
Appeal Decision

Site visit made on 30 January 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 10th February 2017

Appeal Ref: APP/E0345/W/16/3158520

7 Blagrove Street, Reading, Berkshire RG1 1PJ

- 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 Murli Bhatti against the decision of Reading Borough Council.
 - The application Ref 151345, dated 28 July 2015, was refused by notice dated 19 May 2016.
 - The development proposed is erection of basement and 5 storey building to provide café (Class A3) at basement and part ground floor level and 23 bed and breakfast rooms (Class C1) at part ground floor and upper floor levels, following demolition of existing 2 storey building (café and 5 bed and breakfast rooms) barring partial retention of front façade.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of his appeal submissions, the appellant has provided a sunlight assessment and although the Council considers this to be new and late evidence, it has nonetheless had the opportunity comment on it and indeed it has done so. I am therefore satisfied that in taking it into account, the case of neither party is prejudiced.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of designated heritage assets;
 - the effects on the living conditions of the occupiers of Forbury View (9-15 Blagrove Street) and the users of 1a-5a Blagrove Street with regard to sunlight, daylight and outlook; and
 - whether the proposal would provide satisfactory accommodation for future users of the premises with regard to sunlight, daylight, outlook and noise and disturbance.
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Reasons

Character and appearance of the host building; designated heritage assets

4. The appeal building is currently of two-storeys in height and is occupied by a café on the ground floor with bed and breakfast rooms above. It is of neo-classical design, having decorative pilasters at either end of the ground floor frontage, with a large bay window on the first floor sitting underneath a recessed arch with a pediment gable above that forms the roof line. It is flanked by adjoining taller buildings and because of its comparative diminutive height, stands out as a notable feature building in the street scene. The building's location is within the town centre and is surrounded by other substantial commercial and residential buildings. The Council's Market Place/London Street Conservation Area Appraisal (CAA) highlights that the higher buildings within the conservation area (CA) are located close to the town centre in Market Place and Blagrove Street. In my view, this context serves to amplify the presence and importance of the appeal building in the street scene.
5. Although it is not listed, it is identified as being a building of Townscape Merit within the CA as are the adjoining buildings. Overall, the building has a pleasing form and because of its appearance in contrast to the surrounding larger buildings, I agree that it warrants the importance placed upon it by the Council and consider it makes an important contribution to the character and appearance of the CA.
6. The proposal would increase the building's height to broadly match those of the flanking buildings. The arch and pediment gable would be lifted away from the existing bay window and a mansard roof would be introduced above them. Four new windows would be introduced above the bay. Those immediately above it would be more modest in size than those proposed at fourth floor level.
7. Between the bay and the raised arch, the building would have a much plainer façade and the relationship between the bay window and the recessed arch would be lost. This relationship is a key component of the existing building's character and appearance. Moreover, the two small plain windows proposed above the grand, more decorative bay would be in such close proximity to it and of such contrasting form, that the pleasing architectural rhythm of the building would be disrupted to an unacceptable level. Furthermore, the proportions of the proposed windows and the spaces between them would appear in marked contrast to those on the flanking buildings and indeed others nearby, which are more closely spaced and regimented across their host building's façades. This would compound the harm to the host building that I have already identified.
8. The appellant argues that the Council has overplayed the building's townscape contribution and that it is possible to rebuild an historic building but retain its façade such that it would continue to be a positive townscape feature and that this is what has taken place next to the appeal building. It has also been put to me that a building does not have to be historic to be of townscape merit, particularly given the alterations to the buildings either side. However, regardless of either of those propositions, my view is that the building would be changed to such an extent that this would substantially diminish its character and appearance thereby also diminishing its contribution to the character and appearance of the CA.

9. I recognise that the flanking buildings have been subject to changes but they have nonetheless retained their facades intact, whereas the proposal would retain its façade but in substantially altered form. In any case, the existence of unsympathetic additions to other buildings weighs against tipping the balance further in terms of the cumulative detrimental effects on the significance of the CA.
10. In addition to all of this, is the effect on the setting of the building forming the Grade II listed Town Hall complex directly opposite. The appellant has questioned the inclusion of effects on the listed building within the Council's reasons for refusal. However, in my view, the listed building is a very significant feature in the street scene and is therefore a major contributor to the CA's character and appearance. This view is supported by the information in the CAA, which identifies the Town Hall complex as providing one of the defining images of Reading's architecture by way of its overall design and materials. Given that it shares the same street and is located directly opposite the appeal building, my conclusion is that the two buildings share a setting. Although 'setting' is not defined, the proximity of the buildings and their relative juxtaposition means that the effects of the proposal already identified on the CA, by extension also have some effect on the setting of the listed building.
11. The appellant points out that Blagrove Street is a busy road and suggests that this has some reducing effect on the intervisibility of the appeal building and the Town Hall complex. However, the setting of the listed building exists regardless of whether or not there is traffic passing it. At my site visit, there were a number of views nearby from which I was able to see both buildings in the same context without the experience being significantly interrupted by passing traffic.
12. I recognise that no mention is made of setting in the listing description of the Town Hall complex. However, the description is specific to the actual fabric and design elements of the building rather than what may or may not exist around it. The absence of such information in the listing description does not therefore imply support for the appeal proposal, which I consider would harm the listed building's setting.
13. The Council alleges that the proposal would result in substantial harm to the designated heritage assets. However, the actual physical fabric of the CA and listed building would not be affected by the proposal so I am not persuaded that the resulting effects, although harmful would reach this high hurdle. Nevertheless, because the proposed changes to the building's appearance would be so contrasting to its existing form and taking into account the contribution it makes to the character and appearance of the CA and the setting of the listed building, the appeal scheme would still result in effects constituting less than substantial harm. This harm carries considerable importance and weight and requires clear and convincing justification. Paragraph 134 of the National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
14. I recognise that the proposal would provide additional overnight accommodation in the town centre and given the number of bars and restaurants nearby, it would serve the needs of a greater number of visitors

than the current premises. However, no other justification has been provided and I do not consider such benefits to be sufficient to outweigh the clear identified harm to the significance of the designated heritage assets.

15. Accordingly, the proposal would not preserve or enhance the character or appearance of designated heritage assets thereby running counter to the objectives of Policy CS7 of the Reading Borough Core Strategy (2008) (the CS) and Policy RC5 of the Reading Central Area Action Plan (2009), which respectively require high quality public realm design generally and specifically within the town centre. The proposal also conflicts with CS Policy CS33 that seeks to protect and enhance the historic environment and with the Framework and statutory legislation relating to designated heritage assets.
16. The Council's decision notice also cites Policy DM23 of the Sites and Detailed Policies Document (2012) (SDPD). This relates to shopfronts and cash machines. Whilst the appellant asserts that the shopfront will not change, it is clear from the plans that a new set of centrally located doors is proposed. However, I am not persuaded that this will have a notable effect on the current overall amount of glazing predominantly forming the shopfront. Therefore, I do not consider there to be conflict with Policy DM23.

Living conditions of neighbours

17. The adjoining building known as Forbury View is in residential use, comprising a number of flats. Those at basement level have modest outdoor amenity spaces, which the available evidence indicates, are accessed directly from open plan living/dining areas.
18. The proposal would result in a substantial new amount of built form extending from the rear of the building along the boundary with Forbury View and would be located immediately to the south of this residential block. The Council disputes the methodology and thus the accuracy of the submitted sunlight assessment. Notwithstanding this, the information is clear that the rear facing windows at Forbury View, closest to the boundary with the appeal property currently enjoy direct sunlight between about 1300-1600. The assessment also indicates that the proposal would result in increased overshadowing of these properties during the same periods of the day.
19. However, the sunlight assessment does not discern between periods of the year or set out the methodology used in its formulation. Accordingly, I cannot be certain that it provides an accurate picture of the effects of the proposal on the amount of sunlight reaching the rear rooms of Forbury View. Nevertheless, given the information presented and the orientation of the buildings and their juxtaposition to one another, I am able to reach the reasonable conclusion that there would be a material detrimental effect the amount of sunlight reaching the rear rooms in some of the Forbury View flats even if the appellant's assessment shows a worst case scenario.
20. Because of the proximity of the extended part of the building, there would be a substantial new wall at 90 degrees from the end of the rear elevation of Forbury View. Although this would not affect the overall amount of light reaching all of the residential properties, it would have a material effect on some of them. This would particularly be the case with those rooms at Forbury View's northern end and with an acute reduction in the amount of daylight reaching the outdoor amenity areas of the basement flats and their main living

areas. These basement properties already appear to suffer from restricted light levels and the proposal would, in my view, worsen the situation for their occupiers.

21. I turn now to matters of outlook. At my site visit, I was able to look out from the rear room of no 9 Forbury View which is on the third floor. Currently, there is a reasonable outlook over some of the surrounding roofs towards the city skyline beyond. It was clear that the extended part of the building would appear at close quarters and result in a much more restricted outlook from this property. It is reasonable to conclude that this effect would be replicated on some of the other floors and particularly from the flats at the northern end of the residential block.
22. The appellant appears to place some reliance on the layout of the flats based on a permission dating from 2007. The interested party who resides at no 9 has put to me that the internal layout has changed since that date. However, I was not able to fully verify this but have no reason to doubt that this may indeed be the case and that some of the flats may have their main living areas in the rear of the block. Notwithstanding this, even if no changes had been made and rearward facing rooms comprised bedrooms as per the 2007 scheme, they are still habitable rooms and I see no reason why occupiers should not enjoy a reasonable outlook from them.
23. In any case, the outlook from the basement flats is already very restricted and they appear hemmed in by other buildings and in particular the boundary wall of the Walkabout building to the west. Whilst I therefore accept that the outlook from some of the flats is relatively poor, this does not mean that it should be made worse.
24. Although the total number of flats affected would form only a modest proportion of the overall number in Forbury View, for the above reasons, the reduction in outlook from them would be severe and unacceptable. The proposal would therefore harm the living conditions of some of the occupiers of Forbury View counter to SDPD Policy DM4 that seeks to safeguard the amenity of existing and new residential properties.
25. I now turn my attention to the premises forming 1a-5a Blagrove Street. This property adjoins the southern side of the appeal building and is in use as an O'Neills public house. It contains two small windows on its side elevation that would be blocked in by the proposed development. The appellant's evidence indicates that there is agreement to this from the owners of the affected property, which I have no reason to doubt.
26. I recognise that there is flexibility to adapt buildings without the need for planning permission and that the side facing windows would no longer be able to provide light into the room to which they relate. However, there is no empirical evidence to suggest that any such works are likely to take place and in this respect, I do not consider the Council's argument to be substantiated that the future use of the next door property would be compromised.
27. Moreover, this matter is covered by the Party Wall Act 1996, which provides neighbouring owners the opportunity of objecting to a proposal that they consider to be unacceptable. Therefore, even in the event that the appeal was allowed, and thus planning permission granted, the proposed development could not take place until this matter had been settled. Therefore, on the basis

of what I have set out above, the proposal would not conflict with SDPD Policy DM4 in respect of the users of 1a-5a Blagrove Street.

Whether the proposal would provide satisfactory accommodation for its users

28. I note that some of the existing bed and breakfast rooms have very restricted views. Nevertheless, the proposal would extend the rear elevation of the building almost to the boundary between the appeal property and Walkabout behind. The windows serving bedrooms 3 and 4 would be positioned in very close proximity to the stepped height boundary wall. Although the window to bedroom 4 would sit at a level that would allow partial views over the wall, the outlook from bedroom 3 would be obscured by it. In both cases, there would be very poor levels of sunlight and daylight reaching those rooms.
29. In addition, proposed bedroom 2 on the ground floor would look onto a small and very enclosed courtyard that includes the outdoor smoking area associated with an established known as Matchbox. Given this relationship, I do not consider that the outlook from this room would be acceptable. Furthermore, the levels of sunlight and daylight reaching the room would be very low and also therefore, unacceptable.
30. Although the bed and breakfast element of the proposal would provide only short term accommodation, customers occupying bedrooms 2, 3 and 4 would nonetheless be subject to poor living conditions whilst staying in those rooms. In contrast, the proposed new rooms on the upper floors would enjoy reasonable views across the roofs of surrounding buildings, which would provide their occupiers with a satisfactory outlook and access to sunlight and daylight. However, for the reasons already given, overall the proposal would not be acceptable. Thus, it would run counter to SDPD Policy DM4.
31. In terms of noise and disturbance, the building is located within a busy centre and is surrounded by drinking establishments. Some level of noise and disturbance could therefore reasonably be expected by those staying in the bed and breakfast rooms. That is not to say the potential effects on customers occupying the affected rooms should not be mitigated. Although CS Policy CS34 does not expressly prevent noise sensitive development, it requires that adequate mitigation measures are provided to minimise the impacts upon it.
32. The appellant's noise assessment sets out the noise sources and levels affecting both the front and rear of the appeal building. I note that the Council considers that the information within the report is inconclusive and thus falls short of providing sufficient certainty that the effects of noise and disturbance can be satisfactorily mitigated. However, the report does present a number of glazing options and I share the appellant's view that such a matter could be secured by a suitably worded planning condition were I to allow the appeal. The same principle could apply to the provision of details of any necessary extraction system. Accordingly, I do not find any grounds on which to withhold permission on this matter alone so in terms of noise and disturbance, the proposal would accord with the objectives of CS Policy CS34 and SDPD Policy DM4.

Conclusion

33. Whilst I have not found that the proposal would result in harm to those using 1a-5a Blagrove Street or that the effects on the occupiers of the proposed

development would be unacceptable in terms of noise and disturbance, I have nonetheless found that there would be significant and demonstrable harm to the significance of designated heritage assets. Furthermore, the overall harm identified to the living conditions of neighbouring residential occupiers and those using some of the proposed bed and breakfast rooms also weighs heavily against the proposal.

34. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector