

12/01177 Pins Ref 2182733	19 Wilmot Walk, Newbury, RG14 6SB.	A new two bedroomed house sited in the garden of an existing end terraced house.	Ctte. Refusal	Allowed 02.01.2013
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Preliminary Matter

A planning obligation in the form of a unilateral undertaking (dated 8 October 2012) was submitted by the appellant and included financial contributions towards local infrastructure and services as indicated by Policy CS5 of West Berkshire Core Strategy (adopted in July 2012) (CS). The Council indicated agreement with the content of the obligation and on the basis of the evidence submitted it appeared to the Inspector that it satisfies the tests in the National Planning Policy Framework and the provisions of the Community Infrastructure Levy Regulations. The obligation was therefore a material consideration in his determination of the appeal.

Main Issues

The main issues are the effect of the proposal on the character and appearance of the area and its effect on public safety.

Reasons

Character and appearance

No. 19 Wilmot Walk is an end terrace dwelling within a housing development comprising mainly short terraces and semi-detached pairs. The proposal would occupy the side garden of No. 19 and would extend the terrace from four to five houses. Whilst not identical to the other terraced houses the proposal would reflect their design and appearance. The end wall would almost abut the pavement; however narrow spaces between flank walls and the highway occur elsewhere in the development.

The provision of car parking spaces at the rear of the dwellings would result in the loss of a conifer on the rear boundary of the appeal property; however the hedgerow bounding the public open space and the trees in the woodland beyond would remain as a backcloth to views along Stapleton Close. The hedgerow would also partly screen the proposed dwelling from the open space from where it would appear as a natural extension to the terrace. The proposal would reduce the width of the 20m gap between the appeal property and No. 1 Goodwin Walk but the Inspector considered that the open aspect to the north would not be harmed and the proposal would not detract from the character or appearance of the area.

In dismissing an appeal for a similar proposal in 1984 (ref T/APP/G0310/A/ 83/007652) the Inspector commented that the land at the side of the appeal property was a grassed area linked to the open area at the front of the house and that its development would represent the loss of an important element of the landscaping scheme. However, nearly 30 years on, the side garden of No. 19 is bounded by an unattractive larch-lap panel fence and it makes little positive contribution to the character of the area. The site is in a sustainable location and the Inspector considered that the proposal would represent an efficient use of urban land without detracting from the character or appearance of the area. In this respect the proposal would not conflict with Policy CS14 of the CS which indicates, amongst other things, that new development should make efficient use of land whilst respecting the character of its surroundings.

Public safety

The public open space supports a well-equipped children's play area which lies towards its eastern boundary. The open space has pedestrian accesses from Enborne Street to the west

and Battle Road to the north and there are two links to the south – one passing between Nos. 9 and 11 Wilmot Walk and the other exiting onto the end of Stapleton Close to the east of the appeal site.

The boundary with Stapleton Close is not fenced or gated but the exit from the open space is marked by two vertical metal posts which are flanked on each side by a hedge. There is no defined path from the play area towards Stapleton Close but local residents indicate that this is the most frequently used route into and out of the open space and this is evident from the worn area between the posts.

The dwellings in Wilmot Walk have no direct vehicle access and parking is provided in garage courts and parking bays. The garages are some distance from the houses and he considered it likely that residents would park on the street closer to their homes. At the time of his site visit, vehicles were parked both in the bays and alongside the kerb and evidence submitted by residents indicates that on-street parking is especially prevalent at weekends and in the evenings. Residents also advise that parents park in Stapleton Close when bringing their children to the popular play area.

The proposal would create three off-road parking spaces within the gardens of No. 19 and the proposed dwelling. The spaces would be at the northern end of the gardens with access directly from the turning head. A narrow and partly overgrown footpath runs between the boundary hedge of the open space and the rear fence of the appeal property. This path appeared to the Inspector to be little used and would not be a natural route out of the open space. No fencing is proposed along this boundary and therefore the driver of a vehicle manoeuvring into or out of the proposed parking spaces would be able to see pedestrians using the path and pedestrians would see the vehicle.

The exit from the open space is offset about 6m from the nearest point of the appeal site. There would be no obstruction to view between the exit from the open space and vehicles emerging from the proposed parking spaces. He considered that the presence of dropped kerbs serving parking spaces would be likely to inhibit kerb side parking in this part of the Close of thereby improving visibility for all road users.

Vehicles manoeuvring in this area would be moving at very slow speed and he considered that subject to the provision of visibility splays the use of the proposed parking spaces would not unacceptably detract from the safety of pedestrians on the pavement or those going to and from the open space. In reaching this view, the Inspector took account of the representations of the Highways Officer who, subject to the imposition of conditions, raised no objection to the proposal.

The Inspector noted the recent history of this area and the popularity of the open space but on this issue he considered that the proposal would not conflict with CS policy CS14 which indicates that new development should create safe environments.

Other matters

Nearby residents, the Newbury Society and the Town Council have raised a number of concerns most of which have been considered in the Main Issues. As he indicated above, he considered that the proposal would be likely to reduce kerb side parking in the turning head thereby improving safety. The proposal would not inhibit access to the open space by emergency vehicles.

The proposed dwelling would be likely to generate a need for car parking; however the Council indicates that the number of spaces proposed would be sufficient to serve the two dwellings on the site and the Inspector considered that the proposal would not have a material effect on on-street parking in the area. Whilst the occupiers of adjacent dwellings may be aware of vehicles manoeuvring into and out of the car parking spaces, he considered that this would not result in levels of noise and disturbance that would justify the refusal of permission.

The planning obligation will ensure that the proposal makes provision for additional demands that would be placed on infrastructure and services by the occupiers of the proposed dwelling.

Conditions

The Inspector imposed the standard commencement condition and a condition setting out the approved drawings. To ensure that the proposal blends with the terrace, he imposed a condition requiring samples of all external finishes (including windows and rainwater goods) to be submitted for approval by the Council. In the interests of both pedestrian safety and the appearance of the area, he also required the approval of boundary treatments and the provision and future retention of visibility splays.

The small rear garden of the property would be fully enclosed by fencing and he saw no need to impose a soft landscaping condition; however the parking areas would be open to view and he therefore required the approval of their surface materials. In order to minimise the effect on on-street parking he required the provision of all parking spaces before the occupation of the proposed dwelling and the subsequent retention of those spaces. Taking account of the small garden of the proposal, he also imposed a condition removing “permitted development rights” to extend the dwelling or build incidental buildings; however in the interests of encouraging the use of means of transport other than the private car, he required the provision of the indicated cycle store. Taking account of the proximity of neighbouring dwellings, he also imposed a condition controlling the hours of construction.

The site is close to a scheduled ancient monument and within the battlefield of the Battle of Newbury (1643) and in the light of the recommendation of the Archaeological Officer, he imposed a condition along the lines suggested by the Council.

Conclusion

The Inspector noted the strong local concern about the effect of this proposal on the character of the area and the safety of those using Stapleton Close to reach the open space; particularly youngsters and those who are less mobile. Residents had given him an insight into the role of the open space and the Inspector read the 1984 appeal decision dismissing an appeal for a similar proposal. However taking account of all matters, he concluded that the proposal would not detract from the character or appearance of the area and would not compromise public safety.

Therefore subject to the imposition of conditions, he concluded that the appeal should succeed.

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