
Appeal Decisions

Site visit made on 11 November 2019

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an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal A Ref: APP/E0345/W/18/3216027

18 Russell Street, Reading RG1 7XF

- 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 & Mrs Ray Fennell against the decision of Reading Borough Council.
 - The application Ref 172205, dated 8 December 2017, was refused by notice dated 23 May 2018.
 - The development proposed is the erection of a two-storey rear extension to accommodate a 1-bedroom flat.
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Appeal B Ref: APP/E0345/Y/18/3216026

18 Russell Street, Reading RG1 7XF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ray Fennell against the decision of Reading Borough Council.
 - The application Ref 172206, dated 8 December 2017, was refused by notice dated 23 May 2018.
 - The works proposed are the erection of a two-storey rear extension to accommodate a 1-bedroom flat.
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Decisions

Appeal A Ref: APP/E0345/W/18/3216027

1. The appeal is dismissed.

Appeal B Ref: APP/E0345/Y/18/3216026

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposal would:
 - preserve the grade II listed building whose statutory address is given as 6 to 22 Russell Street, listed for group value, and any of the features of special architectural or historic interest that it possesses;
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- preserve or enhance the character or appearance of the Russell Street/ Castle Hill Conservation Area;
- harm the living conditions of surrounding occupiers with particular regard to outlook;
- provide acceptable living conditions for future occupiers in terms of the provision of internal living space and light; and,
- contribute to affordable housing in accordance with local and national planning policy.

Reasons

The listed building

5. This side of this section of Russell Street contains a long, early to mid C19 terrace of smart, red-brick, town houses which step neatly down the street. Around half the terrace contains 3-storey houses with basements. The section in which the appeal building stands was listed in 1978. It is 2-storey, with attics and basements. The street-facing elevations of these houses hold large openings for sliding sash windows, their upper and basement openings under segmental arches and the raised ground floor openings under semi-circular arches set beyond a deep lightwell to the street.
6. Like its neighbours, the back elevations of this building are less ornate than those to its front. While it has no stucco or brick bands it shares the same distinctive slate roof with ridge chimney stacks, and while the arches over the windows are less complex, the eaves stair window in No 18 is unusually long and reflects the front window, displaying a semi-circular arch over a segmental arrangement of glazing bars. I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its origin as an early to mid C19 terrace of houses with surviving historic forms and fabric, together with the architectural character of the group.
7. There is no objection from the Council to the replacement of the back basement window, the realignment of its opening, and the replacement of upvc windows with timber, which would improve the appearance of the rear. Nor does it object in principle to a rear extension. However, this proposal would appear, in relation to the rear elevation, a disproportionately wide and deep structure. It would be a dominant element in the discrete, balanced arrangement at the rear, which is presently unextended. I appreciate that there appears to have been work to the rear elevation and the first floor opening appears uncharacteristically narrow for a window. However, there is no substantive historical evidence to indicate the development of the building or otherwise justify an extension of this size against the rear elevation.
8. I note that the proposal was amended to retain the semi-circular arched stair window, previously proposed for removal. It is not clear just how close the new building would be to the cill of the semi-circular stair window at the eaves, but its masking effect would certainly truncate its prominence in the hierarchy of townscape elements in the rear elevation, diminishing an attractive feature of the elevation and lessening its architectural integrity. The effect of the upper section of the proposal would unbalance the order in the rear elevation and deplete the building of the architectural language which is intrinsic to its significance.

9. I have taken into account the rear development to Nos 14 and 16 nearby in the same terrace, and which appear to have lost their arched stair windows. However, I do not have the details of their design or the circumstances that led to their consent. I am unable to draw parallels to this proposal. Their presence does not undermine the special interest of this section, and in particular the semi-circular arched window which is a prominent, surviving, historic feature in No 18 as well as in its neighbour to the other side, No 20. The proposal would not preserve the special architectural and historic interest of the grade II listed building, contrary to the clear expectations of the Act. It would conflict with policy CS33 of the Core Strategy 2008 (CS) which protects listed buildings, and which says planning permission will only be granted where development has no adverse impact on historic assets.
10. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal, viable use of listed buildings. I will return to this below.

The Russell Street/ Castle Hill Conservation Area (CA)

11. I have identified harm to the architectural order and balance of the rear of the listed building. I have taken into account that the proposal would have only limited prominence, notably in views from the dwellings behind or alongside it and from their back gardens. However, the listed building contributes significantly to the sum of architectural and historic interest of the CA, particularly the order and arrangement of the rear facades of the buildings which together are an important feature of the whole CA.
12. Against the scale of the group of buildings and the street, I acknowledge the degree of harm to the significance of the CA would be limited. Nonetheless the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on its appearance fails.
13. The proposal would not preserve the appearance of the CA. While I see less relevance of policy DM9 of the Sites and Detailed Policies Document 2012 (SDP) to which the Council refers, it would conflict with CS policies CS7 and CS33 which seek development of high design quality that protects and enhances the historic environment and the character and appearance of the area. As above, the Framework requires that harm be weighed against the public benefits of a proposal, to which I return below.

The living conditions of surrounding occupiers

14. The bedroom of the basement flat in 18 Russell Street has a window opening onto the back garden via a small, semi-submerged lightwell. Because the outlook from this window is already very limited by the position of the window

in the well, the proposal would not cause a significant loss of outlook to the occupiers of the basement flat.

15. The bedroom of the ground floor flat in No 18 has a window in the wall from which the proposal would extend. Because of the depth and height of the proposal and its proximity to this window, the outlook of its occupiers would be most severely reduced. With no alternative outlook from the bedroom the effect of this proposal would be a drastic reduction in the living conditions of these occupiers to an unacceptable standard.
16. The window of the bedroom of the first floor flat in No 18 would have a similar relationship to the proposal. While the proposal would not rise higher than the head of the window and much of the outlook would be a pitched roof rather than a wall, because of the length of the proposal and its proximity to the window, the proposal would have a significantly detrimental impact on the living environment of these occupiers.
17. I conclude on this issue that the proposal would harm the living conditions of the occupiers of the ground floor and first floor flats in No 18 with particular regard to outlook. It would conflict with SDP policy DM4 which protects the living conditions of surrounding and future occupiers.

The living conditions of future occupiers

18. The proposal is described by the appellant as a 1-bedroom, 1-person flat, which is consistent with the area of the bedroom, indicated as 7.8m². The Council gives its gross internal floor area as 24m², which appears to reflect the drawings. The Council refers to the minimum floor area in the nationally described space standard for a 1-bedroom, 1-person flat, of 37m², against which the proposal would fall substantially short. However, it has not referred to any policy that concerns national or local space standards relevant to this proposal, in which case its measure against the nationally described space standard is of little relevance. As this is a new-build dwelling, the guidance for residential conversions does not apply. Notwithstanding this, the floor area of the living space would be so small that the normal movements associated with everyday living would be difficult without coming into conflict with everyday furniture.
19. The rooms of the flat are relatively shallow with the activity areas concentrated close to the window wall. The windows are more than ample in size to maintain a satisfactory level of daylight in the flat. They look out onto a relatively open aspect to the west, offering the opportunity for west light. In terms of access to daylight and sunlight, I find no harm to the living conditions of future occupiers. However, the gross internal floor area of the flat would be insufficient to avoid a significant detrimental impact on the living environment of future occupiers. I conclude on this issue that the proposal would provide unacceptable living conditions for future occupiers in terms of the provision of internal space, placing it in direct conflict with SDP policy DM4.

Affordable housing

20. The Council's fourth reason for refusal concerned the lack of any contribution to affordable housing. SDP Policy DM6 requires that development on sites of 1-4 dwellings contributes the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the borough. During the course of the appeal,

the appellant submitted a unilateral undertaking which would secure £8,000 towards affordable housing, and I have no reason to disagree that the contribution proposed does not meet the policy requirement.

21. The Framework indicates that affordable housing should not be sought for residential developments that are not major developments. This is a material consideration of considerable importance and weight. However, the Council's evidence demonstrates a need for a contribution towards affordable housing to be provided in connection with schemes that are not major developments. It refers to numerous appeal decisions here in support of that position. Moreover, there is no evidence that the financial contribution would prevent this development. Therefore, on the basis of the evidence before me, I consider that this demonstrated local need for small sites to make contributions to affordable housing outweighs the material consideration against it in this case.
22. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations require that planning obligations should only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The delivery of affordable homes through a financial contribution is necessary to make the development acceptable in planning terms, and is directly related to the proposal. On the evidence before me, the contribution in the undertaking is fairly and reasonably related to the achievement of that objective. I am, therefore, satisfied that the financial contribution to affordable housing included in the undertaking would meet the necessary tests, and would contribute to affordable housing in accordance with local and national planning policy.

Other Matters

23. I have had regard to the 3-storey section of the terrace. Given its distance from this proposal, its setting would be preserved in accordance with the expectations of the Act, and the requirements of CS policy CS33 which protects historic assets and their settings from adverse impact. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.

Planning Balance

24. The proposal would fail to preserve the special architectural and historic interest of the listed building and the appearance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
25. A development for an additional dwelling which would also contribute to the supply of affordable housing is a public, social benefit, but the standard of its accommodation limits the weight that this may otherwise attract. Its construction and the spending of future occupiers would bring public economic benefits to the local economy. However, taking all the public benefits together, they would not outweigh the harm to the listed building. In addition, the proposal would harm the living conditions of surrounding occupiers and it

would not provide acceptable living conditions for future occupiers. Again, the benefits of the proposal would not outweigh this harm.

Conclusion

26. I conclude that the proposal would fail to preserve the special architectural and historic interest of the grade II listed building, as well as the appearance of the CA, and the living conditions of surrounding and future occupiers, the requirements of the Act, paragraph 192 of the Framework, and the requirements and objectives of the development plan. For the reasons above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR