



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/19/3226790

149 Chiltern Road, Caversham, Reading RG4 5JG

- 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 Michael Nash against the decision of Reading Borough Council.
 - The application Ref 181869, dated 24 October 2018, was refused by notice dated 23 January 2019.
 - The development proposed is the erection of a new 3 bedroom detached house and garage, and alterations to the existing house including a front extension, first floor extension, orangery extension and garage, including alterations to the external appearance.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal makes suitable provision towards Affordable Housing having regard to local and national policies.

Reasons

Character and appearance

3. Chiltern Road is largely comprised of regularly spaced 2 storey semi-detached dwellings. However, the appeal site is located at the end of the road and has a different character derived from its greater separation from other built form and a less direct relationship with the road. As a result, the generous, well-screened, triangular site shares more traits with the detached properties located to the west and south. Most of these are large irregularly shaped plots with a more sporadic layout with generally centrally positioned dwellings amongst established gardens. The change to a more spacious verdant character at this part of Chiltern Road is evident along the pedestrian route through to Peppard Road, to which the appeal site currently positively contributes.
4. The appeal proposal would add a further storey and extensions that would considerably alter the appearance of the existing dwelling. However, it is the introduction of an additional detached house to the southern part of the appeal site that would have a greater impact on the character and appearance of the area. Although it would replace a detached garage building, its massing, depth

and forward positioning relative to the original dwelling would encroach into, and therefore diminish, the space and sense of balance around the principal dwelling within the plot. In addition, its proximity to the larger house would make the disparity in scale and space within the plot particularly apparent, and thereby would result in a constrained incongruous appearance. Consequently, it would adversely detract from the spacious character and appearance of the area.

5. The appellant points to Chiltern Heights, a relatively modern residential development to the north east of the appeal site which he considers displays similar separation distances and plot sizes to that proposed. Although there is some variation within this group of five detached dwellings, they are of a broadly similar footprint, style and materials and are reasonably regularly spaced around, and front onto, a private access drive. 134 Chiltern Road, a detached dwelling to the eastern end of the group at Chiltern Heights broadly continues the footprint rhythm in evidence opposite the appeal site. On this basis, the appeal proposal would be notably different due to the more conspicuous difference in the scale and spacing for the respective dwellings within the plot. As such, the group of dwellings on the opposite side of the pedestrian route are of limited comparability to the proposed development.
6. My attention is also drawn to examples of smaller houses positioned next to wider properties at Nos. 117/119 and 137/139 Chiltern Road. Both cases refer to semi-detached dwellings where one has been extended to the side. The examples given have limited relevance to the appeal proposal as they did not introduce an additional dwelling, and the more regular form of dwellings along Chiltern Road contrasts with the spacious character of the appeal site.
7. I acknowledge that the appeal site is relatively enclosed in comparison to properties fronting Chiltern Road. Nevertheless, views of the proposal would be possible via the access from the adjacent public right of way which would allow for clear views of the relationship of the proposed new dwelling with the principal house. Further glimpses would be attainable further north west along the pedestrian route as the land is at a higher level where the roof slopes of both houses would be visible. Notwithstanding the use of suitable materials, architectural detailing and landscaping, this would not be sufficient to entirely overcome the harmful impact of the increased presence of built form on the spaciousness of the area.
8. The appellant has submitted a plan¹ for illustrative purposes which shows that it would be possible to provide each dwelling with a suitable quantum of garden land in line with policy DM10 of the Reading Borough Local Development Framework, Sites and Detailed Policies Document, October 2012 (SDPD). However, the policy also requires new development to respect the size and character of other similar outdoor areas in the vicinity, which given that the policy refers to private and communal outdoor space, would include domestic gardens.
9. Given the nature of the plots in evidence to the west and south of the appeal site, the proposed sub-division of the triangular plot, shown in both the submitted and illustrative plans², would be out of character to the plots it most resembles in the surrounding pattern of development. Whilst reference is made

¹ Drawing reference 18.14-111 revision F

² Drawings referenced 18.14-111 revision E and 18.14-111 revision F

to general non-uniformity in terms of the depth and shape of gardens on the southern side of Chiltern Road, the appellant generally accepts that the appeal site has a different character to the remainder of Chiltern Road. It therefore follows that these have limited relevance to the appeal proposal in this regard. Accordingly, I do not consider that a condition to secure the illustrated garden boundary would overcome the harm identified.

10. Therefore, I find that the proposal would result in unacceptable harm to the character and appearance of the area and as such, 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. Furthermore, the proposal would conflict with policies DM10 and DM11 of the SDPD which require new development, amongst other things, to respect and make a positive contribution to the surrounding character in terms of the relationship of the existing built form and garden spaces.

Affordable housing

11. 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.
12. The appellant has submitted a Unilateral Undertaking (UU)³ to provide a financial contribution of £22,750 towards the provision of affordable housing in line with policy DM6 and the adopted Affordable Housing Supplementary Planning Document (2013). There is no dispute between the parties that the requirements of policy DM6 should be secured as a planning obligation.
13. However, policy DM6 conflicts with the advice in paragraph 63 of the National Planning Policy Framework (the Framework) which states that the provision of affordable housing should not be sought in relation to residential development that is not major development, other than in rural areas. The proposal would provide one additional house, and therefore is not a major development, nor is it in a rural area.
14. Policy DM6 of the SDPD and the Council's 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.
15. Nevertheless, the Council have provided considerable recent evidence that underpins the approach in policy DM6 as it shows a very high need for affordable housing in the borough as well as local circumstances which justify the need for small sites to make contributions to affordable housing as an exception to national policy. I am also referred to a significant number of appeal decisions in the borough which support this approach. Although these were considered in relation to earlier versions of the Framework, a notable number postdate the introduction of the wording in paragraph 63 which is

³ Final version received 11 July 2019

similar to that in the current version of the Framework⁴ and are therefore highly relevant to the scheme before me.

16. Planning law⁵ requires me to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. I consider, based on the information presented, that the evidence shows local circumstances that outweigh the more recent national policy in this case and confirms the development plan policy. Therefore, the financial contribution towards the provision of off-site affordable housing in line with policy DM6 is necessary to make the development acceptable in planning terms and would satisfy the tests set out in paragraph 56 of the Framework, and the statutory tests within Regulation 122 of the Community Infrastructure Levy Regulations 2010.
17. However, I have some concerns about the document itself, as it is not dated and so would not have an "effective date" as defined in the UU. Moreover, although it is a UU, it lists the Council as a party to the document and purports to contain covenants by the Council, who is not a signatory.
18. Therefore, I am not satisfied that the submitted UU could be relied upon to secure appropriate provision for affordable housing arising from the development and as such, would be contrary to policy DM6 of the SDPD which seeks to secure such provision.
19. The Council also refers to policy CS9 of the CS and policy DM3 of the SDPD in its refusal reason. However, as both policies make general reference to provide infrastructure and do not specifically mention affordable housing, on that basis, I find no conflict with these policies.

Planning Balance and Conclusion

20. In support of the proposed layout the appellant asserts that the proposal would make more effective use of an underused resource in line with paragraph 122 of the Framework and would respond to the specific need for 3-bedroom family homes in the borough. Whilst I acknowledge the proposal would benefit the housing supply by providing an additional dwelling in an accessible location, this modest contribution would not outweigh the harm I have identified. Furthermore, paragraph 122 refers to the need to take into account the desirability of maintaining an area's prevailing character and setting including residential gardens, which the appeal proposal fails to do sufficiently.
21. The absence of harm in relation to transportation matters, trees, biodiversity and living conditions to surrounding residents are neutral factors in my determination, as these are matters that would have been required in any event, to meet other policies of the development plan.
22. I also understand the appellant's desire to provide accommodation in order to support his wider family. However, little weight can be attached to personal circumstances, and consequently this would not justify a permanent development of the nature proposed.

⁴ February 2019

⁵ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

23. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector