



Appeal Decision

Site visit made on 5 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/E0345/W/21/3277610

72 A-D Admirals Court, READING, RG1 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 (1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Umut Calkam against the decision of Reading Borough Council.
 - The application Ref 201480, dated 26 October 2020, was refused by notice dated 9 February 2021.
 - The development proposed is the addition of two storeys to an existing detached block of flats to provide 6 additional flats (10 flats in total).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the GPDO, under Article 3 (1) and Schedule 2, Part 20, Class A, Paragraph A.2 (1) require the local planning authority to assess the proposed development on the basis of a list of limited criteria, taking into account any representations received. My determination of the appeal has been made on the same basis.
3. The Council refers to its development plan in its submissions. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 20, Class A of the GPDO do not require regard to be had to the development plan. I have therefore had regard to the development plan only in so far as it is a material consideration relevant to the main issues.
4. The provisions of Schedule 2, Part 20, Class A of the GPDO require the local planning authority to have regard to the National Planning Policy Framework (the Framework) in so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of the appeal has been made on the same basis.
5. I have taken the site address from the Council's decision notice as it is simpler and appears to be more accurate than the address provided on the application form.

Main Issues

6. The main issues are:

- a) Whether the proposal would be permitted development, with regard to the date that the existing building was constructed,
- b) The transport and highways impacts of the development,
- c) The external appearance of the building, and
- d) The impact on the amenity of neighbouring premises.

Reasons

Permitted development

7. Development is not permitted by Class A if the building was constructed after 5th March 2018. There is no definition within the GPDO of what stage a building needs to be at before it can be considered to be constructed.
8. The appellant suggests that comparisons can be made with the term 'substantially completed' that is used in Section 171B of the Town and Country Planning Act 1990 in the context of planning enforcement. In this context the appellant refers to Annex 2 of Circular 10/97, however this document was withdrawn when the Planning Practice Guidance was introduced in 2014 and therefore carries little weight.
9. There is a difference between 'was constructed' and 'substantially completed'. 'Substantially completed' implies that most of the work has been carried out but construction work is still underway, as suggested by the Circular. Whereas an ordinary reading of the phrase 'was constructed' relates to something that has already taken place.
10. The appellant suggests that most of the construction work was carried out during the second half of 2017, but accepts that some work was carried out up to the summer of 2018. He suggests that the building was ready for occupation by 5th March 2018. Letters submitted from Kingwood Construction and Holloway Decorating refer to carrying out internal work during February 2018 that included painting, tiling and decorating. These are works that would be carried out late in a project, however the submissions also refer to snagging work carried out in July 2018 including the repair of settlement cracks.
11. The Google Street View image dated July 2018 shows a building that appears to be largely complete but is still surrounded by temporary fencing. Building material and equipment can be seen around the front of the building and a ladder is visible through the front door that appears to extend internally up to the first floor. These details indicate that skilled construction work was still underway at this time.
12. The appellant suggests that the date for this photograph may not be accurate. However, there is no evidence before me to support this. The date is referred to as 'image capture', which implies it is the date that the image was taken rather than the date it was uploaded. Furthermore, the image shows a shallow shadow at the front of the building and surrounding deciduous vegetation in full leaf, which all support the suggested mid-summer date. I am therefore

satisfied that I should give full weight to this image and the suggested date that it was taken.

13. Although it would appear that the building was close to completion at the time the image was taken, construction work was still underway. This and the fencing surrounding the building would have prevented it from being occupied at that time.
14. I agree that there is no requirement for evidence of completion under the building regulations to be provided to clarify the date by which the building was constructed, however such a document could have been useful. Furthermore, I note that the letters provided from contractors have been produced now to support the current proposal. They are not copies of original invoices that could constitute more substantive evidence. Similarly, evidence to show dates that services were commissioned, or tenancies were agreed are not before me.
15. Taking these matters together, in light of the Google Street View image and a straightforward reading of the phrase 'was constructed', I am of the view that the building was still under construction after 5th March 2018. I must therefore conclude that the proposal would not be permitted development.

Transport and highways impacts

16. The proposal would not provide any additional car parking. Occupiers of the existing building are able to park a car in front of it, where there is space for four cars to park. The surrounding residential development includes various parking areas that do not appear to be marked or allocated to a particular dwelling. Further parking is available on the existing access road, which can be carried out in a manner that does not harm the safety of road users, including cyclists and pedestrians.
17. At the time of my visit there were many unoccupied parking spaces within the immediate area of the appeal building. This accords with the submitted Highways Technical Note, which is supported by robust evidence and also suggests that car ownership for the 6 additional flats is likely to be low. There is no evidence that the area is under parking stress or that the addition of 6 further flats would exacerbate an existing problem.
18. I note that the Council's Supplementary Planning Document Revised Parking Standards and Design 2011 requires a minimum parking provision. However, I have established that I am not required to have regard to local policy and guidance for this proposal. As a material consideration I am not satisfied that its requirements are sufficient to outweigh the conclusions of the Highways Technical Note and my own observations on site.
19. In summary, the transport and highways impacts of the proposal would be acceptable and would accord with paragraphs 104 and 130 of the Framework, which seek to ensure that proposals will function well and that transport issues are considered so that impacts on transport networks can be addressed.

External appearance of the building

20. The appeal building is a three storey purpose built block of four flats. The top floor is set entirely within the roof space. The ground floor is faced in brick and the first floor in render, with a projecting central gable to the front that marks the building's entrance. It stands amongst other blocks of flats of two to four

stories. The existing building, which has the appearance of a two storey building with accommodation in the roof, sits close to a three storey building to one side, and a two storey building set further away in the other direction.

21. I note the Council's position. Unlike other tall buildings in the development, the extended building would be without more modest adjuncts to soften its impact. It would occupy a much smaller plot than other buildings, and would thus have a very different proportion to nearby buildings and appear somewhat out of place and over scaled. It would also utilise a rendered finish across three stories in the context of a development where the use of render is much more restrained.
22. Assessing the design of a building without taking into account context is difficult. However, an assessment of the external appearance of the building, as set out at A.2. (1) (e) of Class A, would appear to be limited to an assessment of the building in isolation rather than considering its impact on a wider area. As the appeal building is detached and different to nearby buildings that are part of an older residential development this would be a feasible position and accords with the approach taken in a recent appeal decision¹, a copy of which is before me.
23. The upward extension would copy the design of the existing building exactly, including the placement of windows and its roof form. The projecting front gable would be extended up to the new roof height. The use of a rendered finish for the upper floors over a retained brick faced storey at the ground floor would help the tall building not to appear visually heavy. The blank south elevation would be largely obscured by the adjacent building. Views of the building's blank north elevation would be offset by its more interesting east façade.
24. In summary, the external appearance of the building would be acceptable, when viewed in isolation. Within the limited scope of consideration of the permitted development right, the external appearance of the building would accord with Chapter 12 of the Framework, which seeks to secure good standards of design.

Amenity of neighbouring premises

25. The building is close to another block of flats known as 64-72 Admirals Court, which is to the south and southwest. The north elevation of this three storey building includes a number of openings, including those serving ground floor flats, that face out towards a small area that is confined by the existing building to one side and a high bank and vegetation to the other. The outlook from the existing low level north facing flats is therefore already constrained.
26. The proposal would substantially increase the height of the existing building, which would make this space feel even more enclosed. When looking out from the lower level flats the building would be dominant and overbearing, and occupiers of these flats would feel hemmed in by its increased mass.
27. The Council also refers to a loss of privacy. The level of overlooking towards the third floor flats of the neighbouring building would be more significant as a result of the proposal. However, this would be identical to the arrangement between the ground and first floor openings of the existing building and the

¹ Appeal Ref: APP/ T1410/W/20/3263486

openings on the lower floors of the adjacent building. As this is an existing relationship that the Council has already accepted, and whilst there would be some new impacts, I am satisfied that this would not amount to an adverse impact on privacy.

28. In summary, the impact of the proposal on the amenity of the neighbouring premises with regard to outlook would not be acceptable, and would not accord with paragraph 130 f) of the Framework, which seeks to ensure that developments maintain a high standard of amenity for existing users.

Conclusion

29. For the reasons given above I have found that the proposal would not be permitted development, and neither would it conform to the requirements and criteria of Schedule 2, Part 20, Class A of the GPDO with regard to its impact on the amenity of neighbouring premises. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR