

**Previous application and appeal plans related to
application 19/01855/FULEXT appeal reference
APP/W0340/W/20/3251653**

FOR INFORMATION ONLY

Appeal Decision

Site visit made on 12 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/W0340/W/20/3251653
12-16 Chapel Street, Thatcham RG18 4QL

- 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 Mr T Young of Young Estates and Land Ltd against the decision of West Berkshire Council.
 - The application 19/01855/FULEXT, dated 10 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is demolition of existing dwellings (3no.) and construction of 17 no. one and two bedroom apartments, including parking and stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans as part of the appeal. These include the addition of a projecting window to bedroom 2 on Flat 11, and relocation of windows from the rear to the side elevations on first floor bedrooms to the rear building (Flats 15-16).
3. The procedural guide to planning appeals¹ advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. If the appellant thinks that amending the application will overcome the reasons for refusal, they should normally make a fresh planning application.
4. Mindful of the principles contained within the Wheatcroft judgement², I consider that the development would be so changed by the suggested amendments that it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. As that would not accord with the Wheatcroft principles, I have considered the appeal on the basis of the plans submitted to and determined by the Council.
5. Paragraph 7.5 of the Council's statement of case criticises the submission of additional plans and information by the appellant as unreasonable behaviour which has resulted in unnecessary expense. However, the Council has not made a formal application for costs, nor explained in any detail why the appellant's behaviour is unreasonable or what additional costs have been

¹ Procedural Guide: Planning appeals – England, November 2020

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

incurred. I have therefore not taken this criticism as a claim for costs under the Town and Country Planning Act 1990.

Main Issues

6. The main issues are:

- The effect on the character and appearance of the area, including landscaping on the site
- Whether the development should provide affordable housing
- The effect on the living conditions of neighbouring occupants of the adjacent nursing home, and at 18, 20 and 22 The Henrys, with regard to dominance, outlook and light.
- The effect on the living conditions of future occupants, with regard to outlook, light, outdoor space, and safety and security
- The effect on highway safety, with regard to access and parking provision
- Whether the development would be at risk from flooding.

Reasons

Character and appearance

7. The character of the area is one of a traditional street frontage with buildings of generally two storeys with hipped or pitched roofs positioned with their front elevations against the back edge of the pavement. Occasional breaks in the building frontage, such as the forecourt to the public house opposite or the Methodist Church garden to the east, provide variety in the street scene. There has been some modern redevelopment in recent years, including a three storey building on the corner with The Broadway and a residential care home that bounds the site towards the rear along one side. On the other side the site is bounded by a church and church hall, and at the rear by houses fronting The Henrys.
8. The proposed development would replace the terrace of houses at the front with a taller building spanning the width of the site and including an enclosed carriage entrance. The site would be developed in depth with buildings in the centre and at the rear. Parking and turning areas would take up much of the remaining space.
9. The Council considers the terrace of houses to be non-designated heritage assets because of their historic interest and positive contribution to the street scene. While they are vernacular in appearance and do contribute to the traditional character of the street, they do not fall within a conservation area, nor are they included on any local list of heritage assets, nor have I been provided with any evidence to demonstrate particular local historic importance. They have also had some unsympathetic alterations, including replacement of front windows and doors, which reduces their visual quality. Taking these factors into account, I consider that so long as any replacement development achieved a similar or better contribution to the street scene, there would be insufficient reason to resist their removal.

10. I consider the proposed replacement building would not achieve such a positive contribution to the street scene as the existing terrace of housing, nor would its design complement the character and appearance of the area. There would be large roof lights in the front roof plane and a box dormer and further roof lights at the rear. I am also concerned that the crown roof design of the building with a large area of flat roof would be apparent, particularly in oblique views from the sides and rear. The design of the roof of the building in this manner would appear bulky and at odds with the traditional pitched roof forms in the vicinity. The inclusion of rooflights in the roof planes would appear discordant where roofs are generally uninterrupted by such openings, particularly in the buildings fronting Chapel Road.
11. I am also concerned that the amount of building and hard surfacing within the site would make it appear overdeveloped and out of character with its surroundings. Most buildings in the vicinity front onto roads, with gardens behind. Where there is development in depth, it is either subservient in height, such as the church hall, or retains a degree of garden setting around it, such as the residential care home. In contrast, the proposed development would have very little soft landscaping, either retained or new. Where planting is shown to be included, it would be as narrow strips of land left over from the parking and turning areas rather than a setting that has been designed to complement and enhance the development. This would result in hard, building dominated space that would fail to respect the character or appearance of the area.
12. The appellant has referenced several mews style developments in support of the scheme. While a mews style design can in principle provide a good quality environment, the examples shown are mostly typical of larger urban or city settings. In the case of the appeal site, the character of the area is more domestic in scale with a greater degree of greenery, particularly in rear garden areas. I acknowledge that the site is sustainably located, and that national and local planning policies encourage the efficient use of land. However, it is also the case that the National Planning Policy Framework puts considerable emphasis on good design, such that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions³. The appeal scheme fails to achieve this latter aim for the reasons I have set out above.
13. In my view the amount of building proposed in the appeal scheme together with the overly dominant amount of parking and manoeuvring space would not achieve a development that reflected or complemented the surrounding area. As a result, it would significantly harm the character and appearance of the area, contrary to Policies ADPP1, ADPP3, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, which require that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of an area, and is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

Affordable housing

14. Policy CS6 of the West Berkshire Core Strategy 2006-2026 requires residential development to provide a proportion of units as affordable housing. On

³ National Planning Policy Framework, Section 12: achieving well-designed places.

previously developed land, sites of 15 or more dwellings are expected to provide 30% of units as affordable, subject to the economics of provision. The policy pre-dates the current version of the Framework, but in so far as it relates to major development is consistent with paragraph 63 of the Framework and I therefore give it weight.

15. The appellant considers that the scheme is unable to provide any element of affordable housing contribution on viability grounds. Viability appraisals carried out on behalf of the appellant⁴ and Council⁵ agree that viability is a limiting factor but disagree on the degree to which it would prevent any element of affordable housing being provided.
16. The viability consultants make different assumptions as regards a range of factors, as set out in their respective appraisals. In general, the appellant's consultant tends to use assumptions based towards the top end of what may be considered reasonable ranges, while the Council's consultant tends to use assumptions around the median or lower.
17. So far as the existing use value of the site is concerned, I note that it was sold in 2017. On the appellant's agent's own evidence land values have not changed much over the intervening period, and I am therefore persuaded that the Council's consultant's benchmark land value is more realistic. Other aspects affecting the gross development value, such as comparative sales values at Thatcham Court (a nearby development of flats), discounting ground rent, adjusting for abnormal development costs, and setting a higher developer's profit I consider the appellant's consultants to have a more reasonable argument.
18. In the most recent letter from the Council's consultant these and other factors are taken into account to form a more balanced viability appraisal. Based on that appraisal, to which I give weight, there is a small, positive viability surplus. Although only small, given the need for affordable housing in the area I consider that the development could and should make a contribution to the provision of affordable housing. As the development does not enable the provision of any element of affordable housing, I conclude that it would conflict with Policy CS6.

Living conditions of neighbouring occupants

19. The central building (Flats 7-12) would consist of 3, 3 storey elements linked at ground floor level positioned against the western boundary with the residential care home. The northern wing of the building would be positioned close to the flank elevation of the care home, while the central element would be opposite an outdoor seating area.
20. I consider that due to its proximity and height the northern element would have a significant and adverse impact on outlook and light to windows opposite it in the care home. I note that the rooms lit by these windows may be dual aspect, but the windows in question are still important sources of light and outlook for the occupants of these rooms, and the proposed building would appear dominant and harmful to the living conditions of their occupants. The

⁴ Kempton Carr Croft Property Consultants, viability appraisal and report, 21 February 2019 and letter 25 October 2019

⁵ Bruton Knowles Chartered Surveyors, viability report 24 October 2019 and letter 29 November 2020

building would have considerably more impact than the tree and hedging currently along the boundary.

21. The central element of the building would also overshadow and appear dominant to occupants using the outdoor seating area⁶. The building has been designed with gaps between the three elements which would allow for sunlight to continue to reach this area but nevertheless it would be overshadowed for parts of each morning and would appear overbearing because of the height and proximity of the central element.
22. The rear building (Flats 13-17) would back onto houses at 18, 20 and 22 The Henrys. The West Berkshire Supplementary Planning Document Part 2: Residential Development advises on a minimum back-to-back distance of 21m, although this is primarily directed at ensuring adequate privacy. While the rear block is closer to the houses in The Henrys at some 19m than the guidance suggests, the rear facing windows in the rear block at first floor level are shown to be obscured glazed and fixed shut below 1700mm above finished floor level so avoiding direct overlooking or the perception of overlooking. However, that approach does give rise to concerns regarding outlook and light to the rooms which I address under the living conditions of future occupants below.
23. The side facing rooflight windows in the second floor, however, appear to be at eye level and would cause a loss of privacy to the side facing windows in the care home through direct window-to-window overlooking. Alternatively, if the sills of rooflight windows were higher so that they were above eye level it would leave at least one of the bedrooms on the second floor without any outside view. Either way, the design of this part of the building would be poor giving rise either to overlooking of neighbouring occupants or poor living conditions for occupants of the second floor flat.
24. The Council has raised concern at the proximity of the rear building to the houses in The Henrys and its effect on outlook. While it would be very visible from the neighbouring properties' rear elevations and gardens, I consider there would be enough separation to avoid an unacceptable sense of dominance being caused to the living conditions of their occupants. I also do not consider that overlooking of rear garden areas, including the play area at the rear of the church hall, to be so pronounced as to be harmful. The references by the Council to 45 and 60 degree guidelines refers to immediately adjoining development such as house extensions, but I do not find them to be of particular help in assessing the appeal scheme where it is the distance between facing elevations that is of most relevance.
25. I conclude that as a result of the proximity and height of the central building, and the position of windows in the rear building, the development would harm the living conditions of occupants of the care home by reason of appearing overbearing, and causing a loss of outlook and privacy. Consequently, it would conflict with Policy CS14 of the West Berkshire Core Strategy 2006-2026, which requires new development to make a positive contribution to the quality of life in West Berkshire.

Living conditions of future occupants

⁶ RMV Architecture, shadow/sunlight diagrams

26. The ground floor flats in the central building (Flats 7-9) would have their living/kitchen areas orientated internally such that their primary means of light would be via internal courtyards. These courtyards would be enclosed by the surrounding three storey building, walls separating them from the parking spaces, and first floor terraces above the parking spaces. In my view, this inward looking, enclosed means of lighting the primary living space in each ground floor flat would result in an oppressive outlook to these living spaces and substantially reduced daylight and sunlight to the flats. This would result in poor living conditions for their occupants.
27. Ground and first floor bedrooms in the central building (Flats 7-12) would be lit by projecting windows with an obscured glazed main panel, and in the rear building some of the first floor bedrooms would be lit by windows that would be obscured glazed and fixed shut below 1700mm above finished floor level (Flats 15-16). In the case of the central building there would be some secondary light via smaller windows, but in both cases the main source of light and outlook to bedrooms would be severely curtailed such as to impair the living conditions of the occupants of those flats.
28. The West Berkshire Supplementary Planning Document Part 2: Residential Development considers that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential developments, and suggests that for 1 and 2 bedroom flats a minimum of 25sqm communal open space per unit is provided.
29. The appeal scheme fails to achieve the suggested outdoor amenity space requirement. The flats in the front building (Flats 1-6) would have no outdoor garden space, other than two small strips immediately to the rear, which are shown to be planted with shrubs and therefore not useable in practice for domestic recreational purposes. The flats in the central building (Flats 7-12) would have courtyards and terraces, although these would not be a minimum of 25sqm as suggested by the supplementary planning guidance. The flats in the rear building (Flats 13-17) would have an area of communal open space around the building of an adequate size to meet the guidance, but its useability would be compromised as the design of the scheme fails to make a distinction between private and communal space.
30. For these reasons I consider the outdoor amenity space provided in the appeal scheme to be inadequate. While accepting that the suggested outdoor space standard is for guidance rather than a policy requirement, and noting that other schemes permitted by the Council and in other appeals⁷ may have little outdoor space, I consider that in a scheme of this nature it is important that all flats have access to at least some outdoor space which their occupants can use for incidental domestic purposes. The scheme would not achieve that aim and as a result it would harm the living conditions of future occupants.
31. Thames Valley Police has also raised concerns about the lack of natural surveillance within the scheme. There is some justification for that view given the lack of outlook from windows of flats in the central building. However, other windows within the scheme to the front building (Flats 1-6) and the rear building (Flats 13-17) would look out onto all the internal parking and turning space, as well as onto Chapel Street. I do not therefore consider the lack of

⁷ APP/W0340/W/14/3000864

surveillance from the central building to materially compromise the level of security in the scheme.

32. While the safety and security of future occupants would be acceptable, I conclude that as a result of poor outlook and light to some of the flats, and the lack of outdoor amenity space, the development would harm the living conditions of future occupants. It would therefore conflict with Policy CS14 of the West Berkshire Core Strategy 2006-2026, which requires new development to make a positive contribution to the quality of life in West Berkshire.

Highway safety

33. The access to Chapel Street has been designed as a single width carriageway. This would prevent the simultaneous entry and exit of vehicles to the site. Chapel Street is an A class road and as part of the primary road network in the area carries a high volume of traffic. The lack of width to the access could lead to vehicles entering the site having to wait, or stop suddenly, to allow other vehicles to exit the site. This would be hazardous to the free flow of traffic on a busy main road, to the detriment of highway safety.
34. The passage of vehicles into and out of the site could also be disrupted by the location of the communal bin stores under the carriage entrance. Notwithstanding the ability to have roller shutter rather than outward opening doors as suggested by the appellant, the use of these bin stores would further obstruct vehicle movements into and out of the site.
35. The site is currently accessed by a single width drive with limited visibility. The increase in the number of units on the site from 3 houses to 17 flats would significantly increase the number of vehicle movements per day. Such an increase in traffic movements would in my view materially worsen highway safety when compared to the current situation. I reach that view notwithstanding the transport assessment submitted with the application⁸.
36. The front elevation of the front building (Flats 1-6) has been slanted to provide adequate vehicle and pedestrian visibility splays. This would avoid highway safety conflict between vehicles exiting the site and pedestrians using the pavement along Chapel Street, but it does not overcome the highway safety problem associated with the lack of width to the access.
37. The appellant has flagged as a precedent the access arrangements at 63 Bath Road⁹, although having regard to the comments made by the Highway Authority I consider this is not equivalent to the appeal scheme access. Irrespective of this example, or the presence of other single width accesses on to Chapel Street, I have judged the scheme on its own merits against current highway standards.
38. The Council raised concerns about the amount of car parking proposed for the site. However, it has now been agreed by both main parties that the site lies within Parking Zone 1 as defined on the Residential Parking Zones Map 2017, and the provision of 22 spaces would meet the required parking standard. There is, therefore, no objection to the scheme on the grounds of parking provision.

⁸ RGP – Transport Planning and Infrastructure Design Consultants, January 2019

⁹ 11/00146/OUTD

39. While the scheme would provide adequate parking, I conclude that due to the inadequate width of the proposed access the development would have an adverse effect on highway safety and as a consequence would conflict with Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 and Policy P1 of the Housing Site Allocations Development Plan Document 2006-2026 which require that development improves and promotes opportunities for healthy and safe travel.

Flooding

40. The Lead Local Flood Authority has raised concern at the lack of information to demonstrate that surface water flooding would not be a problem and that surface water drainage could be adequately achieved on the site, given the increase in building and hard surface coverage.
41. A flood risk assessment¹⁰ submitted with the appeal concludes that surface water flood risk is low, with a surface water flowpath likely to be of less than 300mm were there to be a flood event. As a consequence, the assessment recommends finished floor levels should be raised 300mm above ground level. This could be secured by condition.
42. The assessment also notes that the site is on superficial gravels where infiltration is likely to be feasible but if not then attenuation could be provided to provide temporary storage capacity during heavy rain, with a restricted outfall to the surface water sewer.
43. The Lead Local Flood Authority has maintained its concerns about the lack of information, particularly about how a sustainable drainage system might work on the site. However, I am satisfied that the assessment that has been carried out provides sufficient evidence to demonstrate that there would not be an unacceptable surface water flood risk, and that there are solutions to avoiding unacceptable additional runoff from the site causing surface water flooding to neighbouring land or overloading the surface water drainage system. The details of which solution may be most appropriate is a matter that could be addressed through a condition.
44. I conclude that the development would not be at an unacceptable risk of flooding, nor would it be likely to cause surface water flooding to neighbouring land, subject to agreement on further details which could be secured by condition. Consequently, the development would not conflict with Policy CS16 of the West Berkshire Core Strategy 2006-2026, which seeks to reduce the risk of flooding to new development and not increase flood risk elsewhere.

Conclusion

45. I have found that the site would not be at risk of flooding, that surface water disposal could be subject of a condition, and that sufficient parking space would be provided. These are neutral matters in the appeal in so far as they do not result in harm.
46. The development would make a more efficient use of the site resulting in a net increase in residential units, which would help meet housing demand in the area. The site is also located in a sustainable location close to local services and public transport. I attach limited favourable weight to these benefits.

¹⁰ Bob Sargent Consulting Hydrologist, Flood Risk Assessment, April 2020

47. However, I have found that the development would cause significant harm to the character and appearance of the area, the living conditions of neighbouring and future occupants, would adversely affect highway safety, and would fail to contribute towards the provision of affordable housing.
48. Having regard to these factors, I conclude that the proposal would conflict with the development plan when taken as a whole and the benefits of the scheme, which include the provision of additional housing, would not outweigh the harm so caused.
49. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

Eight Dovecote
Sean Kelly
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Applicant:
Young Estates and Land Ltd

PART I - DETAILS OF APPLICATION

Date of Application

15th July 2019

Application No.

19/01855/FULEXT

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Demolition of existing dwellings (3No.) and construction of 17No. one and two bedroom apartments, including parking and stores

12 - 16 Chapel Street, Thatcham, Berkshire, RG18 4QL

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES planning permission for the development referred to in Part I in accordance with the submitted application form and plans, for the following reason(s):-

1. According to Policy ADPP1, the scale and density of development to be well related to the site's character and surroundings. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place. Design is required to make a positive contribution to the quality of life in West Berkshire. Development is expected to create safe environments, addressing crime prevention and community safety whilst ensuring accessibility for many users. Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

The existing buildings on the frontage are considered to be non-designated heritage assets, given their historic interest, and they make a positive contribution to the street scene. Their loss is an adverse effect of the proposal. Plots 1-6 have an adverse impact on the character of the area and street scene, due to the proposed building line and appearance. Plots 1-6 and 7-12 fail to create a safe, inclusive, and actively overlooked public realm, failing to create a high quality of design for all. Although some private amenity space is provided for flats 7-12, most is not high quality, and plots 1-6 and 13-17

fail to provide private amenity space in line with guidance. Plots 13-17 fail to provide sufficient definition between public and private realms. Finally the site as a whole fails to deliver a standard of design that is acceptable and reflective of the design and character of the area through a culmination of poorly thought out designs. The design appears to be internally lead to provide a sufficient number of flats rather than reacting to the site in an effective manner of urban design.

The application is therefore contrary to the National Planning Policy Framework, Policies ADPP1, ADPP3, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Quality Design SPD.

2. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The policy requires on sites of 15 dwellings or more a provision of 30% on previously developed and 40% on greenfield land. The proposed development proposes no affordable units on site. It is submitted that the development is unviable without providing affordable housing, and that any provision of affordable housing would make the development further more unviable. Policy CS6 sets out that proposed provision below the levels set out above should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which will be used to help inform the negotiated process.

An independent analysis of the submitted viability report has been undertaken and has drawn the conclusion that the development could be found viable. Based on the information submitted in support of the application, it has not been demonstrated that the economics of development justify a departure from the policy expectations for affordable housing.

The application is contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.

3. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design provides policies on light and private garden space. Policy OVS.5 of the Local Plan relates to environmental pollution and OVS.6 to noise.

The proposed development would have a harmful impact on the neighbouring care home and its amenity. In terms of plots 7-12, the central block of flats would sit directly on the boundary to a garden space for the care home. The building would cause significant impacts on the sunlight the care home garden would receive in the morning.

The most northern block of flats 7-12 is considered to reduce the sunlight that living rooms on the ground and 1st floor of the care home receive and given its close proximity will oppress the outlook of these habitable rooms. Although it is accepted that these living rooms benefit from another window to the south of the buildings these rooms are heavily relied upon to provide a social space to those living in the care home. Flats 7-12 are likely to break 60 degree and 45 degree lines drawn from some habitable windows on the east side of the care home having an adverse impact on internal amenity. Additionally rooms in the east side of care home are likely to be compromised by plots 13-17 which also break the 45 and 60 degree line from some windows.

Flats 13-17 are also likely to break the 45 and 60 degree lines drawn from the rear windows of 18, 20 and 22 The Henrys to which the block of flats 13-17 would likely

overshadow and overbearing on the garden space and internal amenity to the rear of these north dwellings. The windows of flats 13-17 facing north, east and west are likely to give rise to overlooking and perception of overlooking to neighbouring amenity. Although the windows to the north elevation are proposed to be top hung and obscure glazed they would still present a harmful level of impact due to perceived overlooking of rear gardens and dwelling windows.

The development therefore fails to achieve a satisfactory level of design that results in the development not making a positive contribution to the quality of life in West Berkshire. The proposed development would have an adverse impact on neighbouring amenity in particular the on the garden spaces on neighbouring dwellings and care home. The development therefore fails to comply with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted House Extensions SPG and Quality Design SPD.

4. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space. Policy OVS.5 of the Local Plan relates to environmental pollution and OVS.6 to noise.

The development would give rise to concern in regards to the internal amenity of the site. Bedrooms on the first floor in the middle of block of flats would receive very little, if any, natural sunlight and would have a very poor outlook onto the brick elevation of the next flat. Additionally the living and kitchen rooms of the ground floor flats would receive very little natural light throughout the day. Both of these rooms would outlook would have the 15 degree rule broken by the adjacent building form. Additionally the kitchen would be directly opposite a car parking spot to which bi fold doors would allow noise and car exhausts to enter directly. These are all considered to exacerbate an already poorly design flat. The future amenity of occupants of the ground floor flats of plots 7-12 are likely to be very poor.

The council was concerned with the windows to the northern elevation of flats 13-17 overlooking the dwellings and the gardens of dwellings to the north of the site. The agent has proposed that these bedroom windows are obscure glazed and fixed shut below 1700mm to avoid overlooking. This solution is unacceptable in terms of the internal amenity of the bedrooms the windows serve. The council does not accept obscure glazing of habitable room windows as the internal amenity and outlook of those bedrooms would be very poor. Additionally these are the only windows serving bedrooms 2 of the first floor flats.

The development therefore fails to achieve a satisfactory level of design that results in the development not making a positive contribution to the quality of life in West Berkshire. The development fails to provide sufficient internal amenity to many of the bedrooms of the flats promoting a poor level of quality of life for future occupiers. The development therefore fails to comply with the National Planning Policy Framework, the National Design Guide, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Quality Design SPD.

5. A 3.7 metre wide access is now proposed within the centre of the site. This is considered to not be wide enough for an access onto the A4, as it does not allow two vehicles to pass including a vehicle being able to drive from the A4 while a vehicle is waiting to leave the site. Thames Valley Police have commented that given the width of the of the site access, vehicles and pedestrian would not be able to travel in in opposing directions,

consideration should be given to those using buggies or mobility aids). It appears that vehicles egressing the site will have restricted sight lines over vehicles and pedestrian accessing the site creating internal obstruction and conflict. The potential for conflict could easily be exaggerated as residents using the bins store doors may well leave the large door open for a period of time. Again this is likely to create some conflict of movement and between residents. Careful consideration has not been given to how the mixed activity of access, egress and bin store area will effectively function.

As detailed within the Transport Statement, to calculate the expected traffic generation for the proposal, the Trip Rate Information Computer System (TRICS) database has been used. TRICS is a British Isles wide database of traffic surveys of many uses including residential. This data has shown the proposed development would have an increase in traffic generation. There is therefore an increase in vehicles using what is and what will be a substandard access onto the A4.

Policy CS13 of the Core Strategy requires development to improve and promote opportunities for healthy and safe travel and the development must mitigate the impact on the local transport network and the strategic road network. Given that the proposal has been assessed as having an inadequate access for the increase number of users and occurrences of the use of the inadequate access therefore fail to accord with CS13 in regards to the proposed access. The proposed access is unsuitable, due to its sub-standard width, to accommodate the traffic which would be generated by the proposed development. This is contrary to Policy CS13.

For the above reasons, the application is contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Policy P1 of the Housing Site Allocations DPD 2006-2026.

6. The site proposals include parking provision for 22 vehicles within the site. West Berkshire Council's parking standards are provided within Policy P1 of the Housing Site Allocations DPD (2006-2026) 2017. With reference to these standards, a minimum of 26 parking spaces are required. Therefore there is a shortfall in car parking for the proposal. The Transport Assessment refers to 2011 census data to argue for a lesser provision. However census data and the accessibility to other modes of transport and services were taken already into consideration when producing the car parking standards. Therefore there is in the LPA's view, no justification for not complying with the adopted residential parking standards. The layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking on the public highway in the vicinity, adversely affecting road safety and the flow of traffic. The application is contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD 2017.
7. The site is located within an area of surface water flood risk and a 'low' risk flow path. As such a Flood Risk Assessment (FRA) is required to be provided to support the application. An FRA needs to demonstrate how the flood risk will be managed on the site and how residents will be kept safe during a flood event. This request was made in accordance with Policy CS16 which requires a Flood Risk Assessment in areas that have history of groundwater and/or surface water flooding, and for major developments. Furthermore it was noted that sleeping accommodation is proposed on the ground floor of the proposed development plots. It is expected that sleeping accommodation be placed at

a minimum of 300mm above the design flood level (1 in 100yr event). In the absence of an FRA, the application is contrary to the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

8. In accordance with Policy CS17, biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Policy CS18 notes that the district's green infrastructure will be protected and enhanced going on to state that new developments will make provision for high quality and multifunctional open spaces of an appropriate size. Policy CS19 seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

The site is mostly laid to grass, with a few small/medium trees including fruit trees. The western boundary is tall and composed of a mix of hawthorn and fruit trees whilst the eastern boundary is mainly made up of privet. These provide valuable screening, particularly for the nursing home.

The proposal shows a high density of buildings within the plot and this is to the detriment of the available amenity areas and garden space. The internal estate road dominates the site and constrains usable garden space and amenity areas. The proposed landscaping is inadequate to offset or even soften the urbanisation of the site. It is off the eastern side and looks like an afterthought squeezed into the design.

The proximity of the proposed block within the middle of the site is prejudicial to the sustainable retention of part of the western hedge trees, so there would be a loss of screening to the nursing home. Similarly the proposed buildings and internal parking areas would require the removal of all of the established site trees. This would seem an unnecessary step given the design could be altered to accommodate them and benefit from the immediate softening effect they could provide (this is especially the case with the medium sized apple on the western side of the garden).

The loss of trees and the lack of amenity area available for landscaping would create a scheme that could not be landscaped to an acceptable level. A condition is therefore not considered appropriate or reasonable. The development fails to protect and enhance the green infrastructure of the site failing to create high quality open space surrounding the proposed development. The development therefore fails to comply with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy, and the Council's adopted Quality Design SPD.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has attempted to work proactively with the applicant to find a solution to the problems with the development, however; an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

Decision Date :- 31st October 2019

A handwritten signature in black ink, appearing to read 'G. Lugg', with a stylized flourish at the end.

Gary Lugg
Head of Development and Planning

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online using the Planning Portal at www.planningportal.co.uk.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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Key

Existing retained planting

Proposed Tree Planting

Proposed Hedge/Planting

Existing 2.4m High
hedge retained and cut back



Existing 2.4m High
hedge retained and cut back



PLANNING



12 - 16 CHAPEL STREET, THATCHAM

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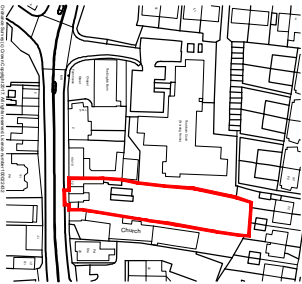
Project Residential Redevelopment at
12 - 16 Chapel Street, Thatcham

Client Young Estates & Land Ltd

Drawing Site Plan - Roof Layout

Scale 1/250 @ A3 Date Sep 18

Draw No. 13.377.P.002A



Location Plan - Scale 1/1250



Site Plan - Scale 1/250

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

Notes.

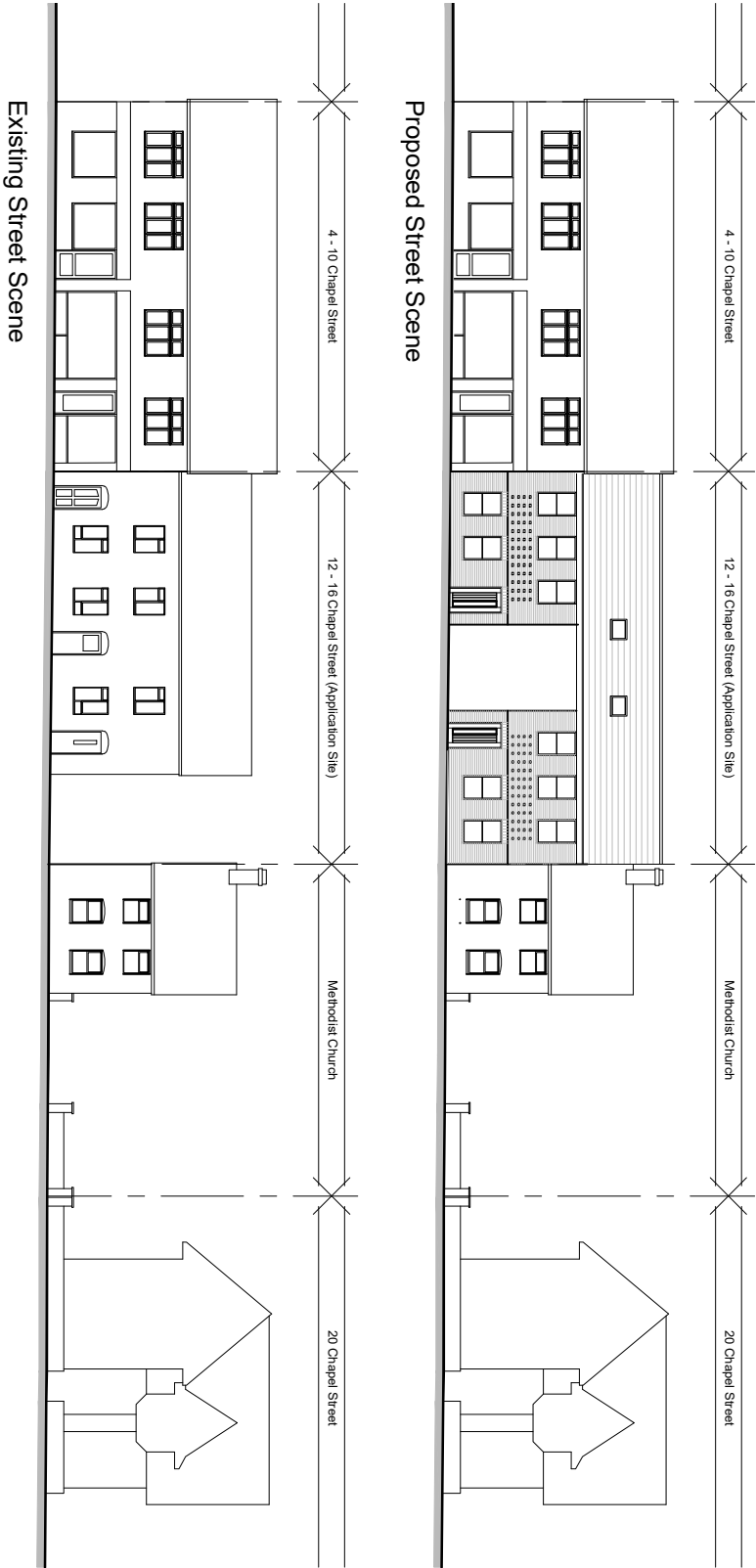
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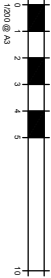
Project: Residential Redevelopment at
Client: Young Estates & Land Ltd
Drawn: Site Plan - Ground Floor Layout
Scale: 1/250 @ A3 Date: Sep 18
Dwg No: 13.377.P.001D

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Project Residential Redevelopment at
12 - 16 Chapel Street, Thatcham

Client Young Estates & Land Ltd

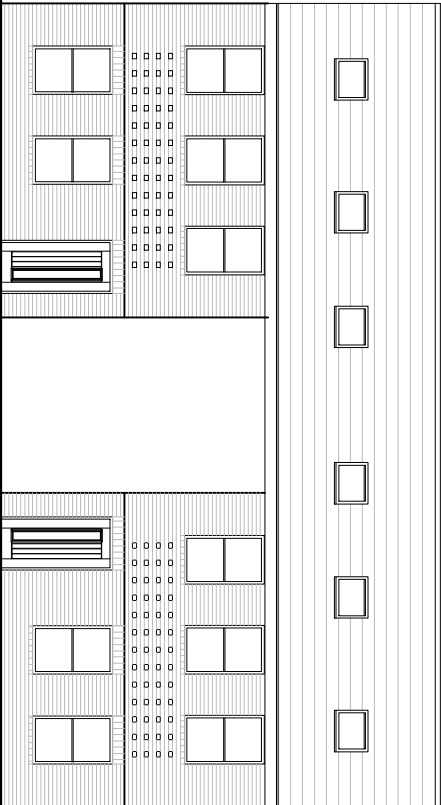
Drawing Street Scenes

Scale 1/200 @ A3 Date Sep 18

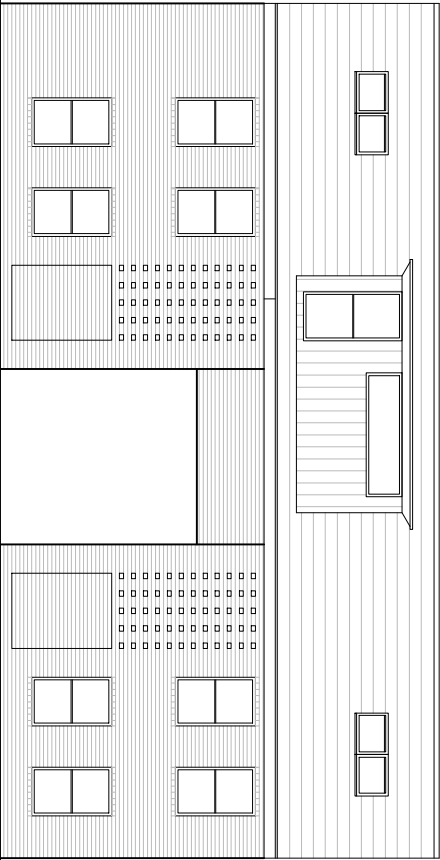
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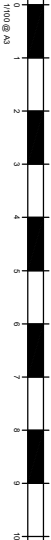


Front Elevation
Plots 1 - 6



Rear Elevation
Plots 1 - 6

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

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Project Residential Redevelopment at

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Drawing Plot 1 to 6 Elevations

Scale 1/100 @ A3 Date

13.377.P.200C Sep 18

Drawn by 13.377.P.200C

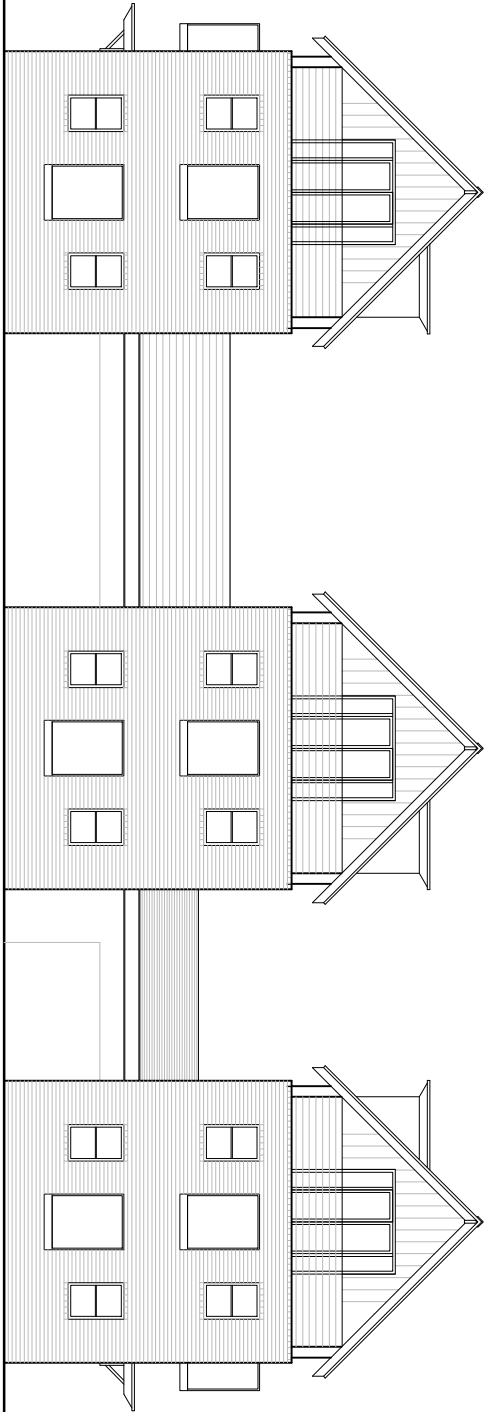
Section Thru 4-10 Chapel Street

Section Thru 18 Chapel Street

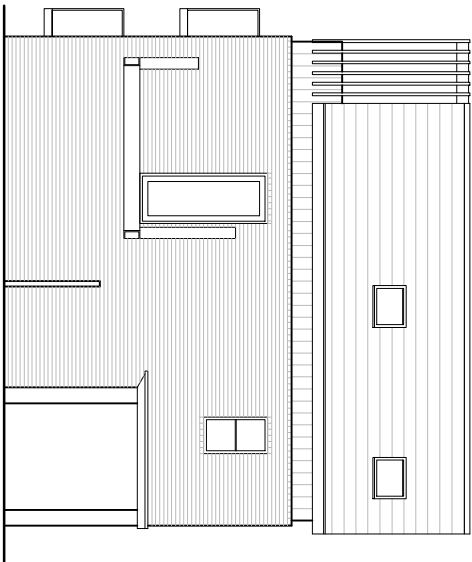
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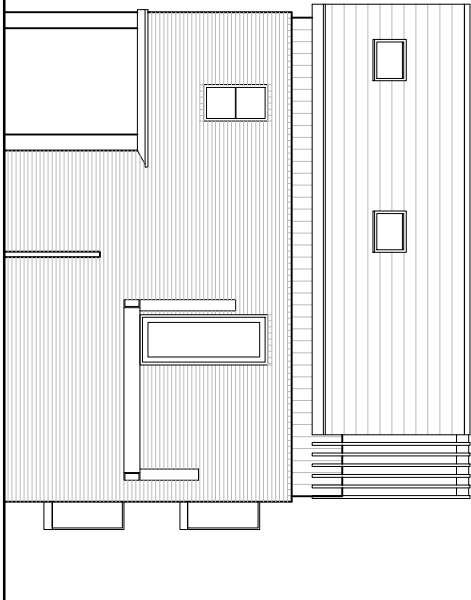
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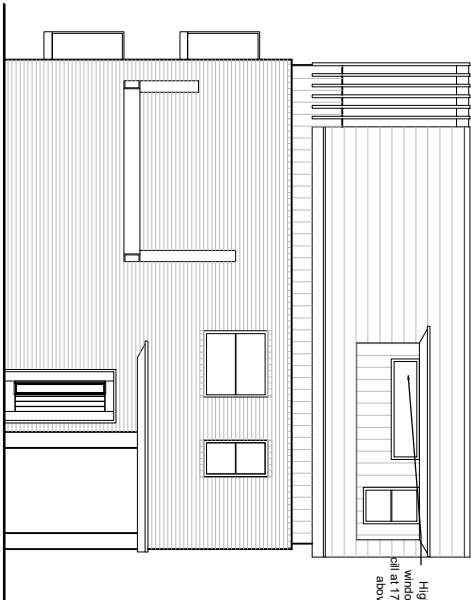
Front Elevation
Plots 7-12



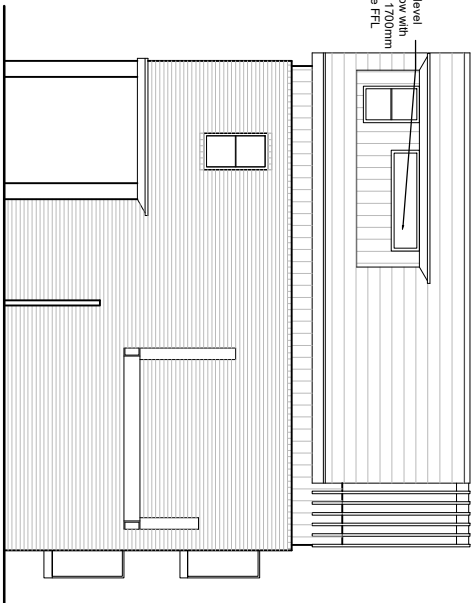
Side Elevation 1
Plot 7&8



Side Elevation 1
Plot 9&10



Side Elevation 2
Plot 9&10



Side Elevation 1
Plot 11&12



PLANNING

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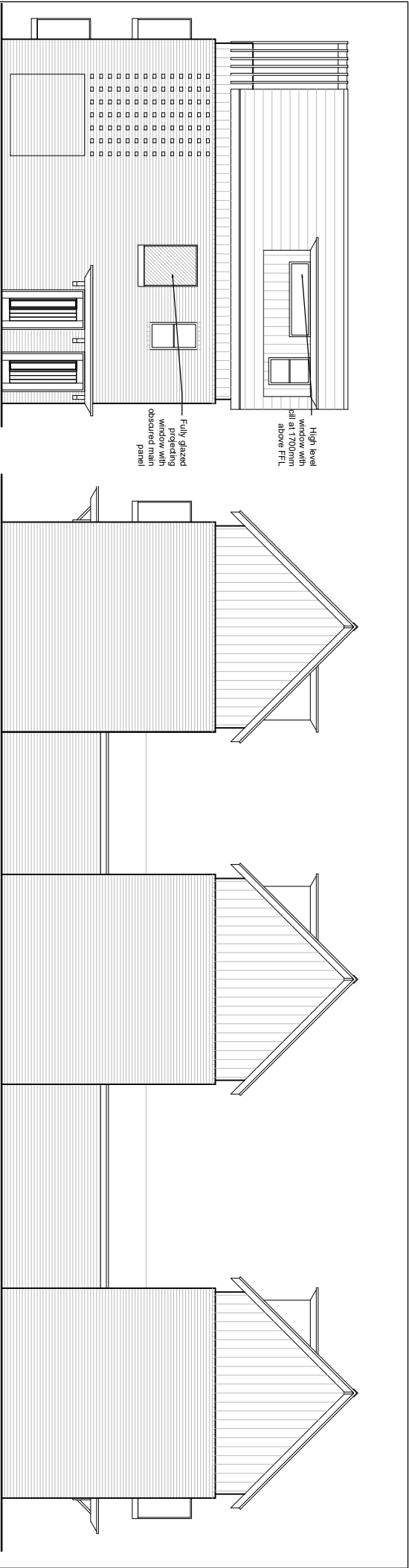
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High level window with sill at 700mm above FFL

High level window with sill at 700mm above FFL

Rev	Amendment	Date



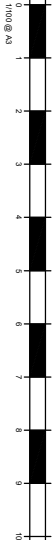
Side Elevation 2
Plot 11&12

Rear Elevation
Plots 7-12



Side Elevation 2
Plot 7&8

PLANNING



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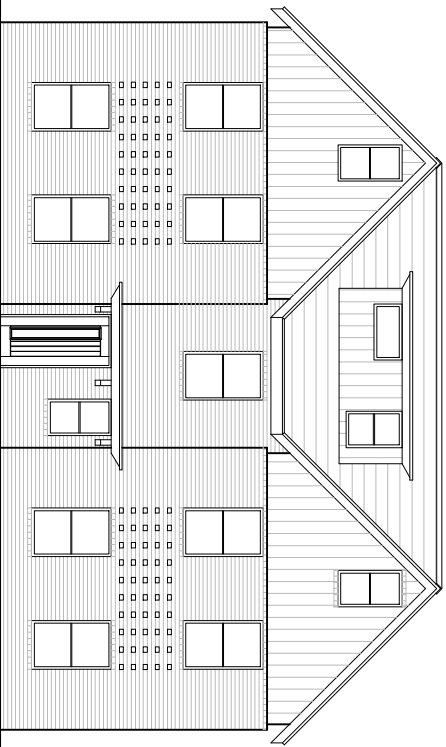
Client 12 - 16 Chapel Street, Thatcham

Drawn Young Estates & Land Ltd

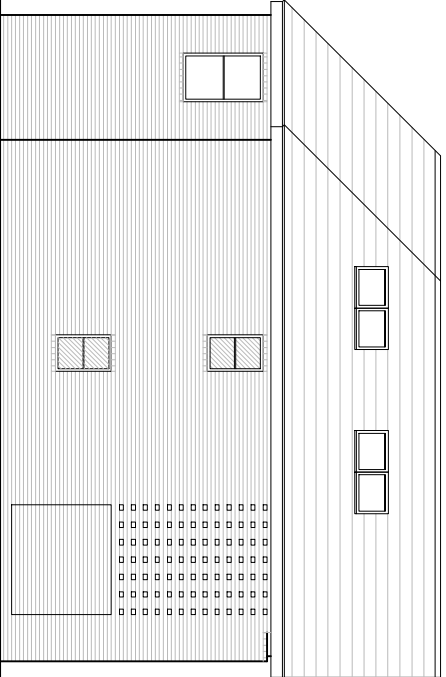
Scale 1/100 @ A3

Date Sep 18

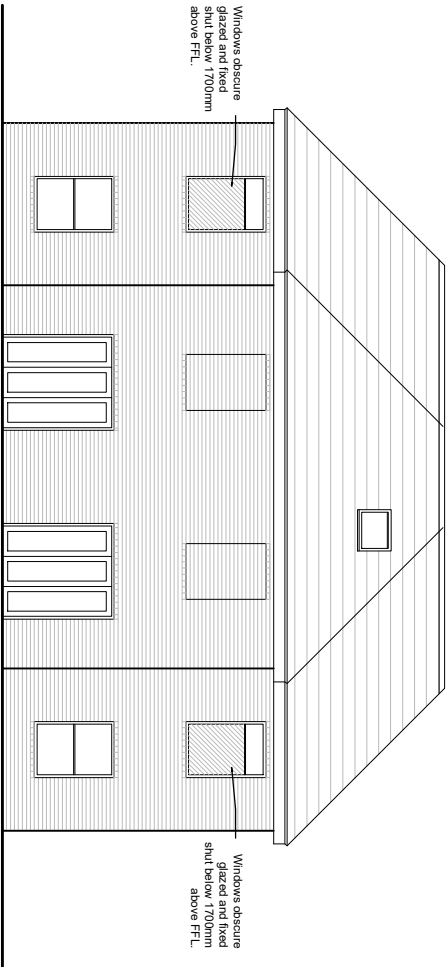
Drawn To 13.377.P.211C



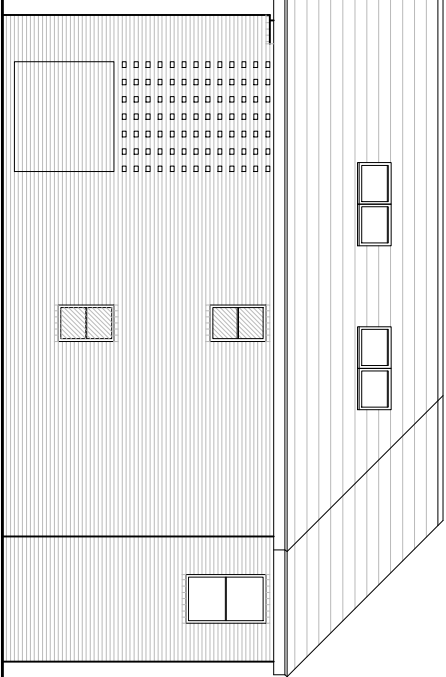
Front Elevation
Plots 13-17



Side Elevation - Facing BUPA
Plots 13-17



Rear Elevation
Plots 13-17



Side Elevation - Facing Church
Plots 13-17

PLANNING



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Drawing Plot 13 to 17 Elevations

Scale 1/100 @ A3 Date Sep 18

Dwg No. 13.377.P.220D