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# Appeal Decision

Site visit made on 14 January 2016

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

**Decision date: 10 February 2016**

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**Appeal Ref: APP/E0345/W/15/3130498**

**The Woodley Arms Ph, Waldeck Street, Reading RG1 2RF**

- 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 Lainston Woodley Arms LLP C/o agent Pegasus Group against the decision of Reading Borough Council.
  - The application Ref 150134, dated 23 January 2015, was refused by notice dated 27 March 2015.
  - The development proposed is erection of a block of 40 studio student apartments including parking, amenity space and landscaping following demolition of existing public house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on:
  - i) the character and appearance of the area;
  - ii) the living conditions of the prospective occupiers of the proposed two ground floor units adjacent to the outdoor amenity space.

## Reasons

### *Character and appearance*

3. Waldeck Street is characterised to a large extent by long terraces of two storey dwellings positioned close to the highway and with a high degree of consistency in their architectural features. The main exceptions to this are the existing public house, which is part two storey with a substantial single storey element, a pair of two storey semi-detached houses to the east of it and two storey flats at Jack Price Court on the corner with Southampton Street. Those exceptions, whilst raised above street level, are also set further back from the road than the prevailing terraced houses. Jack Price Court is also seen to a large extent in the context of Southampton Street properties which, in the vicinity, have a greater range and variety of heights, including within terraces, compared to the generally more restrained building heights of Waldeck Street which is a distinct component of its character and appearance.
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4. There are three and four storey flats to the south and south-east of the site which can be clearly seen from Waldeck Street but only from the immediate vicinity of the appeal site. Those flats are also set a significant distance back along Charndon Close, and to the south-east, such that they are not prominent or key features in the context of the general street scene of Waldeck Street and do not detract from it.
5. I have also had regard to other examples of varying building heights and designs within other streets referred to by the appellant. However, those streets are not seen within the same distinctive character context of Waldeck Street and in any case I have determined this appeal on its merits.
6. The proposed building would be set forward of the existing public house, which in itself would not conflict with the prevailing pattern of development, neither would its proximity to the site boundaries. However, its steep pitched roof, containing second floor accommodation, truncated by a substantial flat roof area, would introduce a building of noticeably greater bulk and massing than those existing properties either side and opposite, despite architectural features intended to break this up. In such a prominent forward position, accentuated on the approach from Southampton Street by the upward slope of the street in that direction and its overall height above the adjacent road level, it would be a dominant and jarring feature of the street scene.
7. There would be some scope for planting in the strips of land in front of the building. However, any such planting in those fairly narrow strips would be unlikely to provide sufficient softening of the development or street scene generally by way of mitigation. The longer term survival or maintenance of such planting could also not be guaranteed.
8. I have had regard to the existing appearance of the vacant site and acknowledge that the re-use of the site would be a benefit in terms of increasing activity and vibrancy in the area. However, this in itself would not be sufficient to outweigh the harm that I have otherwise found would be caused. Furthermore, the existing building, despite its vacancy, remains outwardly largely intact. Additionally, despite claims of fly-tipping on the site, I have no substantive evidence relating to this.
9. For the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. As such, it would be contrary to Policy CS7 of the Reading Borough Local Development Framework: Core Strategy which requires all development to be of a high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. It would also be contrary to the National Planning Policy Framework which, in paragraph 17, states that planning should seek to secure high quality design.

*Living conditions*

10. The proposed outdoor amenity area would be a fairly small communal area to the rear of the development in relation to Waldeck Street and set well back from Charndon Close. Two of the proposed ground floor flats would face directly onto that space.
11. I acknowledge the appellant's intention to provide appropriate management of that amenity area to prevent harmful noise and disturbance, based on their

- experience of other student accommodation developments, and that it would be in their interests to provide the highest levels of amenity for tenants. I also acknowledge that its use would be intended for functional activities such as clothes drying and the submission that conditions would be accepted to secure mitigation measures such as triple glazing and a noise attenuation barrier.
12. Nevertheless, as it would be a fairly small space, any activity would be likely to be in close proximity to the flats concerned. It would also be the only dedicated outdoor amenity area for the proposed development and therefore potentially well used, particularly given the number of units, and therefore likely number of students.
  13. Triple glazed windows would be likely to provide noise reduction. However, I have not received details as to the degree to which this would be effective, particularly in terms of also providing adequate ventilation. Details of a noise barrier are also not before me to enable judgement as to its likely effectiveness or design. I therefore have insufficient basis to be certain that conditions to secure such measures would be effective.
  14. A degree of noise disturbance in an urban area such as this might be expected, and I note the example of flats above shops and restaurants in Southampton Street. However, I have determined this appeal on its merits and in this case the likely effect would be particularly acute due to the close proximity of the space concerned and at the same level. I have also not received any substantive evidence to indicate that students' expectations in respect of noise would be so much less than other residential occupiers, if at all.
  15. The appellant refers to other examples of student accommodation in the borough where student rooms are close to noise sources without causing significant disturbance. However, I do not have full details of those cases to enable a full and proper comparison. Furthermore, it is not clear from the evidence supplied that those scenarios are comparable to that proposed in terms of the size, nature, design and intensity of use of the space concerned.
  16. As such, I am not convinced, based on the evidence submitted, that the proposed amenity area could be guaranteed not to have a significant adverse impact in terms of noise, nor that a condition to manage the activities in this particular space would be reasonable or enforceable.
  17. For the above reasons, the proposed development would cause unacceptable harm to the living conditions of the prospective occupiers of the proposed two ground floor units adjacent to the outdoor amenity space. As such it would be contrary to policy DM4 of the Reading Borough Local Development Framework: Sites and Detailed Policies Document which seeks to prevent significant detrimental impact to the living environment of new residential properties in terms of, amongst other things, noise and disturbance.

*Other matters*

18. I acknowledge that added natural surveillance would be afforded to the street. However there is currently a good degree of overlooking from existing properties and so any benefit would only be a small one. I have therefore applied little weight to this factor.
19. In relation to provision for leisure infrastructure, the Council has confirmed that due to the introduction of the Community Infrastructure Levy (CIL) regime on

- 1 April 2015, the development would not require site specific mitigation in this respect. Such infrastructure obligations would be covered by CIL and not required through a Section 106 Unilateral Obligation.
20. However, this would not apply in the case of transport infrastructure for which a Unilateral Undertaking has been submitted by the appellant and which the Council confirms would address the third reason for refusal relating to the absence of such an obligation. This relates to the need for a Travel Plan to reduce car parking demand to within the site and limit on-street parking in the surrounding area and to promote sustainable modes of travel. It also includes provision for an appropriate financial contribution to introduce parking and waiting restrictions to mitigate overspill on-street parking if the Travel Plan measures were not to be achieved.
21. In submitting such an obligation, I am satisfied that adequate provision for managing parking on the site and promoting sustainable modes of travel would be secured and in so doing would meet the tests set out in paragraph 204 of the Framework. However, this does not detract from the harm I have identified in respect of the main issues.
22. The appellant claims that the Council gave no pre-application indication of a concern about the living conditions of prospective residents of the proposed development. It is also claimed that amendments were made to the proposed size, scale and siting of the building in response to the Council's pre-application comments. However, I have considered the appeal on the planning merits of the case based on all of the evidence submitted.

### *Conclusion*

23. I acknowledge the benefits of providing purpose built student accommodation in terms of its contribution to meeting student housing need in a sustainable location. However, I have not received any substantive evidence of an overriding need which, together with the small benefit of added natural surveillance to the street, would outweigh the harm that I have found would be caused in respect of the main issues.
24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR