
Appeal Decision

Site visit made on 12 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/E0345/W/20/3258434

8 Riley Road, Tilehurst, Reading RG30 4UX

- 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 Dan Stannard against the decision of Reading Borough Council.
 - The application 200496, dated 27 March 2020, was refused by notice dated 6 August 2020.
 - The development proposed is described as the demolition of existing dwellings and erection of 4 detached dwellings including access, parking, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the development is described as the demolition of '*existing dwellings*' (in the plural) I note that only one dwelling is being demolished. The proposed four dwellings are also attached rather than detached.
3. In the Council's decision notice the fourth reason for refusal refers to the provision of street trees. The Council has conceded that this is not necessary in this instance. I have considered the appeal on this basis.

Application for costs

4. An application for costs was made by Mr Dan Stannard against Reading Borough Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are:
 - The effect on the character and appearance of the area
 - The effect on the natural environment
 - Whether the development should contribute towards provision of affordable housing.

Reasons

Character and appearance

6. Riley Road is suburban in character with 2 storey, detached and semi-detached houses fronting the road, which has narrow grass verges and occasional street trees. Around the corner in Delaney Close is a terrace of 2 storey houses facing the road with a parking area in front. Although there is a variety of different building styles in the area, their layout is characterised by buildings being set back from the road frontage. Forecourt parking is common but the set back of buildings from the road allows most front gardens to be large enough to also contain shrubs and hedges. The layout with buildings set back from the road, greenery in front gardens and the grass verges with trees along the road gives the area a spacious, verdant character and appearance. The sense of space applies to the terrace of houses in Delaney Close as well, which are set back from the road not only by the parking area but also by open front gardens.
7. The proposed dwellings would front onto Delaney Close. While one pair of houses would be set back from the road frontage and have space in front of them to enable some degree of soft landscaping, the pair closest to the corner would not. These buildings would be sited much closer to the road frontage than other buildings, and as a result would appear cramped and out of character with the otherwise spacious feel of the area. I reach that view notwithstanding the provision of parking to the side of the pair of houses enabling their limited frontage to be soft landscaped, including the area on the corner. While the provision of soft landscaping on the corner would be of benefit, it would not compensate for the position of the pair of houses being too close to the road.
8. The Council has criticised the creation of a gap between the flank of 6 Riley Road and the proposed pair of houses on plots 1 and 2. However, in a suburban layout whenever there is a corner plot there is inevitably a gap between the flank of one dwelling and the rear garden of another. I do not consider that the hierarchy between Riley Road and Delaney Close is so strong that the proposed development should front Riley Road rather than Delaney Close.
9. Policy EN8 adopts a presumption in favour of retention of undesignated open space. The supporting text notes that Reading has many such areas in both public and private ownership, which nevertheless provide important recreational and amenity resources, and that it is important that these areas are retained where possible.
10. The development would result in the loss of part of an area of undesignated open space. This space is laid to grass but does not appear to have any particular function. Within the context of Riley Road and Delaney Close it is somewhat atypical of the area, all other grass verges being relatively narrow. These serve to separate the pavements from the carriageway and provide space for street trees, neither function of which is served by the open space. It also has little recreational value in so far as there is a sign prohibiting ball games on it. In my view the use of part of the grassed open space for development would not be contrary to the pattern of development in the area or harmful to its character.

11. I conclude that, although development of part of the open space would not be contrary to the pattern of development in the area or result in the loss of an important recreational or amenity resource, the position of the pair of houses closest to the corner of Riley Road and Delaney Close would appear cramped and would therefore harm the character and appearance of the area. As a result, the development would conflict with Policies CC7 and H11 of the Reading Borough Local Plan 2019, which require all development to be of high quality design that maintains and enhances the character and appearance of the area of Reading in which it is located.

Natural environment

12. Lousehill Copse is an area of woodland immediately to the east of the site that is designated as a local wildlife site and local nature reserve. It is of significant biodiversity value and supports many protected and priority species.
13. Ecological consultants for the appellant and Council disagree as to whether harm would be caused to the ecological value of the woodland, or the role played by the open space as part of a green link.
14. So far as the woodland is concerned, the development would bring buildings closer to it than the existing house. However, the nearest house would only flank part of the boundary, with the remainder of the boundary remaining open. The proximity of the new buildings would be little different to the proximity of existing residential development that bounds other parts of Lousehill Copse. The small amount of overshadowing that would result from the proximity of the nearest building would be minimal in the context of the size of the woodland. A reference by the Council to a buffer margin for ancient woodland is not relevant here as it is accepted by both parties that there is insufficient evidence to show that the woodland is ancient.
15. The majority of the site is already garden land and would remain so in the proposed development. There would be some increase in activity because of the net increase of 3 dwellings, but that activity would be negligible when compared to the existing activity arising from the houses that already surround the woodland and its use for informal recreation by local residents. There is a boundary fence clearly demarcating the site from the woodland, which would prevent encroachment and lessen the likelihood of the dumping of garden waste or the introduction of non-native species into the woodland.
16. With regards to light spillage, the proposed development would be orientated at right angles to the woodland, and therefore most windows would not face directly onto it. The 3 windows in the flank elevation of the nearest house are small, and 2 of them are at ground floor level and would be screened from the woodland by the boundary fence. Outside lighting could be controlled by the use of a condition. Having regard to these factors I do not consider that the ecological value of the woodland would be materially harmed by the proximity of the development, residential activity, or light spillage.
17. The Council has also argued that the site and grass verge form part of a green corridor linking Lousehill Copse with other woodland, most notably Blundells Copse to the west. I note the link shown on the Reading Borough Local Plan Proposals Map, but I have difficulty seeing how this link exists in practice given that it crosses over intervening roads, houses and gardens. I acknowledge that wildlife is able to move from one garden to another between woodland areas,

but that would still be the case with the proposed development. The open verge itself provides little preferable opportunity for wildlife movement, it being laid to grass without any shrubs, trees or water features to provide habitat or shelter to commuting wildlife. I therefore consider that the development would not materially worsen the opportunity for the movement of wildlife within the urban area.

18. I conclude that the proposed development would not have a harmful impact on the natural environment, including Lousehill Copse or green links between areas of biodiversity importance. Consequently, it would not conflict with Policies EN12 and H11 of the Reading Borough Local Plan 2019, which seek to protect biodiversity and the green network. While not included in the reason for refusal, I consider that the development would also not conflict with Policy EN14 of the Reading Borough Local Plan 2019, which seeks to protect trees, hedges and woodland.

Affordable housing

19. 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 guidance¹, it carries weight in reflecting the pressing need for affordable housing in the locality.
20. The Council has accepted that the appeal scheme would not be viable if required to make an affordable housing contribution. The appellant has provided details of the viability of the scheme and as I have been provided with no evidence to contradict that evidence, I accept the position reached by the main parties.
21. However, the Council wishes the appellant to agree to a deferred affordable housing contribution that would be equal to 50% of any profit above 15% of the gross development value of the scheme, capped at the sum that would have been payable under the terms of Policy H3. While initially agreeing to this alternative form of contribution at the application stage, the appellant has now declined to enter into such an agreement.
22. There is nothing in Policy H3 or its supporting text that explicitly supports the use of deferred contribution agreements as an alternative to the provision of affordable housing as part of a scheme or as a financial contribution. There is support for such an approach in the emerging Affordable Housing Supplementary Planning Document but as this has yet to be adopted, I can only give it limited weight.
23. I have some sympathy with the Council on this issue as I recognise the need for affordable housing in Reading, and note the discussion that took place at the application stage on the principle of a deferred contribution based on potential future profit. However, it is the case that both parties agree that at present the appeal scheme cannot support a contribution towards affordable housing on viability grounds, which is a legitimate reason for making an exception to the normal requirements of Policy H3.
24. Since there is no policy basis or adopted guidance as yet for requiring the appellant to enter into an alternative means of contributing towards affordable

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

housing based on future profits, I conclude that the appeal scheme, based on current viability evidence, does not need to contribute towards affordable housing. That situation may change once the revised supplementary planning guidance is adopted, but I must base my decision on current circumstances. An exception to Policy H3 of the Reading Borough Local Plan 2019 is therefore justified in this case.

Other Matters

25. A preliminary ecological appraisal and bat roost inspection² identified the roof of 8 Riley Road as containing a roost by brown long-eared bats, a species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. As the development would result in the removal of the bat roost, a licence would need to be granted by Natural England to authorise such action. That would be a matter for Natural England to consider and is separate from the determination of this appeal. Were I minded to allow the appeal, I would need to be satisfied that there was no reason in principle why such a licence would not be granted. However, as I am dismissing the appeal for other reasons there is no need for me to consider this matter any further.

Conclusion

26. The appellant notes a range of issues which are not disputed by the Council, including transportation, outdoor space, trees, quality of accommodation, residential amenity, drainage, heritage and air quality. These are neutral matters in the appeal in so far as they do not result in harm. Similarly, the lack of harm to the natural environment, and the use of part of the open grass verge for development, are also neutral considerations in the appeal.
27. The development would not meet the affordable housing target set in Policy H3, but I conclude that the policy needs to be applied flexibly because of viability constraints. I therefore accept there is justification for making an exception in this case.
28. A net increase of 3 dwellings is a benefit, albeit modest, in helping to meet housing need in Reading.
29. Balanced against that modest benefit is the harm that would be caused to the character and appearance of the area from the position of buildings on the site, and the cramped nature of the scheme that would result. I consider that the harm that would be caused is not outweighed by the modest benefit arising from the provision of additional housing. Consequently, the proposal would conflict with the development plan when taken as a whole.
30. For that reason, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

² Johns Associates, Preliminary Ecological Appraisal & Bat Roost Inspection, 25 March 2020