



# Appeal Decision

Inquiry held on 11 December 2007, 18 February 2008, 29, 30 and 31 July 2008

Site visit made on 5 August 2008

by **R J Yuille** MSc Dip TP MRTPI

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

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Decision date:  
26 August 2008

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## Appeal Ref: APP/R0335/A/07/2052970

### Former RAF Staff College, Broad Lane, Bracknell, RG12 9DD

- 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 Taylor Wimpey UK and English Partnerships against the decision of Bracknell Forest Borough Council.
- The application Ref: 07/00491/FUL was registered on 11 December 2007.
- The development proposed is an application for full planning permission to provide a partial alternative development to that approved under reserved matter approval 06/00573/REM pursuant to outline planning permission 03/00567/OUT comprising; 1) erection of 100 No. one, two and three bedroom flats in north west corner of site in 9 No. blocks of 3 to 6 storeys in height, with associated parking and amenity space; 2) erection of 2 No. detached houses (in substitution of houses on plots 5/145 and 5/146); and, 3) landscaping of 0.22ha on the eastern side of the site in place of 30 flats (plots 5/113-142).

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## Decision

1. I dismiss the appeal.

## Procedural Matters

2. This appeal has an unusual provenance. It began its life as an appeal against a refusal to approve a reserved matters application (Ref: 07/00491/REM) but it became apparent on the opening day of the Inquiry that this application had been made out of time. I therefore ruled that the application the subject of the appeal was not valid.
  3. However, having regard to the provisions of s 79 of the Town and Country Planning Act 1990 and relevant case law I ruled that it was open to me, as it would have been to the Council, to treat the appeal as if it were an application for full planning permission made to me in the first instance – subject to fresh consultations taking place. The Inquiry was, therefore, adjourned while those consultations took place.
  4. Full reasons for why I took this approach are contained in the two written rulings which I issued to the parties.
  5. While the nature of the application before me changed, its content remained essentially the same as did the Council's reasons for refusal.
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## **Section 106 Unilateral Undertaking**

6. A section 106 Unilateral Undertaking was submitted at the Inquiry. This makes provision for affordable housing, it ensures that 30 flats permitted as part of Phase 5 of the wider RAF College Site will not be built and contains a covenant preventing the owners of the proposed flats from owning dogs. I will take this Unilateral Undertaking into account.

## **Background and Main Issues**

7. The appeal site forms part of the former RAF Staff College site (now known as The Parks) which is allocated for housing in the Bracknell Forest Borough Local Plan (the Local Plan) and on which development has already commenced following the grant of planning permission and the approval of reserved matters (Refs; 03/00567/OUT & 06/00573/REM) for 730 dwellings. This will be referred to as the permitted scheme. A number of houses on the permitted scheme close to the appeal site are now occupied. Under the terms of the permitted scheme the appeal site would have been occupied by 12 houses together with 60 flats in 9 separate two and three storey blocks.
8. As befits a site with such a planning background, and one that is located in a sustainable urban location close to the town centre, the principle of developing it for housing is not in dispute.
9. The Council's reasons for refusing the appeal scheme related to seven matters; design, privacy and outlook, parking, Thames Basins Heaths Special Protection Area (SPA), highways design, the control of dwelling number on The Parks and affordable housing. The last three of these reasons for refusal have been dealt with, to the satisfaction of the Council and to my satisfaction, either by way of amended drawings or through the provisions of the section 106 Unilateral Undertaking referred to above.
10. That being so the main issues in this appeal are; firstly, the effect of the proposed development on the character and appearance of the area and on the setting of Mallorys, a Grade II Listed Building; secondly, its effect on the privacy and outlook of the occupants of Mallorys when they are in their gardens; thirdly, the adequacy of the proposed level of parking and its effect on highway safety; and, fourthly, the effect on the SPA of any recreational demand arising from the proposed dwellings.

## **Reasons**

### *Character and Appearance*

11. Two documents have had an influence on the design of the permitted scheme at the Parks, these are the Planning and Design Brief for the Staff College Site (October 2002) which has the status of Supplementary Planning Guidance and the Masterplan Design Statement (November 2005).
12. I regard both of these documents as material considerations in dealing with the appeal scheme but consider that they should be applied with a degree of flexibility – an approach which I note the Council has adopted with regard to the permitted scheme. In other words it is the principles contained in these documents that are of relevance rather than any prescriptive elements they contain.

13. That being so I will give greater weight to the advice contained in these documents which indicate that there is a need to create a landmark or gateway feature on the appeal site with building heights that are sensitive to dwellings outside the site rather than to the prescription, also contained within these documents, that any building on the site should not be more than three storeys in height.
14. As to the appeal site itself, it is a semi circular parcel of land at the north western corner of The Parks located close to the town centre. The appeal scheme proposes the construction of 100 flats in 9 blocks which, while they would be divided into three separate buildings, would have the appearance of a continuous crescent. The end blocks of these buildings would be three storeys in height rising to four and five storeys in the central blocks with a small six storey element. Contained within this crescent of buildings would be a road serving the flats which would be flanked on either side by parking spaces and set in a landscaped area including a large existing oak tree.
15. The context of the site is not dealt with in any detail in the Design and Access Statement submitted as part of the appeal scheme; this document relies on the Masterplan Design Statement for such matters. It was, however, agreed at the Inquiry that there are three key elements in the context of the appeal site. These are; firstly, the established residential area of Broad Lane to the north; secondly, the new roundabout to the west beyond which, and linked to it by a 100m or so section of dual carriageway, is a larger roundabout known as the Horse and Groom roundabout; and thirdly, the existing houses, many of them occupied, in Phase I of The Parks which adjoin the site to the east. I agree with this analysis.
16. It appears to me that in designing the appeal scheme greater attention has been paid to creating a landmark feature in relation to the roundabouts than to considering the other elements in the context of the site. Moreover, in seeking to address those roundabouts the design of the scheme appears to treat them as a single entity. In fact they are clearly different in size, the Horse and Groom roundabout is much larger, and in function, the Horse and Groom roundabout is part of the busy primary road network around Bracknell while the smaller roundabout acts principally as an access to The Parks and a link to Broad Lane.
17. To my mind the character and appearance of these two roundabouts is very different. The large scale of the Horse and Groom Roundabout and its heavy throughput of fast moving traffic give it a largely urban character. It was pointed out at the Inquiry that it is common to provide large buildings alongside such large roundabouts to punctuate the townscape and to provide legibility - and I saw examples of this in Bracknell at my site inspection.
18. However, the appeal scheme would not be located alongside such a large, urban roundabout but a smaller roundabout which, with its abundance of nearby mature specimen trees and with the glimpses of two and three storey houses which can be obtained from it, has a smaller scale and more suburban appearance. In this context I consider that the construction of what would appear to be a tall, continuous building, varying in height from 10.1m to 19.4m, around the perimeter of the site would be an over assertive feature that would dominate the roundabout and would not integrate well with its

- surroundings. Rather than acting as a gateway to The Parks it would, in visual terms, act as a barrier cutting that site off from the roundabout.
19. Moving on to consider the effect of the proposed development on Broad Lane, this is described in the Masterplan Design Statement as having the look and feel of a country lane. While that may have been so when that document was written it is not now an accurate description. I consider Broad Lane to be an attractive suburban street which, in the vicinity of the appeal site, is characterised by two storey dwellings set in large, well treed grounds.
  20. The appeal scheme proposes a number of four storey blocks some 13.1m high that would turn the corner onto Broad Lane and fall in height to a three storey block some 10.1m high opposite the Grade II Listed Building known as Mallorys. I consider that the height and continuous bulk of this building at the entrance to Broad Lane would be out of keeping with the smaller scale and loose knit form of the existing development on this road. The possibility of retaining existing trees on and adjacent to the site and of planting new trees in the limited space available would have little impact on the overpowering effect that these buildings would have on this suburban road.
  21. At the Inquiry I raised the question of the effect of the proposed development on the setting of the Listed Building, as I am statutorily obliged to do, and it was confirmed that neither the Council nor the appellant considered that any adverse effect on that setting would result from the appeal scheme.
  22. Having listened to the evidence at the Inquiry, including evidence from the owner of Mallorys, and having visited the site I have come to a different conclusion. I consider that Mallorys, a two storey half timbered building, benefits from its well treed, suburban setting and that the introduction of an intensive, urban, predominantly four storey form of development on the far side of the road would be an intrusive feature that would dwarf the existing house and would cause drastic harm to the setting of the Listed Building.
  23. In coming to this view I have taken account of the fact that any development on the appeal site would lead to some alteration in the setting of the Listed Building - as indeed would the implementation of the permitted scheme which would involve the construction of a number of three storey flats somewhat closer to Mallorys than the flats proposed in the appeal scheme. However, it is not the siting of flats in this location that concerns me but the height and mass of those proposed in the appeal scheme.
  24. Turning now to the effect of the appeal scheme on Phase I of The Parks, I consider that the parts of this predominantly three storey development that are most successful are those that create an intimate and informal street scene with dwellings set close to the back of the footway. While the blocks at either end of the proposed crescent would be of similar height to the existing dwellings and would be set close to the existing road the bulk of this crescent would consist of markedly taller buildings that would arc away from the existing road and be seen beyond a large, open, landscaped area which would be occupied principally by a service road and parking spaces. I consider that the combination of the formal crescent and the loss of a sense of intimacy and enclosure that would result from this arrangement would fail to respect the sense of local identity that is emerging at The Parks.

25. Looking at the proposed scheme in the round I acknowledge that there is a need for a landmark or gateway feature on this site and see no reason why this should not be provided by some form of crescent of dwellings, as such a layout would both reflect the shape of the site and serve to distinguish any scheme from the surrounding buildings – indeed this is the approach taken in the permitted scheme.
26. Like the Council, I also have no complaint about the architecture of the proposed buildings. Such buildings could well be appropriate in a position immediately alongside one of the major roundabouts in Bracknell. However, the proposed buildings are not in such a location and, to my mind, good architecture is not enough to remedy the defects of the proposed design which would result in a group of buildings that would appear out of place in their surroundings. I do not consider that the mass, height and scale of the proposed scheme would be in sympathy with the appearance and character of the area in which it would be set and in this respect the appeal scheme would conflict with the aims of Local Plan Policy EN20.

*Privacy and Outlook from the Gardens of Mallorys*

27. The three and four storey blocks of flats proposed in blocks 8 and 9 would face across Broad Lane towards the side and rear gardens of Mallorys at a distance of some 22m. An element of screening is provided by existing trees, some of which would be retained, and there is some limited scope for further tree planting.
28. On my site inspection I formed the impression that while these gardens at Mallorys adjoin Broad Lane they are at present largely private. I consider that this sense of privacy would be seriously eroded by being overlooked by some 26 bedroom, living room or kitchen windows, all set above ground floor level and 6 of which would have balconies or terraces. The intervening trees are predominantly deciduous and would provide little screening when they are not in leaf.
29. The appellant referred to the widely used rule of thumb of 20 metres back to back separation distance and considered that, with this in mind, the proposed separation distances were generous. Reference was also made to an appeal in which an Inspector contrasted a situation in which overlooking took place across a road with the more usual and sensitive situation in which overlooking took place across private open space (Ref: APP/X0360/A/07/2046044).
30. However, as the Inspector in that case recognised, much depends on the circumstances of the specific site. At my site inspection I formed the opinion that in this instance the presence of Broad Lane does not impinge to any significant degree on the privacy of the gardens to Mallorys and that the number and height of the windows proposed would create a strong impression of being overlooked when in those gardens, an impression that any retained or proposed trees would do little to allay.
31. Moreover, the two proposed blocks of flats would present a continuous frontage facing these gardens. I consider that such an unrelieved mass of buildings, considerably higher than any other building in the vicinity and placed squarely in the main view out from these gardens would have would have an oppressive effect on their outlook.

32. In making these judgements I have taken account of the fact that the flats proposed in the permitted scheme would be somewhat closer to Mallorys than would be those in the appeal scheme. However these buildings can be distinguished from those in the appeal scheme in that they would be for the most part lower, they would contain less high level windows facing Mallorys and their bulk would be broken by a gap in their frontages.
33. For the reasons set out above I consider that the appeal scheme would have an unacceptable effect on the occupants of Mallorys when they are in their gardens and would thus run counter to the aims of Local Plan Policy EN20 the relevant part of which seeks to ensure that development does not adversely affect the amenities of surrounding properties.

### *Parking*

34. It is proposed to provide 100 parking spaces to serve the 100 flats in the appeal scheme – a ratio of 1 parking space per dwelling. Of these spaces 62 would be allocated to particular dwellings. The Council considers that 130 spaces would be required which, at a ratio of 1.3 spaces per dwelling, would be consistent with the level of parking provision in the permitted scheme.
35. The Bracknell Forest Borough Parking Standards of July 2007 (the Standards) are expressed as neither minimum nor maximum figures and in this respect conflict with advice in Planning Policy Guidance 13 (PG13) which indicates that in order to promote sustainable development, maximum parking standards should be set. The Council's own Sustainability Appraisal of the Standards accepts that they will have a mixture of negative and positive effects on sustainability but does not spell out clearly what the local circumstances are that would warrant departing from Government advice on this matter.
36. I will, therefore, attach reduced weight to the Standards. However, this is a less significant point in this instance than it would have been had the Council simply applied the Standards when calculating the level of parking provision appropriate for the appeal site. In fact it applied a level of judgement and interpreted the standards flexibly in arriving at its estimate of the need for parking.
37. What is common ground is that the document entitled "*Residential Car Parking Research*", while it does not have any policy status and does not necessarily represent the views of the Government, contains a useful methodology for calculating car parking requirements at the appeal site. Indeed both the Council and the appellant used this methodology in evidence but arrived at differing results - these being 130 spaces and 100 spaces respectively.
38. This difference in result is largely accounted for by two factors; whether data from Harmans Water ward should be taken into account and the manner in which the allowance of parking spaces for visitors should be calculated. I will deal with these in turn.
39. The methodology employed takes account a number of factors influencing levels of car ownership and parking demand. These include the type, size and tenure of the proposed dwellings and their location. Location is a particularly important factor as it would be expected that sites, such as the appeal site, which are located close to a town centre, which are close to a railway station

- and which are well served by bus would generate a lower demand for cars and hence for parking spaces.
40. Ideally, in applying the methodology, data on the various relevant factors, including location, would be collected only from sites which precisely replicate conditions at the appeal site. In practice, however, this is not possible and information on these factors is most readily available on a ward basis. The aim, therefore, is to derive data from those wards which most closely approximate the relevant characteristics of the appeal site.
  41. This will inevitably involve a degree of judgement. The wards selected by the appellant are those in which, it is considered, the population was predominantly located close to the town centre. This did not include Harmans Water, the ward in which the appeal site is located.
  42. On the face of it is difficult to justify the exclusion of the ward in which the appeal site is located but evidence produced by the appellant bears out its claim that a large portion of Harmans Water is further from the town centre than is the appeal site. The same is not true of the wards selected by the appellant (Priestwood, Bullbrook and Wildridings) where larger proportions of the population are located at similar distances from the town centre as is the appeal site, with only a relatively small proportion of their populations being located further away. In this respect, therefore, the manner of calculating car parking demand used by the appellant is to be preferred.
  43. Turning to the matter of visitor parking, in order to understand this point it is necessary to appreciate the underlying argument which is that schemes which do not allocate parking spaces to particular dwellings are more efficient in that, to a degree, the demand for visitor parking spaces can be accommodated by using of the spaces of residents who are absent. Research suggests that no special provision need be made for visitor parking when at least half the parking provision is unallocated. In the appeal scheme, which proposes to allocate 62% of parking spaces to particular dwellings, less than half the spaces would be unallocated.
  44. In the Council's view this means that an element of visitor parking should be provided for every dwelling in the appeal scheme. However that is not the approach taken in the worked example contained in *Residential Car Parking Research* and the appellant produced evidence to indicate that it is not the approach advocated by the authors of that document. They commend the approach taken by the appellant in which an allowance for visitor parking is made only for dwellings with allocated spaces.
  45. While there is an element of ambiguity in the wording of *Residential Car Parking Research*, I consider that the approach taken by the appellant is to be preferred because, unlike the Council's approach, it provides visitor parking only for those dwellings with allocated spaces and in doing so it follows the logic of the underlying argument set out above which indicates that unallocated spaces have less need to be supplemented by visitor parking. That being so I consider the appellant's estimate that the proposed flats would require 100 parking spaces is well founded.
  46. Local people made it clear they have little time for such calculations. It is their experience that parking in the permitted scheme, which at 1.3 spaces per

dwelling is more generous than that proposed in the appeal scheme, leads to vehicles parking on local roads, something I observed on my site inspection, and to vehicles parking in surrounding areas, a practice advocated by the management company responsible for the occupied portion of the permitted scheme.

47. I have no doubt that some inconvenience is caused to existing residents by current parking arrangements and that this situation would not be eased either for existing or future residents by the implementation of the appeal scheme.
48. However, PPG13 makes clear that developers should not be required to provide more parking spaces than they wish other than in exceptional circumstances such as where there would be significant implications for road safety which could not be resolved through the introduction of on-street parking controls. In this instance traffic movements in the peak hours on these residential roads would be relatively low as would be the speeds at which traffic would travel. Even if the appeal scheme were to lead to an increase in parking on local roads I am not satisfied on the evidence available to me that this would have significant implications for road safety.
49. While I take the point made by local residents that there may be good reasons why individual families on the appeal site would need more than one car, it is important to bear in mind that if efficient use is to be made of land, if travel by car is to be minimised and if other modes of travel are to be encouraged then the overprovision of parking spaces must be avoided. The appeal site is in a highly sustainable location and is precisely the sort of site where low levels of parking provision are to be encouraged.
50. In this context I consider that the level of parking provision proposed would be adequate and that the appeal scheme would meet the aims of Local Plan Policies M9 and H1 in that it would not result in significant levels of inconvenience or danger on the public highway.

*Thames Basins Heaths Special Protection Area (SPA)*

51. It is useful when considering this issue to reiterate the point that under the terms of the permitted scheme, a scheme on which development has commenced, the appeal site would be occupied by 12 houses together with 60 flats as compared to the appeal scheme which proposes the construction of 2 houses on the site together with 100 flats. However, while the appeal scheme proposes 102 dwellings on a site where 72 are permitted, the overall figure of 730 dwellings for The Parks as a whole would be maintained by deleting 30 units permitted elsewhere within the wider site. Planning permission is, in effect therefore, being sought for a variation of the permitted scheme that would not involve an increase in the number of dwellings.
52. The following points were agreed at the Inquiry. Firstly, the permitted scheme is likely to cause significant harm to the SPA but for various reasons no mitigation measures relating to the SPA were put in place. Secondly, there is no reason to suppose that the permitted scheme will not be completed if planning permission is not granted for the appeal scheme; this is referred to as the 'fallback position'. Thirdly, the appeal scheme, which lies 2.3km in a straight line distance from the SPA, triggers the need to consider its impact on the SPA under the Conservation (Natural Habitats &c.) Regulations 1994 (the

Regulations). In other words it is necessary to ask the question whether the appeal scheme is likely to have a significant effect on the SPA. Fourthly, the appeal scheme would include a covenant preventing the occupants of the proposed flats from owning dogs. While this would not on its own be sufficient to mitigate the effect of the appeal scheme on the SPA it would make a contribution towards doing so.

53. The majority of these points are largely matters of fact. The second point, which deals with the 'fallback' position, involves a degree of judgement. However, while I note that the appellant is promoting a scheme for 1150 dwellings at The Parks, planning permission for this has been refused. There, is, therefore, no firm prospect that this will occur and it can be left out of account when considering the 'fallback position'. I am satisfied, therefore, that there is a reasonable prospect of the permitted scheme being implemented if planning permission was to be refused for the appeal scheme.
54. The difference between the Council and the appellant lies in whether or not, in answering the question of whether the appeal scheme is likely to have a significant effect on the SPA, it is relevant to take account of the permitted scheme.
55. The Council's view, in short, is that no account should be taken of the permitted scheme in answering this question. The Regulations require that the appeal scheme itself should be assessed as to its likely effect on the SPA. Simply to suggest that the appeal scheme would be less harmful than something that was itself accepted as harmful does not mean that the appeal scheme is unlikely to have a significant effect on the SPA.
56. The gist of the appellant's position is that as the appeal scheme would involve no increase in dwellings there would be no increase in the recreational demands likely to be placed on the SPA. Consequently, there would be no harmful effect on the SPA, indeed the dog covenant meant that there was likely to be a beneficial effect.
57. As far as I can determine there is no legal advice relating directly to the relevance of existing planning permissions when considering the likelihood of a significant effect on the SPA. The Council has obtained a legal opinion from David Elvin QC but the portions of this which were drawn to my attention (paragraphs 6 and 41) do not address this question. The gist of this advice is that the Regulations are applicable to schemes, such as the appeal scheme, which seek a variation of an existing permission. That point is not in dispute in this appeal. This advice is silent on how the Regulations should be applied in such an instance. The Regulations themselves and Circular 06/05 (the Circular) are also silent on this question
58. The relevant development plan policy (Policy CS14 of the Bracknell Core Strategy DPD) also throws little light on this question. It states that proposals leading to a net increase in residential dwellings within a straight line distance of 5km from the SPA boundary are likely to have a significant effect on the SPA. There is, however, nothing to indicate whether existing permissions which are likely to be implemented and which are likely to add to the population close to the SPA should be taken into account when determining whether a proposal will lead to a net increase in dwellings.

59. The position taken by Natural England, the Government's scientific adviser on the question of the SPA, is clearly a material consideration. Although Natural England did not appear at the Inquiry it confirmed, in a general letter to local authorities dated 5 May 2007, that it should be consulted on applications such as the appeal scheme - which of course it was - and that when dealing with such an application the starting point was that it would be likely to have a significant effect on the SPA. However, as the appellant pointed out, this letter only identifies a starting point and does not go on to suggest any end point.
60. On the face of it, however, the end point favoured by Natural England is clear as, in a letter dated 17 July 2008, it maintained what it described as its "*ongoing objection*" to the appeal scheme. What is not clear, however, is whether in arriving at that position it did or did not take into account the permitted scheme.
61. The Council takes the view that Natural England has been provided with the evidence supporting the appellant's case, including its arguments as to the relevance of the permitted scheme, and is still of the opinion that the appeal scheme is likely to cause significant harm. That may be so, but a full analysis of all the documents provided to Natural England was not carried out at the Inquiry. One document submitted to Natural England that was examined at the Inquiry was the appropriate assessment carried out by the Council. At the Inquiry the Council accepted that on any fair reading this suggests that the appeal scheme would lead to a net increase in the number of dwellings beyond those in the permitted scheme. Factually, of course, this is not the case.
62. To my mind the most direct reference by Natural England to the question of the relevance or otherwise of the permitted scheme is contained in its statement of 8 November 2007 which was submitted at a time when the appeal scheme was being treated as an application for the approval of reserved matters. In this it is stated that "*It is a matter for the planning authority, now the Inspector, to determine whether the appeal proposals together with any s106 obligation would lead to an increase in the number of dwellings over the number in the outline planning permission*".
63. While the situation has moved on in that the appeal scheme is being dealt with as an application for full planning permission, this statement indicates, as the Council accepted at the Inquiry, that Natural England consider the existing permission to be a relevant consideration. What is not clear is whether, in maintaining its ongoing objection, Natural England was aware of the fact that the appeal scheme did not involve any increase over the number of dwellings in the permitted scheme.
64. In the absence of any clear, unequivocal legal, procedural, policy or consultee guidance on the relevance of the permitted scheme when dealing with the question of whether the appeal scheme is likely to have a significant effect on the SPA, I consider that it is necessary to return to the underlying objective of the Regulations and the Habitats Directive from which these derive, which is to protect the SPA having regard to its conservation objectives.
65. To recapitulate, the permitted scheme is likely, if completed, to cause significant harm to the SPA; the appeal scheme is likely to cause less harm to the SPA because of the dog covenant; there is no reason to suppose that if

planning permission is refused for the appeal scheme that the permitted scheme will not be completed.

66. The appellant's case is that, following the Council's logic, planning permission would be refused for a scheme that would be less harmful to the SPA than would be the scheme which is likely to be implemented in its stead. This approach, the appellant considers, would be absurd as it would not prevent significant harm to the SPA.
67. I take the view that it is common practice to take account of the 'fallback' position when making planning decisions. Moreover, as the appellant pointed out at the Inquiry, when preparing, for instance, an Environmental Statement the baseline for any relevant assessment would include existing commitments.
68. Commonsense dictates that when considering the likely effect of a scheme on the SPA, account should be taken of what is likely to happen if that scheme does not go ahead. The term 'net increase in dwellings' as used in Policy CS14 would, therefore, sensibly take account of existing commitments which are likely to be implemented. If, as in this instance, the appeal scheme would not lead to a net increase in the number of dwellings likely to be built within 5 km of the SPA and hence no likely increase in the number of people placing recreational demands on the SPA, then this is a material consideration to be taken into account. Similarly, it appears to me, that if, as in this instance, there is a reasonable prospect of a scheme more harmful to the SPA being implemented if the appeal scheme is not permitted then this is also a material consideration.
69. While the dog covenant proposed by the appellant would, if properly monitored and managed, mitigate to some extent the likely effect of the appeal scheme on the SPA, the likelihood is that the appeal scheme will still have a significant effect on the SPA. However, this is outweighed by the fact that it is likely to have less of an effect on the SPA than would the permitted scheme. That being so I conclude that the proposed development would not conflict with the aims of either the Regulations or of Policy CS14 of the Bracknell Core Strategy DPD.

## **Conclusions**

70. Drawing together my findings, I consider that the appeal scheme would not be likely to have a significant effect on the SPA and would make adequate provision for parking; indeed in the former respect it would be an improvement on the permitted scheme. The appeal scheme would also bring with it a number of other benefits such as making effective use of previously developed land and making increased provision for affordable housing.
71. These points are, however, outweighed by my finding that the design of the appeal scheme would be inappropriate in its context. This is an important matter as good design is fundamental to the development of high quality housing. Moreover I consider that the appeal scheme would have an unacceptable effect on the privacy and outlook of the occupants of a neighbouring dwelling, Mallorys, when they are in their gardens.

72. I have taken into account all other matters raised, including the Council's concern that the appeal scheme would undermine the comprehensive planning of the site, but none of these outweigh my conclusions on the main issues.

73. For the reasons given above I conclude that the appeal should be dismissed.

*RJ Yuille*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Tom Cosgrove of Counsel	Instructed by the Solicitor to Bracknell Forest Borough Council
He called	
Dermot McCaffery MIHE MIRSO	Director, DFM Consulting Ltd
Melissa Read BSc MSc AIEMA	Team Manager (Design, Environment & Transport)
Martin Bourne BA MSc MA MRTPI	Team Manager (Development Management)

### FOR THE APPELLANT:

Peter Village QC and James Strachan of Counsel	
They called	
David Brimmer BSc(Hons)	Technical Director, WSP Development and Transportation
Karen Colebourn BSc(Hons) CBiol MIEEM	Director, EPR
David Lander Cert TP MRTPI	Managing Director, Boyer Planning Limited
Clive Self DipLA MLI	Managing Director, CSA Environmental Planning

### INTERESTED PERSONS:

Philip Goldsmith	Hill House/Mallorys, Broad Lane, RG12 9DY
Councillor Turrell	12 Pickering, Bracknell RS12 7EA
Andrew Radgick	Devonia, Broad Lane, RG12 9BH
Margaret Corridan	4 Nightingale Crescent, RG12 9PU
Michael Harding	33 The Ridgeway, RG12 9AU
Bob Pennell	Montere, Broad Lane, RG12 9BX
Sarah Colbert	36 Austin Way, RG12 9HN
Alison Cleverly	17 Bardeen Place, Broad Lane, RG12 9AA

### DOCUMENTS

- 1 Letter announcing the date, time and venue of the Inquiry.
- 2 Lists of those attending the Inquiry.
- 3 Signed Unilateral Undertaking dated 17 July 2008 and Briefing Note.
- 4 Supplementary Statement of Common Ground.
- 5 Bracknell Forest Borough Council Parking Standards July 2007.
- 6 Thames Basin Heaths Technical Background Document to the Core Strategy DPD.
- 7 Letter dated 5 May 2007 from Natural England to local planning authorities.
- 8 Masterplan Design Statement. November 2005.
- 9 Planning and Design Brief. The Staff College. October 2002.

- 10 Extract from the decision in the Wokingham Cricket Club appeal (Ref: APP/X0360/A/07/2046044).
- 11 Extract from the Urban Design Compendium.
- 12 Letter from Peverel OM Ltd dated 14 July 2008 relating to parking Issues at The Parks submitted by Ms Colbert.
- 13 Statement by Mr Andrew Radgick.
- 14 Statement by Mr Bob Pennell.
- 15 Various versions of draft planning conditions together with associated documents.