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# Appeal Decision

Site visit made on 10 May 2022

**by Helen Davies MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> May 2022.**

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**Appeal Ref: APP/E0345/W/22/3290550**

**40 Church Street, Caversham, READING, RG4 8AU**

- 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 Dr Lakshmi Kanthan against the decision of Reading Borough Council.
  - The application Ref 211658, dated 4 October 2021, was refused by notice dated 10 December 2021.
  - The development proposed is conversion of ground floor flat, Use Class C3, to commercial, Use Class E(a).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form gives the description of development as 'conversion of ground floor flat'. In the decision notice and appeal documentation the proposed development is referred to as 'partial conversion of ground floor flat'. Notwithstanding this variation, the appeal has been determined on the basis of the submitted drawings which show a two bed ground floor flat being changed to commercial use.

## Main Issue

3. The main issue is the effect of the proposed change of use on the provision of housing.

## Reasons

4. Policy H7 of the Reading Borough Local Plan 2019 (LP) specifies that planning permission will not be granted for any loss of residential accommodation unless there are exceptional circumstances. Text in support of Policy H7 sets out examples of where exceptional circumstances may apply, none of which apply to this appeal.
5. It is common ground that there is substantial need for housing in Reading. Consequently, it is evident that any loss of residential accommodation would exacerbate this need.
6. The appellant argues that because the flat in question has not yet been placed on the open market and is not occupied, this proposal cannot result in the loss of housing. They also state that the proposal would just take the site back to its previous commercial use.

7. Notwithstanding any previous use or layout of the site, planning permission was granted in October 2020<sup>1</sup> for a two storey rear extension, with the creation of three flats, one at ground floor and two at first floor. From my site visit it was apparent that the extension had been completed with the first floor flats ready for occupation. Whilst the ground floor flat within the extension had not been completed internally, it was evident that the previous planning permission had been implemented. I also note that the previous permission was granted on the basis of there being a flat to the rear at ground floor within the extension. Therefore, the proposed change of use of the rear part of the ground floor of the site, from a two bed flat to commercial use, would result in the loss of residential accommodation.
8. The appellant states that the commercial unit is smaller than it was prior to the recent extension works, due to the loss of an outbuilding, and that the intended use as a convenience store needs more space. I acknowledge that the commercial unit of 72 square metres may not meet the needs of a particular proposed tenant. However, a unit of this size may meet the needs of a range of commercial uses and I am informed by the Council that the size is similar to many of the other commercial units in the area. The appellant has also provided a letter from an estate agent setting out their opinion on the ground floor flat and stating that it is not as desirable as the first floor flats. However, this is unsupported by any marketing evidence or details of the flat being offered for sale or rent without success.
9. On the basis of the above, the fact that a particular potential tenant would like a larger commercial space, or that the ground floor flat may be less desirable than the first floor flats, does not constitute 'exceptional circumstances' under Policy H7 of the LP so cannot justify the loss of residential accommodation.
10. In their reason for refusal, the Council make reference to the loss of accommodation 'suitable for family occupation'. The appellant has questioned whether the current ground floor flat would be suitable for family occupation, particularly given its lack of a private garden and parking. I agree that the ground floor flat may not be the most desirable form of accommodation for families. Regardless of this, Policy H7 makes no distinction between occupant types but just precludes the loss of residential accommodation, whether that accommodation is suitable for families or not.
11. I conclude that the proposed development would result in the unjustified loss of a two bedroom unit of residential accommodation, leading to an unacceptable impact on the provision of housing in the area. Consequently, the development would not comply with Policy H7 of the LP, which seeks to protect existing residential provision.

## **Conclusion**

12. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

*Helen Davies*

INSPECTOR

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<sup>1</sup> Application reference 181091