
Appeal Decision

Site visit made on 1 October 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/E0345/W/19/3233269

35 Dover Street, Reading, RG1 6AX

- 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 Chris Bell against the decision of Reading Borough Council.
 - The application Ref 181846, dated 22 October 2018, was refused by notice dated 12 April 2019.
 - The development proposed is first floor extension to form a 2-bed flat to replace the existing balustrade/parapet wall, shed and entrance cupola, together with associated revisions to landscaping and access.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Since the Council refused planning permission, the Reading Borough Local Plan (LP) has been adopted. The LP replaces the Reading Borough Local Development Framework Core Strategy 2008 (as amended 2015), the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012 (as amended 2015) and the Reading Central Area Action Plan 2009. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal provides inclusive access for all users;
 - Whether the proposal makes adequate provision for affordable housing;
 - The effect of the proposal on the character and appearance of the area, and
 - The effect of the proposal on the living conditions of neighbouring occupants with particular regard to privacy and outlook.

Reasons

Inclusive Access

4. The appeal site is an existing dwelling house located at the end of Dover Street within an established residential area. The proposed dwelling would comprise a

single storey and would sit above the existing dwelling. Access to the new dwelling would be taken via a set of steps, and no level access is proposed. In considering this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The proposed access to the dwelling fails to provide adequate safe access for a group protected by the Equality Act 2010.

5. The appellant has stated that access could be provided via a ramp, which would overcome this reason for refusal. However, I have not been provided with any plans to demonstrate that it would be possible to build a ramp to secure inclusive access in this location. Furthermore, Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on what interested people's views were sought. I cannot be certain that such an alteration to the scheme would not introduce additional planning considerations which interested parties may have wanted to comment upon. Therefore, I find that the proposal fails to provide suitable access for all potential users including disabled people. This is contrary to Policy CC7 of the LP which seeks, amongst other things, that development is designed to provide suitable access for all users including disabled people.

Affordable housing

6. Policy H3 of the LP and the Council's Affordable Housing Supplementary Planning Document (SPD) sets out the requirements for affordable housing within the Borough. These state that on sites of one to four dwellings a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.
7. As required by planning law¹ my determination of this appeal must be made in accordance with the development plan, unless material considerations indicate otherwise. A material consideration of importance and weight in this instance is paragraph 63 of the National Planning Policy Framework (the Framework) which states that the provision of affordable housing should not be sought for residential developments that are not major developments. Major developments are defined in Annex 2 of the Framework as housing developments of 10 or more homes.
8. Consequently, there is a conflict between the threshold relating to the provision of affordable housing in the Framework against the local thresholds set out in LP Policy H3 and the SPD. However, the Council evidence a high need for affordable housing in the Borough as well as challenging circumstances which justify the need for small sites to make contributions to affordable housing as an exception to national policy. The Council has also made reference to a number of appeal decisions in the Borough which supports this approach. Therefore, based on the evidence presented to me, I am satisfied that the need for an affordable housing contribution would satisfy the three tests in

¹ Section 38(6) of the Town and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

Regulation 122(2) of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework.

9. The appellant has submitted a Unilateral Undertaking (UU) which covenants to provide a £8,750 contribution towards affordable housing. I note that the draft UU also makes reference to a figure of £11,250 and it is not clear from the evidence submitted why there is a discrepancy between these two values. Furthermore, the Council has indicated a number of issues with the submitted UU, including missing appeal reference numbers and incorrect council references. I am of the view that as submitted the UU is not complete, and as such there is no mechanism in place to secure an appropriate contribution to affordable housing.
10. In the absence of a completed UU, I find that the proposal fails to secure an appropriate financial contribution towards the affordable housing. This is contrary to LP Policy H3 and the Council's Affordable Housing SPD.

Character and Appearance

11. The appeal site is located several metres below the road level of Dover Street. As such, the proposed additional storey would only be approximately 1 metre higher than the existing street level on Dover Street. The Council has raised concerns that when the development is viewed along Dover Street, this additional height would obstruct the views of St. Saviours Church which is behind the appeal site. This Church is not listed locally or nationally; however it is of architectural merit and the Council considers it to be a non-designated heritage asset. The position of the Church and its visibility at the bottom of Dover Street contributes positively to the character and appearance of the area.
12. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of applications on the significance of non-designated heritage assets should be taken into account when determining planning applications. In doing so a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the proposal would introduce new building mass and height into this location which would partially obstruct the views of this Church, this would only be apparent when stood directly in front of the appeal site. Furthermore, the limited height of the proposal means the Church would remain highly visible when viewed from Dover Street. I am satisfied that the proposal would not harm the setting of the non-designated heritage asset when viewed along Dover Street.
13. The site is visible from a number of roads in the vicinity of the appeal site, including Garnet Street. This is a dead end which is linked to Dover Street via a set of pedestrian steps. Whilst the site is visible from this location, the small increase in mass and height of the proposal means it would not appear visually intrusive within this predominantly urban landscape. I do not find it would harm the street scene when viewed from this location.
14. The proposal would also be visible from the bottom of Wolseley Street, where it would be viewed between the gap between St. Saviours Church and 106 'The Vicarage', as shown in Figure 14 of the appellant's statement. Whilst the appeal site is in a raised location behind St. Saviours Church and Wolseley Street when viewed from this location, the small increase of mass would not appear

overbearing. Therefore, I find the proposal would not harm the character and appearance of the street scene when viewed from Wolseley Street.

15. The Council has raised concerns that views from Lower Field Road in the direction of the appeal site would be interrupted should the proposal be constructed. This would make the appeal site appear more prominent and would harm the character and appearance of the area. Lower Field Road is to the west of the appeal site, and the site is currently well screened from this road by a number of mature trees. It is also possible to see the spire of the Grade II listed St Giles Church in this direction. Whilst these mature trees are not protected and could be removed to make the appeal site more visible, I have been presented with no substantive evidence that the appeal proposal would interrupt these views from Lower Field Road. The appeal site is at a much lower level than the surrounding properties and it was not evident from my site visit how the additional height of the proposal would harm the views in this area or appear overbearing in the street scene.
16. Consequently, I find that the proposal would not harm the character and appearance of the area. I therefore find no conflict with LP Policy CC7 which seeks, amongst other things, that development is of a high quality that maintains the character and appearance of an area. I also find no conflict with LP Policy EN4 which seeks, amongst other things that development does not harm locally important heritage assets.

Living conditions

17. The appeal site currently has a roof terrace which allows views of neighbouring properties on all four sides. This includes the rear gardens of properties which front Wolseley Street, the south facing elevation of No.33 and No.33A Dover Street, and the eastern elevation of No.8 Church Terrace to the west of the appeal site. The proposal includes a number of fenestrations on each side of the dwelling which would look upon each of these neighbouring properties. Policy CC8 of the LP states that usually a back-to-back distance of 20 metres between dwellings is usually appropriate, however individual sites may be located closer without there being a detrimental effect in privacy. In this instance, the plans demonstrate that obscured glass would be installed on the elevations that face these neighbours which would ensure adequate privacy is maintained.
18. The current roof terrace serves as outdoor amenity space and main entrance for the existing dwelling. There is therefore currently an element of overlooking and lack of privacy because of this existing situation. The Council has stated that the introduction of obscured glass will increase the feeling of overlooking for these properties. However, the removal of the roof terrace as outdoor amenity space will remove any direct overlooking and therefore result in less harm to privacy than is currently experienced by neighbouring occupiers. I am satisfied that the proposal will not cause harm to the privacy of neighbouring occupiers.
19. The appeal site is in a built up area with a number of existing tall buildings in the vicinity and this additional mass of the proposal would not be out of keeping with this pattern of development. Consequently, I am satisfied that this increase in mass would not lead to an overbearing impact on neighbouring occupiers. Consequently, I find that the proposal would not harm the living conditions of neighbouring occupiers. Accordingly, the appeal proposal would

not conflict with Policy CC8 of the LP. This policy seeks, amongst other things, that development will not cause significant detriment to the living environment of existing occupiers.

Other matters

20. The appeal site is adjacent to no.94 and no.96 Wolseley Street, which are a pair of Grade II listed buildings. As such I have a statutory duty under section 66(1) of the Planning (listed building and conservation areas) Act 1990 'The Act' to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses when dealing with planning applications.
21. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced.
22. The significance of the listed buildings is focused on the frontages of the properties with the significance deriving from its historic fabric and age which pre-dates the surrounding terrace development. The appeal proposal is at the rear of these two buildings and occupies an elevated position above the rear gardens. As such an increase in height would be noticeable from these properties. However, the principle elevation would remain Wolseley Street and the appeal proposal would not be visible in combination with the front elevations of the listed buildings. I am satisfied that the increase in height with this proposal would not harm the setting of this pair of listed buildings.
23. I note that there have been no objections to the proposal from neighbouring occupiers and that interested parties have stated that the proposal would increase the aesthetics of the street scene. Be this as it may, it does not outweigh the harm I have identified above.

Conclusions

24. Whilst I have found no harm to the character and appearance of the area or to the living conditions of occupiers of neighbouring properties, I have found that the proposal fails to provide inclusive access and fails to provide the required contribution to affordable housing. For these reasons given above the appeal is dismissed.

S Shapland

INSPECTOR