
Appeal Decision

Site visit made on 6 April 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/E0345/W/20/3258305

3 Modbury Gardens, Reading RG2 7PD

- 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 Adil Kamran (Best Homes UK Ltd) against the decision of Reading Borough Council.
 - The application Ref 200532, dated 6 April 2020, was refused by notice dated 8 July 2020.
 - The development proposed is the erection of a two-storey side and rear extension to create 2no 2-bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area,
 - Whether the development would provide an acceptable standard of accommodation in terms of internal and outdoor space; and,
 - Whether the development would contribute to affordable housing needs in the Borough.

Reasons

Character and appearance

3. The properties on Modbury Gardens comprise a mix of semi-detached and terraced houses, with the appeal property an end-terrace house on a wide corner plot. The appeal site and the property opposite, No 28, both have wide garden spaces to the side and, while that to 28 is enclosed by a low post and rail fence, these contribute a sense of spaciousness to the overall character of the street scene.
4. The proposed building would follow the front building line and ridge height of the neighbouring houses, with a rearward projection matching at first floor the ground floor extension to No 3 and projecting beyond that extension at ground floor level.

5. The development would substantially reduce the extent of open land within the site and, due to its height and overall depth, the rear projection would be prominently visible in the street scene. The introduction of four car parking spaces on site would result in a frontage dominated by car parking. The overall scale and prominence of the development would therefore be out of keeping with the character of the street scene
6. My attention has been drawn to an extant permission for a single dwelling on the appeal site. However, that permission was in outline only and while it may have established the acceptability of the general principle of development in terms of access and scale, I do not have detailed information before me showing what was approved. I can therefore only give it limited weight in determining this appeal.
7. The fenestration to the front of the house and appearance of the flank elevation would be similar to that of the existing house. The recessed front doors would be similar to those to Nos 1 and 2, as well as those of other paired houses in the street. However, while I do not find that these elements of the proposal would be harmful to the character and appearance of the area, this would not be sufficient to offset the harm arising overall from the development.
8. The appeal proposal would therefore result in unacceptable harm to the character and appearance of the area. It would conflict with Policies H11 and CC7 of the Reading Borough Local Plan 2019 (the LP). These policies require, amongst other criteria, that new residential development on land within the curtilage of private residential gardens makes a positive contribution to the character of the area.

Standard of accommodation

9. The floor area of the flats, in particular the split level flat on the upper floors, is disputed by the main parties. I have not been provided with detailed calculations to show how the parties reached their respective figures. However, from the evidence submitted both flats would have one larger bedroom and one smaller bedroom. I consider it likely in that case that prospective occupiers would view the flats as suitable for two or three people, and it is not in dispute that the flats provide adequate accommodation for three people. I have considered whether a condition could be imposed limiting occupation of the flats to a maximum of three people if I were minded to allow the appeal. However, such a condition would be unreasonable as it would not allow for changing circumstances within households, and for the same reason I also do not consider that it would be enforceable.
10. The development would substantially reduce the extent of garden space at the appeal site. However, some outdoor space would be retained and both flats would have access to that space for use as gardens, with a private rear garden to the ground floor flat. The extent of privacy within the garden area to the front and side of the building would likely be limited due to its siting. However, open and communal garden space is not uncommon around flats and I am satisfied that the development would provide acceptable space for future occupiers.
11. The development would therefore provide an acceptable standard of accommodation in terms of internal and outdoor space. It would accord with the requirements of Policies H5, H10 and CC8 of the LP, which taken together

require that new housing meet minimum space standards and provide acceptable living conditions, including functional private or communal open space.

Affordable housing

12. An affordable housing contribution is sought in line with Policy H3 of the LP and the Affordable Housing Supplementary Planning Document 2013 (the SPD). A signed unilateral undertaking has been provided by the appellant securing a financial contribution of £20,100 towards Reading's affordable housing needs. This figure matches that sought by the Council based on its calculation of the gross development value of the proposal.
13. The financial contribution is necessary to make the appeal proposal acceptable in planning terms. It is directly related to the development, and fairly and reasonably related to it in scale and kind. The submitted undertaking would therefore meet the requirements of paragraph 56 of the National Planning Policy Framework and the tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
14. The appeal proposal would therefore make an acceptable contribution to affordable housing needs in the Borough in accordance with Policy H3 of the LP and the SPD.

Planning Balance

15. The development would result in the creation of two new dwellings, supporting the Government's objective of significantly boosting the supply of new homes. The development would also contribute to the Borough's affordable housing need.
16. However, the development would be harmful to the character and appearance of the surrounding area due to its scale and prominent location. This attracts significant weight, and in this instance the harm arising from the development would outweigh its benefits.
17. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict.

Conclusion

18. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR