



Appeal Decision

Site visit made on 5 May 2022

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/W0340/W/21/3283275

Elmwood Building, Southend Road, Bradfield Southend, Reading, RG7 6EU

- 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 Active Development Services Ltd against the decision of West Berkshire District Council.
 - The application Ref 21/01701/FULD, dated 23 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is change of use from Sui Generis to a Class C3(a) dwellinghouses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for this appeal are:
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties and whether the scheme would provide for suitable living conditions for future occupants;
 - the effect of the proposal on highway safety with regard to parking provision;
 - the effect of the scheme on the character and appearance of the area;
 - the effect of the proposal on ecology;
 - the effect of the proposal on the rural economy; and
 - whether the scheme is required to make provision for affordable housing.

Reasons

Living conditions

3. The scheme proposes two balconies on the south-eastern and south-western elevations, providing amenity space for two first floor flats. The balcony on the south-east elevation would overlook a window within the

north-west elevation of the neighbouring property known as Haldon. I observed that this could likely serve a first floor bedroom. The appellant estimates that this would be at a distance of some 9.4 metres. Although the balcony and bedroom window would not be directly aligned, I consider views would be easily gained between the two and at a relatively close distance. I consider such a relationship to be unacceptable and would lead to an unacceptable loss of privacy to the occupants of Haldon.

4. In terms of the other neighbouring property to the south-west, this is known as Scrub Cottage. This has two windows within the flank elevation facing the appeal site that I understand likely serves a study at ground floor and a bedroom at first floor level. At a distance of 11 metres, I again consider that views would be available at a relatively close distance, unacceptably affecting the living conditions of the occupant(s) of Scrub Cottage. Further, some views between the outbuildings of Scrub Cottage would also likely occur, affecting the privacy of their rear garden.
5. I acknowledge that the premises when occupied would have had some element of overlooking to both properties. However, this would only have been largely during working hours and I consider a balcony to be much more intrusive than a window. Subsequently, there would be a material increase in overlooking as a result of the scheme.
6. The appellant has also suggested that bedrooms and studies are secondary rooms. However, I consider them to be important living spaces frequently used by their occupants and are not comparable to areas such as hallways.
7. The appellant has suggested privacy screens could be used on the balconies to address this issue. However, I agree with the Council that this would add to the incongruous nature of their appearance, which I discuss further below. In addition, without any details or designs before me, I cannot be sure that their use could sufficiently overcome such concerns.
8. Overall, the scheme would cause unacceptable harm to the living conditions of the occupants to both neighbouring properties through loss of privacy. The proposal therefore conflicts with Policy CS14 of the West Berkshire Core Strategy, 2012 (the CS) and the guidance contained within the Council's Design Guide Supplementary Planning Document.
9. The scheme, other than the two balconies at first floor level would not provide for any private or on-site communal amenity space for the proposed dwellings. Whilst the ground floor flats would be one-bedroom units, where occupants may not expect to benefit from on-site amenity space, I am mindful that the two-bedroom first floor flats could attract families. The balconies for the two-bedroom flats would be largely overlooked and relatively small. As already established the use of privacy screens would not be appropriate to overcome matters

associated with overlooking. I do not consider the balconies to provide a suitable level or quality of private amenity space for family homes.

10. I acknowledge that the village hall and associated playing fields, pub and cricket pavilion are close by and could be utilised by all of the future occupants. However, this is open to all and is not private or on-site communal amenity space where future occupants could sit or play with some privacy.
11. The appellant has suggested that seating areas could be secured as part of the development through a planning condition. However, based on the site layout plan there appears to be little, if any space, to do so without unacceptably impinging on the on-site parking spaces and associated turning areas.
12. Overall, I consider the scheme would not offer appropriate living conditions for the future occupants. The scheme therefore also runs contrary to Policy CS14 of the CS in this regard.
13. The Council has raised concerns that the proposed flats would not meet the national space standards. However, the appellant's evidence provides such measurements and I am content that the space standards are met.

Highway safety

14. The scheme makes provision for six off-street parking spaces. Policy P1 of the West Berkshire Housing Site Allocations DPD, 2017 (HAS) sets out that as the appeal site falls within 'Zone 3', nine off-street parking spaces should be provided. There is consequently a shortfall of 3 parking spaces.
15. The appellant is of the view that this is justified due to the sustainable location of the appeal site. However, whilst close to a bus stop it is clear from the Council's evidence that this runs infrequently and is unlikely to be a realistic option for commuting to work. Further, I visited the village shop which offers only a fairly limited offering of goods. I observed that many of the roads around Bradfield Southend are narrow and unlit, which does not make them appealing cycle or pedestrian routes. Whilst there is a primary school and a pub in close proximity to the appeal site that can be easily accessed on foot, I am of the view that the future occupants of the scheme would be heavily reliant on a private motor vehicle.
16. The appeal site commands a corner location on the junction of Southend Road and Admoor Lane. I agree with the Council that any overspill on-street parking associated with the scheme would very likely park close to the appeal site on either of these roads. I observed that Southend Road is relatively busy and an important route through the village and Admoor Lane provides a vehicular route to the A4 to the south-east of Bradfield Southend.

17. Parked vehicles on these roads close to the appeal site would cause obstruction to the free flow of traffic. Further, given the close proximity of the appeal site to the junction of Southend Road with Cock Lane which leads to the Primary School, there is the potential for parked cars to impede visibility for pedestrians around this junction that would be used by school children.
18. Having regard to all of the above, I consider that there are no exceptional circumstances to justify the reduction of off-street parking in this location and the scheme would lead to unacceptable highway and pedestrian safety concerns. The scheme therefore conflicts with Policy CS13 of the CS and Policy P1 of the HAS.

Character and appearance

19. The appeal building would remain largely unchanged, with the exception of the addition of two balconies. I observed that balconies are not a feature of the surrounding area and in my view would add visual clutter to the appearance of the building, particularly on the south-west elevation where there is already a staircase. The balconies would be clearly evident from Southend Road and Admoor Lane respectively and would appear as incongruous features. The suggested use of privacy screens to overcome matters associated with overlooking would exacerbate these issues.
20. The curtilage of the building would be dominated by hardstanding associated with parking spaces, bin and cycle storage. This along with the absence of any external private or communal amenity space would create an overly harsh appearance to the scheme. The appellant has suggested a soft landscaping scheme, which would include potential seating areas could be secured by a planning condition. However, as already set out above and having regard to the site layout plan there appears to be little if any space to do so without adversely affecting the required on-site parking spaces and associated turning areas.
21. I acknowledge that the hardstanding is already in place. However, in the street scene the appeal site currently has a commercial appearance, and the hardstanding contributes to this. Once converted and domestic items added, the appeal site would be viewed as being in residential use, where the large areas of hardstanding and lack of amenity space would be in stark contrast to the other residential dwellings that surround it.
22. For these reasons, the scheme would cause harm to the character and appearance of the area, which has a rural context. The scheme therefore conflicts with Policies CS14 and CS19 of the CS and Policy C3 of the HAS.

Ecology

23. Given that the building is vacant and that the appeal site is close to open countryside, there is the potential for the building to accommodate bats.

There is no survey before me to rule out their presence. The appellant has suggested that an informative could be used to ensure any works stopped should the presence of bats be found. However, an informative cannot be enforced. The appellant has also suggested that a bat survey could be secured by a planning condition. However, Circular 06/2005 advises that surveys should only be required by condition in exceptional circumstances, which I don't consider to be the case here. Subsequently, adverse impacts on bats cannot be ruled out and the scheme therefore conflicts with Policy CS17 of the CS.

Rural economy

24. Policy CS10 of the CS relates to the rural economy and sets out that existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. It also notes that proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.
25. The appellant has demonstrated that the building has been vacant since February 2019. However, whilst it appears to have been on the market for all or most of this time and some details have been provided in this regard, no further details have been provided that sufficiently demonstrate all reasonable attempts have been made to secure its continued commercial use.
26. It has been brought to my attention that there is a current application pending for a change of use of the appeal building from sui generis use to E(g)(i) (offices) use to form one single planning unit. This further supports my view that all reasonable attempts have not yet been exhausted to keep the building in commercial use.
27. I acknowledge the appellant's view that new housing would contribute to the local economy and the vitality and viability of the village. However, this would not be to the same extent as providing jobs in the rural area. Given the above, the proposal therefore conflicts with Policy CS10 of the CS.

Affordable housing

28. Policy CS6 of the CS seeks to secure affordable housing and requires 20% provision on sites of 5 - 9 dwellings. The Council has set out that the appeal site is within a designated rural area and therefore seeking affordable housing from the scheme accords with the NPPF. The appellant does not dispute this but notes Paragraph 64 of the NPPF sets out that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The associated footnote explains that this should be equivalent to the existing gross floorspace of the existing buildings.

29. In this case, the floorspace of the existing building is not being increased and therefore, I consider no affordable housing provision is required and any conflict with Policy CS6 in this regard should not weigh against the scheme.

Other Matters

30. I acknowledge that the scheme would contribute to the Council's housing land supply, and it would re-use a vacant building. However, I do not consider that these matters are sufficient to outweigh the identified harm.

Conclusion

31. For the reasons given above, I conclude that the scheme does not comply with the development plan when taken as a whole and there are no material considerations that indicate a decision other than in accordance with the development plan should be made. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR