The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 20th February 2017

Appeal Ref: APP/E0345/W/16/3162360
153 Hemdean Road, Caversham, RG4 7QU

- 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 Matthew Chamberlain against the decision of Reading Borough Council.
- The application Ref 160088, dated 18 January 2016, was refused by notice dated 6 May 2016.
- The development proposed is described as *'demolition of existing dwelling and construction of 4No. semi-detached (4 bed) dwellings'*.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. At the appeal stage the Council have confirmed that submitted drawing numbered *1976 PLN 150 A* demonstrates that the highway objections raised in the second reason for refusal can be addressed. With no evidence to the contrary, I see no reason not to concur. The main issues therefore are:

   - The effect of the proposed development on the character and appearance of the street scene, and;

   - Whether the proposal makes an adequate provision for affordable housing.

Reasons

Character and appearance

3. The street scene is characterised by a mixture of terraced, detached and semi-detached dwellings. In particular, the semi-detached dwellings to the south of the appeal site have a two storey form with hipped roof forms, whereas the terraced properties are gabled. The semi-detached houses also have a relatively uniform separating gap between each pair. There is a school directly opposite the appeal site which although single storey has fairly tall elevations with a large hipped roof. The existing building on the appeal site is a detached bungalow with hipped roof, with the site elevated above the highway. To the front of the site, the boundary is formed by dense hedges and planting.

4. The appeal scheme seeks the demolition of the existing bungalow, the erection of two pairs of semi-detached four bedroom, three storey dwellings with subdivision of the plot into four separate plots. The proposal would utilise the existing single access point onto and from the highway, located roughly

opposite 180 Hemdean Road, to serve the four dwellings, with parking and landscaping to the front of the site.

5. The introduction of the three storey form would be at odds with the prevailing pattern of development within the street scene, where the built form is typically two storeys in height. The fact that the site is elevated above the highway would accentuate the three storey height within the street scene and add to its prominence. This discordance would be further exacerbated by the use of gable roof, rather than the hipped style found in nearby semi-detached dwellings which the siting relies upon to space the proposed dwellings back from the highway. The appellant has confirmed that the gaps between the proposed pairs of dwellings would be considerably smaller than that found elsewhere within the street scene[1] and this would further emphasise the incongruent nature of the proposed dwellings in the wider street scene.

6. When these factors are considered in combination, the proposed development would result in a development that would fail to promote or reinforce the local distinctiveness of the street scene. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the street scene. Accordingly, it would be contrary to Policy CS7 of the *Reading Borough Core Strategy 2008* (with Alteration Adopted 27 January 2015) and Policy DM11 of the *Sites and Detailed Policies Document 2012* (SDPD), which, amongst other aims seek to ensure that all development must be of a high design quality that maintains and enhances the character and appearance of the area.

Affordable Housing

7. Policy DM6 of the SDPD requires a financial contribution to be provided towards affordable housing elsewhere in the Borough for schemes of 1 to 15 dwellings. Following the Court of Appeal's judgement on 13 May 2016[2], the *Written Ministerial Statement of 28 November 2015* (WMS) has been reinstated. This, together with the national Planning Practice Guidance[3], clearly indicates that *'contributions should not be sought from developments of 10-units or less, and which have a maximum combined floor space of no more than 1,000 square metres.'* This is a material consideration which should be afforded significant weight as national planning policy, which post-dates the adoption of the adopted development plan and its 'altered' status in January 2015.

8. The Council have pointed me to the case law, which at Paragraph 99(iii) of the judgement states that *'in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing….contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.'*[4]

[1] Appellant's Planning Appeal Statement Paragraph 4.07
[2] Secretary of State for CLG v. West Berkshire District Council and others [2016] EWCA Civ 441
[3] https://www.gov.uk/guidance/planning-obligations see Paragraph: 031 Reference ID: 23b-031-20160519 Revision Date 19/05/2016
[4] LPAs Appeal Statement, Appendix 4 Statement on Affordable Housing Provision as part of the Development of Small Sites, Paragraph 1.12

9. In support of this stance, the LPA has submitted various committee reports and a statement on the Council's position on affordable housing. I acknowledge the constraints identified by the LPA and the impact changes in the policy context may have on the delivery of both market and affordable housing. However, the case law is clear in that local circumstances *may* justify lower thresholds as an *exception*. The point is that if and when a lower threshold than that set out in national policy is used, this should be an exception not the norm. In this case, I do not find the local circumstances, difficult as they may be perceived by the local planning authority to be, mean that an exception to national policy is justified in this instance.

10. I have taken into account a number of appeal decisions put forward. However, I am uncertain that the evidence before those Inspectors' is fully reflective or the same as that before me. In the absence of a persuasive case which would justify an exception to national policy in this instance, I cannot be satisfied that a contribution is justifiable on this occasion. Consequently, I consider the proposal would accord with national planning policy which, based upon the evidence before me, outweighs the requirements of Policy DM6 of the SDPD in this case.

Overall Conclusion

11. Whilst I have found in favour of the appellant on the second main issue, this does not overcome or justify the harm I have identified to character and appearance nor the conflict with the adopted development plan policies in this respect. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR