
Appeal Decision

Site visit made on 28 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/E0345/W/19/3239897
19 Fontwell Drive, Reading RG30 4QR

- 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 Dr M Saleem against the decision of Reading Borough Council.
 - The application Ref 181987, dated 8 November 2018, was refused by notice dated 14 October 2019.
 - The development proposed is construction of 2 no. 3 bedroom plus study semi-detached dwellings with associated work.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Reading Borough LDF Core Strategy and the Reading Borough LDF Sites and Detailed Policies Document are referred to in the decision notice. Subsequently, these have been superseded by the adoption of the Reading Borough Local Plan (RBLP). I have therefore determined the appeal on the basis of the newly adopted plan.
3. Both main parties have had the opportunity to comment on this change and I am satisfied that no interested party has been prejudiced by this approach. Where any comments have been received, they have been taken into account in my reasoning.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would provide appropriate living conditions for the future occupiers of the proposed dwellings, with particular regard to outdoor space;
 - The effects of the proposed development on the character and appearance of the area; and
 - Whether the proposal makes appropriate provision towards affordable housing.

Reasons

Living Conditions

5. The supporting text of Policy H10 of the RBLP indicates that minimum provisions for useable private outdoor space are only a guide. Nonetheless, the main parties have not disputed their suitability for considering the appropriateness of the size of private outdoor space. I have reached the same finding.
6. The overall size of the outdoor areas within the proposed plots would be comparable to the gross floor area of the dwellings. Nonetheless, the outdoor spaces adjacent to the street would be open to views over any landscaping and therefore would not be private.
7. The main parts of the rear gardens would not experience a high level of overlooking or shadowing from surrounding properties. They would also provide some space for sitting out and children's play. Moreover, functional private space including areas for refuse and general storage have been provided.
8. Notwithstanding this, even using the appellant's figures, the rear amenity areas alone would be considerably lower than the guideline sizes. Moreover, planting, retaining walls and walkways would reduce the usability of parts of these spaces.
9. Consequently, the proposal would fail to provide appropriate living conditions for the future occupiers of the proposed dwellings with regard to outdoor space. It would not accord with Policy H10 of the RBLP where it, in part, requires developments to provide dwellings with functional private open space.
10. The scheme would also fail to accord with the National Planning Policy Framework (Framework) where it requires development to provide a high standard of amenity for future users.

Character and Appearance

11. The slope and curve of the road, along with existing vegetation in nearby plots, would result in the proposed dwellings being principally seen with the properties at the upper end of Fontwell Drive. There are properties in the street set back a similar distance from the road as the proposed ones and parking to the front. Nonetheless, at the upper end of the street, the existing properties are set back from the road behind generous front gardens and driveways.
12. The shallower rear gardens would also be uncharacteristic of the nearby properties at the upper end of Fontwell Drive. This and the position of the proposed dwellings closer to the road than those nearby would result in the appeal scheme appearing cramped in comparison to the properties it would be viewed with.
13. Landscaping and boundary treatments are proposed. Nevertheless, the discordance of the appeal scheme would be obvious from the street and the surrounding properties. In addition, that a proposal could be partly screened is not a reason for allowing development that is unacceptable. While the existing site is overgrown, the lack of built form contributes to the more spacious character at this part of Fontwell Drive. Therefore, the appeal scheme would be

more harmful to the streetscene than the current circumstances. The forward position and limited overall size of the proposed plots would erode the open and spacious feel to this part of the street.

14. While there are no semi-detached properties on this side of the street, the shape of the road, large garden and landscaping at 15 Fontwell Drive mean the proposed dwellings would be viewed separately to those further down the road. Furthermore, there are pairs of properties nearby. The scale and architectural detailing of the proposed dwellings would be largely similar to others in the street. Were the appeal to be allowed, conditions could be added regarding external materials.
15. Part of the gable end of one property would be visible above the ridge of the other in views from the lower end of the street. Semi-detached properties in the street do not have stepped ridges between each other. Nonetheless, while often for garages, there are stepped elements within blocks of built form. Moreover, dwellings in the street are stepped due to them following the slope of the land. Therefore, the proposal would not be visually upsetting in this regard.
16. Notwithstanding this, the development would unacceptably harm the character and appearance of the area. The scheme would fail to accord with Policy H11 of the RBLP where it, amongst other things, requires developments to make a positive contribution to the character of the area including in terms of layout, built-up coverage of each plot and building line. Furthermore, it would be contrary to the Framework where it states development should be sympathetic to local character and the built environment.

Affordable Housing

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
18. Policy H3 of the RBLP states that developments of the scale proposed are required to provide a financial contribution towards affordable housing elsewhere in the Borough. This policy is not consistent with the Framework where it outlines that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. Nevertheless, the Framework pre-dates the adoption of the RBLP and evidence has been provided of the level of need for affordable housing within the Borough. Therefore, I give the conflict with the Framework limited weight.
19. The appellant has not contended the contribution in principle and has indicated that they are willing to sign an agreement. However, there is no such agreement before me. In the absence of any such mechanism there is no means of securing the contribution. Given the scale of the scheme, the proposal is not a complex or strategically important development. In addition, no exceptional circumstances have been demonstrated. Consequently, as advised in Planning Policy Guidance the use of a planning condition to secure a planning obligation would not be appropriate in this instance.

20. The proposal would not provide an appropriate level of affordable housing. It would fail to accord with Policy H3 of the RBLP and the Affordable Housing Supplementary Planning Document where they require provision from developments of this scale.

Other Matters

21. The Framework seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Nevertheless, given the scale of the appeal scheme, the contribution to the supply and mix of housing in the borough would be small. For the same reason benefits associated with the construction and occupation of the proposed dwellings to the local economy would be limited.
22. I note comments from third parties regarding the proposal. However, the Council have not included refusal reasons in relation to the living conditions of nearby occupiers, parking or highway safety. As I am dismissing the appeal, there is no need for me to consider these matters further. In any event, a lack of harm would be a neutral factor.

Conclusion

23. Therefore, for the above reasons, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR