



Appeal Decision

Site visit made on 21 September 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/E0345/W/20/3253870

Land Adjacent to Thorpe House, Colliers Way, Reading RG30 2QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wollenberg of Thames Valley Retirement Homes Ltd against the decision of Reading Borough Council.
 - The application Ref 182114, dated 30 November 2018, was refused by notice dated 5 March 2020.
 - The development proposed is for residential redevelopment to provide 6 no. 3-bedroom dwellinghouses following demolition of no. 16 Kirton Close to provide access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Reading Borough Council against Thames Valley Retirement Homes Ltd. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (1) the effect of the character and appearance of the area, along with the associated issue of whether the development results in the loss of open space; (2) the effects of the development on both the living conditions of neighbours to the site and future occupiers of the proposed development; and (3) whether the proposal makes adequate provision towards affordable housing.

Procedural Matters

4. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of matters other than the access, I have treated those as being purely illustrative.
5. I have included reference to the demolition of No 16 Kirton Close in the description of development, which is included with the appellant's Appeal Form, as this is an important aspect of the proposal.
6. My attention has been drawn to the 2019 appeal decision (Ref: APP/E0345/W/19/3220213) which dismissed a proposal for 14 dwellings on this same site. Although this is a different proposal, with a reduced up to 6 dwellings proposed, there are still similarities with the issues. Given the recent

date of this appeal and its clear relevance to this new appeal proposal I regard this as a significant material consideration in my assessment of these latest proposals.

Reasons

Character and Appearance

7. The site is a strip of open space set within a residential area of Reading. It has an irregular shape and depth, with the larger and deeper western end which tapers to a much narrower eastern end. The western end of the site is surrounded by a high fence which prevents access by the public. It adjoins a public footpath linking the residential streets from Colliers Way to Windrush Way, with connections to four cul-de-sacs to the south-west including Kirton Close. The site is currently overgrown with bramble, for example, although mature trees are prominent to the northern edge of the site.
8. I understand that the site was a former brick and tile works, though there are no structures or buildings left associated with this former use. As with the Inspector with the previous appeal I would consider this site not to be previously developed land as defined in the National Planning Policy Framework (the Framework).
9. More recently the site has been used for informal open space by the local community being an area of undeveloped space adjacent to a footpath. It is not a large area, although it would offer a valuable area of open space. As was set out with the 2019 appeal, policy EN8 of the Reading Borough Local Plan (RBLP) establishes a presumption in favour of retaining undesignated open space. It states that development should not result in the loss of or jeopardise the use and enjoyment of such open space, unless it is replaced nearby, or improvements are made to recreational facilities on the remaining open space to outweigh the loss.
10. This is the case even where the land is privately owned as the supporting text to Policy EN8 is clear that the policy relates to both publicly and privately owned open space in the borough. This approach is not in conflict with either the Framework or the Planning Practice Guidance (PPG). The argument is made, however, that the improvements to the site, including the maintenance of the eastern end which appears to be proposed as open for public use, would outweigh the dwellings being located on the western end of the site, which is currently is surrounded by a fence restricting all public access.
11. As previously stated, policy EN8 of the RBLP does allow for some loss of open space if improvements are made to recreational facilities on the remaining open space to outweigh the loss. Whilst the improvements to the eastern end of the site through maintenance (including tree maintenance) and visual enhancements would likely be welcomed by the local community this would not outweigh the harm that would be the effect of the loss of the larger western end of the site, which has a much greater potential amenity value for the public to use than the narrower strip to its east.
12. I understand that without development the appellant has no intention of removing the fencing on this site due to previous issues relating to misuse of this land and accumulation of litter. However, this current circumstance with the fencing may not be the case in perpetuity (I understand that the land was

- all previously well maintained as open space for example), whereas if the development went ahead much of this area of open space would be lost.
13. This is an outline proposal, although it is accompanied by a detailed illustrative layout plan. To accommodate 6 dwellings on the site with the necessary turning space, parking and private amenity space, it is my conclusion that a significant proportion of this open space would be permanently lost to development, which would not accord with policy EN8 of the RBLP.
 14. The quantum of development has reduced significantly from that previously proposed. From the indicative drawings there would be a terrace row which the appellant states would be two storey only. As was the conclusion with the previous Inspector, even with the fencing in place and the site in its current state the openness of this undeveloped area provides visual relief in this residential estate. The erosion of this openness would in itself be harmful to the character of the area as a result. The enhancement of the eastern section and improved natural surveillance of the footpath would not outweigh this loss.
 15. With regards the demolition of No 16 Kirton Close, this latest proposal has not substantively addressed the issues relating to this, which was part of the previously dismissed appeal. Vehicular access would still be necessary via Kirton Close and the access would run across the site where currently exists the distinctive flat-roof bungalow of No 16. Whilst the appellant states that this bungalow is itself incongruous with the more common two storey dwellings, on site I observed that these bungalows of similar style are located to the end of the adjacent cul-de-sacs of Verney Mews and Appelby End. This suggests that this is a deliberate architectural feature, maybe to allow views through to the mature trees in the background which are part of this site. Therefore, these bungalows provide a unique sense of enclosure to the end of the cul-de-sac and part of the architectural continuity of the street scene. As such, its demolition to be replaced by an access drive and parking spaces, through to a two storey development set well back from the cul-de-sac itself, would significantly and harmfully erode the sense of enclosure and the character of the street scene.
 16. Whereas it is apparent that the previous Inspector was told that the illustrative plans could be relied upon to serve as a guide for how the proposed development could be accommodated on site, the appellant for this appeal has stressed that the details I have are only illustrative at this outline stage. Nonetheless, from the proposal submitted the dwellings would be part of a terrace with two storeys, albeit with what appears to be high pitched roofs. A two storey building would potentially be acceptable in terms of the scale and height of the development, given the two storey dwellings in the area. It also appears set back sufficiently from the adjacent bungalows so it would not visually jar with these much lower height dwellings. Therefore, whilst I note the previous appeal was partially dismissed on the proposed design and scale of the dwellings, this is a different proposal which has addressed this issue sufficiently. On this basis, at this outline stage I have no reason to conclude that dwellings of an appropriate design and scale cannot be achieved at this site.
 17. Whilst I have no objections to the design and scale of the proposed dwellings at this outline stage, I have concluded that the proposed development would result in a harmful loss of positive open space and its visual qualities and

openness, which would not be sufficiently compensated by the improvements to the eastern end of the site. Furthermore, the character and appearance of the area would be harmed by the demolition of No 16 Kirton Close to its street scene to form the access to the site. Overall, the proposal conflicts with Policies EN8 and CC7 of the RBLP which sets a presumption in favour of retention of undesignated open space and that all development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located, amongst other things.

Living Conditions – Neighbouring Occupiers

18. The proposed development would be surrounded by other dwellings and so there is the possibility of impacts to the living conditions of neighbouring properties. However, I am aware that this is an outline proposal and so the layout and the final design (including window details) have not been set at this time if allowed. There is a detailed layout plan though, which is likely to be the basis for a final design and layout, especially as alternatives are limited within this confined site.
19. The Council has focussed on the potential living condition impacts to No 17 Kirton Close and the flats at Thorpe House. From my assessment of the site and the proposal it is likely that these properties would more likely be impacted to a significant degree than the other neighbouring properties. I shall therefore also focus on these two properties, with it my view that no other dwelling need be significantly harmed by the proposed development, although this is subject to consideration of reserved matters details.
20. With regards to No 17 Kirton Close, there could be views towards the rear windows and gardens of No 17. However, there would be a substantial window-to-window distance based on the illustrative plans between No 17 and the proposed houses. Furthermore, the boundary wall would help to screen the rear garden area. There could still be some overlooking impact, but there is no reason to conclude that such overlooking would be to a significant degree based on the evidence before me at this outline stage.
21. With regards Thorpe House, part of this flatted property is within a close distance to the boundary. To the other side of this boundary is indicated to be parking spaces for up to 8 vehicles and also a turning area. As was raised with the previous appeal, whilst vehicle movements would likely be modest in terms of frequency, this layout would likely result in a significant level of disturbance for occupants of these nearby flats as this will be the main parking and turning area within the site. It would be a particularly noticeable change given the area is car-free currently.
22. It could be that the layout could be altered to remove some of the car parking spaces from this area, but this has not been demonstrated on the layout plan and could be hard to achieve. The boundary fence would not be sufficient to mitigate this impact as it would not significantly reduce the noise disturbance heard in these neighbouring flats.
23. As such, due to this harmful impact to the living conditions of some of the occupants of Thorpe House the proposal is contrary to policy CC8 which seeks to avoid harm to the living environment of existing occupiers in terms of noise and disturbance for example.

Living Conditions – Future Occupiers

24. With regards to the living conditions of future occupiers, the proposal for 6 dwellings rather than the previous 14 dwellings which was subject to the past appeal does allow for more space within the site. The appellant has confirmed that the dwellings would be dual aspect and so it is likely that sufficient daylight/sunlight could be achieved, even with the adjacent line of trees. The outlook would likely be limited due to the access drive to the front and parking areas, but in an urban residential area such as this I do not conclude that the outlook for future occupiers would necessarily be significantly poor as to be harmful to occupiers living conditions.
25. With regards the amenity space what is proposed is individual private gardens. The amenity space for the plots at 2-5 do appear small and could be overshadowed by adjacent trees. However, they would provide some private amenity space and it is possible that the layout could be altered to increase this amount. Furthermore, there is the eastern part of the site which would provide for additional outdoor space, albeit not private. Therefore, for this proposal the development could provide sufficient amenity space with its final layout.
26. Overall, the proposal could achieve sufficiently good levels of living conditions for future occupiers, subject to reserved matters details. In this regard the proposal is in accordance with Policy CC8 of the RBLP, which requires that development does not result in unacceptable living conditions for new residential properties.

Affordable Housing

27. As set out by the Council, the proposals would be required to provide a financial contribution to enable the equivalent of 20% of the housing to be provided as affordable housing elsewhere in the Borough in accordance with Policy H3 (Affordable Housing). This would be a financial contribution secured under Section 106 to be provided off-site elsewhere in the Borough of Reading.
28. The appellant has submitted a S106 obligation to provide a contribution towards affordable housing. The Council has stated that they wish to see some amendments to the agreement and has disputed the amount of financial contribution. However, I have no reason to conclude that such issues cannot be overcome.
29. As I have found that the proposal would result in harm to the character and appearance of the area, including the permanent loss of an area of informal open space, together with harm to neighbour living conditions, a policy compliant contribution of affordable housing would be a benefit which would not outweigh such overall harm. As such, I have not pursued this matter further as even if there was an agreed legal agreement for a provision towards affordable housing in accordance with policy H3 of the RBLP, this would not alter the outcome of this appeal, as set out in the following planning balance.

Planning Balance

30. The proposal would contribute 6 new family sized dwellings in an accessible location towards local housing supply, with the appellant stating that this would be an efficient use of the site, amongst other benefits stated. However, as with the previous appeal, given the limited number of dwellings to only 6, such a housing (and policy compliant affordable housing) contribution would not

outweigh the harm it would cause to the character and appearance of the area and to living conditions which I have identified. As such, the harm would significantly and demonstrably outweigh the benefits and therefore the appeal should be dismissed.

Conclusion

31. For the reasons given above, and taking into account all other matters raised, the appeal should be dismissed.

Steven Rennie

INSPECTOR