
Appeal Decision

Site visit made on 14 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/E0345/W/16/3161485

Gloucester Court, Reading, Berkshire RG30 2TW

- 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 Steve Pearce against the decision of Reading Borough Council.
 - The application Ref 160482, dated 9 January 2015, was refused by notice dated 3 June 2016.
 - The development proposed is two new-build dwellings including two car parking spaces for each dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted revised plans with the appeal, which include alterations to the parking area to provide footway access to the proposed dwellings. As a consequence, the overall number of parking spaces would be reduced from five to four. It is only appropriate to take this amendment into account if no party would be disadvantaged. In *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37] it was held that the main criterion is whether the development would be so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of such consultation.
3. Given the number of objections to the planning application which included parking as a concern, third parties who have been notified may not be aware of the revision. Thus, in accordance with the principles in *Wheatcroft*, the amended drawings submitted with the appeal do not form part of my considerations below; my decision is based upon the same plans as those upon which the Council made its determination.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area
 - whether the proposed development should provide a financial contribution to affordable housing
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- the effect of the proposed development on street parking in the area, and whether it makes adequate provision for off-street parking, access and refuse collection, and
- whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to outlook from the dwelling and the privacy of, outlook from, and size of private amenity space.

Reasons

Character and appearance of the area

5. While the sizes of the gardens of the neighbouring plots vary, their overall character is one of a spacious area where the spaces around buildings are an important part of the landscape. In this context, the short back garden of Plot A, which would be around half the area of the garden of its immediate neighbour, 10 Gloucester Court, as well as its site coverage which would appear greater than many of its neighbours, would undermine the spacious character of the area. This would be exacerbated by the scant space between the house on Plot A and the parking area. Because of the lack of space around the house on Plot A, the proposal would appear a cramped, overdevelopment of the site.
6. I acknowledge the housing in the streets to the west have a tighter urban grain, but consider this site's location and development history has more affinity with the area to the north, south, and the east, which has a looser grain and more spacious pattern of development. I note that the appellant considers the site redundant and a dead-end which adds nothing to the residential character of Gloucester Court. However, my impression is that it appears as the back garden of 72 Tilehurst Road and contributes to the spaciousness of the area.
7. I therefore conclude that the appeal proposal would be harmful to the character and appearance of the area. While I see no conflict with CS¹ Policy CS15 and SDPD² Policy DM4 to which the Council refers and which concern density, housing mix, and amenity, it would be contrary to CS Policy CS7 and SDPD Policy DM11. These state that development should maintain and enhance the character and appearance of the area, make a positive contribution in terms of the relationship of existing built form and the spaces around buildings and integrate with it in regard to the coverage of each plot.
8. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework (the Framework) which states that development should respond to local character and indicates that development of poor design which fails to improve the character of an area should be refused.

Affordable housing

9. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council

¹ Reading Borough Local Development Framework Core Strategy, adopted January 2008

² Reading Borough Local Development Framework Sites and Detailed Policies Document, adopted October 2012

would make the scheme unviable, but refers to the Court of Appeal judgment³ of 11 May 2016 in respect of a challenge to the Written Ministerial Statement⁴ of 28 November 2014 (WMS).

10. The WMS stated that *'for sites of 10 units or less....affordable housing and tariff style contributions should not be sought'*, and the Court upheld that this should be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development. The Planning Practice Guidance has been amended to reflect the judgment.
11. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan, in which SDPD Policy DM6 is relevant to the issue in this appeal. It seeks from residential development of between 1 and 4 dwellings a financial contribution equivalent to 10% of the housing to affordable housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013 (SDP).
12. The Council's representation describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
13. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD Policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
14. The appellant draws my attention to an appeal decision⁵ in April 2016 in Reading in which the Inspector attributed greater weight to the WMS than Policy DM6, and concluded that a contribution to affordable housing was unnecessary. However, the Council refers to two, more recent appeal decisions⁶ in November 2016 and January 2017 in this Borough, in which the Inspector concluded to the contrary. My findings above are consistent with the most recent decisions by Inspectors in like cases, in which light the determination of this case in a like manner is a material consideration to which I attach substantial weight. For the reasons above, I conclude that the

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

⁴ House of Commons: Written Statement (HCWS50) 28 November 2014

⁵ Appeal Ref: APP/E0345/15/3141752 July 2016

⁶ Appeal Ref: APP/E0345/W/16/3153661 November 2016

Appeal Ref: APP/E0345/W/16/3159962 January 2017

proposed development should provide a financial contribution to affordable housing, the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.

Parking, access, and refuse collection

15. There are presently five parking spaces on the site. The Council has provided evidence of the planning permission for the Gloucester Court development which shows these five spaces being provided as casual parking spaces. The proposal indicates two of them being used by the proposed development, which would result in the loss of two spaces to the occupiers of Gloucester Court, which the Council considers would intensify the pressure for on-street parking in the wider area.
16. I note that parking in the surrounding streets is restricted to residents living within the entire parking zone, not just those in Gloucester Court. However, at the time of my site visit, which was in the middle of a week day, the occupancy of the street parking bays was around 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality. I also note the appellant's reference to the Council's Parking Services Report 2014-2015, which shows that the parking zone was then at 87% capacity as regards permits issued.
17. While the Council's maximum parking standards permit one space for a 2-bedroom dwelling and 1.5 spaces for a 3-bedroom dwelling, the proposal indicates only two spaces. However, I note that the site is in a relatively sustainable location, close to Reading West railway station, bus routes and within walking distance of the Oracle Shopping Centre.
18. The Framework, which has a core principle of making the fullest possible use of public transport, walking and cycling, advises that parking standards should take account of the type of the development and its accessibility. I also note the Written Ministerial Statement to Parliament of 25 March 2015 which states that local planning authorities should impose local parking standards only where there is clear and compelling justification that it is necessary to manage their local road network.
19. From my visit to the site and the surrounding streets, I do not consider that the displaced parking spaces and the number of parking spaces for the new dwellings in the proposal would result in a material shortage of off-street parking provision, or unsustainable pressure on the existing on-street parking in the area. Nor has it been demonstrated that there would be a harmful effect on highway safety and traffic movement as a result of the additional, on-street parking. In these respects there would be no conflict with CS Policies CS20 and CS24 which seek development that contributes to a balanced transport network and which set out parking standards.
20. I note the layout on the proposed block plan, as well as the Council's public highway map. However, reconciling these drawings against the ground on-site, I am not convinced that the proposed parking layout would require space for manoeuvring outside the red line of the site and beyond the extent of the public highway.

21. Notwithstanding this, it is clear from the site plan that if the proposed parking spaces were fully occupied, there would be no clear access to Plot A and only restricted access to Plot B. This would make access to the houses and the collection of refuse difficult. The proposal would, in this respect, conflict with CS Policy CS2 which requires development to promote layouts that provide adequate space to facilitate waste storage, reuse, and recycling.
22. I conclude on this issue that the parking provision for the proposed houses would be appropriate to the needs of the development and would not harmfully intensify the pressure for on-street parking in the wider area leading to highway safety and traffic conflicts. However, the lack of access to the dwellings would be at odds with SDPD Policy DM12, which seeks development which would not be detrimental to the safety of pedestrians and cyclists.

Living conditions for future occupiers

23. The outlook of the lounge and dining area and back garden of Plot A would be limited by the short depth of the garden, but not so limited that it would not provide any outlook. The rear wall of the house on Plot A would contain two large openings for glazed doors as well as a kitchen window, maximising the outlook from these spaces to a satisfactory degree. Given the distance of development from its three open aspects, I consider the outlook from and privacy to the garden would be sufficient for the occupiers. Whilst comparatively small in area, given the size of the dwelling, the garden would meet the needs of its occupiers.
24. The garden of Plot B would be on sloping ground, but given its breadth across the slope, it would be unlikely to constrain its utility unacceptably. The garden would be overlooked to a limited degree by surrounding occupiers, particularly 72 Tilehurst Road, but this would be little different to the present condition of mutual overlooking which I saw in the surrounding development which is common in built-up areas like this, and which is commonly mitigated by tree or shrub planting, as indicated in the proposal. Given the size of the garden and its open aspects, it would provide satisfactory outlook.
25. While the drawings show obscure-glazed windows to the kitchen and dining area, the landing window would be clear glazed which would provide a degree of outlook. But, given the importance of the kitchen and dining area to the dwelling, and the limited size of the window and its location displaced from these areas, it would, on its own, provide insufficient outlook.
26. I note that the appellant is amenable to retaining these windows in clear glazing, which would overcome the shortcoming of outlook. Given the separation distance of the rear elevation of this proposal to the gardens and windows of dwellings opposite in Connaught Road, there would be a low risk of any material loss of privacy to these neighbours or to the future occupiers of the development. However, clear glazing is not what has been consulted upon and the consideration of a condition to this effect may risk prejudicing the occupiers of dwellings to the rear.
27. I must therefore conclude on this issue that because of the lack of outlook from the kitchen and dining area in Plot B in the scheme as determined, that the proposed development would not provide acceptable living conditions for future occupiers. It would be in conflict with SDPD Policies DM4 and DM10 which protect the living conditions of future occupiers and contrary to one of the core

planning principles of the Framework (paragraph 17); that planning should seek to ensure a good standard of amenity for future occupants of land and buildings.

Other Matters

28. I have had regard to the concerns raised by local residents, most of which I have considered within the main issues. I note the objections from the occupiers of 72 Tilehurst Road regarding loss of privacy, loss of outlook, loss of daylight, disturbance, and loss of security. However, their dwelling is raised above ground level whereas the proposed dwelling closest to them is set at a substantially lower level and enclosed by a 1.8m fence. Given the substantial distance between No 72 and the proposal, as well as its enclosure, there is no substantive evidence that there would be a materially harmful impact on the living conditions of these occupiers.

Conclusion

29. The proposed development would provide two additional houses to local housing supply, with adequate provision for off-street parking and without placing unsustainable pressure on the existing on-street parking. However, this is outweighed by its harm to the character of the area, its lack of access, its lack of provision for affordable housing, and the unacceptable living conditions for future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR