The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/E0345/W/20/3251966
Land at Autumn Close, Emmer Green, Reading RG4 8UL

- 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 Ms Amanda Qi of Deepsea Engineering Ltd against the decision of Reading Borough Council.
- The application 190087, dated 11 January 2019, was refused by notice dated 19 November 2019.
- The development proposed is to erect a 4 bedroom dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Reading Borough Local Plan 2019 was adopted on 4 November 2019, shortly before the application was determined by the Council. It replaced previous development plans which are referred to in some documents submitted by the Council. For the purposes of this appeal, it is only the 2019 Local Plan that is relevant.

Main Issues

3. The main issues are:

    - Whether the development should contribute towards affordable housing in the area
    - The effect on the character and appearance of the area
    - The effect on the living conditions of neighbouring occupants, with regard to dominance, privacy and outlook.

Reasons

Affordable housing

4. Policy H3 of the Reading Borough Local Plan 2019 requires that on sites of 1-4 dwellings a financial contribution is made towards the provision of affordable housing elsewhere in the Borough. The Local Plan has been recently adopted and, notwithstanding national planning policy guidance[1], it carries weight in reflecting the exceptionally pressing need for affordable housing in the locality.

[1] National Planning Policy Framework, paragraph 63 and Written Ministerial Statement, November 2014.

I am satisfied that the requirement for such a contribution would be necessary, fair and reasonable, and directly related to the proposed development.

5. The appellant has indicated that they are agreeable in principle to providing such a contribution and have submitted a draft agreement under Section 106 of the Town and Country Planning Act 1990. However, that document has not been completed and is unsigned and undated. It therefore has no legal validity and could not be enforced. It would not be appropriate to require the payment of a financial contribution by condition as that would fail the tests set out in paragraph 55 of the National Planning Policy Framework, nor would it accord with the advice in the Planning Practice Guidance[2].

6. I therefore conclude that the proposed development would conflict with policy H3 of the Reading Borough Local Plan 2019 in failing to secure a financial contribution towards the provision of affordable housing elsewhere in the Borough.

Character and appearance

7. Autumn Close consists of detached houses and bungalows arranged around a residential cul-de-sac. The properties have open front gardens giving the Close a spacious, suburban character. Building designs are simple rectangular forms with pitched, gabled roofs to the main buildings and mostly flat roofed, attached garages to the side or front. Houses along Kiln Lane are older and more varied in style.

8. The main difference between the appeal scheme and existing built development is that the proposed dwelling would be set back with no road frontage other than the proposed access drive. It would occupy a plot that was proportionate in size to other plots in the neighbourhood. The proposed dwelling would be of a similar size and general form to other two storey houses in the immediate area and spacing between it and its nearest neighbours would be similar to that found between buildings elsewhere in Autumn Close.

9. The proposed dwelling would be seen in oblique views from the end of Autumn Close and in gaps between houses from Kiln Lane. These views would not be unusual for the area where the relationship between buildings is varied and where dwellings can be seen from a number of vantage points throughout the suburban environment. Although it would not front a road, it would nevertheless appear as a two storey residential house amongst other buildings of a similar scale and height, and in that sense would integrate with the surrounding area.

10. The site is currently divided from Autumn Close by a fence, which would be replaced by a set of gates set further back. The opportunity for landscaping at the entrance to the site is limited, but there would be some landscaping opposite the entrance that would help soften views into the site when the gates were open. The plot is otherwise large enough to accommodate shrubs and small trees in the same manner as other gardens in the vicinity. I consider that the access drive and parking/turning area would not appear out of place or unduly dominant.

11. The design of the building would be more modern in style than surrounding dwellings. As there is a variety of styles in the area, in particular along Kiln

[2] Planning Practice Guidance: use of planning conditions, paragraph 010.

Lane, that would not appear discordant. External materials of brick with timber cladding at first floor level reflect similar materials on buildings in Autumn Close, some of which use timber weatherboarding. The only jarring note could be the proposal to use metal sheet roofing, which is not a material featured anywhere else in the neighbourhood. I recognise that contemporary materials have certain benefits but given that the roof would be the most visible part of the building in my view it would be desirable to use a roofing material that complements rather than distinguishes the building from its neighbours. As external materials could be controlled through condition, this is not a determining matter in the appeal.

12. Policy H11 of the Reading Borough Local Plan 2019 seeks, amongst other criteria, to prevent tandem development, which is defined as: '*a dwelling built behind another, the rear building having no frontage and being accessed by a private roadway or track alongside the front building*'. While the appeal proposal could be argued to fall within this definition, tandem development is not in principle objectionable unless it causes identifiable harm, for example to the character of an area or the living conditions of neighbouring occupants. For the reasons given above, I have found that the development does not harm the character of the area. I address living conditions later in my decision.

13. I conclude that the proposed development would not harm the character or appearance of the area as it would integrate satisfactorily with the surrounding area, would have a similar plot size, and similar building size, height and spacing to its neighbours. Consequently, it would accord with policy H11 of the Reading Borough Local Plan 2019, which sets out criteria for development of private residential gardens covering these matters.

Living conditions

14. The two storey element of the proposed dwelling would be separated from 5 Autumn Close by approximately 10m. I consider this to be sufficient distance to avoid it appearing overly dominant or overbearing to the occupants of the neighbouring property. The single storey elements of the proposal, including the garage, are all nearer to or immediately against the plot boundaries. These would be screened by the existing boundary fencing and given their height would not impinge unduly on the living conditions of neighbouring occupants, including those at 6 Autumn Close. The Council has referred to a 20m back-to-back distance specified in policy CC8 of the Reading Borough Local Plan 2019, but as this distance relates primarily to privacy, I do not consider it relevant when considering dominance.

15. 5 Autumn Close has 3 first floor windows looking directly out across the appeal site. The proposed dwelling has been carefully designed to avoid any habitable room windows looking towards these windows, so avoiding any undue loss of privacy. In contrast to the previous scheme in 2010[3], the two storey nature of the main building would help screen its back garden in views from these windows, ensuring an adequate degree of privacy for future occupants of the appeal site. The rear elevation of the appeal building would be separated from the rear elevations of houses in Kiln Lane by over 20m, so meeting the distance referred to in policy CC8. This separation is sufficient to allow for further screening along the intervening boundary if considered necessary or desirable.

[3] 09/01889/OUT

16. Although not included within the reason for refusal, the Council has raised concern at possible noise and disturbance, particularly to 5 Autumn Close, arising from the development. As a single residential dwelling, the comings and goings associated with it would not, in my view, cause significant disturbance to any of the neighbouring dwellings by reason of noise or light pollution. The level of activity would be similar to that generated by other dwellings in the Close and be domestic in nature.

17. Representations have also been made on other matters, including highway safety. Neither the Council nor the Highway Authority have objected to the proposal on this ground, and I see no justification to do so either.

18. I conclude that the proposed development would not cause harm to the living conditions of neighbouring occupants including by reason of dominance, loss of privacy or outlook. It would therefore comply with policy CC8 of the Reading Borough Local Plan 2019, which seeks to safeguard the living environment of existing residential properties and prevent unacceptable living conditions for new residential properties.

Other Matters

19. I note that the scheme was recommended for approval by planning officers but refused by the Council's Planning Committee. I understand why the appellant was disappointed by that decision, but it is the case that the Council can come to a different view to its officers and it has explained why it reached that view in its appeal statement.

20. In reaching my decision I have had regard to the previous appeal decision on the site made in 2011 in which a proposal for a bungalow was dismissed[4]. The current appeal scheme differs in that it is for a house of different size and design, and the context in which development is viewed is also different in that there is a new Borough Local Plan and national planning guidance that emphasises the provision of new housing. I have assessed the current appeal proposal in the light of this changed context.

Conclusion

21. While I have found that the development would not harm the character or appearance of the area, nor would it harm the living conditions of neighbouring occupants, I have found that the scheme would fail to secure the necessary contribution towards affordable housing.

22. It is for that latter reason that I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

[4] APP/E0345/A/10/2135967.