
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: 27 February 2020

Appeal Ref: APP/E0345/W/19/3237994

Land to the rear of 27-43, Blenheim Road, Caversham, Reading RG4 7RT

- 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 First Avenue Estates Ltd against the decision of Reading Borough Council.
 - The application Ref 190434, dated 18 March 2019, was refused by notice dated 6 August 2019.
 - The development proposed is erection of 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

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 Subsequently, these have been superseded by the adoption of the Reading Borough Local Plan (RBLP).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. The appellant submitted amended floor plans for the proposed properties during the appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party by my taking these plans into account.
4. Following the appeal's submission, the appellant submitted a Section 106 Agreement (S106). This makes provision for securing contributions towards affordable housing, highway improvements and biodiversity.
5. The main parties have had the opportunity to comment on these changes and additional information. Where any comments have been received, they have been taken into account in my reasoning. Therefore, I am satisfied that no interested party has been prejudiced by my taking these into account.

Main Issues

6. The main issues of the appeal are;
 - the effect of the proposed development on the character and appearance of the area;

- the effect of the proposed development on biodiversity;
- the effect of the proposed development on highway safety; and
- whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to internal living space and outdoor space.

Reasons

Character and Appearance

7. There is variation to the design and scale of properties in the area. The materials and features of the proposed dwellings would draw on aspects of this varied built form. While the dwellings would be close to each other, this would not be untypical of the area where there is no consistent side to side spacing between properties.
8. Notwithstanding this, there is a consistency to the position of dwellings and plot layouts. While there are some outbuildings located behind properties, I did not see, or have I been made aware of any properties located behind others close to the site. The proposed development would introduce dwellings directly behind and facing towards others. This would be incongruous with the pattern of development in the area which is characterised by narrow linear frontage plots with a relatively consistent building line.
9. The overall size of the proposed rear gardens would be comparable to some in the wider area. Nonetheless, their depth would be considerably more limited than those the site would be viewed with. The scheme would erode the existing spacious, open feel that the lengthy rear gardens and back to back plot layout create to the rear of properties in the area.
10. These factors, along with the close proximity of the mature trees being retained would result in the plots appearing cramped in comparison to the nearby streets. Therefore, the position and shape of the proposed plots would be uncharacteristic of, and jar with, the predominant pattern, layout and position of development in the area.
11. Many trees at the site would be retained and native species planting is proposed. This, and the position of the dwellings, would screen them from certain public views and mean they would be partly hidden from the street. Nonetheless, in order to accommodate the proposed dwellings, access, parking and garden areas, landscape features would need to be removed.
12. The site is not accessible to the public or part of an extensive area of continuous woodland. Nonetheless, while features may not be individually of the highest categorisation, the site and some of the adjacent land is subject to a Tree Preservation Order. Furthermore, rather than being isolated, the vegetation at the appeal site, in combination with frequent individual and small groups of mature trees in nearby plots, helps to create a pleasant verdant backdrop to Blenheim Road. The existing features to be removed make a significant contribution to this.
13. In contrast, the amount of tree removal and introduction of built form of the scale proposed would considerably erode this backdrop. The scheme would be prominent in views from the adjacent properties and glimpsed views along

Blenheim Road. Moreover, any planting would take some time to mature and provide effective screening. In any event, that a development can be partly screened is not sufficient justification to grant planning permission.

14. Given the size and spread of vegetation across the site, the limited evidence of tipping I saw was not prominent from even nearby views. Moreover, as with the proposed parking areas, being at ground level any tipping was not overly visually intrusive.
15. Therefore, the proposal would have an unacceptably harmful effect on the character and appearance of the area. The scheme would be contrary to Policies CC7 and EN14 of the RBLP. These, in part, state that all development must maintain and enhance the character and appearance of the area responding positively to their local context and that individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance.

Biodiversity

16. The appellant has identified the site as being of limited value containing unmanaged secondary deciduous woodland, semi-mature including non-native species. On this basis they consider it does not conform to the classification of lowland mixed deciduous woodland. Nonetheless, while there is no clear evidence before me to show how the assessment for its inclusion was made, it is identified on Natural England's Priority Habitat Inventory. Although I note the species and age of features on the site, the quality of the woodland does not exclude the land from the definition of lowland mixed deciduous woodland¹.
17. Even if I were to consider the site to be of limited value, Policy EN12 of the RBLP states that development should not result in a net loss of biodiversity and geodiversity. This is for all sites and not only those within an identified Green Network. Only in exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site and it is demonstrated that the impacts cannot be avoided, mitigated or compensated for on-site should off-site compensation be considered.
18. The appellants have not disputed that the scheme would result in a loss of habitat and the details provided indicate that the site has a moderate suitability for foraging and commuting of several animal species. Native trees would be planted, invasive species removed, and other enhancement measures proposed. However, there will be a net loss of woodland habitat until planted habitats develop at the site and a financial contribution towards off site mitigation is proposed.
19. Evidence has been provided of the level of need for affordable housing within the Borough and the level of financial contribution that small sites make towards this. Part of the Council's 5-year supply of housing land will come from windfall sites and the proposal would be for family housing. Nonetheless, that the Council have a sufficient supply of housing land has not been disputed. There is also limited evidence that there is a lack of windfall sites coming forward.
20. Therefore, on the basis of the information before me, and the individual considerations of this case, it has not been demonstrated that the scheme

¹ UK Biodiversity Action Plan Priority Habitat Descriptions

represents exceptional circumstances. As such, there is no need for me to consider the off-site contribution proposed in any further detail.

21. The scheme would result in a loss of habitat overall at the site and therefore have an unacceptable impact on biodiversity. It would be contrary to Policy EN12 of the RBLP where it states that development should not result in a net loss of biodiversity unless there are exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site. The scheme would also fail to accord with Policy EN14 of the RBLP where it seeks to protect individual trees, groups of trees, hedges and woodlands from damage or removal where they are of importance.

Living Conditions

22. Plot 1 would fall below the minimum gross internal floor area for a 2 storey, 3-bedroom, 5-person dwelling as outlined in the THS². Nevertheless, it would exceed the requirements for a 4-person property. The alteration of its first-floor layout shows it would now have 1 double and 2 single bedrooms. Moreover, the THS state that the sizes given take account of the extra circulation space needed for stairs to upper floors. Following the reconfiguration of the first floor of the dwellings there is no firm evidence that any of the bedrooms would fail to meet the minimum THS sizes.
23. The proposed gardens would be smaller and of a different shape to those of nearby properties. Nonetheless, the overall outdoor space would be of sufficient size to serve the needs of the occupiers of the properties they would relate to. Furthermore, the main parts would be located to the rear of the dwellings and enclosed. This would ensure they were sufficiently private.
24. Therefore, the appeal scheme would provide appropriate living conditions for future occupiers with regard to internal living space and outdoor space. The scheme would accord with Policy H5 of the RBLP where it requires housing developments to follow certain standards and comply with the THS.

Highway Safety

25. The refusal reasons cited the lack of a completed legal agreement to secure the provision of a bell mouth raised table junction. The S106 was provided during the course of the appeal. With a completed obligation, that the Council have been party to, I consider this matter has been addressed.
26. The Highways Authority did not object to the application subject to the imposition of conditions and the provision of a contribution towards highway improvements. No detailed evidence has been presented to the contrary of the findings of the technical statutory consultee who raised no concerns with the accuracy or level of detail provided in the appellant's submission.
27. The Council have not raised any concerns over the level of on-site parking that would be provided for the proposed dwellings. In the absence of any compelling case to the contrary, I have found the same. Therefore, the dwellings themselves would not lead to additional on street parking demand. Given the number of properties proposed, the provision of a separate footway along the access lane is not necessary.

² Technical housing standards – nationally described space standard

28. I saw that the existing properties along Blenheim Road predominantly park on the street. I appreciate that my site visit was only a snapshot in time and that parking demand can vary at different times of the day. Nevertheless, during my visit in the afternoon I saw that there was a clear increase in on street parking to coincide with the end of the school day. Notwithstanding this, while spaces were more limited, in particular nearer to the school, there were still some spaces available along Blenheim Road and the nearby streets. Therefore, the loss of one parking space adjacent to the access of the site could be accommodated elsewhere in the street.
29. Refuse lorries would not need to enter the site as a bin collection point is proposed along the access lane. Reference is made to the Highways Authority not supporting double yellow lines at the access. However, there has been no evidence presented to me that they have subsequently change their opinion on the scheme. They were said to have been satisfied that the tracking showed clearance for a fire engine or large removals/delivery vehicle.
30. The swept path analysis may leave little room for error and drivers may not be aware of the layout of the site when entering it. Parked vehicles and the width of the access lane would limit opportunities for vehicles to pass each other near the site. However, the scheme is only for 3 dwellings and would not generate a significant number of additional vehicle movements. Moreover, there was little traffic passing the site outside of the school pick up period during my visit and vehicle speeds were low with speed bumps along the road. There are footways either side of Blenheim Road and sufficient visibility would be provided at the enlarged access.
31. I have not been convinced that the characteristics of the road and the junction would lead to vehicles causing any unacceptable obstruction or delay resulting in hazardous movements.
32. Consequently, the proposed development would not result in harm to highway safety. It would comply with Policy TR3 of the RBLP where it permits development that would not have a material detrimental impact on the functioning of the transport network and would not be detrimental to the safety of users of the transport network.

Other Matters

33. 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. I also acknowledge local policy support for family housing.
34. However, it has not been suggested that the Council have a shortfall in their 5-year housing land supply or demonstrated that insufficient windfall sites are coming forward. While this is not an upper limit, given the scheme is for 3 properties, the contribution to the supply and mix of housing in the Borough and benefits associated with the efficient use of land would be modest.
35. The Section 106 Agreement, that the Council were party to, has secured the financial contribution towards affordable housing. This weighs in favour of the scheme and I note the level of contribution the Council is obtaining from smaller developments. Nonetheless, while any contribution is worthwhile, when

taken individually and cumulatively the benefits of the scheme do not outweigh the harm I have identified.

36. I note comments from third parties regarding the proposal to the application and the appeal. Nonetheless, the Council have not included refusal reasons in relation to the living conditions of nearby occupiers, pollution, drainage or land instability. The reasons also do not relate to concerns regarding the accessibility of the site to or the capacity of local services, facilities and public transport. 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.
37. I appreciate that pre-application advice was sought with changes having been made in an attempt to overcome previous refusals. That led to the application being recommended for approval by officers. Nonetheless, Members came to a different conclusion, as have I.
38. My attention has been drawn to the previous appeal at the site. Nevertheless, this was some time ago, and I have not been provided with the full details of the relevant considerations or policies at that time. I have assessed the scheme on its own merits and found it would result in unacceptable harm.

Conclusion

39. While I found that the scheme would not result in unacceptable harm to highway safety and would provide appropriate living conditions for future occupiers, the harm to the character and appearance of the area and biodiversity is determinative.
40. Therefore, for the above reasons, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR