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## 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**

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**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 2016<sup>1</sup> 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 appellant<sup>2</sup> 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 decision<sup>3</sup>, 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

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

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

<sup>3</sup> 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