

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