
Appeal Decision

Site visit made on 13 March 2018

by **D H Brier BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 March 2018

Appeal Ref: APP/X0360/C/17/3179692

Land at 128 Reading Road, Wokingham RG41 1HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs J Courtnage against an enforcement notice issued by Wokingham Borough Council.
- The enforcement notice was issued on 7 June 2017.
- The breach of planning control as alleged in the notice is the material change of use of the ground floor of a detached building from ancillary residential use to the main house to a separate self-contained ground floor flat.
- The requirements of the notice are:
 - (i) Cease the use of the ground floor of the building as a separate unit of residential accommodation.
 - (ii) Remove the kitchen and bathroom fixtures and fittings from the ground floor of the detached building.
 - (iii) Permanently remove all the materials associated with compliance (i) and (ii) from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision. The appeal is dismissed and the notice is upheld with a correction.

The Appeals Site and Background

1. The appeal property is a detached outbuilding in the grounds of No.128 Reading Road, a grade II listed building. Planning permission was granted for the erection of the building in January 2003; according to the notice of approval the development was described as "*Proposed erection of single storey garage with room in loft space*" (reference F/2002/7944). In August 2010 permission was granted for the variation of condition 2 attached to the 2003 permission to allow "*conversion of garage into a home office accommodation and leisure use (both ancillary to 128 Reading Road)*" (reference VAR 2010/1593). And, on 14 February 2017, a lawful development certificate (LDC) was granted in respect of a first floor flat [Flat 2] in the building (reference 163302)¹.
2. The appeal concerns a one bedroom flat on the ground floor of the building. However, while the allegation refers simply to the change of use of the ground floor, the living accommodation which contains a living room with a kitchen area, a bedroom and a bathroom, does not occupy all of this area. The flat in

¹ The LDC was a split decision. The decision expressly indicated that no certificate was issued for the ground floor flat.

question occupies the northern part of the ground floor, while the southern part of the building, which is served by a double timber door, is physically separated internally from the living accommodation and appeared to me to being used as a store².

3. In the light of this, my view is that the allegation does not identify the breach with sufficient precision. Mindful of the deemed application in particular, the allegation ought to refer to the use of *part* of the ground floor of the building. I have the power to correct the notice, and as this would amount to no more than a clarification in this instance, I am satisfied that exercising my power accordingly would not cause injustice to the parties involved.

Appeal on Ground (a) and the Deemed Application

Preamble

4. Under the ground (f) appeal, and reiterated in support of ground (a)³, my attention has been drawn to a scheme whereby the first floor and ground floor living accommodation would be amalgamated to form a single dwelling unit which I understand is the subject of a planning application. It may be this arrangement would work better and would be the best option, as the appellant contends. However, this matter lies outside the ambit of the appeal before me, so I do not propose to take a view on it. In particular, the parameters of the deemed application and the ground (a) appeal derive directly from the matters alleged in the enforcement notice, namely a separate self-contained ground floor flat. My decision will be made on this basis.

Appeal

5. The appeal site lies within a predominantly residential area. Notwithstanding the concerns expressed by some local residents, I concur with the Council's view that there is no harm to the area's character and appearance, there would be no significant impact on the amenity of the dwellings in the locality, and parking provision and outdoor amenity space are both sufficient.
6. In essence, the Council's concern focuses on the quality of the living accommodation, in particular its size. In this respect, Policy TB07 of the Council's Managing Delivery Local Plan (MDLP), headed 'Internal Space Standards' and the Department's 'Technical Housing Standards – nationally described space standard'⁴ (THS) are particularly pertinent. In addition, Policy CP3 of the Council's Core Strategy (CS) requires that development should, amongst other things, be (a) of an appropriate scale without detriment to the amenities of occupiers and their quality of life.
7. In the light of the foregoing, I consider the main issue is whether the flat in question provides reasonable living accommodation.
8. The Council's assessment of the gross floor area of the flat, 38.5m², has not been called into question by the appellant. This is well below the 50m² standard for a one bedroom flat referred to in both MDLP Policy TB07 and the THS. Moreover, the asymmetrical roof form of the building restricts the ceiling height of the rearmost parts of the flat to less than 1.5m. The submission that when

² This internal subdivision of the ground floor of the building is depicted on Plan 02 referred to in the second schedule of the 2017 LDC.

³ Email from Mr C Keen dated 17 November 2017.

⁴ Department for Communities and Local Government – March 2015

the THS standard is applied here, this has the effect of reducing the floor area by a further 3m², has not been disputed either. Nor has the Council's assessment that there is no built in storage provision and that the bedroom's dimensions are below the THS's standard for a double room been challenged.

9. I have read that the accommodation is currently occupied by one person and there is nothing before me that points to any dissatisfaction with its quality or size on the part of the current or any previous occupier(s). Indeed, it seems to me that occupiers of the flat may well take the view that any shortcomings arising from the modest scale of the accommodation are outweighed by the amenity space virtually on the flat's doorstep and the greenery in evidence here which gives the site and its surrounds a pleasant, almost semi-rural, character, despite the traffic travelling along Woollahill close by to the east. However, mindful that providing high quality homes is one of the guiding tenets of the National Planning Policy Framework, (The Framework), I am not satisfied that such considerations are sufficient to override what I regard as the Council's well-founded concern in this respect.
10. Perhaps self-evidently, the development in question contributes to the local housing stock. However, as I see it, accommodation that fails to meet both local and national space standards is hardly consistent with what The Framework seeks to achieve. To my mind, the shortcomings of the flat are such that it does not provide a reasonable unit of living accommodation and, as such, is contrary to CS Policy CP3(a) and MDLP Policy TB07.
11. The appeal on ground (a) therefore fails and planning permission will not be granted on the deemed application.

Appeal on Ground (f)

12. The submissions under this heading are directed, in the main, at the reconfiguring of the residential accommodation in the building to form one unit. I have already indicated that the deemed application is not an appropriate vehicle for pursuing such a proposal. This view also extends to the appeal on ground (f).
13. As I see it, the requirements of the notice represent a reasonable response to the alleged breach of planning control to which they are expressly directed. Given the unacceptable nature of the development in question, I do not find any of the measures, either individually or collectively, excessive,
14. The appeal on ground (f) therefore fails.

Formal Decision

15. I direct that the enforcement notice be corrected in article 3 by the insertion of "part of" between "use of" and "the ground floor". Subject to this, I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

D H Brier

Inspector