



Appeal Decision

Inquiry held on 22 and 23 July 2008

Site visit made on 23 July 2008

by **David Leeming**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
13 August 2008

Appeal Ref: APP/R0335/A/08/2068170 48-52 Dukes Ride, Crowthorne, RG45 6NX

- 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 McCarthy & Stone Assisted Living against the decision of Bracknell Forest Borough Council.
- The application Ref 07/01165/FUL, dated 13 November 2007, was refused by notice dated 31 January 2008.
- The development proposed is redevelopment to form 50 extra care units for the frail elderly.

Decision

1. I dismiss the appeal.

Procedural Matter

2. At the Inquiry an executed copy of a Section 106 Unilateral Undertaking was submitted. This makes appropriate provision towards affordable housing, transport facilities and avoidance and mitigation in respect of the Thames Basin Heaths Special Protection Area. It was accepted by the Council that the Undertaking overcame three of their reasons for refusal of planning permission.

Main issue

3. As agreed at the Inquiry, the main issue is whether the proposed development would have an unacceptable impact on the character and appearance of the site and the surrounding area by reason of its scale, mass, design and layout.

Reasons

4. Dukes Ride is a mainly residential road with a sylvan aspect along most of its length, arising from the densely landscaped frontages to the majority of the properties. For the most part the frontages are narrow but extend well back from the road. The original development took the form of large detached houses with steeply pitched roofs and these remain a significant element and distinctive feature that, in addition to the landscaping, helps to define the character of this part of Crowthorne. More recently there have been some flatted developments, these being located to the east of the appeal site, nearer the town centre, as well as beyond the junction with New Wokingham Road, some distance to the west.

5. The site currently contains 3 large houses on generous individual plots. The Council are not opposed in principle to their removal and the redevelopment of the composite site for extra care living accommodation in a single flatted (albeit smaller) building of contemporary style.
6. The size of the proposed building, with an unbroken frontage of some 67 metres, would considerably exceed the scale of that of any other development along the road, including the more recent blocks of flats. Its appearance too would be unlike that of any other development within the area.
7. In the appellants' view, although clearly different to those existing in the vicinity, the building would create local distinctiveness, in accordance with paragraph 36 of Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and would also meet the tests in paragraph 69 of Planning Policy Statement 3: *Housing* (PPS3), which lists criteria when determining planning applications. However, as PPS1 advises, creating or reinforcing local distinctiveness should be in response to the local context. It is a key principle of PPS1 that design which is inappropriate in its context should not be accepted. Moreover, PPS3, in paragraph 16, advises that, when assessing design quality matters, it is necessary to consider whether a building is well integrated with and compliments the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
8. With regard to local plan policy, the appellants detect a conflict between the requirements of saved Policy EN20, which predates the advice in PPS1 and PPS3, and the Council's recent policy on design in CS7 of their adopted Core Strategy Development Plan Document. In respect of the former, the appellants note, among other things, the requirement for new development to be 'in sympathy' with the appearance and character of the local environment, whereas in Policy CS7 there is the requirement to 'respect' local patterns of development and to provide 'innovative architecture'.
9. I do not interpret Policy EN20 as requiring replication in scale, design, layout or an appearance of similar age to others. Rather, the reference to 'in sympathy' seems to me to be a requirement to work with the design principles that have informed the development within the area to date. Despite a good deal of variety in the style and appearance of the buildings in Dukes Ride and adjacent roads, by and large the more recent developments pick up on earlier design aspects, including the pitched roofs and gabled frontages. Whilst these other recent developments are contemporary, there is a restrained aspect in the use of materials and in the general finish, which compliments the older buildings.
10. Taken in isolation, I do not doubt that the appeal building exhibits an appropriate scale, design and layout for the use proposed and that, given the substantial size of the combined plot, it could be accommodated on the site without appearing cramped or as over development there. The existing houses on the site and those adjacent on Dukes Ride are substantial dwellings with a similar height to the ridge. However, in noticeable contrast, despite the proposed articulation, the replacement building would present a solid mass and an extensive roofscape that, even having regard to the recent flatted accommodation, would be of a scale quite uncharacteristic of development within Dukes Ride. The presence of the building would be further emphasised by its uncharacteristic and uncompromisingly modern-looking curved roof

forms. In the context of the prevailing restrained residential character and appearance of Dukes Ride and adjacent side roads I therefore consider that the proposed development would be a jarring element in the street scene. Despite also being for residential purposes, it would thus fail to compliment the neighbouring properties and the wider area or to respect local patterns of development.

11. I have taken into account the fact that views of the development would be limited, particularly in the summer months, by the extensive frontage and other boundary landscaping. However, the fact that it may not be unduly prominent does not alter my finding that the building would fail to integrate successfully into the surroundings. The proposed development would thus be contrary to Policy EN20 of the Local Plan and Policy CS7 of the Core Strategy Development Plan.
12. The Council raise secondary issues concerning the design of the building, criticising what they see as its minimal elements of relief to the frontage and the absence of any front entrance to address the street. However, I consider that the degree of articulation to the front is adequate. The placing of the entrance away from the frontage is a functional requirement of the type of accommodation to be provided; and from the layout of the access it is clear where the entrance is located. It is otherwise clear from the design of its frontage, that the building would address the street. I therefore consider that, as regards these secondary elements of design, the building would exhibit an acceptable standard.
13. In the context of the Council's acceptance of a single building on the site, I consider that a single access point would not be inappropriate and would not necessarily be discordant in the street scene, even though the plot width would be untypical of the narrow adjoining frontages. Neither, in my view, would a metal boundary fence necessarily create an urban feel.
14. Despite my findings on the points mentioned in paragraphs 12 and 13 above, I consider that the proposed development would have an unacceptable impact on the character and appearance of the surrounding area by reason of its scale, mass, design and layout.
15. I acknowledge the fact that a key objective of PPS3 is the efficient and effective use of land. A smaller building, as sought by the Council, might be considered to fail in that regard. However, a necessary constraint is that the quality of the local environment should not be compromised. Despite the fact that the proposed development would undoubtedly be an efficient use of the site, I consider, for the reasons outlined above, that it would compromise the quality of the local environment.
16. It is not in dispute that the appeal site is brownfield land and in a sustainable location. I acknowledge that the Unilateral Undertaking provides a significant contribution for affordable housing on sites elsewhere in the Borough, as well as other financial contributions. These factors are material considerations that carry weight in favour of the development. I note too that the Council have no allocated sites for extra care accommodation within the Borough nor any criteria based policies to identify appropriate sites. As a result, I accept that they are reliant on windfall sites to meet this need. Even so, it is not argued

by the appellants that there are no other possible sites within the Borough where the required accommodation could be provided or that the need for this type of accommodation should outweigh identified harm to character and appearance. Indeed, my view is that the factors in favour of the development do not outweigh the harm I have found.

17. There was some discussion at the Inquiry about the Crowthorne Village Design Statement, to which the Council referred in their written statement. For the avoidance of any doubt, I agree with the appellants that, aside from its purely descriptive content, the Statement does not reflect current policy requirements. Since this document has not been adopted by the Council as a Supplementary Planning Document it can, in any event, carry only limited weight.
18. I have taken note of other appeal decisions that form part of the appellants' evidence. However, the circumstances of these are not directly comparable to those at the appeal site. In my view, the decisions in question do not set a precedent for the present appeal, which I have considered on its own merits.
19. Various other concerns have been expressed by interested third parties. These include the impact of the development on living conditions; transport matters - including parking, safety of the access and the impact of additional traffic on Dukes Ride; the impact of the development on local wildlife and on drainage infrastructure. However, the Council consider that these concerns are either unjustified, carry insufficient weight to justify refusal of planning permission or could be overcome by condition. I see no reason to disagree.
20. For the reasons given above I conclude that the appeal should be dismissed.

David Leeming

INSPECTOR