

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.
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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