The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/E0345/W/20/3252851
The Flat, 615 Oxford Road, Reading RG30 1HL

- 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 Saif Ali Abbas against the decision of Reading Borough Council.
- The application Ref 200136, dated 24 January 2020 , was refused by notice dated 8 April 2020.
- The development proposed is second storey rear extension and change of use from C4 HMO to 4 flats (1 x 2 bedroom, 3 x studio).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - The effect of the proposal on the living conditions of future occupiers, having particular regard to daylight, outlook and noise;
    - Whether the proposal makes adequate provision for affordable housing;
    - The effect of the proposal on parking demand; and
    - The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. The appeal site comprises a three storey terrace property located at the junction of Oxford Road and Beecham Road. The site currently contains an A1 shop on the ground floor which is being used as a barbers, with access from Beecham Road for the House of Multiple Occupancy (HMO) on the second and third floors.

4. The proposal is for a second storey rear extension, and conversion of the HMO to four flats. This would include a new flat within the basement of the property. There are no proposed changes to the retail unit on the ground floor. There is currently a lightwell on Oxford Road which has been partially blocked with concrete, and the proposal would reopen this, widen it and cover the lightwell with walkable glass.

5. The proposed lightwell is approximately 1.6 metres in depth, and there would be 3 windows which would serve the basement flat. The lightwell would be the only source of natural light into this flat. At its deepest part the basement flat would be approximately 8 metres in depth. Given the relatively small depth of this lightwell I am not satisfied from the evidence before me that this flat would receive adequate natural light for future residents. Whilst three large windows are proposed, these alone would not compensate for the lack of light which would enter the relatively narrow lightwell.

6. Furthermore, given the relatively narrow depth of the lightwell as proposed, the outlook from this flat would be predominately of a wall, with limited outside views. This would lead to a somewhat oppressive and enclosed environment within this basement flat. The appellant has indicated that in order to secure privacy to this flat, there would be a requirement to use partially obscured glass for the windows in this lightwell. This would further add to the sense of enclosure within the basement, and further impact the outlook from this flat. As such the proposal would harm the living conditions of future occupiers in respect of light and outlook.

7. During my site visit it was evident that this part of Oxford Road had a significant level of pedestrian traffic in the vicinity of the appeal site. The proposed lightwell would be finished with walkable glass, and given its location within the footway there is a potential for members of the public to regularly walk across this glass. The location of the lightwell in the footway of this busy street would mean future occupiers would experience considerable noise disturbance, which would harm their living conditions.

8. The Council have confirmed that the proposed flats on the second and third floor are acceptable in principle, and would not result in any harm to living conditions of future occupiers. From the evidence before me I find that this would be the case. However, the proposed basement flat would not provide adequate provision for light or outlook, and future occupiers living conditions would be harmed through noise disturbance of the lightwell.

9. Accordingly, the proposal would harm the living conditions of future occupiers, having particular regard to light, outlook and noise. This is contrary to policy CC8 of the Reading Borough Local Plan 2019 (LP) which seeks, amongst other things, that development does not create unacceptable living conditions for occupiers of new residential properties.

Affordable housing

10. 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.

11. As required by planning law[1] 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

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

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.

12. 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. I am satisfied that the need for an affordable housing contribution would satisfy the three tests in Regulation 122(2) of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework.

13. The appellant has indicated that they accept the requirement for a contribution, however I have not been provided with a S106 agreement. As such, there is no mechanism in place to secure an appropriate contribution to affordable housing. In the absence of such mechanism, I find that the proposal fails to secure an appropriate financial contribution towards affordable housing. This is contrary to LP Policy H3 and the Council's affordable housing SPD.

14. The Council's refusal reason makes reference to policy CC9 of the LP. However, this relates to the provision of infrastructure and is therefore not directly relevant to this main issue.

Parking

15. The Highway Authority have stated that for a development of this type in this location a total of 4 car parking spaces will need to be provided, in line with their Parking Standards and Design SPD. Currently the appeal site has a garaged area which could be used for off-street parking of a vehicle. The proposal would utilise this area as a bin store and secure parking for bicycles. During my site visit it was evident that this space was currently being used for general storage and a bin store. The proposal would therefore result in the permanent loss of this parking area.

16. The parking SPD further states that if a development requires fewer spaces than set out in the standards it would need to be demonstrated that there would be no detriment to highway safety as a result. The appellant has indicated that the proposal would be a car free development, and thus would provide no car parking on site.

17. Oxford Road is a red route which means there is no parking along its length in the vicinity of the appeal site. Beecham Road is a one way street approximately 5.5 metres in width with not restrictions on parking. During my site visit it was evident that there were high levels of on-street parking taking place on either side of the carriageway, and there were very few available parking spaces. Whilst I appreciate this is a snap shot in time, it nonetheless points towards there being very limited available parking. Any increase in parking demand in this location would likely harm the efficiency of the highway network, with subsequent road safety implications.

18. The appellant has indicated that the proposal would be a car free development. It has been put to me that a condition could be imposed which would secure this. However, I have been presented with no details of what form this

condition would take and cannot be certain that such a condition would meet the tests of conditions as per paragraph 55 of the Framework. In the absence of any mechanism to secure this, I find that the development does not provide adequate provision for car parking. This is contrary to policy TR3 of the LP which seeks, amongst other things that development does not have a material detrimental impact on the function of the transport network. I also find conflict with the parking SPD, which seeks to ensure, amongst other things, that development provides adequate parking provision.

Character and appearance

19. The proposal's exterior modifications to the building would include the enlarged lightwell to the front and a new second floor rear extension above an existing two storey rear extension. The Council have raised concerns that the enlarged lightwell to serve the basement flat would be an incongruous addition to the street scene, and would harm the character and appearance of the area. I do not agree.

20. There is an existing lightwell which has been partially blocked by a concrete block in front of the appeal site. Whilst the proposals would enlarge this and replace it with walkable glass, the height and location of the lightwell would mean that it is not readily visible along the street scene. As such I am satisfied that the proposed lightwell would not harm the character and appearance of the area.

21. The proposed rear storey extension would integrate well with the host building, and would have a ridge height that is lower than main roof. This degree of subservience means that would be of a design which does not appear overly dominate to the rear structure. I note that the Council have not raised any concerns in respect of the design of the rear extension. Accordingly, I find no conflict with policy CC7 of the LP, which seeks amongst other things that development is of a high quality design that maintains the character and appearance of the area.

Other matters

22. The development would make a positive contribution to the Council's housing stock in a sustainable location close to the High Street and Reading town centre. However, the environment, economic and social benefits associated with this would be limited in scale and would not outweigh the harm identified above.

Conclusions

23. Whilst I have found no harm to the character and appearance of the area, I have found that the proposal fails to provide the required contribution to affordable housing. It would also harm the living conditions of future occupiers, and would not provide adequate provision for parking. For these reasons given above the appeal is dismissed.

S Shapland

INSPECTOR