



Appeal Decision

Site visit made on 12 August 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 25 September 2019

Appeal Ref: APP/E0345/W/19/3221109

97 London Road, Reading RG1 5BY

- 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 Ghatahora of Royle Berkshire Developments against the decision of Reading Borough Council.
 - The application Ref 181373, dated 31 July 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the erection of x4 flats at the rear of 97-99 London Road.
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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 of the area, including the setting of 95 and 97 London Road, a pair of listed buildings,
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and overlooking,
 - The effect of the proposal on the living conditions of future occupiers, with particular regard to noise and outdoor living space,
 - The effect of the proposal on the safety of highway users and the flow of traffic, and,
 - Whether the proposal makes adequate provision for any additional need for affordable housing.

Reasons

Character of the area

3. The proposal lies to the rear of 97 and 99 London Road, a corner position, fronting Fatherson Road. The site is open and forms part of the rear gardens and informal parking for residents of the two buildings. To the side is number 22 Fatherson Road, a tall 3 storey building partly used as a children's nursery with grounds that wrap around the end of the site.
4. Number 95 and 97 London Road are an attractive pair of Italianate semi-detached buildings which are Grade II Listed. The principal elevation fronts London Road, with stucco render and canopies. The rear is visible from Fatherson Road, across the open appeal site. Whilst less formal than the front

elevation, this gives a clear view of its un-rendered brick construction, service features and neat, regular, triple gable form to the rear. This contributes to their significance and forms part of the character of the area as you turn from the formal frontage of London Road, to the generally lower scale side street of Fatherson Road.

5. The rear gardens of the Listed Buildings are rectangular and linear. They are relatively long, befitting the historic villa. This is also reflected in the plots of the wider area, mostly long and linear and of a scale proportionate to the size of the building they serve. This provides an open setting to the Listed Buildings.
6. Within the streetscene, to the south of the site is the mostly blank side elevation of the rear projection of No 99. To the north is No 22 which is the dominant building within the street at 3 storeys with strong gable features. The scale of the street then lowers within simple roof slopes and mostly 2 storey buildings.
7. The open site therefore contributes to the setting of the rear of the Listed Building and marks a transition from the frontage to the key building (No 22) within Fatherson Road and the then lower scale side street.
8. The proposal would be three storeys, mirroring the design of the neighbouring No 22. Whilst seeking a sympathetic design to this neighbour and continuing the 'rhythm' of the frontages to the north, this would exceed the height of No 99 which fronts London Road. It would also extend close to the rear and side boundaries, set 2 metres to the rear, according to the Council's measurements. There would be a limited side garden associated with the building.
9. The proposal would also remove a significant amount of the rear space currently serving Nos 97 and 99, reducing the length of these areas and creating new staggered rear boundaries for these buildings and close relationship with the rear projection of No 99.
10. This height of building would appear dominant in the streetscene, rising above the frontage building (No 99). This would appear harmful despite matching the existing prominent building (No 22) to the north, which is set some distance from the frontage and to which the existing undeveloped gap of the appeal site provides a more open setting reflecting its scale. The scale of the proposal would also be significant, close to the rear and side boundaries leaving limited space around the proposed building and would be disproportionate to the plot. Whilst this size and scale would reduce the visibility within the streetscene of existing rear boundaries fronting London Road, it would also fail to allow the proposal to assimilate into the surrounding character of longer linear plots. This size, scale and positioning would therefore have a harmful effect on the character and appearance of the area.
11. This significant reduction in length of the garden to No 97, changing its longer linear form, increasing such significant built form close to the buildings and substantial screening of the less formal rear elevation would have a harmful impact on the identified significance of the Listed Buildings. This would fail to preserve the setting of the Listed Buildings. Given the separation, this harm would be considered less than substantial. However, no public benefits, apart from the delivery of a mix of 1 and 2 bed dwellings in an urban setting, have been identified. Paragraph 193 of the National Planning Policy Framework

(2019) states that great weight should be given to the conservation of heritage assets. Therefore, these benefits are not considered to outweigh the harm in this case.

12. The proposal would have a harmful effect on the character and appearance of the area, including the setting of the listed buildings. Consequently, the proposal would be contrary to Policies CS7 and CS33 of the Reading Borough Local Development Framework Core Strategy (adopted 2008, revised 2015) (CS) and Policy DM11 of the Reading Borough Local Development Framework Sites and Detailed Policies Document (adopted 2012, revised 2015) (SDPD).
13. Collectively these policies require development to be of a high design quality that maintains and enhances the character and appearance of the area, including scale, layout and urban structure, to have no adverse impact on historic assets and their settings, and be compatible with the general building height within the surrounding area and be of adequate size and dimensions sufficient to accommodate the development proposed in terms of the setting and spacing around buildings.

Neighbouring occupiers

14. Whilst on the northern side, the proposal would be close to the rear of Nos 99 and 97, set approximately 2.5m from the rear outshoot of No 99 in particular, which is an entrance to one of the flats. This proximity and height would have a significantly overbearing impact on this important access area, obscuring much of the outlook and forming significant enclosure around the remnant garden area.
15. Whilst the roof form is designed to slope away from these properties and there is some distance from the side elevation of the proposal, the scale and height would also be significant and enclosing on the occupiers of No 97 and exacerbated by the blank design.
16. The first floor rear windows would serve kitchens. Whilst living accommodation would also be provided to the front, these rooms would have significant use. This elevation and use would afford views into the gardens of the Wigwam nursery given the positioning and layout of outdoor space. These have outbuildings obscuring some areas, but the proposal would afford elevated views into the garden resulting in a significant level of overlooking.
17. This height, room use and positioning on the boundary would also significantly increase overlooking into the rear garden of No 95. Whilst this would be at an angle to the more private area of the garden closer to the rear elevation of No 95, it would also significantly raise the perception of overlooking given the resultant lack of privacy at the end of the garden due to the height and proximity. This would be to the significant detriment of the living conditions of these occupiers.
18. I have had regard to the appellant's suggestion of obscurely glazing these windows should this relationship be considered harmful. However, this would severely limit the outlook of future occupiers and create a harmful sense of enclosure to future occupiers from obscuring the only windows serving the kitchens.
19. Therefore, the proposal would be harmful to the living conditions of neighbouring occupiers. Consequently, the proposal would be contrary to

policies DM4 and DM11 of the SDPD. Collectively these require development to not cause a significant detrimental impact to the living environment of existing properties and not cause a significant detrimental impact to the amenity of adjacent and nearby occupants, including through visual dominance and overbearing effects and privacy and overlooking.

Future occupiers

20. The layout of the proposal includes kitchens on the first floor located above bedrooms on the ground floor. I recognise that bedrooms are noise sensitive rooms and relationships have to be considered; however, modern construction techniques and sound insulation can be applied between dwellings. The appellant has identified that such measures are proposed to be employed and would accept a condition requiring higher standards to this effect. I therefore do not consider that the layout proposed would necessarily result in detrimental living conditions in relation to noise in this case.
21. The proposed outdoor amenity space is to the south of the building and whilst there is no direct access from the upper floors, these are spacious in themselves and it is accessed within the front private space set within the proposed walls and railings, which would provide a degree of containment and connection. Whilst not all residents may seek gardens to maintain, there is a need for suitably sized outdoor living space for residents to access, utilise and enjoy given the urban surroundings, over and above solely as a visual asset. Indeed, the representations received to the application identify that the outdoor space is currently used by residents and I saw on my site visit that part is being cultivated for fruit and vegetable growing. It is not unreasonable to expect similar use from the proposed residents.
22. Given the shape of the proposed green space, much of it would function as a walkway to the bin and bicycle store, leaving only a proportion for outdoor use. This would not create an adequate outdoor open space or respect the size and character of other similar spaces in the vicinity, despite having access to sunlight and daylight.
23. Therefore, whilst I have found that the proposal would create appropriate living conditions for future occupiers in terms of noise and disturbance, it would be harmful in terms of outdoor living space. Consequently, whilst the proposal would not be contrary to Policy DM4 of the SDPD in so far as it relates to the amenity of future occupiers and likely noise and disturbance, it would be contrary to Policy DM10 of the SDPD which is overriding. This requires that such dwellings will be provided with functional communal open space that allows for suitable sitting-out areas, children's play areas, home food production, green waste composting, refuse storage, general outdoor storage and drying space.

Highways

24. The proposal would displace existing parking to the rear of Nos 97 and 99 London Road and would not make any provision for additional car parking associated with the new dwellings. The Council has identified this area as a 'congested' road network where residents parking permits already exceed supply.

25. The frontage parking for the offices of No 99 would be retained, and the informal rear parking to No 97-99 would be lost. The appellant contends that the site is located within the urban environment in a highly sustainable area close to public transport & local amenities.
26. The Council's adopted Revised Parking Standards and Design Supplementary Planning Document (2011) (SPD) linked to CS Policy CS24, includes the site within the Zone 2, with a standard of 1 space per new dwelling. The SPD sets out that should a developer require fewer spaces than this there would need to be demonstration, to the Highway Authority's satisfaction, that there would be no detriment to highway safety as a result.
27. Whilst I recognise the accessibility of the site, a walkable distance into the town and amenities, the SPD requires demonstration in relation to highway safety. No detailed evidence has provided by the appellant and given the congested nature of the area and existing lack of capacity for highway parking, I consider this a relevant issue which has not been sufficiently demonstrated at the current time.
28. Therefore, based on the evidence submitted, I cannot conclude that there is unlikely to be a material detrimental impact on the safety of highway users or the flow of traffic. Consequently, the proposal would be contrary to Policy CS24 of the CS and Policy DM12 of the SDPD. Taken together, and amongst other objectives, these require development to conform with the adopted parking standards and will only be permitted where it would not have a material detrimental impact on the function of the transport network and the safety of its users.

Affordable Housing

29. SDPD Policy DM6 requires a financial contribution towards affordable housing. The Council considers that this is justified given the significant level of local need and particular housing delivery from smaller urban sites, despite the conflict with the threshold in the Planning Practice Guidance of 10 or more units. I have been provided with justification and relevant appeal decisions where this approach has been supported. I also note the appellant does not contend this matter in principle. I am content that the policy is relevant.
30. However, whilst I note the appellant's desire to prepare and offer a Unilateral Undertaking to the Council, no such document or other form of agreement is before me to address this issue. Therefore, there is no formal mechanism secured to deliver the requirement.
31. Therefore, the proposal would fail to make adequate provision for any additional need for affordable housing. Consequently, it would be contrary to Policy DM6 of the SDPD and the Reading Borough Affordable Housing Supplementary Planning Document which requires provision from such sites.

Other matters

32. I recognise that the proposal would comply with other elements of SDPD Policy DM11, including that artificial lighting will be minimum, that the scheme has been designed with good surveillance and security in mind and that it does not stop any development of the wider area. However, the absence of harm is of neutral weight rather than a benefit of the proposal.

33. I also note that the proposal would provide a mix of one and two bedroom units and makes efficient use of urban land, however this does not outweigh the harm I have identified.
34. The appellant has referenced an appeal decision at 120 Oxford Road¹ and drawn comparisons. Whilst I do not have all the information before me that led to that proposal being considered acceptable, it appears to have a more subservient relationship to the main frontage building. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

35. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR

¹ Appeal Ref APP/E0345/A/08/2067548