

LIST OF RELEVANT SMALL SITE AFFORDABLE HOUSING APPEAL DECISIONS

APPEAL REF	ADDRESS	RBC REF	DATE DETERMINED	ALLOWED/ DISMISSED?	MAIN ISSUES ADDRESSED	COMMENT
APP/E0345/15/3141752	The Pond House, Oxford Rd	150539	25/07/2016	ALLOWED	Affordable Housing DM6 (not supported), Highway Safety	Case not submitted
APP/E0345/W/16/3149180	51 Cressingham Road	152016	21/10/2016	DISMISSED	Character, Highway Safety, Wheatcroft Principles	Affordable Housing reason withdrawn
APP/E0345/W/16/3153661	17 St Barnabas Rd Emmer Green	151893	02/12/2016	DISMISSED	Affordable Housing DM6, Character, Spaciousness, Privacy	
APP/E0345/W/16/3160582	79 Henley Road	150151	05/12/2016	DISMISSED	Affordable Housing DM6	
APP/E0345/W/16/3154971	51 Cressingham Road	160820	16/01/2017	DISMISSED	Affordable Housing DM6, Character	
APP/E0345/W/16/3159962	8 Thornton Road	160460	18/01/2017	DISMISSED	Affordable Housing DM6, Character	
APP/E0345/W/16/3157856	1 The Ridings, Emmer Green	151773	19/01/2017	DISMISSED	Affordable Housing DM6, Character, trees	
APP/E0345/W/16/3154721	Land at Oxford Road, Tilehurst	150136	30/01/2017	DISMISSED	Affordable Housing DM6, Character, biodiversity	
APP/E0345/W/16/3155586	126, Westwood Road, Tilehurst,	160083	06/02/2017	DISMISSED	Affordable Housing DM6, Character, amenity, biodiversity	
APP/E0345/W/16/3160994	26 Woods Road, Caversham	160059	17/02/2017	ALLOWED	Affordable Housing DM6 (not supported) Character, living conditions.	See PINS Complaint
APP/E0345/W/16/3162360	153 Hemdean Road, Caversham	160088	20/02/2017	ALLOWED	Affordable Housing DM6 (not supported) Character.	See PINS Complaint
APP/E0345/W/16/3162427	171 Blagdon Road	160752	13/03/2017	DISMISSED	Affordable Housing DM6, Character, Living conditions	
APP/E0345/W/16/3161485	Gloucester Court	160482	13/03/2017	DISMISSED	Affordable Housing DM6, Character, Spaciousness, Parking, Wheatcroft Principles	
PP/E0345/W/17/3168768	65 Peppard Road, Caversham	160527	12/06/2017	DISMISSED	Affordable Housing DM6, Character, biodiversity	
APP/E0345/W/16/3161384	37 Hilcot road, Reading RG30 2SX	150238	12/07/2017	DISMISSED	Affordable Housing DM6	

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APP/E0345/W/16/3154971	51 Cressingham Road	160820	16/01/2017	DISMISSED	Affordable Housing DM6, Character	
APP/E0345/W/17/3173270	Rear of 52 Norcot Road	151144	17/08/2017	ALLOWED	Affordable Housing DM6 and whether the submitted Unilateral Undertaking was adequate.	Affordable housing provided by UU
APP/E0345/W/17/3174759	42 Bulmershe Road	161665	21/09/2017	DISMISSED	Affordable Housing DM6, Character, Living conditions, Highway Safety	
PP/E0345/W/17/3174559	54 Lyndhurst Road, Tilehurst	161664	06/10/2017	DISMISSED	Affordable Housing DM6, Character, Living conditions, Highway Safety	
APP/E0345/W/17/3176746	85 Ambrook Road, Whitely	170231	27/10/2017	DISMISSED	Affordable Housing DM6, Character, Living conditions, Highway Safety	
APP/E0345/W/17/3183456	8 Ardler Road, Caversham	170574	21/03/2018	DISMISSED	Flooding, highway safety, affordable housing, character.	
APP/E0345/W/17/3184513	8 Benson Close, Reading	170609	13/04/2018	Dismissed	Character, amenity, affordable housing	
APP/E0345/W/17/3189394	48 Watlington Street, Reading	170975	01/06/2018	Dismissed	Amenity, character, cycle parking, affordable housing	
APP/E0345/W/17/3191092	90 Oakley Road, Hemdean Road, Caversham	170775	03/07/2018	Dismissed	Character, amenity, highway safety, affordable housing, cycle parking and bin storage.	
APP/E0345/W/17/3191047	4 Copse Avenue, Caversham	170691	06/07/2018	Dismissed	Character, highway safety, affordable housing.	
APP/E0345/W/18/3198800	28 Wokingham Road, Reading	171014	17/09/2018	Dismissed	Character, amenity, affordable housing	
APP/E0345/W/18/3195174	Thornton Road, Reading	172155	17/09/2018	Dismissed	Character, affordable housing.	

Appeal Decision

Site visit made on 18 April 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 25 July 2016

Appeal Ref: APP/E0345/15/3141752

The Pond Public House, 738 Oxford Road, Reading RG30 1EH

- 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 Rob Willetts against the decision of Reading Borough Council.
 - The application Ref 150539, dated 26 March 2015, was refused by notice dated 6 October 2015.
 - The development proposed is for the development of 3 houses on land to the rear of public house.
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Decision

1. The appeal is allowed and planning permission is granted for the development of 3 houses on land to the rear of public house at The Pond Public House, 738 Oxford Road, Reading RG30 1EH in accordance with the terms of the application, Ref 150539, dated 26 March 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1273-01A; 1273-02A; 1273-03A; 1273-04A; 1273-14G; 1273-13G.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority.
 - 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development. If within a period of 5 years from the date of planting of any tree or shrub, including hedging shown on the approved landscaping plan, that tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
 - 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and

the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

- 6) No construction site machinery or plant shall be operated and no construction related deliveries shall be taken at or despatched from the site outside the following times: 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. There shall be no construction site machinery or plant operated at the site and no construction related deliveries shall be taken at or despatched from the site at any time on Sundays, Bank or Public holidays.
- 7) No dwelling hereby approved shall be occupied until the recommended actions contained within paragraph 4.11 of the report by Hepworths Acoustics (Report No: P15-264-R01 June 2015) have been completed.

Main Issues

2. The main issues are the effect of the proposed development on highway safety and whether a financial contribution towards affordable housing in the area is necessary.

Reasons

Highway safety

3. Notwithstanding the Council's concerns about the loss of the public house car park, the appellant has confirmed that the parking area was closed for separate management reasons. The car park was closed at my site visit. The appellant has also advised that there is no intention to reverse this decision and the trade and operation of the public house has not suffered as a result. It seems to me that on this basis it is not the appeal scheme which is causing the loss of the car park. Rather it is a commercial decision over which there is no control.
4. Moreover, despite what appears to be a difference of fact as to whether the site is in a residents parking permit area or zone and the Council's assertion that surrounding roads are heavily used for on street parking, there is no evidence from the Council to demonstrate that the displacement that has already taken place of customer and staff vehicles elsewhere has directly led to any highway or local parking difficulties. Also, the Council's Transport Strategy Section is satisfied that the loss of the car park would not worsen the historic delivery arrangements for the pub. As with the loss of the car park above, it is not the

appeal scheme itself that is causing the loss of what could be an alternative service delivery route and, again, this is a commercial decision.

5. The Council has referred to its Local Development Framework (LDF) Revised Parking Standards and Design, which would normally require the provision of one parking space per 5sqm of area available to customers, excluding kitchen, bar, server, toilets etc. However these Standards to my mind have greater relevance to new pub developments or the extension/alteration of a pub. Furthermore, they were adopted prior to the National Planning Policy Framework (the Framework) that seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. The Framework also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and the Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification.
6. In this case the pub is located in a highly sustainable location. Although the Council previously advised the appellant to retain at least a proportion of the car park for pub use and that a parking accumulation survey should determine likely parking demand associated with the pub during key opening times, there is no compelling evidence to show that on street parking or any vehicle movements associated with the pub in the absence of the car park has or would have a severe adverse effect on road safety or the free flow of traffic.
7. In relation to the actual scheme for three houses itself there are no objections from a highway point of view with the proposed access arrangements and the level of off road parking proposed found to be satisfactory, despite some minor misgivings about the ability to manoeuvre into and out of visitor spaces 8 and 9 as shown on the proposed plans.
8. Against this background the development proposed complies with Reading Core Strategy (CS) Policy CS24 and Policy DM12 of the Council's LDF Sites and Detailed Policies Document (SDPD). These policies seek to ensure that development proposals make satisfactory arrangements for parking and access in the interests of highway safety.

Affordable housing

9. The Council's adopted Supplementary Planning Document: Affordable Housing (SPD) explains the way that the Council intends to apply relevant policies of the CS and SDPD in terms of affordable housing provision. These provisions seek to give effect to the CS strategic objective of ensuring that a significant proportion of new dwellings permitted are affordable. SDPD Policy DM6 is particularly relevant to this appeal. For sites of between one and four dwelling units, a financial contribution would be sought towards the provision of affordable housing off-site. No section 106 Agreement or Unilateral Undertaking is in place.
10. Notwithstanding the requirements of Policy DM6 and its SPD however, the Court of Appeal (CoA) has allowed the appeal¹ by the Secretary of State for Communities and Local Government against the judgement of the High Court

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

of 31 July 2015, on a joint application of the two Councils in seeking to challenge:

- i. the Secretary of State's Written Ministerial Statement (WMS) of 28 November 2014, and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions, and
 - ii. his decision of 10 February 2015 to maintain those policy changes following an Equality Impact Assessment.
11. The effect of the CoA judgement has been to overturn the High Court judgement and it has given legal effect to the policy set out in the WMS, which should now be regarded as national planning policy to be read alongside the Framework, such that contributions for affordable housing and tariff-style planning obligations should not be sought from small scale developments such as the appeal proposal. Changes made to Planning Practice Guidance on 19 May 2016 now also confirm the approach to be taken. The Council and West Berkshire Council have decided not to seek leave from the Supreme Court to appeal against the CoA judgement.
 12. Against this background, the Council has sought to demonstrate that local circumstances are such that it can still justify seeking contributions towards affordable housing below the WMS threshold in line with policy DM6. This includes evidence that almost half of all households in the West Berkshire Housing Market Assessment Area are currently in need of affordable housing whilst high numbers of homelessness and priority cases for affordable housing are recorded on the Council's housing register. This equates to 58% of Reading's Objectively Assessed Needs per annum. Moreover, around a quarter of annual completions in the Borough are on sites of ten or less, which in the opinion of the Council justifies a lower threshold.
 13. While I am conscious of the current overall picture in terms of affordable housing locally as well as the aims of policy DM6 and the Council's SPD, these must now be seen in the light of the WMS and PPG and the thrust of the Government's purpose of making such changes which was to tackle the disproportionate burden of developer contributions on small scale developers. I attach considerable weight to the changes to national planning policy and in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the 1990 Act I find that this outweighs the requirements of policy DM6 and therefore also the SPD. Despite the Council's assertions and further evidence, I do not consider that in this case the local circumstances justify an exception to national policy. An affordable housing contribution should not therefore be sought in this case.
 14. Consequently, the lack of a signed section 106 Obligation is not necessary to make the development acceptable in planning terms and should not therefore be an impediment to the grant of planning permission.

Other matters

15. Third parties have drawn attention to the fact that a small number of properties fronting Oxford Road currently park off-road presumably either by accessing their land through the car park or parking on the appeal site itself. However, it is an accepted principle of planning law that property rights have no bearing on

planning decisions. This includes both legal rights of passage or informal arrangements between two landowners.

Conditions

16. The Council has suggested a number of conditions which I have considered against the Use of Conditions guidance set out in the Planning Practice Guidance. I have amended some of them for clarity.
17. In addition to the standard 3 year limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in order to provide certainty. Despite not suggested by the Council, a condition to secure appropriate finishing materials is necessary in the interests of character and appearance of the area. A condition requiring land contamination assessment and if appropriate, subsequent mitigation and remediation is necessary to prevent pollution risk. A condition limiting the hours of any building etc operations is necessary given the close proximity of neighbouring dwellings. A condition requiring both hard and soft landscaping of the site together with its implementation is necessary to protect the character and appearance of the area. Given the submission of a noise report at the time of the application and its acceptance by the local planning authority, I consider that a condition requiring compliance with the report's recommendation to be necessary in order to protect local amenity.
18. However a condition preventing the burning of green waste on site is unnecessary given the limited opportunity available here for such activity to occur. I do not consider a condition limiting noise and dust emanating from a site that does not involve demolition to be necessary.

Conclusions

19. For the reasons set out above, and having regard to all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 4 October 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 21 October 2016

Appeal Ref: APP/E0345/W/16/3149180
51 Cressingham Road, Reading RG2 7RX

- 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 Morningwood Developments Ltd against the decision of Reading Borough Council.
 - The application Ref 152016, dated 10 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is "Demolition of existing house and garage. Erection of 4 new dwellings".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. One of the reasons for refusal set out in the Council's decision notice relates to a lack of a contribution towards affordable housing provision in the Borough. The Council, having considered the appellant's viability assessment, has confirmed that they wish to withdraw this reason for refusal. I have therefore not considered this matter any further and have determined the appeal on this basis.
3. The appellant has submitted a number of revised plans¹ as part of the appeal, in respect of the design of the proposed dwellings and the proposed parking arrangement in an attempt to overcome some of the concerns of the Council. However, these revised plans are substantially different to those plans considered by the Council and consulted upon as part of the original planning application. The revisions to the roof design would result in a substantially different appearance of the proposed dwellings when compared to the original plans. The amendments to the car parking layout would relocate two parking spaces from the rear of the proposed dwelling on Plot 1 to the front of this dwelling.
4. Having regard to the 'Wheatcroft Principles' it would therefore be unreasonable for me to accept these revised plans given that it may deprive the consultees of the original proposal the opportunity to provide representations on the amendments. In addition, the Council has not provided an assessment of the merits or otherwise of these revised plans.

¹ 3308/200 Rev B, 3308/201 Rev B, 3308/202 Rev B, 3308/203 Rev B, 3308/204 Rev B and 3308/207/B

5. Furthermore, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal.
6. The appellant has also submitted some revised plans² as part of the appeal, to correct some inconsistencies between the original site plans/floor plans and proposed elevations. The Council raises no objections to these plans forming part of the appeal. Given that the revisions to the elevation plans show an accurate representation of the proposal, consistent with the original site plan/floor plans, I am satisfied that my acceptance of the plans would not compromise or prejudice the interests of any third parties. I have therefore considered the appeal on the basis of these revised plans.

Main issues

7. The main issues are the effect of the proposal on the character and appearance of the area; the effect of the proposal on highway safety; and the effect of the proposal on the living conditions of the occupiers of 53 Cressingham Road with particular regard to outlook.

Reasons

Character and appearance

8. The appeal site comprises a detached, arts and crafts style dormer bungalow set within a generously sized plot and is located on the corner of Cressingham Road and Birdhill Avenue. Cressingham Road slopes steeply down to the west of the appeal site and as such, it occupies an elevated position along this road. The wider area is predominantly residential in character. Dwellings along Cressingham Road display a variety of architectural styles and include detached bungalows and detached and semi-detached two-storey houses. Many of these are tightly spaced. Dwellings along Birdhill Avenue typically comprise detached, tightly spaced bungalows. These bungalows are set back a generous distance from the road frontage and display a strong and defined building line.
9. The appeal site provides a considerable sense of space and openness at the junction of Cressingham Road and Birdhill Avenue and reflects the spatial characteristics of 47 Cressingham Road, a detached dwelling also set within substantial grounds on the opposite corner of Cressingham Road and Birdhill Avenue. The spatial qualities afforded by the appeal site and No 47 provides considerable visual relief within an otherwise heavily built up area and provides an attractive entrance into Birdhill Avenue.
10. The hipped roof form of the appeal property, its central positioning with the appeal site and its overall form, including low eaves and dormer windows, considerably reduces its overall scale and prominence in the streetscape. This is particularly important given its elevated position and its context with the bungalow, No 53, to the immediate west and with the bungalows to the south along Birdhill Avenue, all of which also display hipped roofs. In addition, the setback of the appeal property from Birdhill Avenue is broadly consistent with the building line along this road. These factors contribute greatly to the spatial qualities of the appeal site and the immediate area.

² 3308/203 Rev C and 3308/204 Rev C

11. Substantial levels of vegetation around the boundaries of the appeal site and within the grounds of No 47 also add a strong verdant quality to the immediate locality and to the junction of Cressingham Road and Birdhill Avenue. A protected Scots Pine, located within the south-east corner of the appeal site, is a particularly noticeable landscape feature in public views, as is a large tree growing within a grass verge along Birdhill Avenue to the immediate east of the appeal site.
12. I therefore consider that the spatial and verdant qualities afforded by the appeal site strongly and positively contribute to the character and appearance of the area.
13. The proposal seeks to replace the appeal property with two pairs of two-storey semi-detached dwellings. I acknowledge that the proposed dwellings would reflect, to some extent, the scale and rhythm of dwellings along the wider length of Cressingham Road. They would also maintain a good level of separation from the bungalows along Birdhill Avenue. I also note that the proposed materials would be sympathetic to the materials displayed by other dwellings in the area.
14. Nevertheless, the proposed dwellings would be of a considerably greater scale, bulk and massing than that of the appeal property and would occupy a considerably larger footprint which would extend into part of the existing front, side and rear garden areas. In addition, the proposed dwelling on Plot 1 would extend considerably forward of the well defined building line along Birdhill Avenue. The noticeable stepping forward of this building line would be further accentuated by the uncharacteristic and bulky gable end of this proposed dwelling when viewed from along Birdhill Avenue. This gable end and the gable end of the proposed dwelling on Plot 4 would also appear considerably at odds with the characteristic hipped roofs of the bungalows along Birdhill Avenue and the bungalow at No 53.
15. Moreover, the parking spaces that would be provided to the rear of the proposed dwelling on Plot 1 would necessitate the removal of the visually important and protected Scots Pine and would occupy a large proportion of the rear garden of this dwelling, limiting any scope for meaningful replanting. It is also unclear whether any crossover required to access these parking spaces could be constructed without any harm to and subsequent demise of the tree growing within the grass verge along Birdhill Avenue, given its close proximity to the appeal site.
16. In light of the above, the proposal would therefore result in an overly prominent, uncharacteristic and cramped form of development that would substantially reduce the important spatial and verdant qualities of this part of Cressingham Road and Birdhill Avenue. This would fail to respect the local distinctiveness of the area. Consequently, the proposal would result in significant harm to the character and appearance of the area. This is notwithstanding that the appeal site is not subject to any heritage designations.
17. I acknowledge the figures relating to density supplied by the appellant. Nevertheless whilst the increase in density may reflect that of some other plots locally and would, in principle be supported by local and national policy, this does not mean that the relationship of the proposed dwellings to their surroundings would be satisfactory for the reasons that I have already given.

18. The proposal would therefore be contrary to Policies CS7- Design and the Public Realm, CS15- Location, Accessibility, Density and Housing Mix and CS38- Trees, Hedges and Woodlands, of the Reading Borough Local Development Framework Core Strategy 2008 with Alteration Adopted 2015 (Core Strategy); and Policy DM11- Development of Private Residential Gardens, of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012 with Alteration Adopted 2015 (SDPD). These policies require, amongst other things, development to be of an appropriate density having regard to the characteristics of an area, to be of a high quality design that maintains and enhances the character and appearance of the area, to be of a layout that integrates with the surrounding area including in respect of building lines and to protect trees of importance.
19. These policies are, in this regard, consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) that seek planning to take account of the different roles and character of different areas, to resist inappropriate development of residential gardens where it would cause harm to the local area and to set out an approach to housing density to reflect local circumstances.

Highway safety

20. The Council raises a concern that the location of the rear car parking area associated with the proposed dwelling on Plot 1 would be remote from the entrance to this dwelling. In the Council's opinion, this would likely lead to any future occupiers parking close to the junction of Cressingham Road, a classified road, and Birdhill Avenue, for convenience, such as when unloading shopping or children from a car. Nevertheless, where I observed parking availability near to this junction, it did not appear to be significantly closer to the location of the front door of this proposed dwelling than the proposed rear car parking area would be. It is therefore unlikely, in my opinion, that the location of the rear car parking area would lead to an increase in on-street parking near the junction that would compromise highway safety.
21. However, I do share the Council's concerns in respect of the uncertain relationship between the proposed new front vehicular access and a pedestrian refuge located on Cressingham Road to the front of the appeal property, given that the pedestrian refuge has not been shown on any submitted plans. In addition, the submitted plans do not demonstrate that a visibility splay of 2.4m x 70m could be achieved at this vehicular access to comply with the Council's standards set out in their Geometric Design Guidance for Residential Accesses on to Classified Roads 2011.
22. I cannot therefore be confident, based on the evidence before me, that the proposal would provide adequate access arrangements to ensure the safe entering and leaving of any vehicles. Without any substantive evidence to demonstrate otherwise, I conclude that the proposal would result in significant harm to highway safety along this section of Cressingham Road.
23. This would be contrary to Policies CS7 and CS20- Implementation of the Reading Transport Strategy, of the Core Strategy; and Policies DM11 and DM12- Access, Traffic and Highway Related Matters, of the SDPD. These policies require, amongst other things, development to create a safe environment, to contribute to improved transport safety, to include access which meets appropriate highway standards and, in respect of a new access

onto a classified road, not to compromise the safe movement of traffic or the safe use of the road. These policies are consistent with the broad aims and objectives of the Framework which require a safe and suitable access to the site for all people.

24. The Council also cites conflict with Policy CS24- Car/Cycle Parking, of the Core Strategy, which requires the application of maximum parking standards. However, given that the proposal would provide 8 off-street car parking spaces in accordance with the Council's parking standards set out in the Reading Borough Revised Parking Standards and Design Supplementary Planning Document 2011, I do not consider that the proposal would conflict with this policy.

Living conditions

25. No 53 has a large rear bay window which faces down the large rear garden of this property and a smaller side window which faces the appeal site. The evidence suggests that these two windows serve a kitchen. I observed that the smaller side window already faces some dense vegetation, at close proximity, growing along the western boundary of the appeal site. This is likely to already substantially reduce the level of outlook from this window, particularly given that No 53 is set at a lower level than the appeal site. I also observed that a number of large trees, some of which appeared to be evergreen species, are growing along the western boundary of the appeal site to the south-east of and in close proximity to the rear bay window. These trees are likely to feature in views from the rear bay window of No 53 when looking in a south-east direction. They are also likely to provide a considerable level of enclosure to the part of the garden to the immediate rear of No 53.
26. Any views of the proposed dwelling on Plot 4 from the rear bay window of No 53 would be at an oblique angle and would largely replace the existing view of the evergreen trees. In addition, a kitchen is generally not considered to be a main habitable room. As such, the outlook from this room is unlikely to be as important to the occupiers of this dwelling as the outlook from a main habitable room, such as a living room, where they are more likely to spend a greater amount of time relaxing and enjoying any views from the windows that serve such a room. Moreover, the main aspect of the rear bay window, which faces down the rear garden, would be largely unaffected.
27. Furthermore, the proposed dwelling on Plot 4 would be set back from the western boundary of the appeal site where it adjoins the rear garden of No 53 by approximately 2 metres and would extend along only a modest proportion of the overall rear garden length of this property. As a result, it would not, in my opinion, result in any noticeably greater level of enclosure to the part of the garden to the immediate rear of No 53 than the level of enclosure currently provided by the evergreen trees.
28. Having regard to these factors, I do not consider that the proposal would result in an overbearing form of development that would materially affect the outlook obtained from the rear bay window, the smaller side window or the rear garden of No 53. Consequently, I consider that it would not result in harm to the living conditions of the occupiers of No 53 in this regard.
29. The proposal would therefore comply with Policy CS15, of the Core Strategy; and Policies DM4- Safeguarding Amenity and DM11, of the SDPD. These

policies require, amongst other things, development not to cause a significant detrimental impact to the living conditions of existing occupiers including in respect of visual dominance or overbearing effects. These policies are consistent with the broad aims and objectives of the Framework that seek planning to secure a good standard of amenity for all existing occupants of land and buildings.

Other matters

30. I acknowledge a number of third party concerns, including those relating to ecology and living conditions matters in respect of sunlight and privacy. However, the Council did not object to the proposal on living conditions grounds beyond the effects on outlook and based on the evidence before me and my own observations, I have no substantive reasons to consider otherwise. With regard to ecology, the Council did not raise any concerns in this regard and I am satisfied that the submitted ecological assessment adequately demonstrates that there are unlikely to be any protected species that would be affected by the proposal.
31. I note that the appellant's sets out that the proposal would provide a good standard of living accommodation and external amenity space for any future occupiers. I have no reason to doubt that the proposal would occupy a location with a good level of access to local services and facilities and would be built to high energy efficiency standards. I also accept that the proposal would make a contribution, albeit a limited contribution, to housing supply in the Borough and would make a more efficient use of the land. Nevertheless, the harm I have found to the character and appearance of the area and to highway safety would significantly and demonstrably outweigh these benefits.

Conclusion

32. Whilst I have not found harm in respect of living conditions, I have found harm in respect of the character and appearance of the area and highway safety along Cressingham Road. The harm so caused would be significant and would clearly and demonstrably outweigh any benefits. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR

Appeal Decision

Site visit made on 1 November 2016

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 02 December 2016

Appeal Ref: APP/E0345/W/16/3153661

17 St Barnabas Road, Emmer Green RG4 8RA

- 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 Ms Diane Angell against the decision of Reading Borough Council.
 - The application Ref 151893, dated 21 October 2015, was refused by notice dated 21 April 2016.
 - The development proposed is a new 4 bed dwelling to the rear garden of No. 17 St Barnabas Road, including improved access off Surley Road and landscaping.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area; the effect on the living conditions of the occupiers of 17 and 19 St Barnabas Road, with particular regard to privacy, and whether the appeal proposal would provide adequate living conditions for future occupiers with regard to privacy; and whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

3. The proposed development would occupy a portion of the substantial rear garden associated with 17 St Barnabas Road (No 17). The wider suburb contains a range of housing types and plot layouts, but development in the immediate context of the appeal site is characterised by large detached dwellings set within relatively substantial garden plots. Whilst building ages and architectural styles vary, it is the generous garden-to-building ratio, combined with ample spacing between properties, which together create a verdant and spacious suburban environment.
 4. The appeal scheme would introduce a two-storey detached dwelling fronting Surley Row, looking onto the open recreational grounds on the opposite side of the street. In terms of scale, form and materials, the proposal would broadly fit with the local area. However, properties around the appeal site, with a larger footprint, are generally off-set by the good-sized gardens around them. Despite a setback containing space for parking and the proposed garden having some space for landscaping, for a dwelling of the size proposed, the overall plot
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would be uncharacteristically small. The introduction of a large dwelling on a relatively small plot in this context would result in the appearance of an uncomfortable and cramped addition. The development would consequently erode the sense of spaciousness, arising from large, undeveloped rear gardens, which is a positive characteristic of the locality.

5. The proposal would leave a gap of approximately 3.5 metres between the proposed dwelling and the boundary with 118 Surley Row, and about 1.5 metres between the garden boundary of 19 St Barnabas Road (No 19). There are examples of dwellings close to boundaries locally, but these are in more densely developed areas or compensated for by substantial garden sizes. Viewed from Surley Row, the proposed dwelling would occupy a significant portion of the entire plot width and, in such relative proximity to the neighbouring boundaries, would lessen the views through to rear gardens. As a result, views to trees and planting that are currently gained through the ample spacing of houses would be diminished, to the detriment of the verdant character of the local street scene.
6. Overall, I consider that the proposed dwelling would fail to respect the existing pattern of development and would consequently be harmful to the character and appearance of the area. As such, the development would fail to accord with Policy DM11 of Reading Borough Local Development Framework Sites and Detailed Policies Document, adopted October 2012, with alterations adopted 27 January 2015 (the SDPD) and Policy CS7 of the Reading Borough Local Development Framework Core Strategy, adopted January 2008 with alteration adopted 27 January 2015 (the Core Strategy), insofar as they seek to ensure development maintains and or makes a positive contribution to the character and appearance of the area.

Living conditions

7. At the time of my visit, in early November, I observed a dense hedge lines the boundary between No 17 and 19, which is approximately one-storey in height. The only tree that is sited close to the boundary is ornamental and provides very little screening between the gardens. There is also no vegetal screening across the garden of No 17 at the point where the garden would be truncated. Consequently, above first floor level, having regard to the close proximity of the proposed and extant dwellings, there would be little screening to provide a necessary sense of privacy for users of the gardens at No 17 or 19.
8. The generous garden sizes that currently exist provide an ample separation between neighbouring properties and gardens, limiting opportunities for overlooking. In some suburban contexts a smaller degree of separation would be acceptable. However, the existing occupiers of No 17 and 19 currently enjoy a good degree of privacy owing to the distance between windows and gardens. Under the appeal proposal, the large master bedroom window would give opportunity to look over the patio and garden of No 19. Given the shallow depth of garden proposed for No 17 and the new dwelling, coupled with the lack of screening, this would result in harmful overlooking from both properties directly into the garden opposite.
9. I conclude that the proposed development would result in unacceptable overlooking from its first floor windows into neighbouring gardens. Similarly, the proposed dwellings would suffer overlooking to its rear garden from extant neighbouring dwellings. Therefore, there would be significant harm to the

living conditions of the occupiers of No 17 and 19 St Barnabas Road and the appeal scheme would fail to provide adequate living conditions for future occupiers with regard to privacy. The development therefore fails to accord with Policies DM4 and DM11 of the SDPD, which seek to ensure that development will not cause a significant detrimental impact to the living environment of existing or new properties.

Affordable housing

10. The appellant has failed to provide an obligation to secure a contribution towards affordable housing. Such an obligation was required for the development to comply with Policy DM6 of the SDPD and the Council's associated Supplementary Planning Document: Affordable Housing, adopted 2013 (the SPD). The Court of Appeal's judgement on 13 May 2016¹ gave legal effect to the Written Ministerial Statement (WMS) of 28 November 2014, which outlines that contributions should not be sought from developments of 10 or less units. I have attached significant weight to the WMS.
11. However, the Council has submitted a substantial amount of evidence to indicate that specific local circumstances within the Borough justify a lower threshold for affordable housing contributions, as an exception to national policy. In balancing the importance of avoiding disproportionate burdens on the developer, in pursuance of encouraging more house building, against the specific affordable housing needs in Reading, rising market values, and the significant contribution towards the delivery of affordable housing in the Borough that small sites make, I find the extent of the Council's evidence to be compelling.
12. I note the previous Inspectors' decisions cited by the appellant² in this regard, particularly to APP/E0345/15/3141752, a case in Reading wherein the Inspector concluded that a financial contribution towards affordable housing in the area was not necessary. However, I am not aware of the level of detail submitted in evidence that was presented to that Inspector at the time that decision was made. I am also mindful of a more recent Inspector's decision³, which takes a different approach. There is not, therefore, a clear and unambiguous precedent on this matter.
13. The appellant has not disputed the Council's evidence and has provided nothing substantive to indicate that a contribution towards affordable housing would represent a disproportionate burden to them. In light of this, while the case in hand would be an exception to national policy, I consider there to be local circumstances that indicate the proposal should be determined in line with the development plan. A means of securing a contribution towards affordable housing would therefore, in my judgement, be justifiably sought in this instance. As the proposal fails to make an adequate provision for affordable housing, the development would also run contrary to Policy DM6 of the SDPD and the SPD.

Other matters

14. I have taken into account the existence of properties in the locality that are either close to their neighbouring boundary or have a smaller garden compared

¹ *SSCLG v West Berkshire and Reading Borough Council* [2016] EWCA Civ 441

² APP/L5810/W/15/3097727, APP/P3610/W/15/3138792 and APP/E0345/15/3141752

³ APP/K3605/W/16/3146699

with the appeal proposal. However, the specific circumstances of plot size, layout and relationship to existing buildings differentiate these examples from the appeal site. I therefore do not find any compelling precedent for the appeal proposal, which I have assessed on its own particular merits. Nor do I find that, in reaching its decision, the Council has demonstrated any divergence from policies at paragraphs 59 and 60 of the National Planning Policy Framework.

15. Any benefits to improved local security and the provision of a single family home, even if in a sustainable location, weigh modestly in favour of the scheme. However, such benefits are insufficient to outweigh the substantial harm in relation to the character and appearance of the area or living conditions identified above.

Conclusion

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

H Porter

INSPECTOR



Appeal Decision

Site visit made on 24 January 2017

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 13 March 2017

Appeal Ref: APP/E0345/W/16/3160582

79, Henley Road, Caversham, Reading RG4 6DS

- 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 David Howells (Shanly Homes Ltd.) against the decision of Reading Borough Council.
 - The application Ref 150151, dated 23 January 2015, was refused by notice dated 9 September 2016.
 - The development proposed is erection of two dwellings with associated hard surfacing and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether a financial contribution towards affordable housing provision is necessary to make the proposed development acceptable in planning terms.

Reasons

Affordable Housing contributions

3. Policy DM6 of the *Sites and Detailed Policies Document (SDPD)* (October 2012 – revised January 2015) requires affordable housing provision to be made on development sites of less than 15 dwellings. The degree of provision required and the manner in which it is to be made depends upon the scale of the development. On schemes of 10-14 dwellings there should be 30% affordable provision and on schemes of 5-9 dwellings 20% provision. Ideally that provision should be made on site but if justified a financial contribution in lieu of such provision may be acceptable. For sites, such as the appeal site, of between 1-4 dwellings, the Policy requires a financial contribution that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.
4. The Council's adopted *Affordable Housing Supplementary Planning Document (SPD)* (2013) is cross referenced to Policy DM6 and also refers to *Core Strategy* Policy CS16 which requires 50% affordable housing on sites of 15 dwellings or more. The *SDPD* refers to a very high level of need for affordable housing, in particular for families, in the Borough. It says that lack of affordable housing is seen as a significant constraint on new employment

- investment in the area. Increasing affordable housing provision is seen as critical to enable economic growth in the area.
5. The appellant has made no financial provision for affordable housing. There is, therefore, conflict with Policy DM6 of the development plan. The development plan is the starting point for any determination. However, account must be taken of any material considerations which may indicate that a decision should be made other than in accordance with the development plan. A key such consideration is Government Policy as expressed in the *Written Ministerial Statement (WMS)* dated November 2014 to be read alongside the *National Planning Policy Framework (the Framework)*. *The Framework* requires Council's to ensure that their Local Plans meet the need, amongst other things for affordable housing and set Policies accordingly. However, the *WMS* says that, due to the disproportionate burden of developer contributions on small scale developers, for sites of 10 units or less affordable housing contributions should not be sought.
 6. An application for judicial review into the *WMS* was initially successful. However this decision was overturned in the Court of Appeal decision *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council*. Subsequent to this decision updated and new paragraphs have been added to the Planning Practice Guidance (PPG) section on planning obligations. They re-iterate that national planning policy defines the specific circumstances where contributions for affordable housing contributions should not be sought from small scale development. Government Policy, therefore, is that for development of the scale proposed affordable housing contributions should not be sought.
 7. The Council has provided a substantial body of evidence to support its contention that, notwithstanding the *WMS*, *SDPD* Policy DM6 should prevail. In large part this evidence is on the need in the Borough for affordable housing. A recent Housing Market Needs Assessment (HMNA) indicates Reading to have an Objectively Assessed Housing Need (OAN) of 699 dwellings per annum of which 406 should be affordable. Thus approximately 58% of the AON is for affordable housing, a figure higher than for all but one of the other Berkshire Councils. A further analysis by the Council shows that, where comparison can readily be made, in other neighbouring Councils in the south east beyond Berkshire only Oxford, Guildford, Waverley and Woking have a higher proportion of OAN that should be affordable. Adding weight, says the Council, to the need for affordable housing is a record level of homelessness and high average house prices. There is in Reading an average price/earnings ratio of 13.36 compared to the national ratio of 11.62.
 8. Turning to the supply of affordable housing the Council is an almost wholly urban area and thus a very high percentage of development is on previously developed land. The high costs of development of such sites, compared to greenfield land, has limited the affordable housing contributions that could be sought on many sites to significantly less than the Council's target figure. It is not anticipated that the review of the Local Plan, which is at an early stage, would lead to much if any greenfield development. Moreover, Council figures show that around 25% of annual housing completions in the Borough are on sites of 10 dwellings or less. Thus small scale sites make up a substantial proportion of the housing land supply. From past surveys the Council

- anticipates that contributions from schemes of 10 units or less would add around 21% to the average overall supply of affordable housing .
9. The appellant criticises the Council for: making no reference to how many developments of over 10 houses made a financial contribution to affordable housing; providing no information on potential contributions from committed sites that have planning permission but have not been implemented; and not taking into account future affordable housing contributions from potentially emerging sites arising from a new Local Plan at consultation stage and calls for sites. However, whilst the information provided by the Council may be lacking in some respects no evidence has been provided which would run counter to the Council's key claims on the notably high level of affordable housing need when comparison is made with other authorities, the higher than average house prices compared to income, the limitations placed on affordable housing contributions by an absence of greenfield sites and the important contribution small sites make in affordable housing provision.
 10. I consider the case above made by the Council to point strongly towards there being local circumstances to support seeking an affordable housing contribution in this case in accordance with the development plan but as an exception to national Policy. In arriving at this view I appreciate that the intention behind the *WMS* was to reduce the burden for small scale developers and I acknowledge the role such development makes in housing provision. However, a Council viability study tested a range of developments and found that the requirements of Policy DM6 would enable competitive returns and for development to be deliverable. Moreover, Policy DM6 is worded in such a way that a lower level of contributions may be acceptable if justified by developers. Finally, given the ability to deal with such contributions by fairly standardised legal agreements I see no reason why requiring such payments should lead to undue delays determining applications.
 11. On the case before me the Council is seeking a £50,000 contribution. The appellant has provided no evidence that this would place an undue burden upon him. Given the above I consider that the application of Policy DM6 need not place an undue burden on this small scale development. Indeed it would seem that until the Court of appeal decision upholding the *WMS* the appellant was willing to pay this sum.
 12. Both parties have referred to appeal decisions in their favour. Those in the same District as the case before me are clearly the most relevant. In this regard the appellant referred to appeal decisions APP/E0345/W/16/3143453, APP/E0345/15/3141752 and APP/E0345/W/3154081 on proposals for between 1 and 3 houses. In these cases it was held that local circumstances did not justify an exception to national policy. The Council make reference to appeal decision APP/E0345/W/16/3153661. Here, whilst acknowledging some of the decisions above, it was found that the Council had provided considerable evidence to indicate that specific local circumstances in the Borough justifies a lower threshold for affordable housing contributions as an exception to national Policy. I have no means of knowing precisely the nature of the evidence provided in these cases. However, in the case submitted by the Council reference is made to substantial evidence as it is in one of the cases provided by the appellant. In regard to these 2 cases there may be a difference between the approaches adopted that cannot be explained in terms of the nature of the evidence submitted. However, given my findings in the preceding

paragraphs I find the reasoning in the case submitted by the Council to be the more compelling and to add weight to my conclusions.

13. It is concluded that a financial contribution towards affordable housing provision is necessary to make the proposed development acceptable in planning terms. The Council is justified in seeking an affordable housing contribution and its absence runs contrary to *SDPD* Policy DM6.

Other matters

14. The appeal site is located in garden land to the rear of Nos. 79 and 77 Henley Road. It is a parcel of land that lies between substantial backland estate development off Queen Annes Gate and Fairfax Close. Access would be from a private drive off Fairfax Close which already serves 6 dwellings. Third parties have raised concerns which go beyond those of the Council.
15. Turning to those concerns the proposed houses, although of greater depth than adjoining houses and slightly taller than those to the west, would be of a scale acceptably in keeping with development in the locality. Their front elevations would accord with the appearance of houses in the vicinity.
16. Although on slightly higher ground than the adjoining house at No. 40 Fairfax Close the proposed dwelling on plot 1 would not extend so far to the rear at 2 storey level as to be unacceptably detrimental to the neighbour's living conditions by reason of loss of light or visual impact. The potential for loss of privacy arising from a kitchen window facing No 40 Fairfax Close could have been prevented by a condition requiring the use of obscure glazing had I been minded to allow the appeal. Concerns over damage to the access road would be addressed by means other than the planning system but concerns over noise and disturbance during construction work could have been dealt with by a construction management statement. There is no substantial evidence to support concerns on drainage. A condition requiring details of rear garden levels and boundary fencing would have overcome concerns on the variation of levels on the appeal site and adjoining land.

Conclusion

17. I have found no harm in relation to the third party concerns above. And the proposed houses in a sustainable location would be of some economic and social benefit. However, this would be outweighed by the economic and social disadvantages of an absence of provision for affordable housing. Thus seen in the round this would not, in terms of *the Framework*, be sustainable development and would be contrary to the development plan when read as a whole.
18. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR

Appeal Decision

Site visit made on 22 November 2016

by Rory Cridland LLB (Hons), PG Dip, Solicitor

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

Decision date: 29 December 2016

Appeal Ref: APP/X0360/W/16/3154971

51 Cressingham Road, Reading RG2 7RX

- 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 Morningwood Developments Ltd against the decision of Wokingham Borough Council.
 - The application Ref 160820, dated 29 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is for the demolition of existing house & garage. Erection of new building containing 4 x 2-bed and 4 x 1-bed flats with associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted an additional drawing with the appeal¹ that did not form part of the planning application determined by the Council. It provides further details regarding the proposed access and visibility splays. I have considered this drawing under the principles established by the Courts in *Wheatcroft*². I am satisfied that it does not change the nature of the scheme to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to it.
3. The Council is satisfied that drawing number 3308/256A demonstrates that satisfactory access arrangements and visibility splays can be provided which comply with their adopted standards. I concur and have therefore not considered these issues in my reasoning below.

Main Issues

4. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the area;
 - (ii) the effect of the proposed development the living conditions of No 93 Birdhill Avenue with particular reference to overlooking;
 - (iii) the effect of the proposed development protected trees;

¹ Drawing ref 3308/256A

² *Bernard Wheatcroft Ltd v SSE (1982) JPL, 37*

- (iv) the effect of the proposed development on highway safety with particular regard to parking and waste collection; and
- (v) whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

5. The appeal site is situated on the corner of Cressingham Road and Birdhill Avenue. It consists of a detached dwelling set within a generous plot which, along with No 47 opposite, provides an attractive, open and spacious entrance to Birdhill Avenue. Similarly, although located in a prominent position on the brow of the hill, the appeal property, being set back from the highway, does not appear prominent within the street scene. The surrounding area is predominantly residential in character and consists of a variety of building styles including detached bungalows and detached and semi-detached two-storey houses, the majority of which are set back from the road.
6. Although the Council accepts the principle of residential development at this site, in view of its prominent location, it is concerned that the scheme proposed would negatively impact on the character and appearance of the surrounding area. These concerns are well founded. It would result in a larger building which would occupy a considerably greater width of the site. Its rear projection would extend further into the site than the existing building and there would be a considerable increase in bulk and scale. This would appear in stark contrast to the more modest dwellings along Birdhill Avenue and the inclusion of a significant area of hardstanding to the front to accommodate the parking area would significantly erode the openness to which the site currently contributes. This would have a detrimental effect on this part of Cressingham Road and on the entrance to Birdhill Avenue.
7. Furthermore, its visibility within the street scene would significantly increase and would be exacerbated by its prominent position on the brow of the hill. Overall, it would appear dominant and out of keeping with its immediate surroundings. This would be harmful to the character and appearance of the surrounding area.
8. While I acknowledge that the site, in view of its sustainable location, would suggest that a higher density development may be appropriate and note that the proposal incorporates hipped roofs to reflect those of nearby dwellings, as well as providing adequate amenity space, that does not overcome the harm to the character and appearance of the surrounding area that I have identified above. Similarly, while I note the appellant's reference to nearby No 45 which occupies almost the entire width of its plot and has the front area given over almost entirely for parking, in view of its less prominent position, I consider its impact on the street scene to be considerably less. Accordingly, it does not act as a justifiable precedent for the development proposed.
9. Consequently, in view of its increased scale, bulk and prominence within the street scene, I find that the proposal would fail to maintain the character and appearance of the area. Furthermore, I consider its layout would be such that it would fail to integrate with, or make a positive contribution to, its surroundings. This would be contrary to Policies CS7 & CS15 of the Core

Strategy³ (CS) which seek to ensure that all development is of a high quality design which maintains and enhances the character and appearance of the area.

10. In addition, while I note that the appellant has questioned the relevance of Policy DM11 of the Sites and Detailed Policies Document⁴ (SDPD), that policy seeks to ensure that proposals for new residential development on land which forms part of the curtilage of private residential gardens is only acceptable in a limited number of defined circumstances. These include where its layout integrates with the surrounding area. It is clear from both the wording of that policy and its explanatory text that it is intended to relate to *all* proposals which seek to introduce new residential development within established residential areas. This is to ensure that they do not cause harm to the local area. Consequently, in failing to make a contribution to the character of the area in terms of its layout, I also find the proposal would be contrary to Policy DM11.

Living conditions

11. The scheme would result in the rear building line moving closer to the boundary with No 93 Birdhill Avenue. Policy DM4 seeks to protect the living environment of occupiers of existing residential properties in terms of, amongst other things, privacy and overlooking. It specifies that a back to back distance of 20 metres between dwellings is usually appropriate. However, it also recognises that circumstances on individual sites may enable dwellings to be closer without it having a detrimental effect on privacy.
12. In this case, the separation distance between the rear of the proposed building and the side elevation of No 93 would be around 14 metres. However, the screening along the boundary would considerably limit views into both the property itself and its garden area. Furthermore, there is no indication that there would be clear lines of sight from the rear of the proposed building into habitable rooms of No 93. While I note the Council's concerns that this screening cannot be relied on for the lifetime of the development, I have been provided with no robust evidence as to why this would be the case. As such, I do not consider this to be sufficient to justify a refusal of planning permission in this instance.
13. Consequently, I do not consider the proposed scheme would result in unacceptable levels of overlooking. As such, I find no conflict with CS Policy CS15 or SDPD Policies DM11 & DM4. These policies, amongst other things, seek to ensure that new development does not result in detrimental impacts to the living conditions of occupiers of neighbouring premises.

Protected trees

14. The Council is concerned that there is insufficient information to demonstrate that the protected Scott's Pine located in the south east corner of the appeal site would not be adversely affected by the proposed scheme. I agree with that assessment. The tree is located in reasonably close proximity to the proposed dwelling. While the development plans indicate the retention of that tree as well as protective fencing, without further information indicating the Root

³ Reading Borough Council Local Development Framework Core Strategy (2008) - with alteration adopted 27 January 2015.

⁴ Reading Borough Council Local Development Framework Sites and Detailed Policies Document (2012).

Protection Area, I cannot be certain that the measures suggested would provide adequate levels of protection during construction.

15. Accordingly, I find that the proposal does not make adequate provision for protected and retained trees. This would be contrary to CS Policy CS38 which seeks to protect both individual and groups of trees from damage or removal.

Highways

16. The Council's Supplementary Planning Document on Revised Parking Standards and Design (2011) sets required parking standards for new development according to its location. The proposed scheme would fall short of the required standards. Where this is the case, the SPD requires a demonstration that there would be no detriment to highway safety as a result.
17. The Council considers that the lack of parking spaces would place excessive pressure on on-street parking and would be harmful to highway safety. However, I note that there is no robust evidence to suggest that there is any significant shortage of parking in the vicinity or that a shortfall of 4 spaces, 2 of which would be for visitors, would place any significant pressure on the nearby on-street parking provision. Furthermore, I note that there are no parking restrictions along the majority of Birdhill Avenue and consider any impact on on-street parking resulting from the development would be limited.
18. The Council has also raised concerns regarding the proposed bin store. In particular it considers that, being situated some distance from the access point on Cressingham Road, it would lead to the stationing of refuse vehicles on the highway for excessive periods. However, I am not convinced that, even if this were the case, any impact would be so severe as to warrant a refusal of planning permission in this instance. Rather, I consider any concerns in this respect can be sufficiently guarded against by means of an appropriate condition.
19. Consequently, I find that although the level of parking provision proposed would not accord with the Council's adopted standards, the proposed shortfall would not have any material impact on on-street parking in the surrounding area. Accordingly, I do not consider it would be detrimental to highway safety. Likewise, I find that the Council's concerns regarding the facilities for waste collection and storage would not materially impact on highway safety. As such, I find no conflict with CS Policy CS20 or SDPD Policy DM12 which seek to ensure that new development contributes to a balanced transport network and does not adversely affect the safety of highway users.

Affordable housing

20. Policy DM6 of the SDPD and the Council's Supplementary Planning Document on affordable housing⁵ require a financial contribution to be provided towards affordable housing elsewhere in the Borough. The appellant has not provided a signed planning obligation to secure the contribution and, as such, the proposal does not accord with Policy DM6.

⁵ (2013)

21. However, following the Court of Appeal's judgement on 13 May 2016⁶, the Written Ministerial Statement of 28 November 2015 has been reinstated and once again forms a part of national planning policy. It indicates that contributions should not be sought from developments of 10 units or less and it is a material consideration to which I attach significant weight.
22. Nevertheless, the Council has submitted a considerable amount of evidence which indicates that specific local circumstances within the Borough justifies a lower threshold for affordable housing contributions, as an exception to national policy. I have been referred to a recent Appeal Decision⁷ where the Inspector considered that balancing the importance of avoiding disproportionate burdens on the developer was outweighed by the specific affordable housing needs in Reading, rising market values, and the significant contribution towards the delivery of affordable housing in the Borough that small sites make. While I am not aware of the level of detail submitted in that case, on the evidence before me, I find the Council's case to be persuasive.
23. Furthermore, in view of the fact that the appellant has not disputed the Council's evidence and has provided nothing substantive to indicate that a contribution towards affordable housing would represent a disproportionate burden to them, I consider there to be local circumstances that indicate the proposal should be determined in line with the development plan. A means of securing a contribution towards affordable housing can therefore be justifiably sought in this instance.
24. Consequently, in the absence of any secured contribution, I find that the proposal would be contrary to Policy DM6 of the SDPD and the SPD.

Planning Balance

25. I have found that the proposal would not be materially harmful to the living conditions of occupiers of No 93 Birdhill Avenue and would not be detrimental to highway safety. Nevertheless, I have also found that it would be harmful to the character and appearance of the surrounding area and would fail to make adequate provision for protected and retained trees. Furthermore, it fails to secure a contribution towards affordable housing. As such, it would be contrary to a number of development plan policies.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

⁶ Secretary of State for Communities and Local Government v. West Berkshire District Council and others [2016] EWCA Civ 441

⁷ Ref: APP/E0345/W/16/3153661

Appeal Decision

Site visit made on 10 January 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 18 January 2017

Appeal Ref: APP/E0345/W/16/3159962

8 Thornton Road, Reading RG30 1JY

- 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 Mrs A Saood against the decision of Reading Borough Council.
 - The application Ref 160460, dated 9 March 2016, was refused by notice dated 29 September 2016.
 - The development proposed is erection of one new detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area; and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

3. The appeal site lies in an area of residential development. Development in the area mostly consists of short terraces, five or six dwellings, with parking both in front of the dwellings and on the street. Although the roads are wide the overall grain of development is dense with little space between the terraces.
 4. The appeal site lies to the south of the road leading through to the dwellings in Thornton Mews. It consists of a generally flat area of land which is surrounded by fences. On the other side of the road to the north is a multi-use games area on a slightly higher level. To the south is the terrace of five dwellings facing Thornton Road (Nos 2 to 8 evens), with another terrace opposite that. The appeal site is in a prominent location on the road through to Thornton Mews.
 5. The proposal is to locate a detached dwelling on the appeal site. It would be set slightly further back from the front elevation of the terrace to the south, and there would be an open gap of approximately 6.3 m to the side elevation of No 8. This would mean that the proposed dwelling would appear as an isolated structure harmful out of character with the overall more dense pattern and grain of built development in the area, and would appear intrusive into the street scene because of its prominent location.
-

6. The appellant has referred to a permission for two dwellings on a strip of land to the north of 9 Thornton Road and 37 Gordon Place roughly opposite the appeal site. However, it seems to me that these two dwellings would be more closely related to the ends of their respective terraces and would not be isolated in the same way as the appeal proposal. However, I consider that there would be sufficient space around the property and within its curtilage so that the property would not appear cramped.
7. I therefore conclude that the appeal proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy CS7 of the Reading Borough Local Development Framework Core Strategy which states that development should maintain and enhance the character and appearance of the area, including the urban grain. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework (the Framework) which states that development should respond to local character and indicates that development of poor design which fails to improve the character of an area should be refused.

Affordable housing

8. Policy DM6 of the Reading Borough Local Development Framework Sites and Detailed Policies Document (the SDPD) indicates that on sites for 1 to 4 dwellings a financial contribution towards affordable housing will be sought. Where such a contribution is not made as a result of viability considerations it will be for the applicant to clearly demonstrate the circumstances justifying a lower contribution. This is supported by a Supplementary Planning Document: Affordable Housing, adopted 2013 (the SPD).
9. On 28 November 2014 a Written Ministerial Statement (the WMS) under the title "Small-scale Developers" indicated that contributions should not be sought from developments of 10 units or less. The Court of Appeal¹ in May 2016 indicated that this WMS was lawful and the WMS is referred to in the national Planning Policy Guidance² (the PPG). I give significant weight to the WMS and the PPG.
10. Like development plan policy the WMS and PPG are, however, not determinative and as the Court of Appeal stated a decision maker "cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"³. The determination should, of course, follow the policies of the development plan unless other material considerations indicate otherwise, and the WMS and the PPG are material considerations.
11. In support of this appeal the Council has put in a substantial amount of evidence whereby it seeks to show that there are specific local circumstances which mean that an exception should be made to national policy. The Council has particularly shown that there is a very high need for affordable housing in the Borough, representing the majority of what it sees as its objectively assessed need for housing. It has also shown that small sites have continued to be delivered since October 2012 when Policy DM6 was first introduced, and that such small sites represent a significant proportion of the overall future

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441.

² Reference ID: 23b-031-20160519

³ Paragraph 16

provision of housing in the Borough, given its urban and highly physically constrained nature. It thus submits that not seeking contributions towards affordable housing from small sites will significantly affect the overall delivery of affordable housing of which there is a high need. The evidence indicates that seeking contributions has not resulted in a disproportionate burden on developers as delivery has not been constrained. I have also been directed to a recent appeal⁴ in the Borough where a colleague Inspector agreed that a contribution towards affordable housing was appropriate. Overall I consider that the Council's evidence on this matter is persuasive.

12. The appellant, on the other hand, has not put any evidence in to counter the Council's case. She has not indicated that a contribution towards affordable housing would make her scheme unviable or represent a disproportionate burden on delivering the site, and in fact indicated that she was willing to contribute towards affordable housing, although she makes reference to the WMS. She also indicates that a Planning Obligation by way of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) would be provided to make such a contribution, although none was submitted with the appeal.
13. While seeking a contribution would be contrary to national policy, I am satisfied on the basis of the evidence in front of me that such a contribution is justified by local circumstances and that while the WMS is a material consideration of significant weight it is not of sufficient weight to outweigh the development plan presumption set out in Policy DM6 of the SDPD and the SPD. As no Planning Obligation towards making a contribution affordable housing has been provided I can therefore only conclude that the proposal does not make adequate provision for affordable housing.

Conclusion

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

RJ Jackson

INSPECTOR

⁴ APP/E03456/W/16/3153661

Appeal Decision

Site visit made on 6 December 2016

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 19 January 2017

Appeal Ref: APP/E0345/W/16/3157856

1 The Ridings, Emmer Green, Reading RG4 8XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Huggins against the decision of Reading Borough Council.
 - The application Ref 151773, dated 1 October 2015, was refused by notice dated 21 March 2016.
 - The development proposed is for a 2 bed detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with matters relating to appearance and landscaping reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of scale, layout and access.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the surrounding area;
 - (ii) the effect of the proposal on protected trees; and
 - (iii) whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site is located in an established residential area on the northern edge of Emmer Green at the entrance to a development known as The Ridings. The area is characterised by reasonable sized detached properties situated on medium sized plots. The appeal site itself occupies a corner plot and provides an attractive and pleasant entrance to estate.
5. Policy CS7 of the Council's Core Strategy¹ requires new development to be of a high quality design that maintains and enhances the character and appearance of the surrounding area. It also, amongst other things, seeks to ensure that

¹ Reading Borough Local Development Framework Core Strategy (2008 (as amended))

new development responds positively to the local context and reinforces local character and distinctiveness. Similarly, Policy DM11 of the Council's Sites and Detailed Policies Document² (SDPD) requires proposals which include land within the curtilage or former curtilage of private residential gardens to make a positive contribution to the character of the area.

6. The proposal would be sited in what is presently the garden of No 1, a detached dwelling which occupies a larger than average sized plot. While I note that the staggered footprint and proposed set back would be in keeping with the general pattern of development, the sub-division of the site would result in a plot depth that would be considerably smaller than the others along this side of the cul-de-sac. This would jar with the established pattern of development and would materially erode the contribution that the site makes to its surroundings.
7. Furthermore, although it would provide an adequate amount of outdoor amenity space, this area would be materially smaller than is the norm. When taken with the reduced plot depth and the proposed area of hardstanding to the front of the site, it would result in an overdeveloped and cramped appearance. This would fail to reinforce local character and distinctiveness and would not make a positive contribution to the character of the area.
8. Consequently, I find that the proposal would be harmful to the character and appearance of the surrounding area and as such, would be contrary to Policies CS7 of the Core Strategy DM11 of the SDPD.

Protected trees

9. The site is surrounded by a number of trees, including a protected lime tree (T2) which is located just outside the south east corner of the site. As a healthy specimen it makes a positive contribution to the surrounding area.
10. While I note the Council's concerns regarding the proximity of this tree to the proposed new dwelling, the appellant's arboricultural impact assessment indicates that the building operations will fall outside the RPA and that the tree can be adequately protected by means of a tree protection fence. In the absence of any evidence which directly challenges this assessment, I accept that the tree can be adequately protected during construction.
11. Furthermore, while I acknowledge the Council's concerns regarding the potential overshadowing of the garden area, the plans indicate that its overall impact would be limited. Moreover, although T2 can be expected to increase in size, it is sufficiently distant from the proposed dwelling to provide other options, which, with suitable management, would effectively keep any resultant loss of light within acceptable levels. Likewise, I am satisfied that any impacts resulting from the accumulation of debris can be effectively managed. Overall, while I consider that some degree of pruning might become necessary over time, I do not regard it as likely that it would become sufficiently regular or widespread that it would result in significant detriment to the visual contribution T2 makes to the surrounding area.
12. Accordingly, I am satisfied that T2 can be adequately protected during the construction phase and is sufficiently distant that it would not result in an unacceptable pressure to prune or fell. As such, I find no conflict with Policy

² Reading Borough Local Development Framework Sites and Detailed Policies Document (2012)

CS38 of the Core Strategy which seeks to protect trees from damage or removal.

Affordable housing

13. Policy DM6 of the SDPD and the Council's Supplementary Planning Document on affordable housing³ require a financial contribution to be provided towards affordable housing elsewhere in the Borough. The appellant has not provided a signed planning obligation to secure the contribution and, as such, the proposal does not accord with Policy DM6.
14. However, following the Court of Appeal's judgment on 13 May 2016⁴, the Written Ministerial Statement of 28 November 2015 has been reinstated and once again forms a part of national planning policy. It indicates that contributions should not be sought from developments of 10 units or less and it is a material consideration to which I attach significant weight.
15. Nevertheless, the Council has submitted a considerable amount of evidence which indicates that specific local circumstances within the Borough justifies a lower threshold for affordable housing contributions, as an exception to national policy. I find the Council's case to be persuasive.
16. Furthermore, in view of the fact that the appellant has not disputed the Council's evidence and has provided nothing substantive to indicate that a contribution towards affordable housing would represent a disproportionate burden to them, I consider there to be local circumstances that indicate the proposal should be determined in line with the development plan. A means of securing a contribution towards affordable housing can therefore be justifiably sought in this instance.
17. Consequently, in the absence of any secured contribution, I find that the proposal would be contrary to Policy DM6 of the SDPD and the SPD.

Conclusion

18. Although I have found that the proposal would not be harmful to protected trees, I have nevertheless found that it would be harmful to the character and appearance of the surrounding area and would fail to make adequate provision for affordable housing,
19. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

³ (2013)

⁴ Secretary of State for Communities and Local Government v. West Berkshire District Council and others [2016] EWCA Civ 441

Appeal Decision

Site visit made on 3 January 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/E0345/W/16/3154721

Land at Oxford Road, Tilehurst, Reading, Berkshire RG31 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Yew Tree Property Ltd against the decision of Reading Borough Council.
 - The application Ref 150136, dated 23 January 2015, was refused by notice dated 19 January 2016.
 - The development proposed is an outline application with all matters reserved (with the exception of means of access and landscaping) for a residential development of 8 units.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the decision notice refers to access only to be determined at this stage, the Council have confirmed that the application seeks outline planning permission with access and landscaping to be determined at this stage. Appearance, layout and scale are reserved matters to be considered in the future. Although the application plans show a potential layout, the appellant has indicated that this is for illustrative purposes. I shall determine the appeal on this basis.
3. During the planning application process there was a change in site ownership. The Council were notified of this and have confirmed that the applicant is Yew Tree Property Ltd as set out above.

Main Issues

4. The main issues are:
 - i) The effect of the proposed development on the character of the area with particular regard to protected woodland;
 - ii) The effect of the proposed development on biodiversity and the green network;
 - iii) Whether the proposed development would make adequate provision for affordable housing.
-

Reasons

The character of the area

5. The appeal site is the subject of a woodland Tree Preservation Order (TPO) and consists mainly of an unmanaged area of trees and scrub. It is located on a major route in and out of Reading and lies immediately to the west of Tilehurst railway station and car park area. The site is in a prominent position as the land rises slightly to be higher than the railway line and station. There is residential development to the south and west consisting of detached houses in large grounds with a considerable amount of mature planting. The area has a pleasant verdant appearance.
6. The appellant submits that the woodland is mainly noticeable by the perimeter vegetation. I do not agree as the impression of the site being a wooded area as a whole is strong. This is because the site is not large and it is possible to see through it from the pavement when the trees are not in leaf even with the loss of tree canopy within the central part of the site. The depth of the woodland can be appreciated when travelling west and turning into the station forecourt. Although separated by roads there are also clear visual links to the vegetation in the surrounding area.
7. There is no public access to the appeal site although there are some informal footpaths through it. Although woodlands are not specifically referred to, the site performs an important function in relation to visual amenity as described in the supporting text of Policy CS28 of the Reading Borough Core Strategy (CS) 2008. The site provides an outlook and variety in the urban scene and is also a positive element in the landscape.
8. I accept that the site has some invasive species and that a number of individual trees are of a low quality. I also note that the site has been used for dumping rubbish and in parts is unkempt. Nevertheless, I consider the appeal site makes a significant contribution to the quality of the environment in this part of Tilehurst.
9. Although the proposal is in outline, the illustrative layout shows that a significant area of the site would be used for parking and turning areas, access, hardstanding and the proposed dwellings. The proposed removal of a significant proportion of the trees on the site would have a considerable effect on the contribution of the trees to the character of the area as a whole. Replacement planting would be mainly focused on the perimeter of the site with two small areas of planting to the south-east and north-west of the site. I consider that the amount of proposed planting and retention of a very small number of trees would not be adequate compensation for the loss. Moreover, it would not be sufficient to result in an improvement of tree cover within the Borough. The scheme would have a negative effect on the character of one of the primary routes in and out of Reading.
10. There is a housing scheme to the north west of the appeal site known as Lippincote Court. This was granted planning permission on appeal in 2002. There were trees within that site and some were removed as part of the development. However, the site was also entirely within the area of a house and its grounds and I note that replanting of 54 trees would be undertaken. The circumstances of that case differ from those before me.

11. The Council refer to the potential for the remaining trees to be subject to windthrow which could result in the loss of those trees. However, there was no evidence to confirm that would be the case on this site. I therefore give this argument little weight. However, it is not sufficient reason to justify the appeal scheme.
12. For the reasons given above, I conclude that the proposed development would cause harm to the character of the area. It would be in conflict with Policies CS38 of the CS and DM18 of the Sites and Detailed Policies Document (SDPD) 2012 (altered 2015). These amongst other things seek to protect individual trees, groups of trees, hedges and woodland from damage and removal, and new development to make provision for tree planting to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located. It would also be in conflict with Policy CS28 of the CS. It would be contrary to the National Planning Policy Framework (the Framework) in relation to taking account of the different roles and character of different areas.

Biodiversity and green networks

13. The parties do not agree whether the site would be classified as an Area of Biodiversity Action Plan (BAP) and that it falls within the definition of lowland mixed deciduous woodland. I accept that the site is not shown on the MAGIC website which provides information on the location and type of habitats including mapping BAP sites. However, two ecological assessments¹ undertaken during the course of the planning application process refer to the site in different terms.
14. The initial report dated January 2015 does refer to the site as being lowland broadleaf woodland which would meet the description of this type of habitat, albeit I note it indicates the site is of value at the local level only. The August 2015 report indicates that the understory and ground flora are of low diversity. This is contradicted somewhat by the January 2015 report which acknowledges that there is ivy along the margins of the site but that a moderately rich woodland ground flora is present. The timescale between these two assessments is not significant. The woodland is not managed and there is the possibility that the quality could potentially deteriorate over time. However, there was no detailed evidence provided to confirm that this would be the case. From the information before me, I consider there are sufficient features within the site as a whole to be considered as a mixed deciduous woodland.
15. It is proposed that the woodland in the south east part of the site and along Oxford Road is retained. I note that the planning statement which accompanied the planning application indicated that it would be intended to retain some groups of trees. Conditions are also suggested to ensure the retention of higher quality woodland and prepare a management plan to enhance these areas for biodiversity interest. There would be the potential for a buffer area in the north-west corner of the site close to the residential development at Lippincote Court. I note that there are proposals for green walls and roofs as well as other measures such as bat boxes.
16. However, the tree survey and illustrative layout appear to show the retention of only five individual trees. The south east corner of the site would also

¹ Greenwillow Associates Ltd (January 2015) and White Young Green (August 2015)

contain an outdoor shared amenity play space and there is no information provided on how this would work in conjunction in the space to be provided for the woodland and its management. I consider that the scale of the loss of woodland site is significant having regard to the particular features of the site. Balanced against the type of improvements and mitigation proposed, my conclusion is that the proposal would nevertheless result in a harmful effect on the ecology and biodiversity of the site.

17. In terms of the site's contribution to the green network the appellant refers to the site being disconnected from other sites which perform this function. However, the January 2015 ecological report identifies that the type of habitat within the site can contribute to the overall ecological connectivity. Policy DM17 of the SDPD indicates that amongst things new development shall demonstrate that the location and type of open space, landscaping and other features have been arranged such that they maintain or link into the existing green network and contribute to its consolidation. Measures should also enhance the green network.
18. I note that there was no evidence of protected invertebrate species or bats found on the site. However, whilst the links to other sites are slightly fragmented there was no evidence to suggest that some species would not be able to make use of the site. It would be possible for some species to migrate to the area even though these species may not be protected. Although it is proposed that there would be some management of the remaining and replanted areas, I am not persuaded that the retention of a small number of trees and additional planting would be sufficient to consolidate the green network or contribute to its enhancement.
19. For the reasons given above, I conclude that the proposed development would cause harm to the biodiversity of the site and the green network. It would be in conflict with Policies CS36 of the CS and DM17 of the SDPD. These amongst other things seek new development which should retain and protect biodiversity. It would be contrary to the Framework where it relates to conserving and enhancing the natural environment.

Affordable housing

20. The Council indicates that on site affordable housing would be required and no planning obligation has been provided. Policy DM6 of the SDPD amongst other things requires on-site affordable housing of 20% for sites with 5 to 9 dwellings. Following a Court of Appeal decision in May 2016, Government policy as set out in the Written Ministerial Statement (WMS) of 28 November 2014 in relation to planning obligations and affordable housing is that for 10 units or less and which have a maximum combined gross floor space of no more than 1000 sq. metres no affordable housing or tariff style contributions should be sought. This is a material consideration of considerable importance and weight. There is conflict between the national threshold relating to the provision of affordable housing in the WMS and paragraph 31 of the Planning Practice Guidance (the Guidance), and the local thresholds set out in Policy DM6.
21. Policy DM6 indicates that for sites of four or more houses on-site provision should be made in the first instance with negotiation on a financial contribution for the rest if needed. The lack of affordable housing was a reason for refusal, although the Council's officer report indicates that as the proposal was

considered unacceptable for other reasons, no planning obligation was requested in this case. It is not clear what would need to be provided and whether it would be in the form of housing on the site or with a proportion being made from a financial contribution, and if so how this would be calculated.

22. Planning obligations should only be sought where they meet the three tests set out in paragraph 204 of the Framework. These are that it is necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. The Council has provided evidence in relation to the consideration of specific circumstances within the area which it considers justifies the application of a lower threshold. I note the contribution which small sites make to the numbers of affordable homes within the Borough.
23. However, I have not been provided with any evidence as to how a planning obligation would be directly related to the development or fairly related in scale and kind. Accordingly, it has not been demonstrated that an obligation would meet all three tests and is justified. Therefore, the lack of a planning obligation in this case does not weigh against the proposal.
24. I have been referred to three appeal decisions within the area which have considered matters in relation to affordable housing. These have come to different conclusions about whether a planning obligation was justified. However, I have not been made aware of the information that was provided to the Inspector in each of those cases or whether the on-site provision or contribution had been determined.

Conclusion and balance

25. I have found that the lack of a planning obligation does not weigh against the appeal proposal. The appeal site is within an accessible location adjacent to the railway station and close to bus stops on a primary route into Reading. The proposal would make a contribution towards the housing supply within the area. However, the appeal scheme would cause harm to the character of the area, biodiversity and green networks.
26. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR

Appeal Decision

Sites visit made on 24 November 2016 and 10 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6th February 2017

Appeal Ref: APP/E0345/W/16/3155586

126, Westwood Road, Tilehurst, Reading RG31 5PZ

- 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 Modus Construction against the decision of Reading Borough Council.
 - The application Ref 160083, dated 17 January 2016, was refused by notice dated 12 May 2016.
 - The development proposed is single storey detached 2 bedroom bungalow on land to rear 126 Westwood Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are a) the effect of the proposed development on the character and appearance of the area, b) its effect on the living conditions of adjacent occupiers in respect of overbearing impact and noise, c) its effect on local biodiversity and d) whether it would make appropriate contributions toward affordable housing provision in the borough.

Reasons

3. The appeal plot comprises an area of former garden land to the rear of No. 26 Westwood Drive. This is a substantial detached dwelling of later C19 or early C20 date, one of a number along Westwood Road now supplemented by later C20 residential development.
4. The site itself is contained to north, west and south by boarded fencing supplemented by mature planting whilst the eastern boundary is formed by the tall brick garden wall forming the former boundary of No.126. It is accessed off a narrow drive to the south between the existing dwelling and No.124. These attributes and existing features effectively screen the site from the public domain.
5. The proposal is for a single storey two bedroom bungalow with a pyramidal roof set more or less centrally in the plot supplemented by car parking, turning area, cycle and bin store and private amenity space.

Character and appearance

6. This part of the settlement is of discernibly mixed character. Westwood Road seems initially to have been developed in the later C19 with substantial detached houses closer to the historic centre of the village. This early phase has been supplemented by later incremental C20 developments to the north of the site and larger more structural estate development to the west in the mid C20. Latterly, along Westwood Road, there have been opportunistic infill developments in the road creating modest newer enclaves and closes along its length.
7. The proposal would occupy a modest plot of land to the rear of No. 126 and can thus reasonably be referred to as a 'back-land' site. However, it is not appropriate in my view to judge it as a form of 'tandem development' insofar as it is effectively an infilling of a residual plot enclosed by existing residential development.
8. Indeed, this is a visually very discreet mini-enclave formed out of a section of former garden and bordered on the remaining sides by like-detached modern dwellings. It would be very difficult for the wider public to perceive the presence of the house in this location, whilst the access to it already exists to Westwood Road. It may well be the case that adjacent occupiers become aware of the development, especially from the rear of No.126. However, this would be a presence mediated by the existing and well established boundary treatments. Moreover, given its relatively modest stature, this would amount to little more than the perception of the roof structure above and through existing fencing, walling and planting.
9. All in all the visual effect would be very limited and certainly not such as to result in material harm to the character or the appearance of the area. As such therefore I find no conflict with policy CS7 of the Core Strategy (2008 and amended 2015) (CS), which anticipates development being of high design quality, policy DM11 (Development of Private Residential Gardens) of the Sites and Detailed Policies Document (2012 and amended 2015) (SDPD), which anticipates residential development in former garden curtilage making a positive contribution to the character of areas, and with paragraph 64 of the National Planning Policy Framework (the Framework) which anticipates a high standard of design.

Living conditions

10. It is the case, as indicated above, that the proposed bungalow will be capable of being perceived from adjacent dwellings and their gardens. However, in my view, due to its relatively modest height, the absence of any supplementary roof superstructure in the form of dormers, the distances from adjacent boundaries and the extent and height of existing boundary treatment, this presence would not amount to an overbearing impact. Whilst there may be some perceptual visual effect, this would not amount to material harm to the living conditions of adjacent occupiers. There would therefore be no conflict with policy DM4 of the SDPD, which inter alia seeks to safeguard residential amenity.
11. The dwelling would be accessed by means of a drive between Nos 124 and 126 Westwood Road. This is bordered to the south by fencing and mature tree planting and flanks the side elevation of No. 126. It is the case that an

additional dwelling here would result in an increase in comings and goings from and to the site. However, this is a modest dwelling with provision of one vehicle. Such activity associated with its use would be generally anticipated to conform to predicted morning and evening use. Moreover the existing access is already enclosed with planting and fencing to the boundaries and the flank elevations of Nos 124 and 126 have very limited openings within them.

12. Whilst the presence of occupiers of the garden and vehicular activity may at times be perceived by immediate adjacent occupiers, this would not in my view amount to a level of activity and audible sound sufficient to be termed either noise or disturbance. No material harm to the living conditions of adjacent occupiers would result and there would therefore be no conflict with policy DM4 of the SDPD which seeks again to safeguard residential amenity.

Biodiversity

13. The Council express concern that the proposed development would erode the linkage of the plot with other adjacent gardens which they suggest form part of a wider green network. It is certainly the case that the development of the dwelling will reduce the open area of the plot, and that an further element of it will be given over to hard standing and turning area.
14. However, the Council do not define the extent of the 'wider green network' nor do they evaluate the contribution the plot makes to this network's ecological sustainability. This is an important consideration. The site itself is very compartmentalised with the hard boundary treatments presenting what look to be impermeable barriers to the movement of ground living species. Moreover, the site is essentially cleared of plant matter excepting the boundaries and on cursory inspection, did not suggest it was an especially rich habitat. Indeed, with the amenity space laid-out and a programme of soft landscaping implemented in accordance with conditions, there is a possibility that any residual ecological interest may well be sustained.
15. On balance therefore, I remain unconvinced that the proposal would result in the significant erosion of biodiversity within the site, nor that it would significantly compromise the wider sustainability of the greater green network. On the basis of the evidence therefore, I conclude there would be no conflict with policy CS36 of the CS and policy DM11 of the SDPD, both of which seek amongst other matters to safeguard biodiversity in the residential context.

Contributions towards affordable housing

16. Although the appellant has indicated a willingness to make a financial contribution towards affordable housing in the borough, no unilateral undertaking or agreement with the Council has been presented that could secure such a contribution. In the absence of such, the proposals are in breach of policy DM6 of the SDPD, which relates to residential proposals for 1-14 dwellings and also with the Council's Supplementary Planning Documents 'Affordable Housing' 2013. The mechanism established by this policy is that for proposals of 1-4 dwellings a contribution of 5% of gross development value will be sought. The aim of this policy, in accord with national policy, is

to secure the delivery of truly mixed communities with a broad variety of housing types to meet housing need¹.

17. Such an approach is consistent with Paragraphs 47 and 50 of the National Planning Policy Framework (the Framework), which requires local planning authorities to meet the full, objectively assessed needs for market and affordable housing in their area. Where affordable housing is needed, they are also advised to set policies for meeting this need, preferably on site, but off-site though a financial contribution of broadly equivalent value where robustly justified.
18. On a national policy level in the context of affordable housing provision, the Written Ministerial Statement⁴ (WMS) of the 28 November 2014 is a material consideration of considerable importance and weight. This states that 'for sites of 10-units or less...affordable housing and tariff style contributions should not be sought'. The intention here is to ensure that financial contributions do not become a disproportionate burden for small scale developers and so inhibit the supply of housing. This statement has subsequently been incorporated within national planning guidance in the relevant paragraphs of national Planning Practice Guidance (PPG).
19. In such circumstances there is a conflict between the threshold set out in national policy relating to the provision of affordable housing in the WMS and the PPG and that set by policy DM6 of the SDPD and the SPD which reflect the aims of the Framework.
20. The effect of PPG policy and the WMS is that in normal circumstances it would not be appropriate for a decision maker to require any affordable housing or an equivalent contribution below the stated threshold. Be that as it may, whilst there is a presumption that national policy, such as a WMS, should be followed (notwithstanding the primacy of the development plan), especially if more recent than an iteration of the development plan, it is necessary to acknowledge that policy relevant to the matter in hand should not necessarily be rigidly applied, especially when material considerations may dictate an alternative outcome.
21. The Council have provided a statement in support of their current affordable housing position and the continued application of policy DM6 and SPD². This approach is not challenged by the appellant, who in fact also presents a viability statement acknowledging the requirement for and an ability to make a contribution. This statement sets out the current picture of affordable housing need in the borough based on the evidence set out in the Berkshire Housing Market Assessment 1016. This analysis demonstrates significantly higher numbers of those in overcrowded accommodation and those in identified housing need being significantly above those of neighbouring Councils. Those unable to afford market housing are also identified and are considerably above those in adjacent authorities.
22. House price affordability is also identified as a contributor to affordable housing need in the borough. Average house price to earnings ratios range from 13.36 to 14.42, very significantly above the established ratios of

¹ Paragraph 5.2.1 of the supporting text to policy DM6, SDPD.

² Statement on Affordable Housing Provision as part of the Development of Small Site (Appendix 2 Appeal Statement).

affordability nationally³. House prices are evidently very high in Reading and ready to compete with other areas of the south east in the register of unaffordability. This to me suggests an acute problem with the affordability, and in the meeting of need for affordable housing within the borough.

23. The paper also assesses the contribution that smaller sites make to the funding of affordable housing in the borough. The Council state that annually such sites (1-9 units) yield as much as 23% of the total, approximately equating to around 22 units of affordable housing being provided annually. It follows therefore that in the absence of such contributions the Council's ability to meet identified need would be curtailed, compromising the local and national aims of delivering truly mixed communities with homes for all.
24. Moreover, the Council's paper also explains that it is able to deliver over and above market housing numbers maintaining a six year supply of housing land) and that this has been achieved, with an affordable housing tariff, without significant adverse impact on market viability. In this regard it is worth noting that the appellant, a self-evident small-scale developer accepts this economic context, making no suggestion of the non-viability of the project accounting for their own reasonable profit from the project having accounted for the contribution.
25. The WMS and the PPG guidance are clear in their purpose to help boost housing delivery. In current circumstances this must carry significant weight. However, in the specific circumstances of this case, and the acute affordable housing need within the borough, I conclude this does not, as a material consideration, outweigh the development plan or the evidentially based purposes of its specific policy.
26. On these terms therefore it seems to me that the contribution sought by the Council arising from the development satisfies the three tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010. For the same reasons they also accord with the expectations of paragraph 204 of the Framework. As such, the proposal should be determined in accordance with the development plan. That being so, the proposals would be in clear conflict with DM6, an up to date policy of the SDPD and Council SPD.

Planning balance and conclusion

27. I have found no conflict with the development plan or national policy in respect of the first three main issues. There would be no harm to the character and appearance of the area, to the living conditions of adjacent occupiers, nor to the biodiversity of the area. However, this absence of harm, (or neutrality), nor the provision of an additional house to the supply of housing in the borough (a modest benefit) are sufficient to outweigh the harm I have found in respect of an absence of a contribution to affordable housing in the borough.
28. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

David Morgan

Inspector

³ Paragraph 1.52 Council's Statement of Affordable Housing Provision as part of the Development of Small Sites.

Appeal Decision

Site visit made on 31 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 17th February 2017

Appeal Ref: APP/E0345/W/16/3160994

Land adjacent 26 Woods Road, Caversham, Reading RG4 6NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs G Garg against Reading Borough Council.
 - The application Ref 160059, is dated 13 January 2016.
 - The development proposed is described as '*erection of 2x4 bed dwellings with associated vehicle parking and cycle storage. New access from highway*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2x4 bed dwellings with associated vehicle parking and cycle storage and new access from highway at Land adjacent 26 Woods Road, Caversham, Reading, RG4 6NA in accordance with the terms of the application, Ref 160059, dated 13 January 2016, subject to the conditions set out in Appendix A.

Preliminary Matters

2. The appeal scheme was not determined by the local planning authority (LPA) within the statutory period. At the appeal stage the LPA has indicated three reasons for refusal had it been in a position to determine the application. I have taken these putative reasons into account in forming what I consider the main issues are.
3. The Council also sought further plans which were submitted on 6 April and 13 May 2016 respectively. The appellant has confirmed that it is only the latter plans, and those originally submitted, which form the basis for the appeal scheme. With no decision notice to the contrary, I see no reason why these drawings, excluding those from 6 April 2016, are those for which my decision should be made in light of.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the street scene, and;
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to overlooking, and;
 - Whether the proposal makes an adequate provision for affordable housing.
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Reasons

Character and appearance

5. The appeal site forms part of the garden serving No 26 Woods Road. At the time of my site inspection that property was being redeveloped as part of another planning permission. I was able to see that the appeal site faces onto Lowfield Road and would be read within the context of that street scene rather than that of Woods Road. Given such circumstances, it is the street scene along Lowfield Road that should provide the main contextual analysis of the impact of the proposal in this instance.
6. The part of Lowfield Road closest to the appeal site is characterised by detached houses or areas of open grassed verges. These dwellings tend to comprise smaller plots and dwellings when compared to those on Woods Road, and they are indicative of the smaller units along Earlsfield Close for example; which have plots sizes not dissimilar to those proposed in this case. More generally, the street scene is typified by a mixture of dwelling styles, albeit there is a stylistic split between the dwellings on the north eastern side to those on the south western side, which is typical of the different times these areas were developed.
7. The proposal seeks the erection of two, four-bedroom detached houses, which would not be visually or dimensionally dissimilar to that found at 6b Lowfield Road in terms of their design, width, height and overall bulk. The Council does not raise an objection to the principle of residential development at the site¹. They are, however, concerned that the footprint-to-plot relationship would not be reflective of that found along the western side of Lowfield Road. But this is a result of comparing 26 and 27 Woods Road, rather than taking into account the footprint-to-plot ratio at plots such as 6b Lowfield Road, which the proposed dwellings would be read in conjunction with. In this respect, the proposed dwellings would not appear as cramped within the context of their plots or the wider street scene. Nor would they appear at odds with the prevailing plot sizes of dwellings facing onto Lowfield Road, or the nearby roads that feed off this road, such as Earlsfield Close.
8. The proposal would provide individual rear garden areas for both dwellings. I have been directed to Policy DM10 of the *Sites and Detailed Policies Document 2015 – with alterations January 2015* (SDPD) which states that *'Dwellings will be provided with functional private or communal open space that allows for suitable sitting-out areas...'* The Policy does not set out specific internal-to-external ratios. The Council is concerned that the gardens would be smaller than the gross floor area of the dwellings they serve, but it has not demonstrated or fully explained as to why the garden space proposed here would not be able to fulfil the objectives of the policy set out above.
9. In the absence of such evidence, I can only come to the logical conclusion that the private garden areas serving each dwelling would provide an adequate area of open space for future occupiers. I also note the concerns raised in respect of 'garden grabbing'. However, it is clear that 26 Woods Road would continue to be served by a sizeable garden, and therefore the proposal would not result in an unacceptable retained garden area serving that dwelling.

¹ Paragraph 5.5, LPAs Appeal Statement

10. I note that the proposal would most likely result in the loss of some trees to the front of the site. I am aware of the requirement under Section 197 of the TCPA in that adequate provision should be made for the preservation or planting of trees. To this end, the LPA has not indicated that the trees are of significance that their retention is vital to the character or appearance of the street scene, and I see no reason not to concur. In any case, a suitably worded condition in terms of landscaping can ensure that replacement trees are planted where appropriate.
11. I therefore conclude that the proposed development would not have a materially adverse impact on the character or appearance of the street scene. As such, the proposal would therefore accord with Policies CS7 and CS14 of the *Core Strategy 2015* (CS) and Policies DM10 and DM11 of the SDPD, which amongst the aims cited above, seek to ensure that developments make a positive contribution to the character of the area.

Living conditions

12. The approximate 11 metres between the rear elevations and the shared boundary with 24 Woods Road, is considered by the Council to be insufficient to prevent overlooking. However, this fails to take into account that of the three windows at first floor level in each proposed dwelling, one would serve a bathroom (which is likely to have an obscured glazed window), with the other two serving bedrooms. In practice, the bedrooms would not be occupied in the same way as say a living room, with the openings mainly there to provide light and outlook onto the rear gardens. What is more, there is not a direct back-to-back relationship between the proposed dwellings or that at No 24, with 24 Woods Road at a roughly 90 degree angle to those proposed.
13. The combination of the distances involved including the intervening garden space of about 11 metres, the use of the rooms proposed, and the angles involved and the ability to sensitively use landscaping to protect privacy mean that the proposal would not result in material harm to the occupiers of No 24 with regard to overlooking; whether perceived or in practice. I therefore conclude that the proposal would not have a materially harmful impact on the living conditions of neighbouring occupiers. It would therefore accord with Policies DM4 and DM11 of the adopted SDPD, which amongst other aims seek to ensure that development of private residential gardens do not cause a significant detrimental impact to the amenity of nearby occupants.

Provision of affordable housing

14. Policy DM6 of the SDPD requires a financial contribution to be provided towards affordable housing elsewhere in the Borough for schemes of 1 to 15 dwellings. The appellant has indicated a willingness to enter into a signed planning obligation, but none has been provided.
15. Following the Court of Appeal's judgement on 13 May 2016², the *Written Ministerial Statement of 28 November 2015* (WMS) has been reinstated. This, together with the national Planning Practice Guidance³, clearly indicates that '*contributions should not be sought from developments of 10-units or less, and which have a maximum combined floor space of no more than 1,000 square*

² Secretary of State for CLG v. West Berkshire District Council and others [2016] EWCA Civ 441

³ <https://www.gov.uk/guidance/planning-obligations> see Paragraph: 031 Reference ID: 23b-031-20160519
Revision Date 19/05/2016

- metres.* This is a material consideration which should be afforded significant weight as national planning policy, which post-dates the adoption of the adopted development plan and its 'altered' status in January 2015.
16. The Council have pointed me to the case law, which at Paragraph 99(iii) of the judgement states that *'in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing....contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.'*⁴
 17. In support of this stance, the LPA has submitted various committee reports and a statement on the Council's position on affordable housing. This indicates that the implementation of Policy DM6 since 2012 to 2016 has delivered or secured about 14 affordable housing units and over £2,000,000 in contributions, and this equates to about 40-45 affordable housing units in its first three years⁵. The report also indicates that there is a 'high need' for affordable housing⁶ within the Borough and that *'in many cases large sites of more than 10 dwellings provide significantly less than the target figure of 30% under policies CS15 and DM6'*.⁷ The report also makes the point that Reading is wholly urban and that this severely limits the amount of affordable housing that can be achieved in the Borough⁸.
 18. I acknowledge these constraints and the impact that changes in the policy context may have on the delivery of both market and affordable housing. However, the case law is clear in that local circumstances *may* justify lower thresholds as an *exception*. The point is that if and when a lower threshold than that set out in national policy is used, this should be an exception not the norm. In this case, I do not find the local circumstances, difficult as they may be perceived by the local planning authority to be, mean that an exception to national policy is justified.
 19. Even were I to find that a lower threshold is exceptionally justified in this case, I am unconvinced that a financial contribution for around £35,000 towards affordable housing, would weigh any more than minimal in weight when considered against the requirements of the WMS, which clearly direct the provision of affordable housing towards developments of 10 units or more (unless within a rural area, for example). A threshold that the LPA's own evidence indicates provides less than the target figure of 30% in many cases. But the failure of the Council to achieve the requirements of its own adopted Policy which would broadly comply with the provisions of the WMS in seeking affordable housing from schemes of 10-units or above, does not provide justification for an exception to be made to the requirements of the WMS.
 20. Regulation 122(2) of the *Community Infrastructure Levy Regulations 2010* (the CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) *necessary to make the development acceptable in planning terms;* (b) *directly*

⁴ LPAs Appeal Statement, Appendix 3, Paragraph 1.13

⁵ Ibid. Paragraph 1.31 to 1.32

⁶ Ibid. Paragraph 1.34

⁷ Ibid. Paragraph 1.57

⁸ Ibid. Paragraph 1.59

related to the development; and (c) fairly and reasonably related in scale and kind to the development. These reflect the policy tests set out in Paragraph 204 of the *National Planning Policy Framework* (the Framework). Given my reasoning above, I do not consider that it has been demonstrated that the obligation sought by the LPA is necessary in this instance and therefore an obligation in this case would not constitute a reason for granting permission under the CIL Regs or Paragraph 204 tests.

21. I have taken into account a number of appeal decisions put forward which both support and also counter the Council's stance⁹. I am not certain that the evidence before those Inspectors' is fully reflective or the same as that before me. Indeed, whilst I acknowledge one case where the Inspector found the Council's case '*compelling and persuasive as an exception to national policy*', I have not found that to be the situation here.
22. In the absence of a persuasive case which would justify an exception to national policy in this instance, I cannot be satisfied that a contribution is justifiable on this occasion. Consequently, I consider the proposal would accord with national planning policy which, based upon the evidence before me, outweighs the requirements of Policy DM6 of the SDPD in this case.

Conditions

23. The Council have suggested a number of condition, and I taken into account Paragraph 206 of the Framework and also the national *Planning Practice Guidance* in terms of the use of planning conditions in considering these.
24. Conditions requiring the proposal to be carried out in accordance with the submitted drawings and requiring the submission of finished floor levels are necessary and reasonable to provide certainty. For similar reasons a condition requiring the submission of details and materials is reasonable and necessary.
25. Conditions requiring the provision and retention of parking and access into the site are reasonable in order to encourage safe access for all highway users. A construction method statement is necessary in order to protect the amenity of nearby residents. This should also include a construction management plan which contains hours of operation, measures to control dust and noise, and that no burning of materials takes place on the appeal site. This would not only incorporate other conditions proposed, but would be reasonable and necessary in this case given the necessary construction works involved.
26. Details of landscaping, including any retained trees, and the location and species of plants to be used are necessary in order to enhance the character of the area, and also to ensure that suitable trees are planted on site. Further conditions relating to retaining trees are not specifically necessary, as they can be reasonably dealt with by this condition.
27. A condition removing permitted development rights, including extensions and outbuildings, would be onerous and no special exceptions have been cited as to why this condition should be imposed in this case. Such a condition is not necessary or reasonable in this case.

⁹ Appeal References include: 3153661, 3154971, 3146699, 3154081, and 3142834

Overall Conclusion

28. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3294/99 – Existing location and block plan, 3294/200D – Proposed site plan, 3294/201B – Plot 1 Floor and roof plan, 3294/202A – Plot 1 Elevations, 3294/203C – Street elevation, 3294/204A – Plot 2 Floor and roof plan, 3294/205 – Plot 2 Elevations, 3294/206 – Part basement elevations & 3294/218 – Visibility splays.
- 3) Notwithstanding condition 2, no development shall take place until details of the finished floor and roof ridge levels of the building, with reference to existing surrounding ground levels, have been submitted to and approved in writing by the local planning authority. The development shall not be constructed other than in accordance with the approved levels.
- 4) No development shall take place until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 5) The dwellings shall not be occupied until the means of access and sightlines for vehicles and/or pedestrians and/or cyclists have been constructed in accordance with drawing 3294/218. The access and sightlines approved shall be retained thereafter.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 3294/200D for cars and other vehicles to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) No development shall take place, including any works of demolition or ground clearance, until a Construction Method Statement, which includes a Construction Management Plan, has been submitted to, and approved in writing by the local planning authority. The Statement and Plan shall provide for:
 - i) Hours of any and all works (including ground clearance), not to exceed 08:00 to 18:00 Monday to Fridays, 08:00 to 13:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays;
 - ii) the parking of vehicles of site operatives and visitors, and the location on a plan of a scale no less than 1:500;
 - iii) loading and unloading of plant and materials, and the location on a plan of a scale no less than 1:500;
 - iv) storage of plant and materials used in constructing the development, and the location on a plan of a scale no less than 1:500;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities and any measures to control the deposit of dirt/mud or other similar materials on surrounding roads during the clearance and construction phases;
 - vii) measures to control the emission of dust and dirt during construction;

- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix) that no materials and/or green waste produced as a result of the clearance of the site, demolition or construction works shall be burnt on or near to the site;
- x) details of any footpath and or road closures that may be required during construction, including any traffic management requirements, and when this may occur and that approval from the appropriate body has been secured;
- xi) the times, routes and means of access into and from the site for construction and delivery vehicles;
- xii) delivery, demolition and construction working hours, that shall not exceed those set out in part i) above.

The approved Construction Method Statement and Construction Management Plan shall be adhered to throughout the construction period for the development.

- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) a statement setting out the design objectives and how these will be delivered;
 - ii) details of the plant species to be used, including their age and location on site, such details shall also include information on the retention of any trees (including root protection areas) and/or specific details of replacement trees elsewhere on the site which should be of an indigenous species appropriate to its location;
 - iii) earthworks showing existing and proposed finished levels or contours;
 - iv) means of enclosure and any retaining structures;
 - v) boundary treatments;
 - vi) vehicle parking layouts;
 - vii) hard surfacing materials;
 - viii) an implementation programme, including phasing of work.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

-----END OF CONDITIONS---

Appeal Decision

Site visit made on 31 January 2017

by **Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

Decision date: 20th February 2017

Appeal Ref: APP/E0345/W/16/3162360
153 Hemdean Road, Caversham, RG4 7QU

- 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 Matthew Chamberlain against the decision of Reading Borough Council.
 - The application Ref 160088, dated 18 January 2016, was refused by notice dated 6 May 2016.
 - The development proposed is described as '*demolition of existing dwelling and construction of 4No. semi-detached (4 bed) dwellings*'.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. At the appeal stage the Council have confirmed that submitted drawing numbered *1976 PLN 150 A* demonstrates that the highway objections raised in the second reason for refusal can be addressed. With no evidence to the contrary, I see no reason not to concur. The main issues therefore are:
 - The effect of the proposed development on the character and appearance of the street scene, and;
 - Whether the proposal makes an adequate provision for affordable housing.

Reasons

Character and appearance

3. The street scene is characterised by a mixture of terraced, detached and semi-detached dwellings. In particular, the semi-detached dwellings to the south of the appeal site have a two storey form with hipped roof forms, whereas the terraced properties are gabled. The semi-detached houses also have a relatively uniform separating gap between each pair. There is a school directly opposite the appeal site which although single storey has fairly tall elevations with a large hipped roof. The existing building on the appeal site is a detached bungalow with hipped roof, with the site elevated above the highway. To the front of the site, the boundary is formed by dense hedges and planting.
 4. The appeal scheme seeks the demolition of the existing bungalow, the erection of two pairs of semi-detached four bedroom, three storey dwellings with subdivision of the plot into four separate plots. The proposal would utilise the existing single access point onto and from the highway, located roughly
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opposite 180 Hemdean Road, to serve the four dwellings, with parking and landscaping to the front of the site.

5. The introduction of the three storey form would be at odds with the prevailing pattern of development within the street scene, where the built form is typically two storeys in height. The fact that the site is elevated above the highway would accentuate the three storey height within the street scene and add to its prominence. This discordance would be further exacerbated by the use of gable roof, rather than the hipped style found in nearby semi-detached dwellings which the siting relies upon to space the proposed dwellings back from the highway. The appellant has confirmed that the gaps between the proposed pairs of dwellings would be considerably smaller than that found elsewhere within the street scene¹ and this would further emphasise the incongruent nature of the proposed dwellings in the wider street scene.
6. When these factors are considered in combination, the proposed development would result in a development that would fail to promote or reinforce the local distinctiveness of the street scene. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the street scene. Accordingly, it would be contrary to Policy CS7 of the *Reading Borough Core Strategy 2008* (with Alteration Adopted 27 January 2015) and Policy DM11 of the *Sites and Detailed Policies Document 2012* (SDPD), which, amongst other aims seek to ensure that all development must be of a high design quality that maintains and enhances the character and appearance of the area.

Affordable Housing

7. Policy DM6 of the SDPD requires a financial contribution to be provided towards affordable housing elsewhere in the Borough for schemes of 1 to 15 dwellings. Following the Court of Appeal's judgement on 13 May 2016², the *Written Ministerial Statement of 28 November 2015* (WMS) has been reinstated. This, together with the national Planning Practice Guidance³, clearly indicates that '*contributions should not be sought from developments of 10-units or less, and which have a maximum combined floor space of no more than 1,000 square metres.*' This is a material consideration which should be afforded significant weight as national planning policy, which post-dates the adoption of the adopted development plan and its 'altered' status in January 2015.
8. The Council have pointed me to the case law, which at Paragraph 99(iii) of the judgement states that '*in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing....contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.*'⁴

¹ Appellant's Planning Appeal Statement Paragraph 4.07

² Secretary of State for CLG v. West Berkshire District Council and others [2016] EWCA Civ 441

³ <https://www.gov.uk/guidance/planning-obligations> see Paragraph: 031 Reference ID: 23b-031-20160519
Revision Date 19/05/2016

⁴ LPAs Appeal Statement, Appendix 4 Statement on Affordable Housing Provision as part of the Development of Small Sites, Paragraph 1.12

9. In support of this stance, the LPA has submitted various committee reports and a statement on the Council's position on affordable housing. I acknowledge the constraints identified by the LPA and the impact changes in the policy context may have on the delivery of both market and affordable housing. However, the case law is clear in that local circumstances *may* justify lower thresholds as an *exception*. The point is that if and when a lower threshold than that set out in national policy is used, this should be an exception not the norm. In this case, I do not find the local circumstances, difficult as they may be perceived by the local planning authority to be, mean that an exception to national policy is justified in this instance.
10. I have taken into account a number of appeal decisions put forward. However, I am uncertain that the evidence before those Inspectors' is fully reflective or the same as that before me. In the absence of a persuasive case which would justify an exception to national policy in this instance, I cannot be satisfied that a contribution is justifiable on this occasion. Consequently, I consider the proposal would accord with national planning policy which, based upon the evidence before me, outweighs the requirements of Policy DM6 of the SDPD in this case.

Overall Conclusion

11. Whilst I have found in favour of the appellant on the second main issue, this does not overcome or justify the harm I have identified to character and appearance nor the conflict with the adopted development plan policies in this respect. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

Appeal Decision

Site visit made on 14 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/E0345/W/16/3162427

171 Blagdon Road, Reading RG2 7NE

- 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 Alex Rhodes against the decision of Reading Borough Council.
 - The application Ref 160752, dated 22 April 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the construction of 1 two-bedroom house with parking, private amenity space and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area
 - whether it should provide a financial contribution to affordable housing, and
 - whether it would provide acceptable living conditions for existing and future occupiers in terms of private amenity space.

Reasons

The character and appearance of the area

3. While the Council raises no objection to the design of the proposed house, it concludes that the proposed development would appear cramped and overdeveloped.
 4. I appreciate that the back garden of the proposed house would be short compared to neighbouring plots. However, given the tapering shape of the existing street block layout and the way the layout of the house has been arranged to address the street and the side garden rather than the back, when considered as a factor in isolation, the break from the existing pattern of development would not be harmful.
 5. The resulting back garden area of the existing house would be smaller than the back gardens of neighbouring houses. However, being around three-quarters of the area of its adjoining neighbour, and given its location towards the tip of the triangle of the street block towards which back garden depths diminish,
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- considered as a factor on its own, it would not be significantly out of character with similar spaces in the area.
6. In so far as Policy DM10 of the Reading Borough Local Development Framework Sites and Detailed Policies Document, adopted 2012, with alterations adopted January 2015 (SDPD) seeks outdoor areas which respect the size of similar spaces in the vicinity, the very limited conflict from the proposal would be insufficient to warrant dismissal of the appeal on this factor.
 7. Notwithstanding this, a critical component of the pattern of development of the houses in this part of Blagdon Road, which is reflected in the housing in Hazel Crescent and in which context the proposal would be viewed, is the generally consistent and substantial gap between the flanks of neighbouring houses. The lateral gap between the existing house and the proposed would be conspicuously less than between No 163 and No 165 and between No 167 and No 169 in the same section of street. This would diminish a coherent component in the distinctively spacious pattern of development in this part of Blagdon Road.
 8. When this is considered together with the effects of back garden depth and back garden area described above, the combined effect would be a cramped character of development. I acknowledge that the house reflects many features of the surrounding housing, including the curved front alignment of the street block and the form and siting of 27 Highmead Close. In terms of its appearance, the proposed house would not be out of place in the street scene. However, in spatial terms, for the reason above, it would harm the spacious character of development in the area.
 9. It would thus conflict with SDPD Policy DM11 which seeks, amongst other objectives, development that makes a positive contribution to the character of the area in terms including its integration with the surrounding area, the rhythm of plot frontages, and the relationship of the existing built form and spaces around buildings. It would be at odds too with the Framework¹ which says that decisions should aim to ensure that developments respond to local character and reinforce local distinctiveness.

Affordable housing

10. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council would make the scheme unviable, but refers to the Court of Appeal judgment² of 11 May 2016 in respect of a challenge to the Written Ministerial Statement³ of 28 November 2014 (WMS).
11. The WMS stated that '*for sites of 10 units or less....affordable housing and tariff style contributions should not be sought*', and the Court upheld that this should be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development. The Planning Practice Guidance has been amended to reflect the judgment.

¹ National Planning Policy Framework, paragraphs 58 and 60

² Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

³ House of Commons: Written Statement (HCWS50) 28 November 2014

12. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan, in which SDPD Policy DM6 is relevant to the issue in this appeal. It seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013 (SDP).
13. The Council's representation describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
14. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD Policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
15. The appellant draws my attention to an appeal decision⁴ in April 2016 for 3 dwellings in Reading in which the Inspector attributed greater weight to the WMS than Policy DM6, and concluded that a contribution to affordable housing was unnecessary. However, the Council refers to two, more recent appeal decisions⁵ in November 2016 and January 2017 in this Borough, in which the Inspector concluded to the contrary. My findings above are consistent with the most recent decisions by Inspectors in like cases, in which light the determination of this case in a like manner is a material consideration to which I attach substantial weight. For the reasons above, I conclude that the proposed development should provide a financial contribution to affordable housing, the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.

The living conditions of existing and future occupiers

16. I acknowledge that the proposal would reduce the area of the back garden of the existing house; however, it would retain a back garden of substantial size, sufficient for the needs of its occupiers. Though the back garden of the proposed house would be constrained, the garden to the side of the house would be substantial. Whilst triangular in shape it would be of sufficient dimensions to accommodate the needs of the occupiers of a 2-bedroom house,

⁴ Appeal Ref: APP/E0345/15/3141752 July 2016

⁵ Appeal Ref: APP/E0345/W/16/3153661 November 2016
Appeal Ref: APP/E0345/W/16/3159962 January 2017

and the hedge along the street boundary would provide sufficient screening to secure their privacy.

17. The overall effect in terms of quantity and quality of outdoor space is that the development would provide acceptable living conditions for existing and future occupiers in terms of private amenity space. It would comply with SDPD Policies DM10 and DM11 which seek private outdoor space that allows for suitable sitting-out, children's play, home food production, composting, refuse, and general storage, and which respects the size and character of other similar spaces in the vicinity.

Other Matters

18. Whilst I have considered the letters of support from neighbours, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

19. The proposed development would provide acceptable living conditions for existing and future occupiers and a modest benefit of one additional house to local housing supply. However, this is outweighed by the unacceptable harm it would cause to the character of the area, and its lack of provision for affordable housing, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

Appeal Decision

Site visit made on 14 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/E0345/W/16/3161485

Gloucester Court, Reading, Berkshire RG30 2TW

- 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 Steve Pearce against the decision of Reading Borough Council.
 - The application Ref 160482, dated 9 January 2015, was refused by notice dated 3 June 2016.
 - The development proposed is two new-build dwellings including two car parking spaces for each dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted revised plans with the appeal, which include alterations to the parking area to provide footway access to the proposed dwellings. As a consequence, the overall number of parking spaces would be reduced from five to four. It is only appropriate to take this amendment into account if no party would be disadvantaged. In *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37] it was held that the main criterion is whether the development would be so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of such consultation.
3. Given the number of objections to the planning application which included parking as a concern, third parties who have been notified may not be aware of the revision. Thus, in accordance with the principles in *Wheatcroft*, the amended drawings submitted with the appeal do not form part of my considerations below; my decision is based upon the same plans as those upon which the Council made its determination.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area
 - whether the proposed development should provide a financial contribution to affordable housing
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- the effect of the proposed development on street parking in the area, and whether it makes adequate provision for off-street parking, access and refuse collection, and
- whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to outlook from the dwelling and the privacy of, outlook from, and size of private amenity space.

Reasons

Character and appearance of the area

5. While the sizes of the gardens of the neighbouring plots vary, their overall character is one of a spacious area where the spaces around buildings are an important part of the landscape. In this context, the short back garden of Plot A, which would be around half the area of the garden of its immediate neighbour, 10 Gloucester Court, as well as its site coverage which would appear greater than many of its neighbours, would undermine the spacious character of the area. This would be exacerbated by the scant space between the house on Plot A and the parking area. Because of the lack of space around the house on Plot A, the proposal would appear a cramped, overdevelopment of the site.
6. I acknowledge the housing in the streets to the west have a tighter urban grain, but consider this site's location and development history has more affinity with the area to the north, south, and the east, which has a looser grain and more spacious pattern of development. I note that the appellant considers the site redundant and a dead-end which adds nothing to the residential character of Gloucester Court. However, my impression is that it appears as the back garden of 72 Tilehurst Road and contributes to the spaciousness of the area.
7. I therefore conclude that the appeal proposal would be harmful to the character and appearance of the area. While I see no conflict with CS¹ Policy CS15 and SDPD² Policy DM4 to which the Council refers and which concern density, housing mix, and amenity, it would be contrary to CS Policy CS7 and SDPD Policy DM11. These state that development should maintain and enhance the character and appearance of the area, make a positive contribution in terms of the relationship of existing built form and the spaces around buildings and integrate with it in regard to the coverage of each plot.
8. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework (the Framework) which states that development should respond to local character and indicates that development of poor design which fails to improve the character of an area should be refused.

Affordable housing

9. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council

¹ Reading Borough Local Development Framework Core Strategy, adopted January 2008

² Reading Borough Local Development Framework Sites and Detailed Policies Document, adopted October 2012

- would make the scheme unviable, but refers to the Court of Appeal judgment³ of 11 May 2016 in respect of a challenge to the Written Ministerial Statement⁴ of 28 November 2014 (WMS).
10. The WMS stated that '*for sites of 10 units or less....affordable housing and tariff style contributions should not be sought*', and the Court upheld that this should be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development. The Planning Practice Guidance has been amended to reflect the judgment.
 11. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan, in which SDPD Policy DM6 is relevant to the issue in this appeal. It seeks from residential development of between 1 and 4 dwellings a financial contribution equivalent to 10% of the housing to affordable housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013 (SDP).
 12. The Council's representation describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
 13. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD Policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
 14. The appellant draws my attention to an appeal decision⁵ in April 2016 in Reading in which the Inspector attributed greater weight to the WMS than Policy DM6, and concluded that a contribution to affordable housing was unnecessary. However, the Council refers to two, more recent appeal decisions⁶ in November 2016 and January 2017 in this Borough, in which the Inspector concluded to the contrary. My findings above are consistent with the most recent decisions by Inspectors in like cases, in which light the determination of this case in a like manner is a material consideration to which I attach substantial weight. For the reasons above, I conclude that the

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

⁴ House of Commons: Written Statement (HCWS50) 28 November 2014

⁵ Appeal Ref: APP/E0345/15/3141752 July 2016

⁶ Appeal Ref: APP/E0345/W/16/3153661 November 2016
Appeal Ref: APP/E0345/W/16/3159962 January 2017

proposed development should provide a financial contribution to affordable housing, the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.

Parking, access, and refuse collection

15. There are presently five parking spaces on the site. The Council has provided evidence of the planning permission for the Gloucester Court development which shows these five spaces being provided as casual parking spaces. The proposal indicates two of them being used by the proposed development, which would result in the loss of two spaces to the occupiers of Gloucester Court, which the Council considers would intensify the pressure for on-street parking in the wider area.
16. I note that parking in the surrounding streets is restricted to residents living within the entire parking zone, not just those in Gloucester Court. However, at the time of my site visit, which was in the middle of a week day, the occupancy of the street parking bays was around 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality. I also note the appellant's reference to the Council's Parking Services Report 2014-2015, which shows that the parking zone was then at 87% capacity as regards permits issued.
17. While the Council's maximum parking standards permit one space for a 2-bedroom dwelling and 1.5 spaces for a 3-bedroom dwelling, the proposal indicates only two spaces. However, I note that the site is in a relatively sustainable location, close to Reading West railway station, bus routes and within walking distance of the Oracle Shopping Centre.
18. The Framework, which has a core principle of making the fullest possible use of public transport, walking and cycling, advises that parking standards should take account of the type of the development and its accessibility. I also note the Written Ministerial Statement to Parliament of 25 March 2015 which states that local planning authorities should impose local parking standards only where there is clear and compelling justification that it is necessary to manage their local road network.
19. From my visit to the site and the surrounding streets, I do not consider that the displaced parking spaces and the number of parking spaces for the new dwellings in the proposal would result in a material shortage of off-street parking provision, or unsustainable pressure on the existing on-street parking in the area. Nor has it been demonstrated that there would be a harmful effect on highway safety and traffic movement as a result of the additional, on-street parking. In these respects there would be no conflict with CS Policies CS20 and CS24 which seek development that contributes to a balanced transport network and which set out parking standards.
20. I note the layout on the proposed block plan, as well as the Council's public highway map. However, reconciling these drawings against the ground on-site, I am not convinced that the proposed parking layout would require space for manoeuvring outside the red line of the site and beyond the extent of the public highway.

21. Notwithstanding this, it is clear from the site plan that if the proposed parking spaces were fully occupied, there would be no clear access to Plot A and only restricted access to Plot B. This would make access to the houses and the collection of refuse difficult. The proposal would, in this respect, conflict with CS Policy CS2 which requires development to promote layouts that provide adequate space to facilitate waste storage, reuse, and recycling.
22. I conclude on this issue that the parking provision for the proposed houses would be appropriate to the needs of the development and would not harmfully intensify the pressure for on-street parking in the wider area leading to highway safety and traffic conflicts. However, the lack of access to the dwellings would be at odds with SDPD Policy DM12, which seeks development which would not be detrimental to the safety of pedestrians and cyclists.

Living conditions for future occupiers

23. The outlook of the lounge and dining area and back garden of Plot A would be limited by the short depth of the garden, but not so limited that it would not provide any outlook. The rear wall of the house on Plot A would contain two large openings for glazed doors as well as a kitchen window, maximising the outlook from these spaces to a satisfactory degree. Given the distance of development from its three open aspects, I consider the outlook from and privacy to the garden would be sufficient for the occupiers. Whilst comparatively small in area, given the size of the dwelling, the garden would meet the needs of its occupiers.
24. The garden of Plot B would be on sloping ground, but given its breadth across the slope, it would be unlikely to constrain its utility unacceptably. The garden would be overlooked to a limited degree by surrounding occupiers, particularly 72 Tilehurst Road, but this would be little different to the present condition of mutual overlooking which I saw in the surrounding development which is common in built-up areas like this, and which is commonly mitigated by tree or shrub planting, as indicated in the proposal. Given the size of the garden and its open aspects, it would provide satisfactory outlook.
25. While the drawings show obscure-glazed windows to the kitchen and dining area, the landing window would be clear glazed which would provide a degree of outlook. But, given the importance of the kitchen and dining area to the dwelling, and the limited size of the window and its location displaced from these areas, it would, on its own, provide insufficient outlook.
26. I note that the appellant is amenable to retaining these windows in clear glazing, which would overcome the shortcoming of outlook. Given the separation distance of the rear elevation of this proposal to the gardens and windows of dwellings opposite in Connaught Road, there would be a low risk of any material loss of privacy to these neighbours or to the future occupiers of the development. However, clear glazing is not what has been consulted upon and the consideration of a condition to this effect may risk prejudicing the occupiers of dwellings to the rear.
27. I must therefore conclude on this issue that because of the lack of outlook from the kitchen and dining area in Plot B in the scheme as determined, that the proposed development would not provide acceptable living conditions for future occupiers. It would be in conflict with SDPD Policies DM4 and DM10 which protect the living conditions of future occupiers and contrary to one of the core

planning principles of the Framework (paragraph 17); that planning should seek to ensure a good standard of amenity for future occupants of land and buildings.

Other Matters

28. I have had regard to the concerns raised by local residents, most of which I have considered within the main issues. I note the objections from the occupiers of 72 Tilehurst Road regarding loss of privacy, loss of outlook, loss of daylight, disturbance, and loss of security. However, their dwelling is raised above ground level whereas the proposed dwelling closest to them is set at a substantially lower level and enclosed by a 1.8m fence. Given the substantial distance between No 72 and the proposal, as well as its enclosure, there is no substantive evidence that there would be a materially harmful impact on the living conditions of these occupiers.

Conclusion

29. The proposed development would provide two additional houses to local housing supply, with adequate provision for off-street parking and without placing unsustainable pressure on the existing on-street parking. However, this is outweighed by its harm to the character of the area, its lack of access, its lack of provision for affordable housing, and the unacceptable living conditions for future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

Appeal Decision

Site visit made on 15 June 2017

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

Decision date: 12th June 2017

Appeal Ref: APP/E0345/W/17/3168768

65 Peppard Road, Caversham, Reading RG4 8NH

- 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 Hill Tower Ltd against the decision of Reading Borough Council.
 - The application Ref 160527, dated 18 March 2016, was refused by notice dated 4 November 2016.
 - The development proposed is for the erection of detached 2 houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed Unilateral Undertaking was submitted by the appellants during the course of the appeal. The views of the Council were sought and who subsequently confirmed that it overcomes the fourth reason for refusal. This issue is dealt with under other matters below.

Main Issues

3. The main issues in this appeal are the effects of the development on the character and appearance of the area and on local biodiversity interest.

Reasons

Character and appearance

4. The appeal site forms part of the garden serving No.65 Peppard Road. The host property is a large detached property occupying relatively spacious grounds containing a number of mature trees. The area is characterised by substantial detached properties set back from the main tree lined road giving an attractive verdant character. The appeal property benefits from one of the largest gardens along this road, which amounts to a depth of some 63m.
 5. The proposal would see the erection of two 1.5 storey chalet bungalow style dwellings to the rear of No.65, which would share a proposed new access onto Peppard Road following closure of the existing access serving the host property. The Council does not object to the design of the dwellings and I would concur with this view.
 6. Policy DM11 of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012 (Altered) (the 'DPD') lends support for residential development within the curtilages of private residential gardens
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where it does not create unacceptable tandem development. Whilst the appellants criticise the Council's approach for lack of site analysis and character assessment, I found that the overriding character of this part of Peppard Road together with the adjoining side streets of Picton Way and Balmoral Drive is defined by dwellings having a strong frontage and presence in the street scene. This characteristic is also strengthened by the spaciousness of plots generally, which have matured to give an attractive and distinctive sylvan quality. There is very little evidence in the immediate locality of infilling having taken place with the result that this overriding characteristic has not been significantly denuded.

7. The appellants' analysis of the resulting change in density would be fairly consistent with what is found locally, whilst the plots would have reasonable garden depth. This was also the view of an Inspector in an appeal at 3 Grosvenor Road¹ that has been cited by the appellant. The details of this appeal are not before me. However, the Inspector was able to draw upon other areas in the immediate area that have seen the development of backland plots. Although there will always be some similarities between housing developments, I am satisfied with what I have read that the two sites are not readily comparable and in any event, each case needs to be considered on its individual merits.
8. Policy CS7 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015) (the 'CS') requires that new developments are designed to maintain and enhance the character and appearance of the area. This in my view is an acknowledgement of the importance given to layout considerations that should be respectful of the urban grain in terms of width, depth and shape. Although the appellants suggest that only glimpsed views of the proposal would be available, the cul de sac arrangement as proposed in the context of Peppard Road would in my view represent an undesirable form of backland development, which would unacceptably intrude into a parcel of land that together with adjoining garden areas are attractive and devoid of buildings.
9. The proposal would therefore fail to make a positive contribution to the character of the area and very seriously undermine the urban grain and rhythm of plot frontages in the area thereby representing an alien built form in this locality. Whilst the appellants maintain that this would be an isolated development opportunity, I do not necessarily accept that it would not be repeated on adjoining plots to the south, which would lead to further degradation of the prevailing character.
10. The Council has also raised concerns about the impact on trees both within the highway (two young category C trees) that would be felled/relocated in order to create the proposed access and to the sensitivity of certain trees within the appeal site to works involved with the laying of services. Moreover, the presence of mature trees both within the site and adjoining garden areas may result in pressure from future occupiers of the two properties for their felling or pruning. Finally, the Council has expressed concerns relating to the potential harm to a mature oak tree on the Peppard Road frontage and a protected beech tree at No.1 Picton Way.

¹ APP/E0345/A/12/2184074

11. The appellants' Arboricultural Report concludes that the principal trees can be retained and adequately safeguarded during construction whilst the Council's statement of case concedes that appropriate measures for tree protection could be the subject of appropriate conditions were I to find in favour of the proposal. There is no evidence at this time that pressures for felling of existing trees located in the vicinity of the two plots will inevitably ensue. Whilst the loss of the two immature trees along Peppard Road is regrettable, there are opportunities for their replanting outside the visibility splay. Consequently subject to conditions requiring a landscaping scheme, a Tree protection Plan, details of provision of underground services and an Arboricultural Method Statement, the proposal would not have a harmful effect on trees.
12. Although I have found in favour of the development in terms of its effects on trees and in this regard the proposal would satisfy objectives set out in Policy CS38 that seeks to ensure that trees are protected from damage or removal, this does not override the harm that I have identified in terms of tandem development. As a consequence, whilst the site would be located in a highly sustainable area where housing developments should be promoted in line with Government policy to significantly boost housing supply, I consider that the specifics of the appeal proposal would relate poorly to the current arrangement of housing and detract from the character and appearance of the local area contrary to Policy DM11 of the DPD and CS Policy CS7.

Effects on Biodiversity

13. Policy DM11 of the DPD sets out to prevent fragmentation of a block of gardens, which in combination make an important contribution to biodiversity. The appellants submitted two ecology reports that confirmed that the site is unlikely to host protected species. From the evidence, there does not appear to be any significant biodiversity interest. Whilst the relevant policy seeks to prevent fragmentation of garden areas, I agree with the appellant that this policy would be of greater relevance in areas where there are a number of gardens involved that together are sufficient to provide suitable wildlife habitats. From what I saw during my site visit, the site is surrounded on all sides by existing development and well-manicured garden areas.
14. Consequently, there is no evidence to suggest that there would be any adverse effect on ecology that it would conflict with paragraph 118 of the National Planning Policy Framework. In terms of fragmentation of suitable blocks of garden areas, the nature of the appeal site and surrounding area would not be in conflict with Policy DM11.

Other matters

15. A signed Unilateral Undertaking (UU) has been provided that covenants to the making of a financial contribution towards off-site affordable housing provision. However, following a Court of Appeal judgement, the Written Ministerial Statement (WMS) of 28 November 2014 stating that for sites supplying less than 10 houses, or 5 in certain rural areas, contributions towards affordable housing should not be sought has been reinstated.
16. The UU responds to the Council's concerns in relation to affordable housing provision and also to its robust evidence of problems of lack of affordable housing provided at the local level. However, as I am dismissing this appeal on the substantive grounds set out in the Council's decision notice, I do not need

to dwell heavily on this issue. The presence of a signed UU does not therefore weigh heavily in favour of the proposed development and does not override the harm that I have identified.

17. Neighbours to the development consider that the proposed development would result in a loss of outlook and light and result in a reduction in privacy levels through overlooking. However having visited the site and looked at the prevailing conditions and the spacious arrangement of houses locally, I do not consider that the two well designed 1.5 storey dwellings would harm living conditions in any way. I also note that the Council did not raise these concerns at the application stage.
18. Local representations have also been made as to the possible effects on highway safety. However, the access to the site can be provided to a standard that satisfies the local highway authority and I do not consider that the proposal would seriously harm conditions of highway safety.

Conclusion

19. Accordingly, for the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 26 June 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/E0345/W/16/3161384
37 Hilcot road, Reading RG30 2SX

- 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 Westmore Enterprises Ltd against the decision of Reading Borough Council.
 - The application Ref 150238, dated 6 February 2015, was refused by notice dated 14 September 2016.
 - The development proposed is the redevelopment of workshop for three one bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposed development should provide a financial contribution to affordable housing off-site.

Reasons

3. The development plan, in SDPD¹ policy DM6, seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013.
4. The Council's representation, which is not disputed by the appellant, describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
5. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council would make the scheme unviable, but refers to the Planning Practice Guidance (PPG). This was amended after the Court of Appeal indicated in May 2016 that the Written Ministerial Statement of 28 November 2014 (WMS), which set out

¹ Reading Borough Local Development Framework Sites and Detailed Policies Document October 2012 with alteration adopted January 2015

that contributions to affordable housing should not be sought from developments of 10 dwellings or fewer, was lawful.

6. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight.
7. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
8. The appellant draws my attention to a similar scheme on this site which was granted planning permission in March 2012. However, the Council points out that the permission is no longer extant and it describes the changes in planning policy since then including the adoption of the SDPD. In these circumstances, I am bound to consider the proposal against the current development plan, which includes SDPD policy DM6.
9. While the provision of affordable housing or a contribution to its provision off-site would be contrary to national policy, on the evidence before me, I am satisfied that it is justified by the local circumstances in this case. While the WMS is a material consideration to which I attach great weight, it does not, in this instance, outweigh the development plan's requirements in SDPD policy DM6. I conclude that the proposed development should provide a financial contribution to affordable housing, the absence of which would place it in conflict with the development plan.

Other Matters

10. I have had regard to neighbours' objections over access and parking pressure in Hilcot Road, but consider appropriate measures to remove the right of future occupiers for parking permits and to secure a construction management statement, would overcome these concerns.

Conclusion

11. While the development would provide a benefit of three houses to local housing supply in accordance with paragraph 47 of the Framework which anticipates a significant boost to the supply of housing, this is outweighed by the lack of any contribution to affordable housing, which would be in conflict with the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR



Appeal Decision

Site visit made on 1 August 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/E0345/W/17/3173270

Land to the rear of 52 Norcot Road, Reading, Berkshire, RG30 6BU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr S Sharma against the decision of Reading Borough Council.
 - The application Ref. 151144, dated 20 November 2015, was refused by notice dated 12 October 2016.
 - The development proposed is the erection of two 2-bed semi-detached houses including landscaping and vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two 2-bed semi-detached houses including landscaping and vehicular access, at Land to the rear of 52 Norcot Road, Reading, Berkshire, RG30 6BU, in accordance with the terms of the application, Ref. 151144, dated 20 November 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural matter

2. A Unilateral Undertaking made as a Planning Obligation under section 106 of the Act, dated 11 July 2017, and signed by the appellant and another landowner has been lodged with the appeal. In summary, the Obligation covenants the landowners to make a financial contribution to the Council of £23,000 for the provision of affordable housing off-site, in the event of the appeal being allowed. I have had regard to the Obligation as a material consideration subject to my comments in paragraph 13 below.

Main Issue

3. The main issue is whether the residential development proposed should contribute to the wider provision of affordable housing taking account of the policy of the development plan, national guidance and Ministerial advice.

Reasons

Background

4. The appeal site comprises an area of vacant land which lies adjacent to new residential development and a high and ornate water tower now converted into apartments, all located to the rear of properties fronting Norcot Road. It is proposed to build a pair of semi-detached properties on the land and have three parking spaces.

5. The Council's reason for the refusal of planning permission confirms that there is no site specific objection to the development proposed. The sole reason against the scheme is the lack of an appropriate financial contribution put forward towards the provision of affordable housing off-site. In resolving to grant planning permission for the development the Council had specified that a contribution of £23,000 would be appropriate. Until recently, the appellant had declined to pay this level of contribution and referred to the legal position regarding Ministerial advice on the issue (see paragraph 8 below).

Policy context

6. The development plan for the area includes the Council's Core Strategy adopted in 2008 and the Sites and Detailed Policies Document (SDPD) adopted in 2012.

Provision for affordable housing

7. Policy DM6 of the SDPD relates to development proposals of less than 15 dwellings and indicates that for schemes of between 1-4 dwellings a financial contribution should be made to enable the equivalent of 10% of the housing to be provided as affordable housing off-site. The appellant had offered a lesser amount taking into account the Ministerial statement set out below. Further, his Financial Appraisal indicated that with the higher contribution the development would not be financially viable. Notwithstanding the issue of viability, without an appropriate financial contribution the scheme proposed would have conflicted with the specific requirement of the development plan.
8. The appellant's agent refers to the Written Ministerial Statement (WMS)¹ as reasoned justification for not making the financial contribution. The WMS indicates, in summary, that in order to free-up the planning system and reduce disproportionate burdens on small-scale developers, affordable housing contributions should not be sought from developments of 10 housing units or less (subject to other specific factors that do not apply here) . Although successfully challenged in the High Court in July 2015, the Court of Appeal subsequently upheld the government's challenge to that legal decision in May 2016. Further, paragraph 31 of the national Planning Practice Guidance (PPG) was amended in November 2016 to reflect the WMS. Therefore the WMS and the current guidance in the PPG are material considerations in the appeal and to which I attach significant weight.
9. The critical issue is whether the more recent WMS and formal national guidance outweigh the conflict of the proposal with the provisions of the development plan.
10. On the basis of the Council's representations put forward in this case, I am satisfied that there is substantial evidence to demonstrate that there is an acute housing need for affordable housing in the Borough and that this need is ongoing. Further, this need for special provision for affordable housing has a reliance on the financial contributions for off-site provision which arise from development proposals, and has been robustly justified in accordance with the policy contained in paragraph 50 of the National Planning Policy Framework.
11. Balanced with this, it has not been demonstrated by the appellant that the application of policy DM6 has frustrated small scale development proposal coming forward and the appellant's action in now submitting a Unilateral Undertaking for the agreed contribution of £23,000 supports my view on this. Further the appellant's initial financial appraisal contains general submissions on costs which

¹ As issued by the Minister of State for Communities and Local Government on the 28 November 2014

are not substantiated by evidence and even then it is submitted that the proposal would still give rise to an overall 'developers profit' profit of 10%.

Planning Balance

12. Overall, in the circumstances of the case, I find that the local evidence on housing need provides clear justification that a decision on the proposal should accord with the requirements of the development plan on affordable housing and this is not outweighed by the other material consideration of the WMS and the general guidance of the PPG.
13. Further, the Undertaking now put forward by the appellant satisfies the requirements of Policy DM6 and there is now no conflict with the development plan. I also find that the requirement for a contribution through an appropriate obligation satisfies the three tests set out in paragraph 204 of the Framework. I will therefore allow the appeal.

Conditions

14. In terms of conditions, the Council recommends 18 which I will consider under the same numbering.
15. In addition to the statutory condition on the timing of the implementation of the development, conditions no's 2 and 3 are necessary to define the plans that are approved and to agree the external materials in the interests of clarity and to ensure that the development fits in with the site. It is also necessary to impose condition no.4 to ensure that the occupiers of existing houses are not overlooked by side facing windows. As the proposal involves the redevelopment of a brown field site I will impose conditions 5, 6, 7 and 8 to ensure that any contamination of the land is removed prior to residential development taking place in the interests of good health and to avoid pollution. As there are residential properties in close proximity to the site I will impose conditions 9, 10 and 11 so as to avoid problems of noise, dust or with air quality during the construction period. Further, conditions 12, 13, 14 and 15 are reasonable and necessary to ensure that the development encourages sustainable transport, and retains sufficient parking and proper access, in the interests of highway safety. The provision of a landscaping scheme is also necessary to ensure that the appearance of the development is acceptable, and I will impose conditions 16 and 17.
16. The Council also recommend that a condition is imposed to take away the rights applying generally to use the dwellings as 'houses in multiple occupation' however, no special and specific justification has been put forward to establish why such a restriction is reasonable and necessary for this development and I will not impose this condition.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 097 05-02 01P; 097 02-02 P5; 097 - 03-11 P2; 097-05-10 P2; 097 03-10 P1.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, window frames and mortar and details of window and doorway reveals have been submitted to and been approved in writing by the local planning authority. The development shall be carried out using only the approved materials.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor side facing window shall be *non-opening and glazed with obscure glass* before occupation of that room, and shall be permanently maintained thereafter as non-opening and obscure glazed.
- 5) No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- 6) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7) The remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to construction of the development.
- 8) In the event that contamination not previously identified is found at any time when carrying out the approved development, development

must be halted on that part of the site and it must be reported in writing to the Local Planning Authority. Following that an assessment of the nature and extent of contamination must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

- 9) No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise and dust emanating from the site during the demolition and construction phase. Thereafter, the use shall not commence until the approved scheme has been fully implemented.
- 10) The hours of noisy construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.
- 11) No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.
- 12) No dwelling/building hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the approved drawing.
- 13) The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the approved plan. The spaces shall be kept available for parking at all times thereafter.
- 14) No dwelling/building hereby permitted shall be occupied until the bicycle parking facility for that dwelling/building has been provided in accordance with the approved plan. The facility shall be kept available for bicycle parking at all times thereafter.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and been approved in writing by the local planning authority to provide for:
 - space on site where vehicles of site operatives and visitors can be parked;
 - location on site for storage of plant and materials used in constructing the development;
 - the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
 - any footpath closures or road closures needed during construction
 - wheel washing facilities on site;
 - a scheme for recycling waste resulting from the construction works.The measures within the approved Construction Method Statement

shall be maintained and adhered to throughout the course of the development unless changes

- 16) No development shall take place until full details of both hard and soft landscaping have been submitted to and been approved in writing by the local planning authority. The submitted details shall include:
- (a) hard surfacing materials; and
 - (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc); and
 - (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
 - (d) Tree pit specifications.
- 17) The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the approved landscaping plans and documents. The soft landscaping shall take place no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a timetable agreed in writing with the Local Planning Authority.

*** END OF CONDITIONS ***



Appeal Decision

Site visit made on 6 September 2017

by **Mike Hayden BSc DipTP MRTPI**

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

Decision date: 21 September 2017

Appeal Ref: APP/E0345/W/17/3174759

42 Bulmershe Road, Reading RG1 5RJ

- 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 and Mrs P. Dhillon against the decision of Reading Borough Council.
 - The application Ref 161665, dated 19 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is erection of a bungalow of 3 self-contained 1 bedroom flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the site address as stated in the planning application form. However, I am clear that the proposal relates to land to the side and rear of the existing dwelling at 42 Bulmershe Road. I have determined the appeal on this basis.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of surrounding area, including its likely long term effect on the protected Scots Pine tree;
 - The effect of the proposal on the living conditions of the occupiers of 38 Bulmershe Road and whether it would provide acceptable living conditions for future occupiers of the proposed development, with particular reference regard to outlook, privacy and the provision of private amenity space;
 - The effect of the proposed development on highway safety; and
 - Whether or not the proposed development would make adequate provision for affordable housing, taking account of local and national planning policy.

Reasons

Character and Appearance

4. The appeal site comprises an area of vacant land between 38 and 42 Bulmershe Road. It is currently occupied by a single garage, but the site is otherwise vegetated and somewhat overgrown.

5. In the vicinity of the appeal site, Bulmershe Road is characterised by substantial 2 and 3 storey, detached and semi-detached, Edwardian houses on either side of the street, set back to a consistent building line. The dwellings at nos. 38 and 42 on either side of the site reflect this character, with 2 and 3 storey gable fronted façades.
6. In contrast the proposed development would take the form of a chalet style bungalow, orientated with a wide gable end facing the street and set back from the frontage of the adjacent dwellings by around 5 metres. I note that this design has been conceived in part to address the objections to previous schemes for the site and to achieve clearance from the protected Scots Pine tree.
7. However, the combination of the bungalow's significantly lower eaves height, its pronounced set back and its larger, more dominant gable feature would be at odds with the scale and design of the neighbouring houses. As such it would detract from the rhythm of the architecture established along this street frontage and fail to respect its distinctiveness. It would, thereby, cause harm to the character and appearance of Bulmershe Road.
8. Although there is an existing garage on the site, it is a discrete, single storey structure, which is ancillary to the main dwelling at no. 42. Due to its small scale and size, it is not prominent within the street scene and does not compete with the architecture of the neighbouring properties. It does not as such establish a precedent for the proposed building, which is considerably larger and more visible in the space in between nos. 38 and 42.
9. Policy CS7 of the Reading Borough Local Development Framework (LDF) Core Strategy (2008) (the CS) seeks to ensure that all development maintains and enhances the character and appearance of the area and reinforces local distinctiveness. This reflects the design expectations of paragraph 58 of the National Planning Policy Framework (the Framework). Accordingly, the proposed development would fail to comply with the development plan and the Framework.
10. In terms of its effect on the protected Scots Pine tree at the front of the property, the Tree Survey Report submitted with the appeal confirms that the proposed building would be outside of the root protection area of the tree. Although the report envisages replacement of the existing tarmac driveway, which runs adjacent to the tree stem, it proposes measures to protect shallow roots and ensure a permeable surface within the root protection area. If I were minded to allow the appeal, these measures could be conditioned to ensure the protection of the tree.
11. On this basis, the proposals would be unlikely to harm the long term health of the Pine tree and would thereby comply with Policy CS38 of the CS which seeks to protect trees from damage. I note that the Inspector for the previous appeal on this site (decision ref. APP/E0345/A/13/2191303) found that the retention of the protected tree outweighed the limited harm to the street scene caused by the proposed set back of the building. However, in this case the harm to the character and appearance of the area goes beyond the set back and includes the conflict between the scale and design of the proposed building and that of the surrounding properties. In combination, these factors would result in significant harm to the character and appearance of the surrounding area, which would not be outweighed by the retention of the tree.

Living Conditions

12. The neighbouring dwelling at no. 38 has a number of windows in the side elevation facing the appeal site. At ground floor level there is a kitchen/diner, which is a well-used habitable room, with two windows providing its only outlook. The proposed building would be around 3.4 metres from the flank wall of no. 38 and around 15 metres in length, extending across both of the windows to the kitchen/diner. Although chalet bungalow in form with a low eaves line, the overall height of the proposed building would be substantial, at around 6.4 metres to its ridge. Due to its proximity to no. 38, the height and length of the proposed building would have an overbearing impact on the outlook from the kitchen/diner windows to no. 38.
13. At first floor level there are windows to a bedroom, study and changing room in the flank elevation of no. 38, which overlook the appeal site. The proposed building is orientated with windows to the living room areas and basement kitchens for all three dwellings facing no. 38. Although the angle of view from first floor to ground floor and basements would be relatively steep, the limited separation distance would result in direct overlooking between habitable rooms of these neighbouring properties. This would cause an unacceptable loss of privacy for the occupiers of both no. 38 and the proposed new dwellings.
14. I recognise that the two end units of the appeal scheme would benefit from ground and first floor windows in the front and rear gable elevations, with a reasonable outlook and not overlooked. However, this would not overcome the loss of privacy to the windows facing no. 38. Further, for the central dwelling of the three proposed, the quality of its living accommodation would be particularly compromised. Its only living room window would be overlooked and offer a limited outlook onto the flank wall of no. 38 only 3.4 metres away. This would be exacerbated by the poor outlook from its bedroom, which would be served by a single roof light, the second rooflight serving an en-suite bathroom. As such the proposals would be contrary to Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document (2012) (the SDPD), which expects that development will not cause a significant detrimental impact to the living environment of existing or new residential properties.
15. With regard to private outdoor amenity space, Policy DM10 of the SDPD expects houses to be provided with usable space of no less than the gross floor area of the dwelling. The proposed houses would have a gross floor area of around 90 square metres, compared to gardens of between 20 and 25 square metres. This would fail to comply with the expectations of the development plan by a significant margin. I have been referred to a scheme of 4 dwellings at 14-16 Armour Road in Reading, which was allowed on appeal, where three of the four gardens were small. However, no two schemes are the same and it is a core principle of the planning system that each application is determined on its own merits. In the appeal before me, the gardens are not only small, but two of the three would be detached from the houses they would serve, reducing their usability and their amenity as private outdoor spaces.
16. For these reasons, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of no. 38 and fail to provide acceptable living conditions for the future occupiers of the proposed dwellings. It would be contrary to Policies DM4 and DM10 of the SDPD. It would also fail to comply with one of the core planning principles in paragraph 17 of the Framework,

which seeks to secure a good standard of amenity for existing and future occupants of land and buildings.

Highway Safety

17. Vehicular access to the proposed development would be taken from the existing driveway to no. 42. The appellant states that it would be widened to 4.1 metres between the proposed building and the dwelling at no. 42, although this dimension is disputed by the Council on the submitted plans. However, the key requirement drawn from the Manual for Streets (2007) is for an access of 4.8 metres in width for a distance of 5 metres back from the site boundary, to allow vehicles to pull off the highway when another vehicle is leaving the site.
18. It is evident from the submitted block plan and services layout plan that the proposed scheme would not provide a driveway to this width. This would result in vehicles having to wait within the carriageway or reverse out into the road to allow vehicles to leave the site. I recognise this is the current arrangement for vehicular access to no. 42. However, the increased number of vehicles using this access as a result of the proposed development would exacerbate this problem and cause unacceptable harm to highway safety. As such it would be contrary to Policy DM12 of the SDPD, which resists proposals involving a material increase in the use of an existing site access where it would be likely to compromise the safe and free flow of traffic on the road network.
19. I note that the Inspector in the previous appeal for a scheme for 5 flats (Ref. APP/E0345/A/13/2191303) did not dismiss that proposal on highway safety grounds. However, that scheme included a widened access to the required width and depth.
20. With regard to parking, I note the Council's concern about inconsistencies in the parking layout on the appeal plans. However, the revised block plan (Ref. 8643-16 PL-02 Rev B) and the services plan (Ref. 8643-16 PL-09) submitted with the appeal both show a total of 8 parking spaces at the rear of no. 42 and the appeal property. This would exceed the parking requirement of 1 space per dwelling set out in the Council's Parking Standards and Design SPD. Accordingly, the proposed parking provision would be acceptable and does not add to the weight against the proposal.

Affordable Housing

21. Policy DM6 of the SDPD requires that on sites of 1-4 dwellings a financial contribution to enable the equivalent of 10% of housing on the site to be provided as affordable housing elsewhere in the borough. The Council's Affordable Housing Supplementary Planning Document (SPD) (2013) sets out that the contribution will equate to a payment of 5% of the Gross Development Value (GDV) of the scheme, to be secured through a Section 106 agreement.
22. The appellant has not disputed this affordable housing requirement, but has failed to provide an obligation under Section 106 to secure the financial contribution. Accordingly, the proposed development is in conflict with Policy DM6 of the SDPD.
23. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. An important consideration to be taken into account is Government policy as expressed in the Written Ministerial Statement (WMS) of 28 November 2014. This states that contributions for affordable housing should not be sought from

developments of 10 units or less, in order to ease the financial burden of developer contributions on small-scale developers. I have attached significant weight to the WMS.

24. However, the Council has provided a substantial body of evidence to support the case for lower thresholds in Reading borough as an exception to national policy. The key points of this indicate that a) the need for affordable housing in the borough is high, accounting for around 58% of its total objectively assessed housing need; b) affordability is low with the average price/earnings ratio in Reading well above the national ratio; and c) contributions from small sites of 10 dwellings or less account for around 20% of the supply of affordable housing in the borough.
25. In balancing the need for affordable housing against the importance of avoiding disproportionate burdens on the developer, in this case the appellant has not indicated that the contribution sought by Policy DM6 would represent an unreasonable constraint on the viability of the proposed development. On this basis, whilst it would constitute an exception to national policy, the local circumstances indicate that the proposal should be determined in accordance with the development plan.
26. Accordingly, a financial contribution towards affordable housing would be both necessary and reasonable to make the proposed development acceptable in planning terms. The absence of an agreement or undertaking under S106 to this effect means that the proposal would fail to make an adequate contribution to affordable housing, contrary to Policy DM6 of the SDPD.

Other Matters

27. The appeal site is located on a Green Link, which Policy DM17 of the SDPD seeks to protect, consolidate and enhance as part of a borough-wide Green Network. Based on the Proposals Map the Green Link runs in a south-east to north-west direction across the site, through the gardens at the rear of the proposed building. Although there are no proposals in the appeal scheme to explicitly maintain or consolidate the Green Link, I am satisfied that, if I were minded to allow the appeal, this could be achieved by means of a landscaping scheme to enhance biodiversity, which could be made subject to condition. Accordingly, the absence of such details as part of the appeal proposals does not add to the weight against the proposed scheme.

Conclusion

28. Nevertheless, for the reasons given above and taking account of all other matters raised, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR



Appeal Decision

Site visit made on 6 September 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 6 October 2017

Appeal Ref: APP/E0345/W/17/3174559

54 Lyndhurst Road, Tilehurst, Reading, Berks RG30 6UE

- 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 and Mrs Habib Bari against the decision of Reading Borough Council.
 - The application Ref 161664, dated 14 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is to demolish a garage and erect a 3 bedroom house in the curtilage of an existing house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal process, revised plans have been submitted showing parking provision and a reduction in the depth of the proposed dwelling. Within the context of the original proposal, these changes are not significant. Given this, other parties have had sufficient opportunity to comment on these changes. Therefore, parties would not be prejudiced by these revisions and the appeal decision is based upon them.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, (b) the living conditions of the occupiers of dwellings, having regard to outlook, privacy, light and the provision of private outdoor space, (c) highway safety and the function of the highway network, having regard to traffic flows, and (d) affordable housing.

Reasons

Character and appearance

4. The appeal site comprises the rear garden of a semi-detached dwelling that lies at the corner of Lyndhurst Road and Ripley Road. The surrounding area is predominantly residential in nature with terraced dwellings and some semi-detached dwellings stepped back from road frontages with generally long rear gardens. An exception is the rear garden of 54 Lyndhurst Road where the appeal dwelling would be sited.
5. The proposed dwelling would flank the drive and side of a neighbouring terraced dwelling on Lyndhurst Road and would be in close proximity to the

dwelling at No 54. Within the gap between these two dwellings, the new dwelling would be at angle and sited further forward in relation to No 54. Such a layout would give rise to a 'squeezed in' and visually awkward appearance to the development. It has been indicated that the plot size of both the proposed and resultant subdivided plot at No 54 would equate to those in the surrounding area. However, the prevailing pattern of development would have plot sizes greater than the appeal plot based on what I saw on my site visit. Irrespective of this, the dwelling's close relationship to properties would represent a noticeably cramped and incongruous development not found elsewhere in the vicinity.

6. For these reasons, the development would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policy DM11 of Reading Borough Council Local Development Framework Sites and Detailed Policies Document (SDPD) 2012, which, amongst other matters, requires that developments on current or former garden land to make a positive contribution to the character of the area and provide a site of adequate size to accommodate the development.

Living conditions

7. There would be an area of private open space to the rear of the proposed dwelling and a smaller area to the frontage. The dwelling would be family-sized by reason of its size and three bedroom nature.
8. The frontage area would be dominated by the pedestrian entrance to the property, storage areas for bins and bicycles, and a 1.8m high fence. As such, it would provide limited useful external recreational space for occupiers. By virtue of the depth of the plot and dwelling, the rear private outdoor space would also be insufficient in size to provide for every day needs of occupiers, such as for children's play, clothes drying and private recreation, including sitting out area. It would be substantially smaller in area than most other rear gardens serving similar family type dwellings in the area.
9. In terms of the living conditions of the occupiers of 54 Lyndhurst Road, there would be additional windows inserted in the dwelling's elevation facing Lyndhurst Road. Such alterations would ensure adequate outlook and light to the rooms closest to the proposed dwelling. Other rooms within No 54 facing the appeal plot would face the rear private outdoor space of the new property and therefore light into or outlook from these rooms would not be significantly affected.
10. The proposed dwelling would have a first floor bedroom window facing areas behind 56 Lyndhurst Road and 16 Ripley Road. By reason of the juxtaposition of the garden of No 16, views from this window would mostly be oblique and where more direct, quite distant. The area behind No 56 would be closer to the proposed dwelling but views would be to the rear part of a substantial sized garden of this property. Another first floor window serves a bathroom and could be obscure glazed. For all these reasons, there would be no significant loss of privacy to the occupiers of neighbouring properties.
11. In summary, there would be harm to the living conditions of the occupiers of the proposed dwelling having regard to the provision of private outdoor space. Accordingly, the proposal would be contrary to policies DM10 and DM11 of the SDPD, which collectively and amongst other matters, requires the provision of

a functional open space that allows for suitable sitting out areas, children's play areas and clothes drying space.

Highways

12. Policy CS24 of the Reading Borough Council Local Development Framework Core Strategy 2008 requires developments to comply with maximum parking standards. The Reading Borough Local Development Framework Revised Parking Standards and Design Supplementary Plan Document (SPD) 2011 requires the provision of four car parking spaces to serve the proposed and existing dwelling. The Council has raised concerns about the accuracy of the revised plan showing the four spaces. Despite this, having visited the site, I am satisfied that the four car parking spaces could be accommodated within the site in the area shown which could be conditioned.
13. However, the detail of this and other plans are not sufficient to assess whether adequate visibility can be achieved in both directions. Given this, there could be vehicle movements, including reversing, onto Lyndhurst Road adversely affecting road safety and the free flow of traffic close to a junction of this road with Ripley Road. Accordingly, the proposal would conflict with policy DM12 of the SDPD which, amongst other matters, requires development not to have a material detrimental impact on the functioning of the transport network and safety of the users of the transport network, including pedestrians and cyclists.

Affordable housing

14. No certified and executed obligation to secure a contribution towards affordable housing has been submitted. Policy DM6 of the SDPD seeks to ensure that on sites of 1-4 dwellings, a financial contribution will be made to ensure affordable housing provision. The Council's Supplementary Planning Document (SPD): Affordable Housing 2013 refers to a very high level of need for affordable housing, in particular for families, in the Borough and how the contributions should be calculated. In the absence of any obligation, the development would be contrary to SDPD policy DM6.
15. The development plan is the starting point of any determination. However, account must be taken of any material considerations which may indicate a decision should be made other than in accordance with the development plan. The Written Ministerial Statement (WMS) dated November 2014 states that contributions should not be sought from developments of 10 units or less, and it is a material consideration to which I attach significant weight.
16. However, the Council has submitted a substantial amount of evidence to indicate that specific local circumstances within the Borough justify a lower threshold for affordable housing contributions, as an exception to national policy. Under the recent Housing Market Needs Assessment (HMNA), the proportion of Objectively Assessed Housing Need to be affordable is high. Much of the Borough is urban with a very high percentage of development on previously developed land. Furthermore, the high costs of developing such sites, has limited affordable housing contributions that could be sought on such sites and small scale sites make up a substantial proportion of housing land supply. Allied with higher than average house prices compared to income, there are local circumstances to indicate that the proposal should be determined in line with the development plan despite national policy within the WMS. For all these reasons, the Council is justified in seeking an affordable

housing contribution in this case and its absence runs contrary to SDPD policy DM6.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR



Appeal Decision

Site visit made on 3 October, 2017

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

Decision date: 27th October, 2017

Appeal Ref: APP/E0345/W/17/3176746

85 Ambrook Road, Whitely, Reading, Berkshire, RG2 8SW

- 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 Paul Godden against the decision of Reading Borough Council.
 - The application Ref: 170231/FUL dated 8 February, 2017 was refused by notice dated 6 April, 2017.
 - The development proposed is subdivision of 85 Ambrook Road and construction of a new pair of two-bed, demi-detached units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:-
 - the effect of the development on the character and appearance of the area;
 - the effect on highway safety;
 - the effect on the living conditions of neighbouring occupiers with respect to outlook and privacy, and of future occupiers with respect to the provision of outdoor amenity space; and
 - whether adequate provision has been made towards affordable housing.

Reasons

Character and Appearance

3. The appeal site is a triangular section of garden area, currently fenced off, to the side of No 85 Ambrook Road, a corner property. It sits within an area of modest houses in a cottage-style estate. The appeal proposal is for the insertion of a pair of semi-detached houses into the site. They would face onto a narrow spur off Ambrook Road leading to a block of flatted accommodation, Tiverton House, set behind Nos 81 and 83. They would have rear gardens and four parking spaces set to the frontage of the site where it meets the main part of Ambrook Road.
 4. The characteristic, open urban grain of the area is created by houses addressing the road from behind front gardens in a regular rhythm of pairs or short terraces, and with a consistent ratio of built form to garden spaces, and consistently generous plot sizes. Corner buildings in the area often have
-

generous garden spaces to their flank. The development would create two houses of similar size to others in the area, but on noticeably smaller and irregularly shaped plots, infilling a corner garden space and orientated away from the main road frontage. As a result it would, by contrast, appear cramped and oddly sited, and therefore in conflict with this character, to its harm.

5. While the appellant has suggested that the existing plot is uncharacteristically large for the area, it does not appear to be significantly greater than that of No 85 opposite and others in the area, and in any case, this would not justify its over-development in the form currently proposed.
6. While some front gardens in the area are given over to parking, many are not. In this case, the four parking spaces would be set close to two spaces to be provided in the front garden of No 85 itself. The amount of closely-spaced parking visible, plus the odd orientation of the spaces in relation to the host and new dwellings, would create an uncharacteristic layout in the area. The broad open frontage to Ambrook Road, which because of the layout could not benefit from any screening landscaping or boundary treatment, would exacerbate this harmful appearance.
7. The development would therefore conflict with policy DM11 of the Reading Borough Local Development Framework Sites and Detailed Policy Document 2012 (the SDPD) which seeks development of new residential development within the curtilage of private residential gardens which makes a positive contribution to the character of the area in terms of the relationship of the existing built form and spaces around buildings within the surrounding area. It would also conflict with policy CS7 of the Reading Borough Local Development Framework Core Strategy 2008 (the CS) which seeks high quality design that maintains and enhances the character and appearance of the area in which it is located.

Highway Safety

8. The appeal proposal would provide two parking spaces per new dwelling and two for the existing. However, the layout of the proposed spaces for the new dwellings would mean that they would access Ambrook Road directly on the corner with the Tiverton House access. Furthermore, given that the rear two spaces would be blocked in by cars parked towards the highway frontage, it appears very likely to me that some manoeuvring would occur in relation to the use of these spaces.
9. Therefore, although there were very few traffic movements in Ambrook Road and the spur road at the time of my visit, I cannot rule out the possibility that the odd parking arrangements could generate manoeuvring which might be unpredictable or, at a more busy time, give rise to traffic conflict and an attendant risk to highway safety.
10. It has not therefore been convincingly demonstrated that the development would not give rise to harm to the functioning of the transport network or to the safety of users of the transport network, and it would therefore conflict with policy DM13 of the SPDP and policy CS20 of the CS, which seek to avoid this.

Living Conditions

11. The rear windows of the appeal properties would be facing the rear gardens of Nos 85 and 87. Although they would be separated from the boundary with No 85, and would have a diagonal orientation towards the rear boundaries of the gardens, I conclude that the presence of first floor windows in relatively close proximity to the gardens would nonetheless create some real and perceived additional overlooking, which would cause harm to the living conditions of occupiers of Nos 85 and 87. The introduction of two storey built forms would have some effect on outlook from the rear of those properties, but as it would be separated from the boundary, I conclude that it would be limited.
12. The development would fail to comply with policy DM4 of the SDPD, which seeks to ensure that new development will not cause a significant detrimental impact to the living environment of existing or new residential properties in terms of privacy and overlooking. I conclude that the more minor effect in respect of outlook from neighbouring properties would not pass the threshold of significant detrimental impact set in this policy, and would thus not conflict with it.
13. Policy DM10 of the SDPD seeks to ensure that houses are provided with private outdoor space that allows for a range of outdoor leisure and practical uses. It goes on to suggest that for houses, a guide would be useable private outdoor space no less than the gross floor area of the dwelling to which it relates. Policy DM11 of the SDPD, in considering proposals for new residential development within the curtilage of private residential gardens, seeks to ensure that the application site is of adequate size and dimensions to accommodate amenity space.
14. Although no details of the surface areas of the proposed gardens have been put before me, it is apparent from the submitted drawings that they would be small, particularly in the context of the area, and oddly shaped. Furthermore, without any details of landscaping or boundary treatments, it is not clear whether the areas to the flanks of the proposed dwellings are intended as, or could adequately serve as, private amenity space. On the basis of the evidence before me therefore I am not convinced that adequate, private outdoor amenity space, capable of supporting a range of activities, would be provided. The development would not, as a result, accord with policies DM10 and DM11 of the SDPD.

Affordable Housing

15. Policy DM6 of the SDPD seeks a financial contribution towards affordable housing provision from sites where 1 to 4 dwellings are to be developed and which would enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough. The appellant has not provided a S106 agreement in respect of an affordable housing contribution.
16. Notwithstanding the reinstatement as national policy of the Secretary of State's Written Ministerial Statement 2014 (WMS), which exempts developments of 10 or fewer dwellings from planning obligations for affordable housing, it accepted in paragraph 99(iii) of the Court of Appeal judgement of May 2016¹ that local circumstances may justify lower or no thresholds as an exception to the

¹ SSCLG v West Berkshire and Reading Borough Council [2016] EWCA Civ 441

national policy for such developments, and that it would as a result be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

17. The Council has drawn my attention to the very high levels of need for affordable housing within the borough, indicated in its Affordable Housing Supplementary Planning Document, dated 2013, and in the Berkshire Strategic Housing Market Assessment 2016. Other evidence before me includes a number of recent appeal decisions² where the Inspectors found that the need to avoid disproportionate burdens on the developer and to encourage more house building was outweighed by specific affordable housing needs in Reading, rising market values and the significant contribution towards the delivery of affordable housing in the borough that can be made by small sites.
18. Although I attach considerable weight to the WMS, on the basis of the compelling evidence before me I conclude that a lower threshold is justified by local circumstances relating to the significant need for affordable housing, and that, therefore, while it would be an exception to national policy, the proposal should be determined in line with the development plan. Consequently, a contribution towards affordable housing would be justifiable in this case
19. The appellant has not disputed the Council's evidence, and he has not sought to demonstrate that the development would be unviable if a contribution was made. However notwithstanding his stated willingness to supply such an agreement one has not been supplied. The proposal as it stands therefore fails to make adequate provision for affordable housing, and is in conflict with policy DM6 of the SDPD.

Conclusion

20. The appellant has submitted that the proposed dwellings would promote high levels of sustainability by making good use of what he describes as an otherwise under-used parcel of land within the settlement and in an area with good transport links. However, I find that the harms which I have identified above, which together amount to significant harm, would outweigh these potential benefits.
21. For the reasons given above therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR

² APP/E0345/W/16/3160582; APP/E0345/W/16/3153661; & APP/X0360/W/16/3154971



Appeal Decision

Site visit made on 14 March 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018

Appeal Ref: APP/E0345/W/17/3183456

8 Ardler Road, Caversham, Reading, RG4 5AE

- 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 J Chahaun against the decision of Reading Borough Council.
 - The application Ref 170574, dated 3 April 2017, was refused by notice dated 13 July 2017.
 - The development proposed is the demolition of existing bungalow and construction of 2x 2storey semi-detached houses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Following the submission of a protected species survey, the Council have confirmed that they concede their 5th reason for refusal, as set out in the Decision Notice. Accordingly, the main issues are:
 - (a) Whether or not the proposal would provide a suitable site for housing having particular regard to its location within Flood Zone 3;
 - (b) the effect of the proposed development upon highway safety;
 - (c) whether or not a planning obligation is required to make the proposal acceptable with particular regard to affordable housing; and,
 - (d) the effect of the proposed development upon the character and appearance of the area.

Reasons

Flood Risk

3. The appeal site is located within a residential area of Caversham. The existing bungalow on the site would be demolished and two semi-detached 2-storey dwellings would be erected. The appeal site is an area at a high risk of flooding, located within Flood Zone 3a, as defined by the Environment Agency (EA) mapping. As relayed within the appellant's Flood Risk Assessment (FRA), this area contains high concentrations of residential dwellings. Properties at risk from flooding could increase by 50% as a consequence of climate change.
4. Policy CS35 of the Reading Borough Core Strategy 2008 (altered 2015) (CS) states that permission will not be granted in areas of a high risk of flooding.

- The supporting text notes that in such areas, the Sequential Test must be applied and, if appropriate, the Exceptions Test is passed.
5. One of the Government's core planning principles is to take full account of flood risk and paragraph 101 of the National Planning Policy Framework (the Framework) states that development should not be permitted if the Sequential Test demonstrates that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The principle behind the sequential approach is to direct development away from areas at highest risk, in accordance with paragraph 100 of the Framework.
 6. The submitted FRA does not undertake a formal assessment of the Sequential Test. Instead, it is asserted that in light of the presence of residential development on the site, the Sequential Test has been passed.
 7. The Planning Practice Guidance (PPG) ¹ states that a pragmatic approach on the availability of alternative sites should be taken. Nonetheless, the appellant's reliance on the site being located in an existing residential area, around 400m away from the River Thames, and the net addition of only a single extra unit falls significantly short of a robust case necessary to demonstrate that the Sequential Test is passed.
 8. I therefore cannot be satisfied that there are no reasonable alternatives for such development where flood risk would be lower. Without such information, and given the seriousness of the consequences of flooding, it cannot be demonstrated that the redevelopment of the appeal site for housing would be acceptable.
 9. Paragraph 102 of the Framework sets out the Exception Test which requires that there must be demonstrable sustainability benefits and that the proposed development would be safe. The Council also refused consent citing that it had not been demonstrated within the FRA that there would be no increased risk of flooding to the development or other dwellings or mitigation measures. The EA, as a statutory consultee, have also expressed their concerns in this regard.
 10. While some mitigation measures are proposed in respect of the design of the dwellings, as set out in paragraph 11.5 of the FRA, again the assessment does not adequately demonstrate that the development will be safe for its lifetime or in respect of residual risk. I also disagree that the development would amount to less risk to life in a flood event given the provision of a suitable refuge at first floor level. While the dwellings would be over 2 floors, and the existing property is single storey, there would be an overall increase in occupants and thus an increased risk. In any case, as the Sequential Test has failed, the Exception Test does not fall to be considered further.
 11. I therefore conclude that, in the absence of any robust evidence to demonstrate that the dwelling could not be located in an area with a lower risk of flooding, the proposal would not provide a suitable site for housing. As a consequence, it would be contrary to CS Policy CS35 and paragraphs 100 and 101 of the Framework which seeks to direct development away from areas of highest flood risk.

¹ Reference ID: 7-033-20140306

Highway Safety

12. CS Policy CS24 states that car parking standards will be applied in relation to the accessibility, including to public transport. Policy DM12 of the Reading Sites and Detailed Policies Document 2012 (altered 2015) (SDPD) states that consideration will be given to the effect on safety, congestion and the environment.
13. Ardler Road is a one way street, exiting onto Gosbrook Road. There are no parking restrictions along its length. The appeal site is located within walking distance of local shops and amenities, as well as to the centre of Reading. The area is also well served by public transport. Based on this, the site is located within Zone 2 as set out within the Revised Parking Standards and Design Supplementary Planning Document 2011 (SPD) and for new 2-bed dwellings, the provision of a single off-street parking space per unit is required.
14. While a forecourt area would be provided for each dwelling, these would not be sufficient in depth to allow for off-street parking. As such it is anticipated that any parking would be accommodated on the public highway. The appellant states that there would be no harm to the safety and convenience of the highway network arising from the additional 2 parking spaces due to the availability of parking spaces during the day and at evenings/weekends.
15. However, Ardler Road has a number of earlier 20th century dwellings along its length, many of which do not benefit from off-street parking. At the time of my visit, which was during the working day, there were a number of cars parked along the length of the road. I also noted cars parked on the wide grass verge to the corner of Ardler Road and Hardy Close, to the north of the appeal site. I would expect on-street parking to be greater at peak hours, overnight and at weekends.
16. I am also mindful that the existing dwelling at the site has a garage, dropped kerb and driveway which would fit a small car. The appellant claims that the garage is sub-standard. While it is in a dilapidated condition, I have no reason to doubt that it could not be used as a garage and therefore there would be a net loss in off-street parking at the site.
17. In light of the car parking standards set out in the SPD, as well as the conditions of Ardler Road, overall on this matter I conclude that the lack of parking within the proposed scheme would cause harm to highway safety. The development would conflict with CS Policy CS24 and SDPD Policy DM12, as well as the SPD.

Affordable Housing

18. SPDP Policy DM6 requires that for developments of 1-4 dwellings, a financial contribution should be made that will enable the equivalent of 10% of the housing to be provided as affordable housing. Exceptions may be made where it can be demonstrated that the viability of the site would be affected. No legal agreement to secure the contribution has been supplied, nor has any viability information and as such the proposal does not accord with Policy DM6.
19. Instead, the appellant has sought to justify a lack of agreement in respect of a Written Ministerial Statement (WMS) dated 28 November 2015 which indicates

that contributions should not be sought from developments of 10 units or less. The PPG also makes clear reference in this regard.²

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council have provided substantive evidence in respect of their affordable housing policy in relation to supply of affordable housing, existing need, current initiatives, and future supply.
21. From this I am satisfied that there is a demonstrable need for affordable housing within the Borough which amounts to over 50% of the Council's Objectively Assessed Need. I also note that due to its tight boundaries and urban nature, development is the most part is derived from the redevelopment of existing sites.
22. Accordingly, while the WMS is a material consideration to which I attach significant weight, I find the Council's evidence to be compelling and the adopted policy stance seeking to secure affordable housing contributions from small scale sites to be justified. I am also mindful that a number of my colleagues have reached similar conclusions in other appeal decisions in the Borough.
23. In the absence of any contribution, on this matter I therefore consider that the proposal fails to make an adequate provision for affordable housing, in conflict with Policy DM6 of the SPDP. Accordingly, the development would fail to create mixed and balanced communities within the Borough.

Character and Appearance

24. Ardler Road contains a number of residential properties, in a variety of different scales and forms and using a variety of materials. The proposed dwellings would be positioned in line with modern dwellings to the south of the appeal site. While they would have a deeper footprint than these dwellings, I saw that a number of other dwellings in the street scene also had deeper footprints and I am satisfied that the depth would have no overbearing effect upon the neighbouring dwellings.
25. Moreover, the dwellings would be 2-storey in height, in common with the dwellings along Ardler Road. Any variety in ridge height and pitch would be consistent with the general variance in the roof scape experienced along the road and I do not consider that the development would be dominant and visually intrusive in this regard.
26. I am also mindful that, due to a lack of reference of materials on the submitted plans, application form and Design and Access Statement, these could be reasonably conditioned.
27. Overall, I conclude on this matter that the development would have a satisfactory design and appearance which would cause no harm to the character and appearance of the area. The proposals would accord with CS Policy CS7 which requires that the character and appearance of the area of Reading in which it is located is maintained. The development would also

² Paragraph 031 Reference ID: 23b-031-20161116

comply with SPDP Policies DM4 and DM11 which seek to protect residential amenity and ensure development is compatible with the local area.

Conclusion

28. While I have found no harm to character and appearance of the area, I have found harm in respect of flood risk, lack of affordable housing and to highway safety.
29. For these reasons, and having regard to all other matters raised, the appeal should be dismissed.

C Searson

INSPECTOR



Appeal Decision

Site visit made on 9 March 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State.

Decision date: 13 April 2018

Appeal Ref: **APP/E0345/W/17/3184513**

8 Benson Close, Reading, RG2 7LP

- 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 Eytayo Olotu of Index Assets and Consulting Ltd against the decision of Reading Borough Council.
 - The application Ref 170609, dated 6 March 2017, was refused by notice dated 4 July 2017.
 - The development proposed is "a new build 3 bed house beside the existing No 8 Benson Close. Pre app (ref:151091) was sought. Feedback from the pre app was now used in the design of the new proposal".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's third reason for refusal relates to concern that the development would lead to vehicular manoeuvring over the front garden of 7 Benson Close. The appellant has provided a diagram at the appeal stage that seeks to address this concern. The Council and interested parties have had the opportunity to comment on this plan as part of the appeal process. I will also have regard to this plan, in dealing with this appeal.

Main Issues

3. The main issues in the appeal are
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupants of surrounding residential properties, with particular regard to whether or not it would result in an overbearing effect to numbers 58 Northcourt Avenue, 8 and 9 Benson Close; and
 - Whether the development makes sufficient provision for affordable housing off site.

Reasons

Character and Appearance.

4. Benson Close is characterised by small detached properties, faced in brick and with shallow pitched roofs of various orientations. Their side by side alignment reflects the course of the road and the topography of the land on which they are built. I observed that the properties at each end of the road around the vehicle turning areas generally benefit from a greater amount of visual space between them, leading to a spacious character around these parts of the road.
5. The proposed building would also appear as a small detached property with a shallow pitched roof and, in this regard, would reflect the appearance of the buildings that surround it. However, because of its siting, its front elevation would appear to project abruptly forward at a right angle to the front elevation of No.8. In consequence, the 2 properties would appear poorly aligned with each other, when compared with the other buildings along Benson Close.
6. The poor visual relationship between the 2 properties would be exacerbated by the limited gap between them, which contrasts with the more generous spacing I observed between other properties around each end of this road. Consequently, the development would lead to the creation of a building that appears cramped in the context of its immediate neighbour, to the detriment of the overall character and appearance of Benson Close.
7. In coming to this view I accept the appellants argument that the detailed design of the building, including its doors and windows, would broadly reflect other existing residential buildings along Benson Close. I also note that a well sized garden area would be provided for both dwellings. However, the harm I have identified principally relates to the siting of the new building in relation to No.8 and the road on to which it faces, and is not outweighed by these considerations.
8. I therefore conclude that the development conflicts with policies DM11 of the Reading Borough Local Development Framework "Sites and Detailed Policies Document" adopted October 2012 ("SDPD") and policies CS7 and CS15 of the Reading Borough Local Development Framework Core Strategy (Adopted January 2008 with Alteration adopted 27th January 2015) ("Core Strategy") which, amongst other things, requires that development is of a high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located.

Living conditions

9. The appeal site is located at the end of the rear garden of No. 58 Northcourt Avenue. Because of its bulk and height, the new building would be visible from the rear of this neighbouring building and its garden. However, the garden area of No.58 is of a substantial size, and any overshadowing from the new building would only affect a small part of it. Consequently, there would be no material harm to the living conditions of the occupants of No.58 through any overshadowing arising from the development.
10. However, I do have concerns about the windows proposed at first floor level on the rear elevation, which would directly overlook the garden of No.58. Whilst these are small windows that serve a stairwell and bathroom, they would nonetheless lead to an unacceptable perception of overlooking in respect of the

garden of No.58, and in this regard they would be visually overbearing. This matter could not be addressed through a requirement that the windows in question are constructed from obscure glass, as the harmful perception of overlooking would remain.

11. Considering the relationship with the residual building at No.8, whilst the proposed building would project forward of the front elevation of this dwelling, the front elevation of No.8 would retain a reasonably open and unobstructed outlook. The bulk of the new building would be located a reasonable distance away from No.9 Benson Close, across a parking area. As such, I do not agree that the development would lead to an unacceptable overbearing effect in relation to either of these properties. Any overlooking from new windows within the building towards the neighbouring properties along Benson Close would be from a reasonable distance, and would not be materially harmful given the current extent of mutual overlooking found between residential properties on Benson Close.
12. To conclude on the matter of living conditions, I find that the development would lead to an unacceptable overbearing effect through the positioning of the windows within it, in relation to No.58 Northcourt Avenue. In this regard, the proposed development conflicts with policies DM4 and DM11 of the SDPD, which, amongst other things, requires that development does not cause a significant detrimental impact to the living environment of existing residential properties through any overbearing effect. The harm in this regard is limited to the relationship with No.58 as described in my reasoning above. In all other regards the proposal would be acceptable in terms of its effect on the living conditions of the occupants of surrounding residential properties.

Affordable Housing

13. The Council's fourth reason for refusal relates to the absence of a contribution towards off-site affordable housing elsewhere in the Borough. Development plan policy DM6 of the SDPD, seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution.
14. However, the Written Ministerial Statement of 28 November 2014 ("WMS") states that contributions for affordable housing should not be sought from small-scale developments, of which this is an example. This is also reflected in Government's Planning Practice Guidance. I attach great importance to government policy in this regard, and its purpose of exempting small developers from the disproportionate burden of developer contributions.
15. Notwithstanding this, the Council's representation describes in detail a significant need for affordable housing in the Borough. It further demonstrates that the Council has secured substantial affordable housing contributions from small sites of 10 and fewer dwellings, under Policy DM6, to meet this need. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing, and that small sites will continue to contribute a significant part of future housing development.

16. Furthermore, the Council provide details of 16 other appeal¹ decisions where Inspectors have found, notwithstanding the WMS, affordable housing contributions on small sites within Reading are justified. The bulk of recent findings by other Inspectors on appeal cases involving affordable housing contributions on small sites in Reading support the Council's position taken in the reason for refusal that led to this appeal.
17. Taking all of these points in to account, on this occasion I consider that the requirements of the WMS and Planning Practice Guidance are outweighed by the persuasive case made by the Council of the need for contributions towards affordable housing within Reading, to which I attach substantial weight. With reference to paragraph 215 of the Framework, I accept that a conflict between national planning policy and an existing development plan may affect the weight to be given to the latter. However, in the present case, I am satisfied that the factors set out above indicate that my decision should be taken in accordance with the development plan, in relation to this issue.
18. The appellant does not contest the need for this contribution and agrees in principle to make such a contribution. This would ordinarily be provided by way of a unilateral undertaking or section 106 agreement, however no such agreement is before me as part of this appeal. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and would in principle satisfy the 3 tests in Regulation 122(2) of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework.
19. As such, in the absence of any means of securing an affordable housing contribution, the proposal conflicts with policy DM6 of the SDPD which requires a financial contribution to affordable housing equivalent to 10% of the housing provided by the development elsewhere in the Borough, in cases such as this. It also conflicts with the relevant parts of the Council's Supplementary Planning Document, 'Affordable Housing' (2013), which share the same objectives as this development plan policy.

Other Matters

20. The appellant submitted a revised plan with their statement which demonstrates that vehicles manoeuvring off the new driveway constructed to the front of 8 Benson Close would not encroach on the front garden area of No. 7 Benson Close. The Council advise that this addresses their concern set out in its third reason for refusal. I agree that the relevant plan demonstrates that the proposed development would not lead to the encroachment of vehicles on to the neighbouring property, and as such there is no conflict in this regard with policy DM12 of the SDPD which requires that, amongst other things, new development does not lead to a material detrimental impact on the functioning of the transport network.
21. The appellant draws attention to alleged inconsistencies in the advice given by officers of the Council, regarding the proposed development prior to the appeal being submitted. However, it is not part of my remit to investigate these allegations. My determination must be made on the planning merits of the proposed development.

¹ See Appendix to the Council's appeal statement entitled "Statement on Affordable Housing Provision as part of the Development of Small Sites".

Conclusion

22. The proposed development would lead to unacceptable harm to the character and appearance of the area, and to the living conditions of the occupants of neighbouring residential buildings. Furthermore, insufficient provision is made towards affordable housing off site. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 9 March 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2018

Appeal Ref: **APP/E0345/W/17/3189394** **48 Watlington Street, Reading, RG1 4RS**

- 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 Iqbal Mushtaq of Erleigh Enterprises Ltd against the decision of Reading Borough Council.
 - The application Ref 170975, dated 13 June 2017, was refused by notice dated 6 October 2017.
 - The development proposed is part single- part two storey rear extension and conversion of an enlarged existing HMO to form a six person HMO above a self-contained basement flat.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on:
 - the living conditions of future residents, with particular regard to whether the internal layout is satisfactory given the availability of light, outlook and noise conditions within the development;
 - the character and appearance of the area, with particular regard to whether it would preserve or enhance the character or appearance of the Eldon Square Conservation Area;
 - the provision of cycle parking, given the need to encourage sustainable modes of transport; and
 - The provision of affordable housing within the Borough.

Reasons

Living conditions

3. The upper floor accommodation would be used as a House of Multiple Occupation ("HMO"). Ample natural light would be provided to the main communal living area of the HMO through the large window on the rear elevation of the building, and roof lights on top of the extension. Whilst there would be 3 doors within the HMO living room, one would lead to a plant room, which would be unlikely to be accessed on a regular basis. The other doors

- provide access to the main corridor of the flat and the staircase leading to the garden area.
4. Overall, the layout of this area would not be unduly narrow or convoluted. It would serve the function of food preparation and consumption, and relaxation for its residents. The HMO would, as a whole, provide a good standard of living accommodation.
 5. All the main living rooms in the basement flat would have windows that provide natural light. The rear facing rooms would benefit from patio doors opening out to a good sized private garden, providing high quality external amenity space. The existing ceiling heights would also be raised, improving the overall sense of space at lower ground floor level. These works could, if necessary, be secured by planning condition.
 6. Parts of the main living area of the basement flat would be remote from the windows serving this room. However a 'suntube' would provide some natural light to these areas. A daylight and sunlight report demonstrates that the main living area would achieve an average daylight factor of 2%. Whilst the Council dispute the findings of this report, I consider that the room in question would receive an acceptable amount of natural light.
 7. The outlook from the front bedroom would be limited due to its proximity to the front lightwell, and any car that may be parked on the driveway above. However, this room would be used as a bedroom, for the purpose of sleeping. Whilst no technical calculations on daylight are provided for this room, the levels of natural light and outlook provided by the window would be adequate, given the use of the room.
 8. The rear bedroom would provide sufficient space for a single bed, along with some living space. I do not agree that the light levels to this room would be poor as it would be served by a large window opening out to the garden area. Neither the rear bedroom nor the living room would, to my mind, be unacceptably narrow or constricted.
 9. The proposal would not meet the *Nationally Described Space Standard*¹ for a 2 bedroom, 4 person unit. However, there is no evidence before me that this standard has been formally adopted by the Council. In this case, given the constraints of the site, the layout and total size of the basement flat would be satisfactory. It would provide good quality living accommodation suitable for occupation by families.
 10. Any noise arising from the use of the external staircase from the HMO to the garden would be intermittent. It would not significantly compromise the living environment of residents of the basement flat. The equipment installed within the proposed plant room would be connected with the residential use of the building. It would be unlikely to lead to significant noise audible from surrounding rooms, including the bedroom directly below it. In other regards, the main living area of the HMO would be located above the equivalent room in the basement flat, and the stacking arrangement would be appropriate.
 11. In conclusion, both units would provide satisfactory living conditions for future occupiers in relation to the availability of natural light, outlook, noise conditions and the layout of habitable rooms. There is no conflict with policies DM4 and

¹ Technical housing standards – nationally described space standard (March 2015)

DM8 of the Reading Borough Local Development Framework Sites and Detailed Policies Document Adopted October 2012, altered 2015 ("SDPD"), nor policy CS18 (Residential Conversions) of the Reading Borough Local Development Framework: Core Strategy (2008, altered 2015) ("Core Strategy") which, amongst other things, seeks to avoid any significant detrimental impact to the living environment of existing or new residential properties. Nor is there any conflict with the Council's Residential Conversions: Supplementary planning document (adopted November 2013), which shares similar objectives.

Character and appearance

12. The site is located within the Eldon Square Conservation Area. Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. In this regard, the character of the Conservation Area is principally derived from the relationship between the historic front facade of the terrace within which the property sits to Watlington Street, and the rear of the terrace to the garden land behind it, which is also visible from 'the Grove', to the south of the site.
13. The proposed rear extension at lower ground and ground floor level would replicate other extensions found within the terrace, and would therefore follow the prevailing pattern of development. An external staircase would be installed to the rear, sitting within a recess between the ground floor rear extension and the extension on the neighbouring building. This would be a hidden, disguised feature. Because of its recessed location it would not appear unduly prominent in views from the rear of the terrace, including views from the Grove.
14. Consequently, the development would have a neutral effect, therefore preserving the character and the appearance of the Eldon Square Conservation Area. There is no conflict with policies CS7 and CS33 of the Core Strategy which, amongst other things, requires that development is of a high quality design that maintains and enhances the character and appearance of the area of Reading which it is located, with areas of areas of historic importance being protected.

Cycle Parking

15. Cycle parking would be provided to the front of the building within a store located in an undercroft. The application is clear that this would be used by the occupant of the basement flat, to protect the privacy of the front bedroom. The store would be limited in its functionality and it would be unlikely to be possible to fit a full size bike within it, although it could be used for the storage of folding bikes. However, due to the constraints of the site there would appear to be no alternative method of providing cycle parking to the front of the property. On the evidence before me, this cycle store would not obstruct the entrance to the flat, as alleged by the Council.
16. The cycle store for the HMO would be located in the rear garden. Accessing this would require future residents to carry their bikes through the building. I do not agree that this is an unduly problematic or unrealistic arrangement: in my experience it is common in urban areas where space is limited. Any disturbance arising from residents carrying their bikes through the building would not amount to material harm to the living conditions of other residents in the HMO.

17. Overall, both solutions are acceptable given the constraints of the site. They would make provision for sustainable forms of transport, meeting policy CS24 of the Core Strategy and policy DM8 of the SDPD which, amongst other things, requires that cycle parking of an appropriate size and standard is provided where new development is proposed. It would also comply with the relevant parts of the Residential Conversions SPD and the adopted Supplementary Planning Document: 'Revised Parking Standards and Design' (2011) which shares similar objectives.

Affordable Housing

18. The Council's fourth reason for refusal relates to the absence of a contribution towards off-site affordable housing elsewhere in the Borough. The appellant contests the need for this contribution, drawing attention to a) the Written Ministerial Statement of 28 November 2014 ("WMS") and b) changes made to Planning Practice Guidance which support his view that contributions for affordable housing should not be sought from small-scale developments, of which this is an example.

19. However, my determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan. In this case development plan policy DM6 of the SDPD, seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with a provision for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Whilst I note the affordable housing statement submitted with the application, the appellant has not offered any financial appraisal of the proposal to demonstrate that the contribution sought by the Council would make the scheme unviable. In consequence, the absence of any affordable housing contribution means that the proposal conflicts with the development plan.

20. Turning to the other material considerations, the WMS states that affordable housing contributions shall not be sought for developments of 10 units or less. This is repeated in *Planning Practice Guidance*. I attach great importance to government policy in this regard, and its purpose of exempting small developers from the disproportionate burden of developer contributions.

21. However, the Council's representation describes in detail a significant need for affordable housing in the Borough and demonstrates that the Council has secured substantial affordable housing contributions from small sites of 10 and fewer dwellings, under Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing, and that small sites will continue to contribute a significant part of future housing development.

22. Furthermore, the Council provide details of 16 other appeal² decisions where Inspectors have found, notwithstanding the WMS, affordable housing contributions on small sites within Reading are justified. Whilst the appellant provides details of one appeal decision³ where the Inspector agreed that a

² See Appendix 1 to the Council's appeal statement "Statement on Affordable Housing Provision as part of the Development of Small Sites".

³ APP/E0345/W/15/3140108

contribution was not necessary, the bulk of recent findings by other Inspectors on appeal cases involving affordable housing contributions on small sites in Reading clearly support the Council's position taken in this appeal. I further note that, in the appeal decision cited by the appellant, the Inspector acknowledges that it may be the case that local circumstances could justify seeking contributions towards affordable housing below the WMS threshold (paragraph 15), however there was no evidence before him that such an approach should apply in that appeal. In the case before me, the Council have provided detailed evidence of the need for affordable housing, as discussed above.

23. The development would clearly meet a housing need and would thus, albeit in an indirect way, help reduce the demand for affordable housing in Reading. However, there is no persuasive evidence before me that the need for an affordable housing contribution would prevent the development from occurring. I accept that the requirement for a contribution represents a burden for the appellant, and note the points made in support of this position. However, on this occasion these considerations are outweighed by the persuasive case made by the Council of the need for contributions towards affordable housing with Reading, to which I attach substantial weight. As such, I consider that an exception to the approach set out in the WMS and *Planning Practice Guidance* is justified.
24. With reference to paragraph 215 of the Framework, I accept that a conflict between national planning policy and an existing development plan may affect the weight to be given to the latter. However, in the present case, I am satisfied that the factors set out above indicate that my decision should be taken in accordance with the development plan. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and would in principle satisfy the 3 tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. The proposal would fail to secure appropriate financial contributions towards the provision of affordable housing and so would be in conflict with policy DM6 of the SDPD which requires a contribution to affordable housing equivalent to 10% of the housing provided by the development, in cases such as this. It also conflicts policy CS16 of the Core Strategy, which shares similar objectives, and the relevant parts of the Council's Supplementary Planning Document, 'Affordable Housing' (2013), which shares the same objectives as these development plan policies.

Other matters

25. The appellant argues that planning permission was granted by the Council for a similar sub division of the neighbouring property at 46 Watlington Street in 2016⁴, creating another flat at basement level. I have found that, in this case the layout of the basement flat proposed would also be acceptable. However, this finding does not overcome my concern over the lack of an affordable housing contribution.
26. The Council also draw attention to an enforcement notice, upheld at appeal⁵, issued in respect of, amongst other things, a two storey rear extension to the neighbouring property. However, in this case the Council's concerns principally

⁴ Reference 152298

⁵ APP/E0345/C/17/3170558

relate to the appearance of the proposed staircase to the rear of the building. As such, the cases are not directly comparable. For the reasons set out in the main part of my decision, I consider that this element of the proposed development would be acceptable.

Conclusion

27. The proposed development would provide satisfactory living conditions for future occupants of both flats. Furthermore it would be acceptable in terms of its effect on the character and appearance of the area, and would preserve the character and the appearance of the Eldon Square Conservation Area. Acceptable provision for cycle parking would be made given the constraints of the site. However, the proposed development fails to make a financial contribution to affordable housing off-site and therefore conflicts with policies in the development plan. There are no material considerations that indicate that the decision should be made otherwise than in accordance with the conflict with the development plan. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 19 June 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2018

Appeal Ref: APP/E0345/W/17/3191092

Adjoining 90 Oakley Road, Hemdean Road, Caversham, Reading RG4 7RN

- 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 and Mrs Philip Yeatman against the decision of Reading Borough Council.
 - The application Ref 170775, dated 11 May 2017, was refused by notice dated 21 August 2017.
 - The development proposed is two, two-bedroom flats. Existing garage demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans as part of the appeal. Drawing number PY/2 (Appendix 5) shows an alternative design to the proposed flats. I have not been formally requested to consider this drawing in place of that which was refused by the Council, which has the same drawing number. In any case, I would not be able to do so as only one elevation has been provided.
3. The revised plan for the proposed car parking, cycle store and bin storage (drawing number PY1A) was however submitted to the Council prior to the determination of the application. I appreciate that these details were not specifically consulted upon but the scheme is essentially that which was considered by the Council and on which interested people's views were sought. I am satisfied therefore, that in applying the 'Wheatcroft Principles', I am able to accept this amended plan and determine the appeal on the basis of the same.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupiers of neighbouring dwellings with particular reference to outlook and perceived overlooking;

- whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to noise and disturbance and the provision of external living space;
- the effect of the proposed development on highway safety;
- whether a planning obligation is necessary in respect of an affordable housing contribution; and
- whether the proposal provides appropriate cycle storage and bin storage.

Reasons

Character and appearance

5. The appeal site presently forms part of the garden area of No 90 Oakley Road, which is a large detached dwelling located within an established residential area. The age and style of dwellings in the vicinity are mixed. Nevertheless, those dwellings are, in the main, conventionally located fronting onto the road with private amenity space provided at the rear. Grassed areas, trees and vegetation contribute to creating an attractive setting to the dwellings. Many of the properties also benefit from generously sized gardens.
6. Although the proposed flats would be sited so as to address the Hemdean Road frontage, it would be readily apparent, due to the exposed and prominent corner location, that the building would be tightly positioned to the boundary of No 4 Brill Close with no meaningful rear amenity space. The development would also appear uncharacteristically close to the southern boundary, with the intervening space being fully occupied by a tight car parking arrangement. The northern part of the site would also appear constrained by its heavily chamfered shape. As a consequence, the proposal would appear cramped and unable to achieve an appropriate setting or spacing around the building to reflect the prevailing character of the area. The revised details do not overcome these concerns.
7. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the area and as such would be in conflict with Reading Borough Local Development Framework Core Strategy (CS) Policy CS7 and Reading Borough Local Development Framework Sites and Detailed Policies Document (SDPD) Policy DM11. These policies state, amongst other matters, that all development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located.

Existing occupiers living conditions

8. The rear of the proposed flats would be positioned in close proximity to the boundary with No 4 Brill Close. The only window in the side facing elevation of No 4 is a small window at first floor level. Its position within this elevation is such that it is likely to be close if not forward of the building line of the flats. The outlook from the window would not therefore be unacceptably compromised. However, approximately half of the proposed building would sit behind the rear building line of No 4. I have noted the appellant's argument that the height of the building has been kept deliberately low but even so, 5m to the eaves is significantly greater than the existing garage. As a result, the outlook from the garden area of No 4 would be dominated by a mass of largely unrelieved built form in a way that I consider would be overbearing and oppressive. I do not

consider that this would be acceptably resolved with the alternative scheme which shows part of the upper floor living accommodation within the roof space.

9. I acknowledge that there may have been a substantial tree adjacent to the existing garage but as acknowledged by the appellant, this has been removed. Its effects are therefore no longer relevant.
10. The side elevation directly facing the rear of No 90 includes two windows. Mutual overlooking from the proposed ground floor bedroom would be effectively prevented by the proposed intervening 1.8m high fence. The first floor window would serve a kitchen and is proposed as obscure glazing. This could be adequately controlled by way of condition and in doing so would prevent actual overlooking and loss of privacy. Occupants of No 90 and No 4 would be able to identify the window as being obscure glazed and therefore any perceived level of overlooking is unlikely to be significant. The same would apply to the occupants of No 80 Oakley Road, where there would also be a greater degree of separation, more acute viewing angles and intervening trees and vegetation to further reduce any perceived threat of overlooking.
11. I appreciate that the respective orientation is such that that the proposal would not unacceptably affect light and sunlight reaching No 4. However, this particular concern does not form part of the Council's reasons for refusal.
12. Nevertheless, I have found that the proposal would result in unacceptable harm to the living conditions of the occupants of No 4 in terms of outlook and for this reason the proposal would be contrary to SDPD Policies DM4 and DM11. These policies state, amongst other things, that development will not cause a significant detrimental impact to the living environment of existing or new residential properties in terms of visual dominance and overbearing effects.

Future occupants living conditions

13. SDPD Policy DM10 states that dwellings will be provided with functional private or communal open space that allows for suitable sitting out areas, children's play areas, cooking, composting, refuse and general outdoor storage and drying space. The supporting text states that 25m² of outdoor space per flat should be used as a guide for new proposals. The Council say that the proposal would provide 40m² and no evidence is provided by the appellant to dispute this. The proposal would therefore fall short of the guide figure of SDPD Policy DM10.
14. Moreover, the grassed space to the side of the flats is limited in size and would be further constrained by its impractical shape and position. In the absence of a plan to demonstrate otherwise, I am not convinced that it would be of sufficient size to accommodate the usual outdoor amenity space expectations set out in SDPD Policy DM10, particularly for the occupants of two dwellings. Moreover, this space is unlikely to receive much direct sunlight because of its relatively limited depth and position immediately adjacent to the northern side of the building. The space would also lack privacy as it would be directly overlooked from the adjacent pavement. If effective screening was used to prevent such overlooking, this would, because of the limited size of the space, result in an increased sense of enclosure and confinement. These factors would significantly reduce the usability and attractiveness of the space.

15. Similarly, the front garden area would be very limited in its usability, privacy and attractiveness as it would be directly overlooked from the road. Overall I find that the proposed external amenity space provision would fall short of the reasonable expectations of future occupants.
16. The ground floor window of bedroom two would also be positioned directly adjacent to the parking area for the proposed development. This would amount to a poor outlook from that room, particularly when those parking spaces are occupied.
17. The proposed design would also place the kitchen and living room of the first floor flat above the two bedrooms of the ground floor flat. This is undesirable because of the potential differing times of use and the potential noise and disturbance to the bedrooms from televisions, music, general activity and movements in the kitchen and lounge area above. The proposed room placements therefore add to my above concerns, even taking into account opportunity to reduce the effects by appropriate acoustic insulation.
18. I recognise that amended drawing PY/2 demonstrates that the stacking issue could be resolved. However, to do so in the manner shown would in turn create privacy concerns in terms of the relationship of the ground floor bedroom with the adjacent garden space.
19. In support of the appeal, I have been referred to two new flatted developments in Hemdean Road and Wolsey Road. From the information before me and my own observations I would agree that those developments do have a limited amount of associated amenity space. However, both are relatively high density town centre locations where space provision expectations are likely to be less than that for a suburban location such as this. In any case, those existing developments do not justify allowing the further harm which would arise from the appeal proposal and which I have considered on its own merits.
20. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of future occupants and as a result would be contrary to SDPD Policies DM4 and DM10.

Highway safety

21. The Council's Revised Parking Standards and Design Supplementary Planning Document (SPD) requires two parking spaces be provided for each two bedroom dwelling.
22. The amended layout annotates that four, 4.8m x 2.4m parking spaces would be provided in two tandem layouts. However, spaces three and four would be positioned directly alongside a 1.8m high fence and no tracking information has been provided to demonstrate that cars in these spaces would be able to manoeuvre unhindered in and out, should car parking spaces one and two be occupied at the same time. In my view, such a tight relationship is likely to prove unattractive to future occupants and lead to on-street parking and potential obstruction and inconvenience to highway users.
23. The appellant has referred to little or no parking provision at the aforementioned new flatted schemes. This though does not reflect the layout plan provided for the Wolsey Road scheme which shows seven parking spaces provided. I acknowledge that the Hemdean Road scheme does not include any parking but the Inspector who granted planning permission for that

development found the site to be in a highly sustainable location where a car is not necessary. Wolsley Road is also located within a similarly sustainable location. However, the appeal site does not benefit from such a central location and no substantive evidence has been provided to demonstrate that a lesser provision would be appropriate in this case.

24. I therefore conclude that the proposal is likely to result in some harm to highway safety, contrary to CS Policy CS24 and SDPD Policy DM12 and to the Council's Revised Parking Standards and Design SPD. These state, amongst other things, that maximum car parking standards will be applied in relation to the accessibility of locations within the Borough to sustainable transport facilities and that development will only be permitted where the proposals would not be detrimental to the safety of users of the transport network.

Affordable housing

25. SDPD Policy DM6 and the Council's Affordable Housing Supplementary Planning Document (SPD)¹ require a financial contribution to be provided towards affordable housing elsewhere in the Borough. I note that the appellant is prepared to accept a legal agreement relating to affordable housing but no such agreement has been provided. In the absence of such a mechanism to secure a financial contribution the proposal does not accord with SDPD Policy DM6 and the aforementioned SPD.
26. As required by planning law², my determination of this appeal must be made in accordance with the development plan, unless material considerations indicate otherwise. A material consideration of considerable importance and weight in this instance is the Written Ministerial Statement (WMS) of the 28 November 2014, which amounts to national planning policy defining the specific circumstances in which affordable housing and tariff-style contributions should not be sought from residential development. This includes developments of 10 dwellings or less. The intention of the WMS is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply. Although the WMS was subsequently subject to a legal challenge, the Court of Appeal found in the Government's favour on 11 May 2016³ and the provisions of the WMS and the Planning Practice Guidance (PPG) have been reinstated.
27. Consequently there is a conflict between the national threshold relating to the provision of affordable housing in the WMS and the PPG against the local thresholds set out in SDPD Policy DM6. However, the Council states that the provision of affordable housing is a major issue in the borough, in that it experiences high levels of need as evidenced by a recent Strategic Housing Market Assessment and other indicators. The Council also makes reference to a number of appeal decisions in the Borough that have found in favour of its approach, that the 'local circumstances in Reading justify the need for small sites to make contributions to affordable housing as an exception to national policy.

¹ Affordable Housing Supplementary Planning Document

² Section 38(6) of the Town and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

28. I have not been provided with any evidence to support the Council's position or indeed copies of the appeal decisions referred to. This therefore limits the weight I have attached to the assertions. Nevertheless, a paragraph extract is provided from an appeal decision⁴ in Blagdon Road which does confirm the Council's approach and that the need for a contribution satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010. Accordingly the Inspector found that that proposed development should provide a financial contribution to affordable housing and that the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.
29. No evidence is provided by the appellant to persuade me to deviate from this approach in this case. Rather, as noted, the appellant is prepared to accept a legal agreement relating to affordable housing, but has not done so. In the absence of such an agreement the proposal would conflict with SDPD Policy DM6 and the Council's Affordable Housing SPD.

Cycle and bin storage

30. The amended block plan provided by the appellant demonstrates that the scheme is capable of delivering appropriate cycle and refuse/recycling facilities subject to precise details being controlled by way of condition. I do not therefore find conflict with CS Policy CS24 or with the Council's Revised Parking Standards and Design SPD, insofar as these relate to maximum cycle parking provision.
31. The Council's fifth reason for refusal also refers to conflict with CS Policy CS23. However, this relates to sustainable travel and travel plans for major development proposals, which the appeal proposal is not. It is not therefore directly relevant to my consideration of this main issue.

Conclusions

32. Although I have found that the scheme is capable of providing appropriate cycle storage and bin storage, I have found unacceptable harm to the character and appearance of the area and to the living conditions of existing and future occupants and to highway safety. Moreover, I do not have a planning obligation to deliver a policy compliant affordable housing contribution. Therefore, in overall terms the proposal would not meet the social and environment dimensions of sustainable development and the presumption in favour of the same does not apply. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR

⁴ Appeal Ref: APP/E0345/W/16/316427



Appeal Decision

Site visit made on 19 June 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2018

Appeal Ref: APP/E0345/W/17/3191047

4 Copse Avenue, Caversham, Reading RG4 6LX

- 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 Niten Patel against the decision of Reading Borough Council.
 - The application Ref 170691, dated 2 May 2017, was refused by notice dated 19 October 2017.
 - The development proposed is the erection of 2 x 4 bedroom semi-detached dwellings, access and parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. An updated site layout plan (drawing number: P17-0206_03 Rev. F) has been submitted in support of the appeal to include root protection areas. This does not materially change the nature of the proposal which remains that considered by the Council and on which interested people's views were sought. Moreover, the Council's view is that it is reasonable to consider the plan as part of the appeal proposal and that it overcomes its fourth reason for refusal relating to the existing trees within and directly adjacent to the site. Accordingly, the Council has formally withdrawn this reason for refusal. Based on the plan and my own observations on site I agree that this matter has been satisfactorily resolved.
3. In support of the appeal the appellant has submitted a planning obligation by way of Unilateral Undertaking (UU) under Section 106 of the above Act. I have offered the Council opportunity to respond but it has not done so. The various aspects of this are discussed below.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - whether a planning obligation is necessary in respect of affordable housing provision.

Reasons

Character and appearance

5. The appeal site comprises the modest chalet bungalow, access, parking area and large side garden area of No 4 Copse Avenue.
6. Although paragraph 60 of the National Planning Policy Framework (the Framework) states that Local Planning Authorities should not attempt to impose architectural styles or particular tastes, it also states that it is proper to reinforce local distinctiveness. Local distinctiveness in Copse Avenue is largely derived from the mixture of chalet bungalows with steep pitched roofs of varying orientation and degrees of alteration/extension, as well as from the two storey dwellings with pitched roofs and gables expressed to the road.
7. I accept that part of the two storey hipped roof form of No 1 Copse End is also visible from the turning head to the side and rear of No 8 Copse Avenue. However, whilst I am unconvinced that the varying designs sit comfortably together, No 1 does at least incorporate gable features within the overall hipped roof form which does aid integration with the street scene. The dwellings at Overton Drive also largely incorporate gable features.
8. The dwellings to the south along Henley Road are well separated from the appeal site by their long rear gardens. Consequently the mix of dwelling styles has limited influence on the character of the site and its environs. Rather, the influence from those properties is derived from the generous gardens and the trees and greenery within them, which form part of the backdrop to the site.
9. The appellant states that the dwellings would have height and mass which is compatible with the general building height in the surrounding area. However, no evidence, such as comparative elevations, is provided to demonstrate this. Whilst there are two and a half storey dwellings in Overton Drive, the predominant scale in the area is two storeys. In contrast, the appeal proposal would appear more akin to a three storey scale. Even with the reduced ridge heights and removal of the dormers, the designs would appear top heavy as the height from eaves level would not be too dissimilar to the height of the main elevations. Moreover, the shape of the roofs would not tie in with features which contribute to creating local distinctiveness and the orientation would have the effect of emphasising the overall massing of the roof form, which would not be materially reduced by the limited hipped design.
10. Therefore, in the absence of comparative height evidence to demonstrate otherwise, I consider that the overall scale would appear excessive and out of keeping with the area. Moreover, the design of the roof would appear excessively bulky and dominant and would fail to reinforce local distinctiveness. My concerns in this regard are not materially diminished by the provision of ground floor bay windows or the opportunity to control the precise finishing materials to match that of the locality.
11. I recognise that the existing garden area is well enclosed by trees and vegetation and as such is largely screened from Copse Avenue. Consequently views of the new dwellings from the same would be limited. Nevertheless, within the site and from adjacent dwellings, the stark contrast in the scale and design and bulk of the roofs would be readily apparent.

12. Whilst noting the exceptions highlighted by the appellant, dwellings in Copse Avenue are, in the main, sited within comfortably sized landscaped plots of conventional layout with dwellings fronting onto the road and main garden spaces located to the rear. The appeal site differs in this regard insofar as its large landscaped garden is positioned to the side of the dwelling. Nevertheless the garden does make a positive contribution to the overall spaciousness of the area, despite its lack of visibility from Copse Avenue.
13. I appreciate that the proposed layout would provide the new dwellings with long albeit fairly narrow gardens with plenty of planting and softening opportunities to the rear. However, their siting, access and car parking would all be concentrated in the eastern part of the site, along with No 4 and its associated garden, parking and access. This would create a relatively tight and cramped relationship which would be largely dominated by the driveway and proposed car parking. This in turn would likely restrict beneficial soft landscaping, as would the tightness of the dwellings to the side boundaries.
14. I also consider that there would be some additional harm from the proposed new car parking arrangement for No 4, which would largely dominate the frontage of that dwelling. I appreciate that the existing layout already allows parking to take place in front of the house. However, the removal of the garage and the parking opportunities in front and to the side of it would permanently remove the possibility of this being avoided. Nevertheless, I have noted the proposals for soft landscaping and acknowledge the potential for the harm to be reduced.
15. The proposal would also retain the frontage relationship of the dwelling at No 4 to the turning head. The spaciousness to the side of the dwelling would also be largely unaffected in the main views from this location. Moreover, the more recent development at Copse End has a similarly tight relationship from a spur at the turning head to Copse Avenue.
16. In overall terms I am not therefore convinced that any harm arising from the proposed layout would be sufficient to warrant withholding planning permission. However, this does add to my concern that the design and height of the proposed dwellings would be incongruous and result in unacceptable harm to the character and appearance of the area, contrary to Reading Borough Local Development Framework Core Strategy (CS) Policy CS7 and Reading Borough Local Development Framework Sites and Detailed Policies Document (SDPD) Policy DM11. These policies state, amongst other matters, that all development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located and that the various components of development form, including scale, height and massing and architectural detail will be assessed to ensure that the development proposed makes a positive contribution to urban design objectives, including character.

Highway safety

17. I share the appellant's concern regarding the lack of clarity within the Council's third reason for refusal in terms of what standards would be breached. Nevertheless, as I have highlighted, the proposed layout for the parking and access appears to be fairly tight and no tracking diagram has been provided to show how a small delivery vehicle would be able to enter the site and turn around and leave in forward gear. I recognise that only two additional

dwellings would be created but the Highway Authority highlight that they would be 46m from where a vehicle would be able to undertake a suitable turning manoeuvre with a section of this being a shared surface with a tight bend restricting forward visibility. This figure is not specifically disputed by the appellant.

18. I acknowledge that delivery drivers will ultimately decide where to park and in this regard Copse Avenue is unrestricted. However, the inclination would be to park as close to the dwellings as possible and drivers would be unable to ascertain if a turning area is provided until they penetrate the site, at which point they would be required to reverse out on to the public highway.
19. For existing properties along Copse Avenue, deliveries could generally be undertaken in the corresponding road frontage to the dwelling. In comparison, the Highway Authority highlight that the lack of on-site turning would require delivery vehicles to be located approximately 35m away from the proposed dwellings to avoid obstructing neighbours accesses. Again, this figure is not specifically disputed by the appellant and although the distance is not particularly onerous, it is more likely to lead to drivers attempting to park within the site, rather than Copse Avenue, to transport goods to either of the proposed dwellings.
20. I appreciate that the Council has not provided any accident data to demonstrate that the arrangement for deliveries to existing dwellings has had a detrimental effect on highway safety. However, for the reasons explained, I do not consider there to be a comparable existing arrangement in Copse Avenue to that proposed. Indeed the Highway Authority has advised that turning space for a medium sized service vehicle was a requirement during the determination of the development at Copse End and no evidence is provided by the appellant to dispute this.
21. I do not find it contradictory that the Council are satisfied with the proposed refuse collection arrangements as this is located at a point which would not necessitate those vehicles fully entering the site. Moreover, refuse vehicles are only stationary on the public highway for short periods of time and are not left unattended, with the driver being present to ensure the carriageway or accesses are not obstructed.
22. I do not dispute that the site benefits from a sustainable location and note that the Highway Authority consider the proposed access itself to be acceptable in principle. Moreover, based on the evidence before me I am satisfied that the precise relationship with the turning area and neighbouring property is a matter of detail which could be resolved by way of condition. Parking provision is also acceptable, as are the indicative details for secure cycle storage.
23. However, although vehicular movements and speeds along Copse Ave are low, the proposal is likely to result in increased reversing movements, partly within a shared surface, in potential conflict with pedestrians, cyclists as well as vehicles. I therefore conclude that the proposal would be harmful to highway safety, contrary to SDPD Policy DM12 and CS Policy CS20. Although Policy DM12 does not contain a specific requirement for turning facilities to be provided, it does state, amongst other matters, that development will only be permitted where the proposals would not be detrimental to the safety of users of the transport network, including pedestrians and cyclists.

Affordable housing

24. For sites between one and four dwellings, SDPD Policy DM6 and the Council's Affordable Housing Supplementary Planning Document (SPD)¹ require a financial contribution to be provided towards affordable housing elsewhere in the Borough.
25. As required by planning law², my determination of this appeal must be made in accordance with the development plan, unless material considerations indicate otherwise. A material consideration of considerable importance and weight in this instance is the Written Ministerial Statement (WMS) of the 28 November 2014, which amounts to national planning policy defining the specific circumstances in which affordable housing and tariff-style contributions should not be sought from residential development. This includes developments of 10 dwellings or less. The intention of the WMS is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply. Although the WMS was subsequently subject to a legal challenge, the Court of Appeal found in the Government's favour on 11 May 2016³ and the provisions of the WMS and the Planning Practice Guidance (PPG) have been reinstated.
26. Consequently there is a conflict between the national threshold relating to the provision of affordable housing in the WMS and the PPG, against the local thresholds set out in SDPD Policy DM6. However, the Council state that the provision of affordable housing is a major issue in the Borough, in that it experiences high levels of need as evidenced by a recent Strategic Housing Market Assessment and other indicators. The Council also makes reference to a number of appeal decisions in the Borough that found in favour of its approach, that the 'local circumstances in Reading justify the need for small sites to make contributions to affordable housing as an exception to national policy.'
27. I have not been provided with any evidence to support the Council's position or indeed copies of the appeal decisions referred to. This therefore limits the weight I have attached to the assertions. Nevertheless, a paragraph extract is provided from an appeal decision⁴ in Blagdon Road which does confirm the Council's approach and that the need for the contribution satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 (the CIL Regulations). Accordingly the Inspector found that that proposed development should provide a financial contribution to affordable housing and that the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.
28. No evidence is provided by the appellant to persuade me to deviate from this approach in this case. Rather, as noted, the appellant has submitted a UU which covenants to make a contribution of £48,500 towards the provision of affordable housing in the Borough. The appellant states that this equates to 5% of the gross development value (GDV), as required by Council policy, but I do not have the evidence to corroborate this. Moreover, no response has been

¹ Affordable Housing Supplementary Planning Document

² Section 38(6) of the Town and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

⁴ Appeal Ref: APP/E0345/W/16/316427

received from the Council to confirm the acceptability or otherwise of this the UU and the precise level of contribution. Although the appellant should not be penalised for this, I have found the proposal to be unacceptable for other reasons. Consequently, it is not critical to consider this issue beyond the principle of the contribution.

29. In this respect I can conclude, on balance, that I have sufficient evidence to confirm that a financial contribution towards affordable housing is required to make the development acceptable in planning terms, and that the need satisfies the other tests of Regulation 122(2) of the CIL Regulations. Therefore, subject to the precise contribution equating to 5% of the GDV, the proposal would comply with SDPD Policy DM6 and the Council's Affordable Housing SPD.

Planning balance and conclusions

30. The proposal would increase housing supply, albeit with a relatively modest contribution of two dwellings. The proposal would also contribute to the provision of off-site affordable housing and this is a further benefit weighing in favour of the scheme.
31. I appreciate that paragraph 17 of the Framework states that allocations of land for development should prefer land of lesser environment value and that the site is not subject to any formal designation. Nevertheless, the appeal site forms part of a residential garden. In such circumstances, paragraph 53 of the Framework states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, as I have found in this case.
32. Therefore, whilst the appeal site may benefit from a sustainable location, as set out in the Framework, good design is a key aspect of sustainable development and is indivisible from good planning. On the basis of the harm to the character and appearance of the locality, as well as to highway safety, I conclude that in overall terms the proposal would fail to meet the social and environment dimension of sustainable development and the presumption in favour of the same does not therefore apply.
33. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR



Appeal Decision

Site visit made on 21 August 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/E0345/W/18/3198800 28 Wokingham Road, Reading RG6 1JQ

- 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 and Mrs Parmod and Vinod Sharma against the decision of Reading Borough Council.
 - The application Ref 171014, dated 21 June 2017, was refused by notice dated 25 September 2017.
 - The development proposed is the construction of 9 dwellings (flats) for multiple occupation, accommodating 27 bedrooms with associated 7 parking spaces, bicycle store, motorbike store and bin stores with bins collection point and landscaping. Demolition of existing former petrol station building with canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of South Park Conservation Area;
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of internal and external living space;
 - the effect of the development on the living conditions of neighbouring occupiers, with particular regard to privacy; and
 - whether the proposal provides an acceptable contribution towards the delivery of affordable housing.

Reasons

Character and appearance

3. The appeal site occupies a prominent location on the corner of Wokingham Road and Hamilton Road. The site comprises a former petrol filling station, now primarily used as a car wash. The canopy of the former petrol filling station remains, together with the associated buildings, which face out onto an extensive area of hardstanding. A low metal rail bounds the site to the back of

the footway. A tall free standing sign is also positioned towards the outer edge of the site.

4. The land use to the west of the site is mixed, including commercial. Reading Cemetery, a historic registered garden, is located opposite the site. The residential properties to the south fall within the South Park Conservation Area, the special interest of which is as a Victorian and Edwardian suburb of Reading. The boundary of the Conservation Area immediately adjoins the southern part of the appeal site and there is a clear visual connection between the two elements. Indeed, given the position of the appeal site at the junction with Hamilton Road, it forms a gateway site to the Conservation Area.
5. The appellant has drawn my attention to a scheme for the erection of a 2.5 storey building containing seven flats, which was approved for the site in May 2016. The appellant states that this open market housing scheme has a similar layout and orientation to the appeal scheme, but has a smaller footprint. The Council state that compared to the approved scheme the appeal proposal extends closer to No 2 Hamilton Road and also extends significantly forward of it, as well as significantly increasing its height and massing across the whole width of the site. Whilst I have not been provided with the details of that scheme with which to compare, it is nonetheless apparent from both parties that the current scheme is larger.
6. I appreciate that the appeal scheme seeks to optimise the use of an irregular shaped site. Nevertheless, the proposed built form would effectively fill the site to its margins such that it would appear cramped and overdeveloped. This is particularly so in respect of the Hamilton Road frontage, where the building would be positioned tight to its boundary with No 2. This is an attractive two storey red-brick dwelling with two feature bay windows flanking a doorway with decorative canopy and surround. It is set back from the road thereby facilitating a spacious site frontage. These aspects combine to create a property which makes a positive contribution to the character and appearance of the Conservation Area.
7. I recognise that there is three storey scale along Hamilton Road, but this doesn't necessarily justify the scale of the building as proposed, particularly as the site would be primarily viewed against the two storey scale of No 2 and the mainly two storey scale of the opposite terrace at Nos 1-11 Hamilton Road. Nevertheless, I acknowledge that the ridge height of the proposal would not exceed that of No 2, whilst the eaves level would be materially lower. However, the overall scale, massing and site coverage of the building would be substantial and would not be materially reduced by the inclusion of dormers and oriel windows. Although the side garage at No 2 would allow for a reasonable separation between the two main side elevations, any sense of spaciousness derived would be substantially lost by the proposed siting of the appeal building well forward of the building line of No 2.
8. I acknowledge that No 2 sits behind the building line of its neighbouring terrace. However, notwithstanding that the appeal proposal would project forward of the building line of that terrace, it would primarily be seen against the position of No 2. Combining its forward projection with its scale and massing, the building would be unduly dominant and obtrusive in this exposed and prominent location and would visually overwhelm the existing presence of No 2, even if its front elevation is not obscured. Consequently, the existing

- positive contribution derived from No 2 to the character and appearance of the Conservation Area would be materially diminished.
9. I appreciate that efforts have been made to articulate the building by the inclusion of elements such as dormers, oriel windows, feature gables and decorative banding. However, the design composition taken as a whole would result in 'busy' front elevation which would visually compete and detract from the traditional townscape features of Hamilton Road. This would not be acceptably alleviated by the use of matching materials.
 10. Clearly the site as existing detracts from the character and appearance of the area but this is a low baseline position with which to compare, so merely being an improvement on the existing does not significantly weigh in favour of the appeal proposal in the particular circumstances of this case. Moreover, it does not in itself justify replacing the existing harm with the harm arising from the appeal scheme. This is particularly so as it would appear from a previous approval that it is possible to realise the benefits derived from removing the existing harm with a scheme which would not result in the unacceptable harm of this particular proposal.
 11. Due to the high plot to build ratio of the development, there is limited space for meaningful and effective landscaping, particularly across the site frontage. I do not consider this to be a significant issue for the Wokingham Road frontage which is more urban in character with many of the buildings positioned on or close to the back of the pavement. The appeal proposal would not therefore look out of place with its relatively limited setback along this frontage. The proposed planting if successful would also contribute to its setting.
 12. However, as the scheme turns into Hamilton Road, the character changes to one that is distinctly suburban. Although the frontage here would be deeper, it would be largely dominated by hard surfacing. I note the two trees shown on the illustrative landscaping plan in a grassed corner area but given their proximity to the windows of the proposed communal rooms, they are likely to cause issues in terms of outlook and light, particularly as this is it to a north east facing elevation. Consequently, there would likely future pressure to remove or heavily prune at least one of the trees. In any case, I'm not convinced that the provision of two trees across such a wide frontage would amount to a valuable contribution to the Wokingham Road 'treed corridor' as suggested.
 13. Whilst the harm arising from the limited landscaping opportunities would not be sufficient on its own to warrant refusal, it nevertheless reinforces the appearance of a cramped, overdevelopment of the site. Moreover, the illustrated landscaping scheme would not assist in mitigating the substantial scale and massing of the building or soften its setting to reflect the suburban context of Hamilton Road.
 14. I therefore conclude that the proposal would be harmful to the character and appearance of the area and as a gateway site to the Conservation Area, would fail to preserve the setting of the same. The proposal would therefore be contrary to Reading Borough Local Development Framework Core Strategy (CS) Policies CS7 and CS33. These policies state, amongst other things, that historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where

- appropriate enhanced, and that all development must be of high design quality that maintains and enhances the character and appearance of the area.
15. As noted, the site is also located directly opposite Reading Cemetery, which is a Grade II listed historic park and garden. The appellants Heritage Statement also identifies the entrance lodges and gates and the Andrews and Barret family monuments to be Grade II listed.
 16. Although the appellant considers that the relationship of the building and Reading Cemetery is not in dispute, I have a statutory duty in respect of heritage assets. Unfortunately, I have not been provided with the above listings. I was able to easily identify the cemetery entrance arch and given the separation and limited intervisibility, I do not find that the proposal would result in material harm to its setting. However, I am unable to come to a position of the family monuments on the basis of the information before me.
 17. The appellant's Heritage Statement also explains that the Cemetery is enclosed by a mid-19th Century Grade II listed stone wall, but again I have not been provided with details to be able to identify its precise extent. If the listing extends to the sections opposite the appeal site, then it follows that where the building would be seen in conjunction with the wall in views from Hamilton Road that it would detract from the setting of this designated heritage asset. The building would also be clearly seen in conjunction with the wall along Wokingham Road, but given the more urban characteristics of this road, I do not consider for the most part that there would be material harm. Nevertheless the aforementioned harm does add weight to the harm I have found to the setting of the Conservation Area.
 18. Whilst I have misgivings about the likely retention of the trees at the front of the site, the indicative landscaping plan does at least indicate their provision, as well as a further tree at the rear of the site. I cannot therefore conclude that the proposal would be contrary to Reading Borough Local Development Framework Sites and Detailed Policies Document (SDPD) Policy DM18 or CS Policy CS38. These require, amongst other matters, new development to make provision for tree planting within the application site, or off-site in appropriate situations.
 19. The Council's decision notice also makes reference to conflict with the Council's adopted Tree Strategy but I have not been provided with a copy of this document so as to make judgement on this matter.

Living conditions of future occupiers

20. The Council consider the size of the bedrooms and kitchen/dining space to be adequate and I find no reason to disagree. However, the Council consider that the kitchen/dining space is not sufficient to also serve as a sitting area and as such additional communal space would be required.
21. In support of the appeal the appellant has provided illustrative communal room layouts which demonstrate that the space provided would be sufficient to accommodate cooking facilities, a dining table and chairs, a sitting area and reasonable levels of circulation space in flats 1, 3, 4 and 5. However, whilst I accept that such facilities would physically fit within the communal rooms of flats 2, 6, 7, 8 and 9, reasonable usability and circulation relative to the number of occupants would be constrained either by the limited space and/or

- the shape of the space provided. Flat 7 in particular does not even provide enough seats for the number of occupants. Whilst not all occupants would necessarily eat at the same time, I see no reason why this possibility should be excluded. In any case, it would not be unreasonable to expect all occupants to be able to sit in comfort during an evening time.
22. I therefore find that the proposed internal communal accommodation would not be sufficient for all occupants and would result in cramped and oppressive living conditions for the future occupants of flats 2, 6, 7, 8 and 9.
23. In terms of external amenity space, paragraph 5.6.10 of the SDPD states that a provision of 25m² for two bedroom flats and 40m² for three or more bedroom flats should be used as a guide for new proposals outside the central area of Reading. The appeal proposal would provide approximately 100m² of amenity space to the rear of the site and as such would fall significantly short of these guideline figures. Some of the limited space available would also be required to provide defensible space to the occupants of flats 2 and 3, to avoid unacceptable overlooking and loss of privacy.
24. Moreover, SDPD Policy DM10 states that dwellings will be provided with functional communal open space that allows for suitable sitting-out areas, children's play areas, home food production, composting, refuse storage, general outdoor storage and drying space. Not all of these functions would be critical in the case of this HMO scheme, which would also provide separate refuse, recycling and cycle storage facilities. Nevertheless, I do not consider that the space is sufficient to meet the reasonable expectations of future occupants, given the relatively high intensity of use. The space available would not therefore provide any relief to the constrained nature of the communal space in those flats identified above. I accept that this would be compensated for to a degree by Palmer Park, located approximately 300m to the east, but this would not address the domestic requirements and convenience of on-site amenity space.
25. I therefore conclude that the proposal would not provide acceptable living conditions for future occupants in terms of the provision of internal and external living space, and as such would be contrary to SDPD Policies DM4 and DM10. These policies state, in addition to that set out above, that development will not cause a significant detrimental impact to the living environment of existing or new residential properties.

Living conditions of existing occupiers

26. Given the separation and viewing angles I do not consider that the proposal would result in unacceptable loss of privacy by way of actual overlooking between the windows of the proposed building and windows of existing neighbouring dwellings.
27. I agree that there are a lot of windows in the proposed rear elevation which would likely overlook the garden areas of No 2 and Nos 1 and 3 Eastern Avenue in particular. However, it is proposed to utilise obscure glazing in one side of each of the oriel and dormer windows at the upper floor levels. Whilst I do not consider each of those shown to be critical to the protection of privacy, the orientation and proximity of the oriel window of Bed 4B would in particular, in the absence of obscure glazing, result in unacceptable overlooking into the rear garden of No 2. The main orientation of the clear part of the oriel window

of Bed 4b would not result in a level of overlooking beyond that which occurs in similar suburban locations.

28. In principle I am satisfied that unacceptable overlooking is capable of being prevented by the use of obscure glazing and that the precise extent of the same could be controlled by way of condition. Moreover, occupants of neighbouring dwellings would also be able to identify facing windows as obscure glazed and therefore any perceived level of overlooking is unlikely to be significant.
29. On this basis I conclude that the proposed development would not result in an unacceptable harm to the living conditions of the occupiers of neighbouring properties and would not, in this regard, be contrary to SDPD Policy DM4.

Affordable housing

30. SDPD Policy DM6 states that on sites of five to nine dwellings a 20% provision of affordable housing will be provided. It is stated that in all cases where proposals fall short of the policy target as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer to clearly demonstrate the circumstances justifying a lower affordable housing contribution.
31. As required by planning law¹, my determination of this appeal must be made in accordance with the development plan, unless material considerations indicate otherwise. A material consideration of considerable importance and weight in this instance is paragraph 63 of the National Planning Policy Framework (the Framework) which states that provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings).
32. Consequently there is a conflict between the national threshold relating to the provision of affordable housing in the Framework against the local thresholds set out in SDPD Policy DM6. However, the Council evidence a very high need for affordable housing in the Borough as well as challenging circumstances which justify the need for small sites to make contributions to affordable housing as an exception to national policy. The Council also make reference to a number of appeal decisions in the Borough which support this approach and I find no reason to differ in the particular circumstances of this case.
33. A viability report provided by the appellant has been assessed by the Council's Consultant Valuer, who in turn has concluded that that the scheme cannot viably deliver an affordable housing contribution. However, this conclusion is based on an assumption that the proposed units will be let on a room-by-room basis. The reduced viability is therefore specific to this particular proposal for nine flats, each in multiple occupancy use (Class C4). It is also acknowledged that the site is likely to involve significant contaminated land remediation costs due to its previous use as a petrol station.
34. The Council is therefore prepared to accept a nil affordable housing contribution in the very specific circumstances of the site and the particular development proposed. Based on this evidence I find no reason to take a contrary position. The Council is though rightly mindful that a Class C4 use could change to a

¹ Section 38(6) of the Town and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

Class C3 dwellinghouse under permitted development rights. This in turn would likely result in a material change to the financial viability conclusions.

35. Therefore, given aforementioned approach to affordable housing in the Borough, I am satisfied that the exceptional circumstances envisaged by the Planning Practice Guidance are applicable in this case and that a condition would be necessary to remove the aforementioned permitted development right. This would ensure that should such a change be sought, it would be reconsidered under the requirements of Policy SDPD Policy DM6, the Council's Affordable Housing Supplementary Planning Document² (SPD) and paragraph 62 of the Framework. These seek to contribute adequately to housing needs and to provide sustainable, inclusive mixed and balanced communities.

Planning balance and conclusion

36. In accord with paragraphs 133 and 134 of the Framework it is for the decision maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the setting of South Park Conservation Area and to the designated heritage assets of Reading Cemetery. In such circumstances the Framework requires that any identified harm is weighed against any public benefits the development might secure.
37. In this regard, I acknowledge that the proposal would contribute to the Borough's housing supply, utilising a brownfield site in a sustainable location. Taken in isolation, these are factors which significantly weigh in its favour. However, in this case the benefits are materially reduced as the development would not provide acceptable living accommodation for future occupants.
38. Although the proposed multiple occupation use would respond to the particular demand for this form of occupation, it would not amount affordable housing as defined by the Framework. Moreover, for viability reasons, the scheme does not attract the benefits which would weigh in its favour from a financial contribution to affordable housing.
39. Furthermore, as noted, there is already an approval for seven flats on this site. Whilst the form of housing would differ, the additional number of dwellings provided by the appeal proposal would be limited. Although, I do not have the details of this permission, it is reasonable to assume that the scheme contributes to housing supply without resulting in at least some of the harm I have identified above. Similarly, although the removal of the former petrol filling station would be a benefit in favour of the scheme, it would again appear that this could be achieved without some, if not all of the the unacceptably harmful aspects of the proposal currently before me.
40. In overall terms, I do not consider the arguments advanced in favour of allowing the appeal, amount to public benefits that would outweigh the great weight I must attach to the designated heritage asset's conservation. I have reached this conclusion even removing any harm arising to the heritage assets of Reading Cemetery, for which I have limited details.
41. Although I have not found that the proposal would result in unacceptable harm to the living conditions of existing neighbouring residents, I have not reached the same conclusion in respect of future occupants. On the basis of this harm

² Affordable Housing Supplementary Planning Document

and the harm to the character and appearance of the area, the proposal would not meet the environment and social objectives of sustainable development. Accordingly, the presumption of the Framework and SDPD Policy SD1 in favour of the same, do not apply.

42. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR



Appeal Decision

Site visit made on 21 August 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/E0345/W/18/3195174
Thornton Road, Reading RG30 1JY

- 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 Mrs A Saood against the decision of Reading Borough Council.
 - The application Ref 172155, dated 29 November 2017, was refused by notice dated 29 January 2018.
 - The development proposed is a new single storey two bed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal provides an acceptable contribution towards the delivery of affordable housing.

Reasons

Character and appearance

3. The appeal site occupies an exposed location on the corner of Thornton Road and Thornton Mews. The existing residential development in Thornton Road mainly comprises relatively short terrace rows of two storey scale, set back from the road frontage along a clear and consistent building line with the main garden space conventionally positioned to the rear. The two storey semi-detached dwellings at the rear of the site in Thornton Mews are similarly laid out with front and rear gardens.
4. I acknowledge that the Inspector for the previous appeal¹ at this site did not consider that scheme to be cramped. However, the current appeal proposal would appear uncharacteristically tightly positioned to its front and rear boundaries, materially more so than the previous scheme. Given its exposed corner position it would also be readily obvious that it would have no meaningful front or rear garden. The proposal would therefore clearly and conspicuously deviate from the predominant pattern of development with the

¹ Appeal Ref: APP/E0345/W/16/3159962

- dwelling appearing awkward and cramped within its plot in relation to the existing neighbouring properties.
5. I appreciate that efforts have been made to overcome the previously refused scheme. From my reading of that appeal decision, the Inspector's concerns did not, in terms of character, relate to its two storey scale, but the harm arising from its isolated siting. In this respect, the single storey side extension at No 8 Thornton Road would now help avoid the dwelling appearing isolated from the main built form of the terrace, even though that addition has a limited influence on the overall character of the street. The dwelling would also broadly conform to the building line of the terrace whilst also providing an active frontage to Thornton Mews. Nevertheless, in my judgement, the side elevation of a detached bungalow would appear incongruous when viewed in the context of the Thornton Road street scene in particular.
 6. I note that the appellant considers that being single storey the proposal would not be intrusive or dominant in the street scene. However, in an area characterised by two storey scale, a single storey dwelling would have the effect of drawing more attention to itself in this already exposed and prominent location.
 7. The appellant has drawn my attention to the new detached dwellings opposite the site, one of which faces towards the appeal site. However, the scale, siting and conventional layout of those dwellings align more closely with their adjacent terraces, thereby allowing them to sit more comfortably within their respective street scenes. These factors materially differentiate those dwellings to the proposal currently before me, although I take no issue with the precedent created for a detached dwelling in this area in general terms.
 8. Whilst the appellant considers there to be no architectural merit in the area, this is not a good argument in favour allowing the harm I have identified above. Similarly, although I recognise that the existing vacant appearance of the site does not positively contribute to the character and appearance of the area, this does not justify allowing the permanent harm I have described.
 9. I therefore conclude on this main issue that the proposal would result in unacceptable harm to the character and appearance of the area, contrary to Policy CS7 of the Reading Borough Local Development Framework Core Strategy. This states that development should maintain and enhance the character and appearance of the area.

Affordable housing

10. Reading Borough Local Development Framework Sites and Detailed Policies Document (SDPD) Policy DM6 and the Council's Affordable Housing Supplementary Planning Document (SPD)² state that on sites of one to four dwellings a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.
11. As required by planning law³, my determination of this appeal must be made in accordance with the development plan, unless material considerations indicate

² Affordable Housing Supplementary Planning Document

³ Section 38(6) of the Town and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

otherwise. A material consideration of considerable importance and weight in this instance is paragraph 63 of the National Planning Policy Framework (the Framework) which states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings).

12. Consequently there is a conflict between the national threshold relating to the provision of affordable housing in the Framework against the local thresholds set out in SDPD Policy DM6. However, the Council evidence a very high need for affordable housing in the Borough as well as challenging circumstances which justify the need for small sites to make contributions to affordable housing as an exception to national policy. The Council also make reference to a number of appeal decisions in the Borough which support this approach. Therefore, on the basis of the evidence before me, it appears that the need for the contribution would in principle satisfy the three tests in Regulation 122(2) of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework.
13. The appellant has not sought to persuade me to take an alternative approach in this case. Indeed, in response to the Council's second reason for refusal, the appellant has submitted a Unilateral Undertaking which covenants to provide a £13,000 contribution to off-site affordable housing. This is based on 5% of a £260,000 gross development value of the dwelling. I note the appellant feels that the Council has made it difficult to proceed on this issue but the response from its Legal Services team is that the contribution is insufficient based on the Council's policy requirements and that the reduced sum has not been justified.
14. In this regard, SDPD Policy DM6 states that in all cases where proposals fall short of the policy target as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer to clearly demonstrate the circumstances justifying a lower affordable housing contribution. In this case, I have been provided with no such justification why a 5% figure is being sought rather than the 10% policy requirement.
15. In the absence of such persuasive justification, I conclude that the proposal fails to secure an appropriate financial contribution towards the provision of affordable housing, contrary to SDPD Policy DM6 and the Council's Affordable Housing SPD.

Other matters

16. I acknowledge that the scheme would provide acceptable amenity space for future occupants as well as acceptable car parking, cycle and refuse storage. Moreover, there would be no material harm to the living conditions of neighbouring occupants. However, the absence of harm is a neutral matter in the planning balance and therefore does not weigh in favour of the proposal.
17. Nevertheless, the provision of a bungalow would contribute to the mix and supply of housing within the Borough. There would also be a benefit arising from the affordable housing contribution. However, as this relates to a single dwelling with a reduced contribution below policy requirements, such benefits would not outweigh the unacceptable harm I have found to the character and appearance of the area.

Conclusion

18. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR