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# Appeal Decision

Site visit made on 3 October 2023

**by Hollie Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

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**Appeal Ref: APP/R0335/W/22/3304460**

**Athol Villa and Woodside, Westbourne Road, College Town, Sandhurst GU47 0QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Rio Homes against the decision of Bracknell Forest Borough Council.
  - The application Ref 21/00928/FUL, dated 30 September 2021, was refused by notice dated 4 March 2022.
  - The development proposed is erection of nine dwellings following demolition of two existing dwellings and outbuildings, with associated access and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. An amended layout plan was submitted with the appeal, Ref PL02 Rev J. The Council agree that the changes within the plan are minimal relative to those considered as part of the appeal application and that its acceptance as part of the appeal would not be prejudicial considered in the context of the Wheatcroft<sup>1</sup> principles. I find no reason to disagree with this conclusion and have considered the amended plan as part of the appeal, in addition to the others listed on the Council's decision notice.
3. A completed S106 planning obligation, dated 1 March 2023, was submitted with the appeal and provides for the provision and/or financial contribution towards public open space (POS), highway works, a sustainable urban drainage scheme (SUDs), and mitigation to offset the effects on the Thames Basin Heaths Special Protection Area (SPA). The Council has confirmed that, in addition to conditions where necessary, the obligation resolves the third, fifth, sixth and seventh reasons for refusal (RfRs), concerning drainage, biodiversity, the SAC and POS respectively. I consider that the obligations would be necessary to make the development acceptable in planning terms and, other than the effects on the SAC, do not address them beyond this paragraph.

## Main Issues

4. Having regard to the above, the main issues in the appeal are:
  - whether there are any reasonably available sites appropriate for the proposed development in areas which are at lower risk of flooding;

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1. Wheatcroft Ltd V SSE [1982]

- the effects of the proposal on the character and appearance of the area and whether it would constitute good design; and
- whether the proposal would result in prejudicial effects on highway safety.

## Reasons

### *Location and flood risk*

5. The site lies partly within Flood Zone 2 which is defined as having a medium risk of flooding with between a 1 in 100 and 1 in 1,000 year annual probability of river flooding (fluvial flooding). This is due to the close proximity of a main river. The area is also at greater risk of surface water flooding with reportedly high existing ground water levels.
6. The National Planning Policy Framework (the Framework) aims to steer development towards areas of lowest flood risk by requiring new development to pass a sequential test. This ensures that a sequential approach is followed that steers new development to areas with the lowest probability of flooding, i.e., in Flood Zone 1. Only where there are no reasonably available sites in Flood Zone 1 should residential development, considered 'more vulnerable', be permitted in Flood Zones 2 or 3.
7. The Council has no current development plan policy which advances any requirements beyond those set out in the Framework. However, Policy LP18 of the Council's emerging Local Plan has been attributed weight given its advanced stage of preparation. This Policy seeks to capture the national policy requirements relating to the application of the sequential test both in a broader locational sense and if passed, to the development within the site itself.
8. The appeal has been submitted with a Flood Risk Assessment<sup>2</sup> and Sequential Test<sup>3</sup> with detailed tabulated data of each site considered. The Sequential Test refers to the search area encompassing the whole of the Bracknell Forest Borough and acknowledges that the site is not allocated for development. The site is however within a defined settlement boundary (for Sandhurst) and is not a bare ground site given that it largely comprises previously developed land and would achieve a net addition of 7 dwellings. In my view, these attributes limit the range of sites that may be considered reasonably comparable.
9. A range of publicly available documentation produced or held by the Council was used to identify sites, in addition to other search engines. Of the 123 sites identified within the Sequential Test, a large number were discounted for being too large or too small and where they were not considered available for the development (i.e., with expired planning permission, or planning permission commenced or completed). I consider this a reasonable approach. This left 31 sites for consideration, of which, 20 were discounted due to being outside a defined settlement boundary. Though the Council disagree, I consider a basic principle of sustainability is to locate development within settlement boundaries which limit the need to travel to everyday facilities. Therefore, my view is that discounting unallocated sites outside of the settlement boundary is logical. For similarly logical reasons, the Sequential Test discounted sites where permission was granted for net additional dwellings based on internal reconfigurations and upward extension of existing buildings.

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<sup>2</sup> Floodsmart Pro, dated 07.08.2020

<sup>3</sup> ET Planning, Nov 21

10. The Council raise issues with a range of site being discounted in the Sequential Test for other generalised planning reasons, but where planning permission had been granted as evidence of such being overcome. Nevertheless, I find that many of these appear to exceed a size that could be considered comparable to a scheme delivering a net addition of around 7 dwellings. Similarly, where planning permission had been granted by way of outline and reserved matters, it appeared more likely that development would be implemented, thus rendering the site unavailable to the Appellant for the purposes of the proposed development.
11. The Council raises a number of particular sites as relevant: *Cain Road, Palm Hill, North Lodge Farm and Moat Farm*, though limited details have been provided to me of these sites. From the evidence it appears that they each seem rather large to be a comparable site to the appeal site, but their status, in terms of permission granted etc. is also unclear. A further allegation is made that the Appellant has failed to consider other sites identified through the emerging Local Plan process, but no details of particular sites that could be considered comparable have been brought to my attention.
12. Bringing these points together, my view is that the sequential approach should be based on the availability of any reasonably comparable sites, rather than their developability or deliverability. The assertions in the Sequential Test about other sites performing more poorly than the appeal site based on a number of other criteria (e.g., heritage and trees), do appear to go beyond the scope of the sequential test assessment.
13. However, based specifically on the cogent evidence before me, there does not appear to be any reasonably available sites appropriate for the proposed development in areas which are at a lower risk of flooding, though I appreciate that this is a snapshot in time. Consequently, the proposed development therefore complies with the expectations in the Framework and emerging Local Plan Policy LP18 concerning the application of the sequential approach.
14. On the basis of the above, it is also necessary to apply the exceptions test. The exceptions test requires a demonstration that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and that it would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.
15. The net addition of a modest number of dwellings to the local housing stock would be a clear wider sustainability benefit from developing the appeal site that would reduce the pressures on new greenfield sites outside of the settlement boundary. This aspect of the exceptions test is therefore passed. In terms of the safety of the development and its users, there would be a combination of a SUDs scheme, setting of the floor levels of dwellings above the flood level and an appropriate distance from the riverbank, allowance for the effects of climate change and maintenance of overland flow routes. These measures could be secured by way of planning conditions, in addition to other measures necessary to protect future users, such as a flood emergency evacuation plan. On implementation of these measures, the development would be safe for its lifetime and would avoid increasing the risk of flooding elsewhere, thus meeting the expectations of the Framework in this regard.

*Character, appearance and design*

16. The proposal would involve the replacement of both of the existing dwellings fronting Westbourne Road with a semi-detached pair of dwellings on their respective footprints. Parking would be in the front of the dwellings which would involve the loss of some lawned front gardens and grassed verge alongside the footway. Overall, this would result in a negligible degree of harm to the overall character and appearance of the streetscene which is relatively mixed.
17. The access road to serve the additional dwellings would extend through the space between the paired dwellings and towards the rear of the site. In the mid-section of the site, there would be a terrace of three dwellings, and to the rear, two detached dwellings set apart but facing towards one another.
18. Whilst I note that there are a range of detached, semi-detached and terraced dwellings in the area of a range of types and ages, including developments which can fit the description of a 'backland' development, the overall impression is one of a generally lower density character than that proposed at around 39 dwellings per hectare. In my view, the density and layout of the scheme would be efficient in the extreme, resulting in a cramped and poor quality form of development. The overdevelopment of the site would also be particularly evident in the rearward part of the site, where plots 8 and 9 would appear to step up in height and size, despite the more contrived spaces into which they would be built.
19. With the exception of very nominal spaces, the frontages of dwellings would all be occupied by parking spaces, bin storage and turning areas. Visitor parking would be squashed into seemingly undersized spaces and the proliferation of new tree planting in compromised areas would appear to exaggerate the ability to soften the effects of such a tightly-arranged development onto the site. Thus, despite the support offered by the Council's Landscape Officer, I envisage that the development would, in reality, appear dominated by close-knit dwellings, the access road, hard surfacing and boundary features. Similarly, the cramped nature of the scheme would extend to practical challenges accessing parking and manoeuvring larger vehicles, even if the parking spaces and turning radii strictly meet the minimum technical standards. Overall, my view is that the scheme would be of a poor quality overall design relative to its surrounding context and would do little for the perception of the standard of newbuild housing.
20. For the above reasons, I find that the proposal would be harmful to the character and appearance of the area, contrary to, in particular, Policy CS7 of the Core Strategy Development Plan Document (adopted 2008) (CS) and Policies EN20 and M9 of the Bracknell Forest Borough Local Plan (adopted 2002) (LP). These Policies collectively seek, amongst other things, to build on the urban, suburban and rural local character, respecting local patterns of development and the historic environment and ensure the provision of satisfactory parking and adequate space for private use and visual amenity. For similar reasons, the proposal would also fail to adhere to guidance in the Streetscene Supplementary Planning Document (2011).

### *Highway safety*

21. Westbourne Road is a dead-end cul-de-sac road which is relatively lightly trafficked. Fairmead Close, another cul-de-sac, is accessed from Westbourne Road in the vicinity of the appeal site.
22. The proposal would require the provision of an access road to serve the development with a junction that would be staggered with the junction for Fairmead Close. From the evidence, the access road would not be offered for adoption and would remain privately owned and maintained. The proposed narrowing of the access road inset from the junction would promote one-way passing and low vehicle speeds as a result. The junction would have visibility splays of 43 metres in both directions, measured 2.4 metres from the edge of the carriageway.
23. Each of the four frontage dwellings would have one parking space served directly from Westbourne Road which would necessitate users either reversing to park or reversing to exit and leave in forward gear.
24. Due to the cul-de-sac nature of Westbourne Road in the vicinity of the site and the low level of use of the easternmost end of the road and its corresponding footway, the creation of an access to serve the development would not present any obvious prejudicial effects on highway safety. The concerns about the conflict between reversing vehicles from Plots 1 and 2, traffic entering or emerging from the proposed access and pedestrians appear overstated in the context of the modest level of vehicle movements and likely pedestrian movements that would occur.
25. Therefore, in my view, the proposal would not result in prejudicial effects on highway safety and would therefore comply with, in particular, Policy CS23 of the CS which, amongst other things, seeks to increase the safety of travel and maintain and where possible improve the local road network.

### **Planning Balance**

26. As agreed between the parties, the Council are currently unable to demonstrate a five-year housing land supply as required by the Framework. The figure put to me from a base date of April 2021 is that the Council can demonstrate a supply of 4.2 years' worth, or a deficit of around 470 dwellings. This is a sizeable shortfall which is expected to persist until the adoption of the emerging Local Plan.
27. As I have not found the tilted balance disengaged for flood risk reasons, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. The adverse impacts of the proposal would be the harm to the character and appearance of the area.
28. The benefits of the scheme would result from the effective reuse of previously developed land in a sustainable location to create a scheme of 9 dwellings, 7 of which would be net additions to the local housing stock. The dwellings would be built to a high efficiency standard. There would be economic benefits to the local area from the construction phase and also from the future residents' contribution to the area through employment and expenditure on goods and services in the area.

29. However, my view is that the harm to the character and appearance of the area would significantly and demonstrably outweigh the totality of the benefits of the scheme. Consequently, the Framework does not form a consideration of such materiality that it indicates that the decision should be taken other than in accordance with the development plan.

**Other Matters**

30. I note the range of comments in support of the scheme from a number of local residents, many highlighting the pressing need for new housing and the efficient use of the site compared to its current limited use. These are valid points which I have considered in reaching my decision.

**Conclusion**

31. For the foregoing reasons, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR