
Appeal Decision

Sites visit made on 24 November 2016 and 10 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6th February 2017

Appeal Ref: APP/E0345/W/16/3155586

126, Westwood Road, Tilehurst, Reading RG31 5PZ

- 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 Modus Construction against the decision of Reading Borough Council.
 - The application Ref 160083, dated 17 January 2016, was refused by notice dated 12 May 2016.
 - The development proposed is single storey detached 2 bedroom bungalow on land to rear 126 Westwood Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are a) the effect of the proposed development on the character and appearance of the area, b) its effect on the living conditions of adjacent occupiers in respect of overbearing impact and noise, c) its effect on local biodiversity and d) whether it would make appropriate contributions toward affordable housing provision in the borough.

Reasons

3. The appeal plot comprises an area of former garden land to the rear of No. 26 Westwood Drive. This is a substantial detached dwelling of later C19 or early C20 date, one of a number along Westwood Road now supplemented by later C20 residential development.
4. The site itself is contained to north, west and south by boarded fencing supplemented by mature planting whilst the eastern boundary is formed by the tall brick garden wall forming the former boundary of No.126. It is accessed off a narrow drive to the south between the existing dwelling and No.124. These attributes and existing features effectively screen the site from the public domain.
5. The proposal is for a single storey two bedroom bungalow with a pyramidal roof set more or less centrally in the plot supplemented by car parking, turning area, cycle and bin store and private amenity space.

Character and appearance

6. This part of the settlement is of discernibly mixed character. Westwood Road seems initially to have been developed in the later C19 with substantial detached houses closer to the historic centre of the village. This early phase has been supplemented by later incremental C20 developments to the north of the site and larger more structural estate development to the west in the mid C20. Latterly, along Westwood Road, there have been opportunistic infill developments in the road creating modest newer enclaves and closes along its length.
7. The proposal would occupy a modest plot of land to the rear of No. 126 and can thus reasonably be referred to as a 'back-land' site. However, it is not appropriate in my view to judge it as a form of 'tandem development' insofar as it is effectively an infilling of a residual plot enclosed by existing residential development.
8. Indeed, this is a visually very discreet mini-enclave formed out of a section of former garden and bordered on the remaining sides by like-detached modern dwellings. It would be very difficult for the wider public to perceive the presence of the house in this location, whilst the access to it already exists to Westwood Road. It may well be the case that adjacent occupiers become aware of the development, especially from the rear of No.126. However, this would be a presence mediated by the existing and well established boundary treatments. Moreover, given its relatively modest stature, this would amount to little more than the perception of the roof structure above and through existing fencing, walling and planting.
9. All in all the visual effect would be very limited and certainly not such as to result in material harm to the character or the appearance of the area. As such therefore I find no conflict with policy CS7 of the Core Strategy (2008 and amended 2015) (CS), which anticipates development being of high design quality, policy DM11 (Development of Private Residential Gardens) of the Sites and Detailed Policies Document (2012 and amended 2015) (SDPD), which anticipates residential development in former garden curtilage making a positive contribution to the character of areas, and with paragraph 64 of the National Planning Policy Framework (the Framework) which anticipates a high standard of design.

Living conditions

10. It is the case, as indicated above, that the proposed bungalow will be capable of being perceived from adjacent dwellings and their gardens. However, in my view, due to its relatively modest height, the absence of any supplementary roof superstructure in the form of dormers, the distances from adjacent boundaries and the extent and height of existing boundary treatment, this presence would not amount to an overbearing impact. Whilst there may be some perceptual visual effect, this would not amount to material harm to the living conditions of adjacent occupiers. There would therefore be no conflict with policy DM4 of the SDPD, which inter alia seeks to safeguard residential amenity.
11. The dwelling would be accessed by means of a drive between Nos 124 and 126 Westwood Road. This is bordered to the south by fencing and mature tree planting and flanks the side elevation of No. 126. It is the case that an

additional dwelling here would result in an increase in comings and goings from and to the site. However, this is a modest dwelling with provision of one vehicle. Such activity associated with its use would be generally anticipated to conform to predicted morning and evening use. Moreover the existing access is already enclosed with planting and fencing to the boundaries and the flank elevations of Nos 124 and 126 have very limited openings within them.

12. Whilst the presence of occupiers of the garden and vehicular activity may at times be perceived by immediate adjacent occupiers, this would not in my view amount to a level of activity and audible sound sufficient to be termed either noise or disturbance. No material harm to the living conditions of adjacent occupiers would result and there would therefore be no conflict with policy DM4 of the SDPD which seeks again to safeguard residential amenity.

Biodiversity

13. The Council express concern that the proposed development would erode the linkage of the plot with other adjacent gardens which they suggest form part of a wider green network. It is certainly the case that the development of the dwelling will reduce the open area of the plot, and that a further element of it will be given over to hard standing and turning area.
14. However, the Council do not define the extent of the 'wider green network' nor do they evaluate the contribution the plot makes to this network's ecological sustainability. This is an important consideration. The site itself is very compartmentalised with the hard boundary treatments presenting what look to be impermeable barriers to the movement of ground living species. Moreover, the site is essentially cleared of plant matter excepting the boundaries and on cursory inspection, did not suggest it was an especially rich habitat. Indeed, with the amenity space laid-out and a programme of soft landscaping implemented in accordance with conditions, there is a possibility that any residual ecological interest may well be sustained.
15. On balance therefore, I remain unconvinced that the proposal would result in the significant erosion of biodiversity within the site, nor that it would significantly compromise the wider sustainability of the greater green network. On the basis of the evidence therefore, I conclude there would be no conflict with policy CS36 of the CS and policy DM11 of the SDPD, both of which seek amongst other matters to safeguard biodiversity in the residential context.

Contributions towards affordable housing

16. Although the appellant has indicated a willingness to make a financial contribution towards affordable housing in the borough, no unilateral undertaking or agreement with the Council has been presented that could secure such a contribution. In the absence of such, the proposals are in breach of policy DM6 of the SDPD, which relates to residential proposals for 1-14 dwellings and also with the Council's Supplementary Planning Documents 'Affordable Housing' 2013. The mechanism established by this policy is that for proposals of 1-4 dwellings a contribution of 5% of gross development value will be sought. The aim of this policy, in accord with national policy, is

to secure the delivery of truly mixed communities with a broad variety of housing types to meet housing need¹.

17. Such an approach is consistent with Paragraphs 47 and 50 of the National Planning Policy Framework (the Framework), which requires local planning authorities to meet the full, objectively assessed needs for market and affordable housing in their area. Where affordable housing is needed, they are also advised to set policies for meeting this need, preferably on site, but off-site though a financial contribution of broadly equivalent value where robustly justified.
18. On a national policy level in the context of affordable housing provision, the Written Ministerial Statement⁴ (WMS) of the 28 November 2014 is a material consideration of considerable importance and weight. This states that 'for sites of 10-units or less....affordable housing and tariff style contributions should not be sought'. The intention here is to ensure that financial contributions do not become a disproportionate burden for small scale developers and so inhibit the supply of housing. This statement has subsequently been incorporated within national planning guidance in the relevant paragraphs of national Planning Practice Guidance (PPG).
19. In such circumstances there is a conflict between the threshold set out in national policy relating to the provision of affordable housing in the WMS and the PPG and that set by policy DM6 of the SDPD and the SPD which reflect the aims of the Framework.
20. The effect of PPG policy and the WMS is that in normal circumstances it would not be appropriate for a decision maker to require any affordable housing or an equivalent contribution below the stated threshold. Be that as it may, whilst there is a presumption that national policy, such as a WMS, should be followed (notwithstanding the primacy of the development plan), especially if more recent than an iteration of the development plan, it is necessary to acknowledge that policy relevant to the matter in hand should not necessarily be rigidly applied, especially when material considerations may dictate an alternative outcome.
21. The Council have provided a statement in support of their current affordable housing position and the continued application of policy DM6 and SPD². This approach is not challenged by the appellant, who in fact also presents a viability statement acknowledging the requirement for and an ability to make a contribution. This statement sets out the current picture of affordable housing need in the borough based on the evidence set out in the Berkshire Housing Market Assessment 1016. This analysis demonstrates significantly higher numbers of those in overcrowded accommodation and those in identified housing need being significantly above those of neighbouring Councils. Those unable to afford market housing are also identified and are considerably above those in adjacent authorities.
22. House price affordability is also identified as a contributor to affordable housing need in the borough. Average house price to earnings ratios range from 13.36 to 14.42, very significantly above the established ratios of

¹ Paragraph 5.2.1 of the supporting text to policy DM6, SDPD.

² Statement on Affordable Housing Provision as part of the Development of Small Site (Appendix 2 Appeal Statement).

affordability nationally³. House prices are evidently very high in Reading and ready to compete with other areas of the south east in the register of unaffordability. This to me suggests an acute problem with the affordability, and in the meeting of need for affordable housing within the borough.

23. The paper also assesses the contribution that smaller sites make to the funding of affordable housing in the borough. The Council state that annually such sites (1-9 units) yield as much as 23% of the total, approximately equating to around 22 units of affordable housing being provided annually. It follows therefore that in the absence of such contributions the Council's ability to meet identified need would be curtailed, compromising the local and national aims of delivering truly mixed communities with homes for all.
24. Moreover, the Council's paper also explains that it is able to deliver over and above market housing numbers maintaining a six year supply of housing land) and that this has been achieved, with an affordable housing tariff, without significant adverse impact on market viability. In this regard it is worth noting that the appellant, a self-evident small-scale developer accepts this economic context, making no suggestion of the non-viability of the project accounting for their own reasonable profit from the project having accounted for the contribution.
25. The WMS and the PPG guidance are clear in their purpose to help boost housing delivery. In current circumstances this must carry significant weight. However, in the specific circumstances of this case, and the acute affordable housing need within the borough, I conclude this does not, as a material consideration, outweigh the development plan or the evidentially based purposes of its specific policy.
26. On these terms therefore it seems to me that the contribution sought by the Council arising from the development satisfies the three tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010. For the same reasons they also accord with the expectations of paragraph 204 of the Framework. As such, the proposal should be determined in accordance with the development plan. That being so, the proposals would be in clear conflict with DM6, an up to date policy of the SDPD and Council SPD.

Planning balance and conclusion

27. I have found no conflict with the development plan or national policy in respect of the first three main issues. There would be no harm to the character and appearance of the area, to the living conditions of adjacent occupiers, nor to the biodiversity of the area. However, this absence of harm, (or neutrality), nor the provision of an additional house to the supply of housing in the borough (a modest benefit) are sufficient to outweigh the harm I have found in respect of an absence of a contribution to affordable housing in the borough.
28. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

David Morgan

Inspector

³ Paragraph 1.52 Council's Statement of Affordable Housing Provision as part of the Development of Small Sites.