, CC03 and TB21 of the Local Plan. These, in part, provide a strategy for development, directing it to certain locations, including in relation to accessibility and character protection.

Future living conditions

22. The provision of boundary treatments and landscaping would prevent overlooking into the proposed rear gardens from the adjacent public areas. Nonetheless, there would be direct short-range views over these from several upper floor windows of St Sebastian's Court into the rear garden and rear windows of plots 2 and 3. While obscure glazing would limit views into bathrooms, this would not be appropriate for the other rooms. As a result, there would be insufficient privacy for future occupiers.
23. The limited separation distance and the height and width of St Sebastian's Court mean that it would appear as a dominant feature in the outlook from the rear rooms and gardens of plots 2 and 3. There would be an uninviting and oppressive outlook for future occupiers of these properties from these areas.
24. The rear gardens would be below the minimum garden length generally accepted as set out in the SPD. However, although different sizes, their width means the overall size of the area would allow sufficient space for the properties they serve and activities the space would be required for.
25. The sunlight that could reach the rear garden of plot 1 would be restricted due to the positioning of the dwelling and proximity to nearby trees. This would vary depending on the time of day and year and there would also be further outdoor areas within and close to the site that future occupiers could utilise. However, despite the overall size of the garden, the orientation of it with limited depth would mean large parts of the garden would be affected by shading. Therefore, while the

size of the garden would be sufficient, the functional use of the space would not be. It would feel dark and unenticing for future occupiers.

26. The provision of boundary treatments and landscaping by condition would ensure that, while there would be public areas adjacent to the proposed gardens, sufficient security would be provided for future occupiers. There has been no clear evidence that there is an issue with crime or security near the site or at existing properties that currently share boundaries with public areas nearby.
27. Nevertheless, the proposed development would not provide appropriate living conditions for future occupiers with regards to outlook and privacy for plots 2 and 3 and outdoor space for plot 1. It would be contrary to Policies CP1 and CP3 of the Core Strategy where they, in part, seek to avoid detriment to amenities of occupiers and achieve a high quality environment. Due to the extent of the constraints on living conditions, the harm from this matter is significant.

Neighbour living conditions

28. Due to the angles involved and position of the rooflights, views from the rear rooflights at plots 2 and 3 into rooms in St Sebastian's Court would be confined to the upper parts of the rooms. Notwithstanding this, although boundary treatments and landscaping would filter views, from the large ground floor openings and garden, the relatively short distances involved mean overlooking into the rear rooms at St Sebastian's Court would be intrusive. The privacy of existing occupiers would be harmfully reduced.
29. The proposed first floor rooms for plots 2 and 3 would be partly built into the roof and the roof slopes away from St Sebastian's Court. These factors along with the overall scale of the proposed dwellings mean there would be sufficient separation to prevent them being overbearing in the outlook from the garden and rear rooms of St Sebastian's Court. As such, and as landscaping would partly soften the appearance of the new dwellings, the proposal would not harm the outlook from these areas.
30. Nevertheless, the proposed development would significantly harm the living conditions of the occupiers of St Sebastian's Court with regard to privacy. It would be contrary to Policies CP1 and CP3 of the Core Strategy where they, in part, seek to avoid detriment to amenities of adjoining occupiers and achieve a high quality environment.

Biodiversity

31. The application was made prior to the mandatory Biodiversity Net Gain being applicable to this scheme. Nevertheless, even if additional trees were retained as suggested, there is no biodiversity metric, or other detailed assessment provided to indicate that the scheme would avoid a loss of biodiversity overall. The timing of the Ecological Assessment Report means that some woodland features may not have been picked up. Enhancements are suggested; however, it is not clear if this addresses the loss because of the scheme. As such, I cannot be certain what degree of harm or impact there would be to biodiversity.
32. Additional information on reptiles was submitted with the appeal. Nonetheless, full details of the methods used for the assessment have not been provided and weather conditions were sub-optimal for parts of the assessment. The extent and

species that may be at the site has therefore not been sufficiently considered. This and the lack of detail relating to the operational phase of the scheme means I cannot be sure what level of impact the scheme would have on species population.

33. Imposing conditions relating to these matters would not be appropriate as it has not been shown what effects there would be, what mitigation would be needed and whether this can be achieved on site.
34. Therefore, the proposed development could result in significant harm to biodiversity. It would be contrary to Policies CP7 of the Core Strategy and TB23 of the Local Plan where they seek to protect biodiversity, habitats and species.

Highway Safety

35. Use of St Sebastian's Close and the access onto the main road would increase. However, given the number of properties proposed, the extent of existing properties nearby and the adjacent car park, the traffic generated would not be significant. Therefore, it would not disrupt the flow of traffic in the area.
36. Swept path analysis demonstrates that vehicles could turn within the site. Vehicles within the appeal site and along St Sebastian's Close would likely be travelling at low speeds given the alignment and width of the roads and distances involved.
37. Visibility on to St Sebastian's Close and the main road is sufficient for drivers and other road users to see those emerging from appeal site, adjust accordingly and vice versa. Moreover, there is no compelling evidence that the existing arrangements cause any danger to highway safety.
38. Parking is provided within the site for each dwelling. My observations on site, while only a snapshot in time, were that there are spaces in the nearby area for parking off the main road. Consequently, although there are some parking restrictions nearby, even if there were a small amount of additional parking required such as for visitors, there would be space nearby. This would prevent any dangerous parking near or at junctions or where they would obstruct the flow of traffic.
39. As such, the proposed development would not harm highway safety. It would accord with Policies CP1 and CP6 of the Core Strategy where they require schemes to be safe and not cause highway problems or adverse effects on the transport network.

Other Matters

40. It has not been shown that the development at 59 Nine Mile Ride and the examples of decisions where garden lengths were below that recommended in the SPD had the same arrangement of existing or proposed properties or landscape features. They would also not be seen in the same context as the appeal scheme. Therefore, as with the previous applications at the appeal site, they are materially different to the proposal before me.

Planning Balance

41. The site is located near other residential development and would contribute towards housing supply and mix. Due to the extent of the housing shortfall in the area this attracts moderate weight. There would also be benefits associated with

the construction and occupation of the dwellings and energy efficiency. However, given the scale of the scheme these benefits and the weight I give them are small. Even if I were to agree that there was no harm other than that identified above, this would only be a neutral factor. Without an appropriate mechanism to link the scheme to the improvement of facilities nearby, I cannot be sure this would occur if the scheme were allowed.

42. The proposal would be contrary to the local development strategy, harm the character and appearance of the area, living conditions of nearby occupiers as well as fail to provide appropriate conditions for future occupiers. It would also result in harm to biodiversity.
43. The policies the scheme conflicts with are broadly consistent with the National Planning Policy Framework. As there are some options available for future occupiers and the development strategy is not currently providing a sufficient supply of housing land the harm and conflict with these policies attracts small weight. The harm to character and appearance and conflict with the relevant policies is significant. This would also be the case for living conditions and the policy conflict for both future and existing residents. The implications for biodiversity are uncertain and given this I attribute significant weight to the harm and policy conflict.
44. Therefore, the proposal would be contrary to the development plan as a whole.
45. The Council are currently unable to demonstrate a 5-year supply of housing land, said to be 1.7 years. Therefore, paragraph 11d of the National Planning Policy Framework (Framework) is engaged.
46. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement. Furthermore, it would be a windfall site on at least partly previously developed land. Due to the number of units proposed these benefits would each be moderate. Economic and social benefits associated with the scheme align with those elements of the Framework. I give these each small weight due to the scale of the scheme as I do resource efficiency.
47. The scheme fails to accord with the Framework where it states that the planning system should actively manage patterns of growth and that sustainable transport modes are prioritised. As there would be some choice of transport modes and there is a shortfall in housing supply I give the conflict with this small weight. The scheme is contrary to the Framework where it seeks to ensure developments are sympathetic to local character attracting significant weight. It is also contrary to the aim to achieve a high standard of amenity for existing and future users. These attract significant weight. The Framework also seeks to minimise impacts on, and provide net gains for, biodiversity. I afford the conflict with this significant weight due to the level of uncertainty.
48. As a result, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

49. The site is within 5km of the Thames Basin Heaths Special Protection Area (SPA). There is no need for me to undertake an appropriate assessment because the scheme is unacceptable for other reasons and would not take place. In any event, even if suitable mitigation prevented harm to the SPA, this would be a neutral factor.

Conclusion

50. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
51. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR