
Appeal Decision

Site visit made on 19 December 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18th January 2017

Appeal Ref: APP/X0360/W/16/3159350

489 - 491 Reading Road, Winnersh, Wokingham RG41 5HL

- 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 Richard Keeley (Edwardson Homes Ltd) against the decision of Wokingham Borough Council.
 - The application Ref 160520, dated 23 February 2016, was refused by notice dated 29 July 2016.
 - The development proposed is the demolition of 491 and 489 Reading Road and the erection of a 9 dwelling block of flats, including revised landscaping and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of adjacent occupiers with particular regard to outlook; and
 - Whether or not the proposal makes adequate provision for affordable housing.

Reasons

Character and Appearance

3. The appeal site is located in a predominantly residential area that mainly comprises a mix of detached and semi-detached houses and bungalows, with a small number of flatted developments. These vary considerably in style and design. However, in the immediate vicinity of the site, on the same side of the road, the properties consist largely of bungalows with a limited number of semi-detached houses. This creates a distinctly different character and appearance to this stretch and side of Reading Road, than is found on the opposite side, or further to the south-east or north-west, where 2 storey houses are more prevalent.
 4. The proposal would demolish the two existing detached bungalows, and replace them with a 2 storey apartment block with accommodation within the roof level. The scale and mass of the building would be significantly greater than
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the existing bungalows on the site, as well as the other nearby properties on this side of the road. As such, it would be a very prominent addition to the street scene.

5. The apartment block would occupy much of the width of the site. Whilst a number of other properties in the area also have limited space to the side of the dwelling, this, in combination with the significant mass and bulk of the building, would make the appeal site appear cramped and over developed. Given that the building would be a prominent feature in the street scene this would be detrimental to the character and appearance of the area.
6. The apartment building would have a double bay frontage with large areas of glazing. Although it is suggested the two front gable features, linked by the entrance and stairwell, is a common design feature of Victorian villas, such houses are not a characteristic feature of Reading Road, even if they are found in the wider area.
7. Whilst I observed that bay windows are found on a number of properties in the vicinity, these are generally small scale features, whereas the double bay frontage would be a dominant feature of the appeal building. Furthermore, given the traditional domestic scale windows found on properties in the locality, the large floor to ceiling windows proposed would appear incongruous. Together with the large gable features, they would make the frontage a strident and overly dominant feature in the street scene.
8. Consequently, I consider that the proposed development would cause unacceptable harm to the character and appearance of the area. Accordingly, it would be contrary to Policies CP1 and CP3 of the *Wokingham Borough Core Strategy (adopted January 2010)* (WBCS) and Policy TB06 of the *Managing Development Delivery Local Plan (adopted February 2014)* (MDD) which seek to ensure that proposals have a high quality of design that are appropriate, and make a positive contribution, to the character and quality of the area.

Living Conditions – adjacent occupiers

9. The proposed apartment block would be located close to the common boundary with both No 493 and No 487. Although the latter is a small convenience store it was originally a bungalow with accommodation in the roof and the rear of the building appears to still be used for residential purposes. No 493 is also a bungalow with living accommodation in the roof.
10. The appeal building would extend for a considerable distance beyond the rear elevation of No 493 which contains a number of windows. The rear part of the building would be stepped in from the boundary which would ensure that the 45 degree line from the nearest window on the rear elevation of No 493 was not infringed. Although the hip roof design would reduce some of the bulk of the roof close to the boundary, the scale and mass of the building extending for a considerable distance beyond the rear elevation of this property, and close to the boundary with the rear garden, would create an unneighbourly sense of enclosure to the rear garden. It would also dominate the outlook from the windows on the rear elevation and that part of the garden closest to the dwelling.
11. The property to the other side has a large single storey extension currently under construction at the rear. The rear elevation of this extends a similar

distance to that proposed for the apartment block. As such I am satisfied that the proposal would not have the same overbearing impact on the rear elevation and garden of this property. In addition, whilst there are dormer windows in the roof plane of No 487 facing towards the site, as this property is set further forward, these would overlook the parking area at the front. As a result, the proposal would not have a detrimental impact on the outlook of these windows.

12. Notwithstanding my conclusions with regard to No 487, I consider that the proposed development would adversely affect the living conditions of the occupiers of No 493 Reading Road with particular regard to outlook. As such, it would conflict with Policy CP3 of the WBCS which amongst other things, requires that developments are not detrimental to the amenities of adjoining land users.

Affordable Housing

13. The Council have argued that as the proposal would result in a net gain of 7 dwellings, in order to comply with Policy CP5 of the WBCS, a minimum of 20% of the total number of net dwellings should be provided as affordable housing. However, given the size of the site, they have indicated that they would be willing to accept a commuted sum payment. The need for affordable housing is confirmed in the Berkshire Strategic Housing Market Assessment, which identifies a net need for 441 dwellings per annum. More detail on the council's approach to affordable housing is set out in the Affordable Housing Supplementary Planning Document.
14. Following the Court of Appeal judgement in May 2016¹, the *Planning Practice Guidance* (PPG) was updated to indicate that contributions for affordable housing and tariff style planning obligations should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In the light of this the appellant has stated that the scheme does not need to provide any contribution to affordable housing, and so no Section 106 agreement or Unilateral Undertaking has been provided.
15. There is clearly a conflict between the national threshold for affordable housing which seeks contributions on developments of 10 or more units, and the WBCS policy which requires affordable housing on schemes of 5 or more net dwellings or 0.16 ha. Whilst accepting that national guidance is a material consideration, the Council has sought to demonstrate that local circumstances are such that they outweigh the conflict between the relevant policies. This includes that the Council has successfully been able to justify affordable housing thresholds below the minimum standards for many years due to the exceptional housing needs in the area, and the robust evidence on housing needs and viability presented to the Core Strategy examination to justify the current policy.
16. In support of their cases, both parties have drawn my attention to other recent appeal decisions where inspectors have considered whether local circumstances were sufficient to outweigh the conflict between local and national policies in relation to affordable housing. However, I note that none of these were in Wokingham. Overall, these indicate that in each case the decision maker must

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441

weigh the conflict between local and national policy in the light of material considerations, and the evidence before them.

17. The recent changes to the PPG are a matter to which I give significant weight. One of the key aims of these changes was to reduce the disproportionate burden of developer contributions on small scale developers. Whilst the evidence shows that there is a considerable need and demand for affordable housing in the local area, there is no evidence as to how important small sites are to housing supply in the area. As such, it is unclear what contribution small sites make to the affordable housing target.
18. Overall, I am not persuaded that local circumstances are sufficient to outweigh the conflict between the development plan and the more recent changes to national policy. Consequently, I consider that it is not necessary to require an affordable housing contribution in this case.

Other Matters

19. The proposal would create a mix of 1 and 2 bed flats. It is disputed between the parties whether the gross internal area of the flats would accord with the minimum requirements set out in the National Described Space Standards, or Policy TB07 of the MDD, and whether they provide adequate levels of built in storage. Given the disputed figures, the evidence before me is inconclusive as to whether the accommodation meets these minimum standards or not. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to reach a definitive view on the matter.

Conclusion

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

Alison Partington

INSPECTOR