
Appeal Decision

Site visit made on 16 February 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/W0340/W/20/3263857

Theale Motor Ltd, Church Street, Theale, Reading RG7 5BU

- 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 Red Line Land Theale Limited against the decision of West Berkshire Council.
 - The application Ref 19/02879/FULD, dated 18 November 2019, was refused by notice dated 5 June 2020.
 - The development proposed is demolition of former commercial unit and erection of a retail unit, 7 dwellings including parking, bins and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Red Line Land Theale Limited against West Berkshire Council. This application is the subject of a separate Decision.

Procedural matters

3. The above description is taken from the appeal form as it tallies with the decision notice.

Main Issues

4. The main issues are:
 - the effects of the proposal on the character and appearance of the area;
 - the impact on the setting of conservation areas and listed buildings;
 - the adequacy of proposed landscaping/green infrastructure;
 - the living conditions of the intended occupants of the proposal;
 - whether or not affordable housing should be provided and;
 - whether the servicing of the proposed retail unit would harm highway safety.

Reasons

Character and appearance

5. Theale is a large village with a considerable number of shops, concentrated within the High Street. This village centre has almost continually built up frontages which are close to the road.
6. The High Street has a very enclosed and dense character, which is discernibly different to the rest of the village. Church Street follows on from the High Street, but its buildings are set back from the road, and more widely spaced. In addition, there is a view westward, featuring mature trees and the church tower behind. Further west open spaces around the church and the grounds of The Rectory also contribute to a more dispersed and verdant character.
7. The appeal site is on the corner of Church Street and Station Road, off a roundabout. The appeal site contributes to the open character of Church Street in particular. It only has one building which occupies a relatively small area and is set back from an open hardstanding. Consequently, the site is very conspicuous from all directions and particularly so being on a corner.
8. The proposed buildings would be close to and almost continuous along the Church Street frontage. This would reduce the openness along Church Street and would assert a sense of enclosure.
9. Additionally, the development footprint would occupy much of the site, which would visibly create an expanse of buildings. The proposal would change the character of this part of Church Street from the above characteristics to one dominated by buildings. The village centre would appear overly extended, spoiling the transition towards the outlying lower density surroundings, of the church and The Rectory.
10. The proposed elevations would have varied massing and detailing which would help to break up the extent of development. However, the footprint of development and its siting close to the road frontage would still be evident, which would appear uncharacteristic for this part of the village.
11. The existing building is simple and functional and being small and set back has a very limited adverse impact on the area. Its removal would not be offset by the impact of the proposal.
12. Reference has also been made to the development at 19 and 19a High Street which has a higher density. Whilst this is 100m away it is in a different street and has a different character.
13. I therefore conclude that the proposal would harm the character and appearance of the village. Policies CS14, and CS19 of the West Berkshire Core Strategy (CS) require new development to demonstrate high quality and sustainable design, and that the design is appropriate in terms of the form, pattern and character of the existing settlement. Policy ADPP1 of the CS requires that new development relates to the site's character and surroundings. Paragraph 127 of the National Planning Policy Framework (the Framework) requires developments to be sympathetic to the context. The National Design

Guide provides more details to the same effect. The West Berkshire SPD: Design Quality also emphasises the need to respond to existing character. The proposal is therefore contrary to the above policies and guidance.

Impact on conservation areas and the setting of listed buildings

14. The Theale High Street/Blossom Lane Conservation Area (CA) is around three sides of the appeal site and has a strong visual connection. The above CA includes the Crown Inn which is opposite the appeal site. This is a Grade II listed rendered building with sash windows and tall chimneys. It dates from the eighteenth century and stands out prominently being on its own as a focal point just off the roundabout. Adjacent to the appeal site is a pair of Grade II listed cottages, 1-3 Church St. They are narrow width with vernacular materials, tall chimneys and have a pleasing symmetry and simplicity.
15. To the west, further along Church Street is another Conservation Area (CA). Holy Trinity CA is centred on the church, which is notable for its tower which is set to one side of the main building and dominates the views into and within the CA. The designation also includes The Rectory a large classical house, set in a spacious garden with some substantial trees. The Church, its walls and Rectory are listed. The appeal site is seen in conjunction with the church tower and the grounds of the Rectory.
16. The proposal would change the character of Church Street as above, and the surroundings within which these assets are experienced. The rural setting of the church and Rectory would also be reduced by the developed frontage. The proposed buildings would reduce the prominence of the Crown Inn and adjacent cottages as they would become enclosed and enveloped rather than isolated as at present.
17. I therefore conclude that the proposal would not preserve the setting of heritage assets. The proposal would be in conflict with Policy CS19 of the CS which requires conservation of the setting of the heritage assets, Paragraph 194 of the Framework which requires justification for the harm to the setting of a heritage asset and Paragraph 196 whereby harm needs to be weighed against public benefits.

Landscaping/green infrastructure

18. The proposal includes four planting beds on Church Street. However, these would be small. Moreover, being north facing and shadowed by the houses the planting would have limited potential. There would be three planting beds on Station Road but again these would be very small.
19. A tree is proposed on the corner of Church Street and Station Road. However, its roots would be surrounded by hard surfacing, which would constrain their uptake of water and nutrients. Similarly, it would be on the northern aspect and shadowed by buildings which would limit its potential canopy size and growth.
20. The siting of the proposal close to Church Street is stated as a means to create an active frontage. However, this siting and continuous footprint of buildings would not allow any space for significant landscaping.
21. The proposal includes trees by the car parking. However, these would have little room in between the cars and would be within hard surfaced spaces.

22. The proposal would only provide minimal ecological benefit but given the existing hard surfaces that is not fundamental. Rather, more importantly, the proposed landscaping would not provide significant softening to the development, particularly on the frontage and would fail to respond to the context of Church Street. Indeed, I note that in the past there were significant trees on this frontage, as confirmed by the Tree Preservation Order.
23. I therefore conclude that the proposal is contrary to policies CS14, and CS19 of the CS which require new development to demonstrate high quality and sustainable design, and that the design respects the form, pattern and character of the existing settlement. Policy CS18 of the CS refers to the loss of green infrastructure and I find no conflict against this criterion.

Living conditions

24. Six of the seven flats would have private terraced balconies, the other would have access to a roof terrace. The balconies would offer enough room to accommodate seating and circulation. They would be readily accessible to the occupants and being south facing would be capable of use throughout much of the year. However, these only account for a small proportion of the recommended outdoor space area, which would mean there would still be a significant need for additional space.
25. The proposal would provide communal open space, to the rear. This would be accessed by walking underneath an arch, which would be circuitous discouraging its use. It would also be close to parking and therefore its enjoyment would be likely to be impaired by noise, disturbance and exhaust fumes.
26. The extent of communal space would be below the requirements of the Council's Supplementary Planning Document: Quality Design. Whilst it is possible to speculate that all the occupants may not want space, that cannot be assumed. There is also benefit in having such space for an outlook. I have also not been made aware of any other public open space in the immediate vicinity. Indeed, on my site visit I noticed the recreation ground was on the edge of the village a significant distance away. Similarly, the Kennet and Avon Canal would be attractive for walking but would not meet the need for open space within the development.
27. I therefore conclude that overall, the proposal would not provide sufficient outdoor space. The proposal would be contrary to Policy CS14 of the CS and the SPD Quality Design which require that new development makes a positive contribution to the quality of life. Whilst the SPD is dated, the intent is still valid, and the quantum of space is reasonable.
28. Most of the flats would be below the National Described Space Standards. The occupants would have cramped living conditions, however, I only afford this very limited weight, as the internal sizes are not covered by a Development Plan policy.

Affordable housing

29. There is a high level of affordable housing need according to the Council's Strategic Housing Market Assessment, which shows unmet housing need within West Berkshire of 3600 households, 52% of whom were unable to afford market housing. When taken along with the number of newly forming

- households who require affordable housing this equates to a need for 1200 affordable dwellings per annum. This was undertaken at 2013, and there is nothing to indicate that this has improved and may well have worsened.
30. The proposal would not make any provision for affordable housing. No evidence has been provided that the re-development would be uneconomic. Indeed, much of the site is open and clear.
31. Policy CS6 of the CS requires that on sites of between five and nine dwellings a contribution of 20% affordable housing is required, which would mean one dwelling in connection with this proposal.
32. I note that Paragraph 63 of the Framework states that on sites that are not major development (defined as less than 10 units) affordable housing is not a requirement, although Policy CS6 is consistent with paragraphs 61 and 62 of the Framework which state that policies should cover affordable housing.
33. The appellants provide extracts from the Oxford Local Plan Inspectors Report, which found against affordable provision on small sites. However, the nature of Oxford is very different to West Berkshire in terms of the rurality and the nature of housing delivery. I also note the other submitted appeal decisions which concluded against affordable housing requirement. However, these are not in this district, but in different contexts. Conversely the Council have provided an appeal decision which has supported their stance. Accordingly, I do not find that these lead me to a definitive position.
34. The high level of affordable housing need has been demonstrated and is a material consideration. The proposal fails to comply with the Core Strategy Policy CS6, and I do not find justification why the Development Plan Policy should be wholly set aside in this instance, but I only afford this breach limited weight.

Servicing/access

35. The proposal is for one retail unit of 182sqm on the ground floor. The proposed floor plans indicate bin storage and service access would be towards the rear and close to the Station Road frontage. Servicing vehicles would have to park on the street whilst loading/unloading took place.
36. There is a weight restriction on the surrounding roads, which as the County Highways Officer reported in the committee meeting, would lead to servicing by small vehicles. This would limit the length of the obstructing vehicle.
37. The traffic speeds should be low in the area. There are also well-defined pedestrian pavements to maintain their segregation and safety.
38. Whilst a parked service vehicle would be likely to impair flow along the road, this should not be prolonged as the layout shows the shop access and service yard would be close.
39. There would be conflict with the kiosk but again this would be a short duration and infrequent occurrence.
40. I note the concerns about the width of the road, but it appeared to be me that two vehicles could pass comfortably.

41. I noted on my site visit that the bus stop is as annotated on the submitted layout, on Church Street. This would be away from the accessing of the shop and thus avoiding conflict.
42. I therefore conclude that the proposal would not impair highway safety. Policy CS13 of the CS seeks to ensure safe travel and Policy TRANS.1 of the West Berkshire District Local Plan refers to the need of new development to be met through provision of facilities and the proposal would not be in conflict.

Planning Balance

43. This is a brownfield site, which warrants re-use. Similarly, its redevelopment should be an efficient use. The site is very close to everyday facilities and services, which the occupants would be likely to use. The proposed shop would also contribute to the vitality and viability of the village.
44. The proposal would also have economic benefits in construction and the dwellings would be a helpful contribution to housing land supply. The dwellings would also be small which would help diversify the housing market.
45. However, the siting, footprint of the buildings and lack of landscaping would harm the character and appearance of the village and not preserve the setting of heritage assets. The occupants would have restricted outdoor space. The proposal would not have the benefit of providing affordable housing. The overall benefits of the proposal would not outweigh the impacts.

Conclusion

46. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR