



Appeal Decision

Site visit made on 16 July 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/E0345/W/19/3222030

Wantage Road Post Office, 180 Wantage Road, Reading RG30 2SJ

- 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 Jay Chauhan against the decision of Reading Borough Council.
 - The application Ref 181953, dated 8 August 2018, was refused by notice dated 24 January 2019.
 - The development proposed is for external alterations to an existing outbuilding.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jay Chauhan against Reading Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In my heading above, I have taken the description of development from the planning application form. However, there is a dispute between the parties as to the nature and scope of the proposal. The appellant considers that the proposal facilitates alterations to the dwelling permitted¹ under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development (England)(as amended) Order 2015 (GPDO), whereas the Council considers that the appeal proposal amounts to the erection of a dwelling.
4. Class M of the GPDO permits the change of use of a building falling within class A1 (retail) to a use falling within Class C3 (dwellinghouse), and the building operations reasonably necessary to convert the building. As it expressly prevents the building extending beyond the external dimensions of the existing building, there is no dispute between the parties that the appeal proposal lies outside the scope of the permitted development.
5. The appeal building was originally a detached garage with a footprint measuring approximately 4.49m x 5m. The submitted plans propose that the physical alterations would result in a building of narrower width, approximately double the depth and an increase in height by approximately 1.2m. Based on the submitted information this would suggest that it is only the north facing

¹ Reference 180981 dated 31 July 2018

wall that would remain largely in situ, with the other walls and roof being rebuilt in different positions, and I have not seen evidence to the contrary.

6. On that basis, this would involve substantial construction works that would be tantamount to the construction of a fresh building rather than an alteration or discrete extension to the converted permitted dwelling. Although I accept that it is possible to submit a planning application solely for physical extension works that lie beyond those granted by permitted development, the appeal proposal necessitates such a degree of demolition and construction so as to constitute a development of a different nature to the permitted dwelling. Therefore, I consider it is appropriate to consider the proposal as the construction of a dwelling and have considered the appeal accordingly.
7. At the time of my site visit I noted that construction works were underway in relation to the main building at 180 Wantage Road. Whilst the building that is the subject of the appeal had some hoardings erected, the shell of the garage building was in place and I was unable to tell whether works under reference 180981 dated 31 July 2018 had commenced.

Main Issues

8. The main issues are the effect of the appeal proposal on:
 - The character and appearance of the area, and;
 - The living conditions of future occupiers, with particular regard to privacy, noise and the provision of internal and garden space, and;
 - The living conditions of nearby residents, with particular regard to outlook, and;
 - Whether the proposal makes suitable provision towards Affordable Housing having regard to local and national policies.

Reasons

Character and appearance

9. The section of Wantage Road closest to the appeal site predominantly comprises 2-3 storey mostly semi-detached residential dwellings that have a regular set back from the road. The coherent use of materials, architectural detailing, relationship to the street and mature street trees result in a pleasant sub-urban character. The long rear gardens associated with most of the dwellings in the area, including that of the appeal site, contribute positively to the greenery and sense of space between the built form in the established pattern of development.
10. The appeal site is located at the northern end of the long rear garden for 180 Wantage Road. It fronts onto Lundy Lane, which, notwithstanding the presence of some dwellings, has a more informal layout due to the parking areas and presence of garages and outbuildings. As a result, the prevailing character is of a secondary and subordinate nature in comparison to Wantage Road and Waverley Road to the west.
11. The appeal building is a modest unremarkable detached garage structure that conforms to, and respects, the surrounding hierarchical layout in scale and appearance. The proposal would introduce a flat roofed single storey dwelling

- in place of the garage and a lower portion of the garden. Due to the flat roof and elongated depth, the building would be of a form and scale out of character with its immediate surroundings as it would neither follow the traditional form and layout for dwellings, nor be commensurate with the role or appearance of nearby outbuildings. Furthermore, due to its depth it would encroach further into the generally undeveloped garden area, thereby diminishing the sense of space and greenery and contrasting adversely with the gardens located to the west.
12. The structure would be finished in white render, making it conspicuous in views from Lundy Lane as well as some private views from surrounding properties. In addition, aside from a vertically proportioned window, the elevation onto Lundy Lane is mainly blank which given the proximity of the building to the road together with the increase in height, would result in an unduly prominent and incongruous appearance.
 13. The appellant points to the permission to convert the existing building under permitted development. In light of the existence of the permission, the statement of the appellant and the construction works taking place at 180 Wantage Road, I accept that it is likely that, in the event the proposal before me is dismissed, the conversion would be implemented. Therefore, the fallback position is a consideration of significant weight. Although I have not been provided with the plans for the permitted scheme, in order to meet the restrictions of the permitted development, the external dimensions cannot extend beyond those of the original garage building.
 14. Therefore, this would contrast with the more substantial depth and height of the appeal proposal. Given that I have identified harm arising from the depth and height of the appeal proposal, and based on the evidence submitted, it is not shown that the proposal represents a superior design to the fallback position as the appellant asserts.
 15. I have considered the adequacy of the amount of garden space provided to serve the dwelling separately below. Irrespective of that consideration, policy DM10 of the Reading Borough Local Development Framework, Sites and Detailed Policies Document, October 2012 (SDPD) requires the design of outdoor spaces to reflect the size and character of similar spaces in the vicinity. Due to the depth of the proposal, when combined with the extended main property at 180 Wantage Road, the size of the remaining garden space would be significantly and adversely reduced in comparison to the characteristic long gardens evident in properties located to the west.
 16. Accordingly, I find that the proposal would have a harmful impact upon the character and appearance of the area and in accordance with the advice in paragraph 130 of the National Planning Policy Framework (the Framework), permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In addition, it would conflict with policy DM11 of the SDPD which requires development on private residential gardens to, amongst other things, make a positive contribution to the surrounding character. It would also run counter to one of the objectives in policy DM10 of the SDPD which seeks to ensure that the provision of outdoor space reflects the size and character of similar spaces in the vicinity.

17. Furthermore, it would be contrary to policy CS7 of the Reading Borough Local Development Framework, Core Strategy, January 2008 (CS) which requires new development to achieve a high quality design that, amongst other matters, maintains and enhances the character and appearance of the area.
18. The Council also refers to policy CS15 of the CS in its refusal reason. However, this policy refers to securing an appropriate location, density and housing mix for new residential development. In giving weight to the fallback position that allows for a small dwelling in this location, in this respect the appeal proposal would not notably alter the location, density or housing mix. Therefore, the evidence does not show a conflict with this policy in relation to the impact on the character and appearance of the area.

Living conditions of future occupants

19. Much of the south facing elevation comprises sliding glazed doors that would serve the living room and which open out onto a patio area. The combination of the extent of glazing, orientation, difference in levels and proximity to the main building at 180 Wantage Road, would result in direct views from windows serving principal rooms in the upper floor flats at No.180. I observed that dormer windows had been recently constructed in the rear facing roof slope of No. 180, which correlates with the reference to a recent planning application² for dormer windows in the officer report. Due to the relationship with No. 180, the proposal would allow an unacceptable level of overlooking to the main living area and garden that would be harmful to the living conditions of future occupants.
20. Whilst the fallback position also has rear facing windows, the increased depth of the appeal proposal notably reduces the separation distance with No.180 and therefore results in a more harmful relationship by comparison.
21. In addition, the bedroom would be served by a narrow window in the elevation facing Lundy Lane. The proximity of this window to Lundy Lane, as well as to the parking space, communal footpath and bin storage area serving the flats at No. 180, would allow for intrusive views into the bedroom. I acknowledge that the plans indicate that this window will be obscure glazed. However, whilst this may assist in improving the level of privacy, as it is the only window serving the bedroom, this would of itself result in unsatisfactory living conditions for future occupants.
22. A footpath would be created to the western side of the proposal to serve the flats in No.180 providing rear access to Lundy Lane and access to the communal bin storage area directly adjacent to the northern elevation of the appeal building. In addition, a parking space would be located directly in front of the bedroom window. There is also a sizeable parking area located directly to the east of the appeal proposal serving other nearby properties. Taking these factors together, the overall configuration is likely to amount to significant activity and movement from nearby residential occupiers, that due to the proximity with the appeal proposal would cause an unreasonable level of noise and disturbance to future occupants such that the quality of their living conditions would be unreasonably compromised.

² 182082/FUL

23. The Council considers that the bedroom in the appeal proposal would fall below the nationally described space standard (NDSS) of 50sqm for a one bedroom, 2-person single storey dwelling. Notwithstanding that the submitted Ground Floor Plan shows a double bed space, the appellant disputes that the proposal is a 2-person dwelling and indicates that the floorspace, at approximately 44.81sqm, meets the NDSS for a single person dwelling.
24. In any event, the Planning Practice Guidance indicates that where a local planning authority wishes to apply an internal space standard, they should only do so by reference in their Local Plan to the NDSS, a process that would require the gathering and examination of evidence that such an approach is justified. Whilst policy H5 of the Submission Draft Reading Borough Local Plan, March 2018 does include a reference to the NDSS, given its early stage of preparation, it attracts only limited weight.
25. National advice does not further suggest that a failure to comply with aspects of the NDSS is of itself evidence of inadequate living conditions. Moreover, the fallback position would result in a considerably smaller dwelling which attracts weight in favour of the proposal in this respect. The proposal would provide separate bedroom and living space, and the plans indicate enough room to accommodate basic furniture requirements and storage. Therefore, based on the evidence provided it is not demonstrated that the proposal would fail to provide adequate internal space such that the living conditions of future occupiers would for this reason be unacceptable.
26. I am referred to the Council's Residential Conversions Supplementary Planning Document, November 2013 which contains guidance as to the quantum of garden space, which suggests that in relation to 1-2 bedroom flats this should be 25sqm. The appellant has provided a diagram³ and suggests that the proposal would meet with this standard. However, the diagram is not to scale, and it is therefore unclear how it relates to drawings numbered 18001-0-110-b T4 and 18001-0-111-b T4 in establishing the amount and distribution of outdoor space for the appeal proposal and the other flats at 180 Wantage Road. Nevertheless, it appears likely from the diagram and plans that it would be possible to provide 25sqm of garden space, the detailed arrangement of which might otherwise be specifically established by way of a condition.
27. Accordingly, although I find that the quantum of internal and garden space provided would provide a suitable living environment, the proposed configuration would result in an unacceptably harmful degree of overlooking and disturbance for the future occupants of the proposed dwelling. As such, it conflicts with policy DM4 of the SDPD whose main objectives include preventing significant detrimental impact to the living environment of new residential properties. The Council also refers to policies DM10 and DM11 of the SDPD which, amongst other matters, require new development to provide suitable garden space. However, as I am satisfied that the proposal could achieve this, I do not find conflict with those policies.

Living conditions of nearby residents

28. The proposal would be a detached, single storey building with a flat roof located on slightly lower ground than the main properties along Wantage Road. When this is combined with the separation distances from 180 Wantage Road

³ 3D representation of amenity space, paragraph 4.22 Town Planning Expert Appeal Statement

and the dwellings either side of No. 180, it would be unlikely to have an unduly overbearing or enclosing effect on the occupants of those properties such as to harm their living conditions. Accordingly, I do not find the proposal would conflict with policy DM4 of the SDPD regarding one of its main objectives to safeguard the living conditions of occupants of existing development.

Affordable housing

29. Policy DM6 of the SDPD requires that on development proposals for 1-4 dwellings, financial contributions equivalent to 10% of the housing to be provided should be secured towards the provision of affordable housing elsewhere in the borough. However, policy DM6 conflicts with the advice in paragraph 63 of the Framework which states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in rural areas.
30. Policy DM6 of the SDPD and the Affordable Housing Supplementary Planning Document, July 2013 both predate the Framework advice. In such circumstances, paragraph 213 of the Framework advises that due weight should be given to adopted policies according to their degree of consistency with the Framework. In the absence of more up-to-date evidence to justify the approach in policy DM6, I have attributed greater weight to the Framework.
31. Moreover, the Council accept⁴ that policy DM6 should not apply to the replacement of dwellings where there is no net increase. The appeal proposal is presented as an alternative dwelling to the fallback position, whereby there would be no net increase in self-contained units overall. The fallback position is a consideration of significant weight as it is likely to proceed if the appeal proposal is dismissed. Such circumstances are reasonably comparable to a replacement dwelling in that there would be no net increase in self-contained units overall. Therefore, on the evidence before me, policy DM6 is not applicable in these circumstances. Accordingly, I do not consider that unacceptable harm would result from the proposal in relation to the failure to provide affordable housing, and do not find that the proposal would conflict with policy DM6 of the SDPD.

Other Matters

32. Notwithstanding the Council's concerns in relation to the quality of the drawings submitted, they are sufficiently informative for the purposes of assessing the appeal proposal against the main issues identified.

Conclusion

33. Although I do not find harm in relation to the provision of affordable housing and living conditions of existing residents, I do find unacceptable harm in relation to the impact of the proposal on the character and appearance of the area and the living conditions of future residents. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁴ Strategic Environment Planning and Transport Committee on 13th July 2016