



Appeal Decision

Site visit made on 13 December 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/E0345/W/22/3299930

24 Wantage Road, Reading RG30 2SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ajith Hettiaratchy against Reading Borough Council.
 - The application Ref 220032/FUL, is dated 10 January 2022.
 - The development proposed is the renewal of expired planning permission 161760/FUL - Construction of 2 semi-detached houses at the rear of 24-26 Wantage Road with access from Wilson Road.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The Council indicate the dimensions of the plot shown on the submitted plans may not be accurate. However, there is limited evidence before me to substantiate this position, and measurements taken from a Council mapping system and google earth cannot be wholly relied upon. As such, I have assessed the scheme based on the measurements set out on the drawings submitted with the appeal.

Background and Main Issues

3. In 2018 an application for the construction of 2 semi-detached dwellings with access from Wilson Road was approved¹. A further Section 73 application to vary the design and level of accommodation within the approved dwellings was approved in 2019².
4. Although there is some indication that works were carried out (erection of a fence) to implement the approved 2018 and 2019 schemes, there is no specific date when these works were carried out. Furthermore, there is limited evidence to show that prior to commencement conditions attached to the permissions were discharged. Due to the lack of information and clarity on the implementation of the 2018 or 2019 permission, I have considered the appeal on the basis that there is no extant consent on site.
5. I note the reasons for refusal submitted with the Council's Statement of Case. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

¹ Planning reference 161760/FUL

² Planning reference 191239/VAR

6. In light of the reasons set out, the main issues in this appeal are : -
- The effect of the proposed development on the provision of affordable housing in the area.
 - The effect of the proposed development on the living conditions of the occupants of 24 and 26 Wantage Road with regard to outlook, light and privacy and 22 Wantage Road and 1, Wilson Road with regard to light and outlook.
 - Whether the proposed development would provide adequate accommodation for future occupants, with regard to the overall floorspace, the floor space of Bedroom 3 and the size of the private outdoor space.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Affordable Housing

7. The proposed development is for a pair of semi-detached dwellings in a central area of Reading.
8. Policy H3 of the Reading Borough Local Plan 2019 (LP) requires residential development to make an appropriate contribution towards affordable housing. On sites of 1-4 dwellings, a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the borough. As the proposed development would be a development of 1-4 dwellings, a financial contribution in line with the policy should be made to secure the affordable housing contribution.
9. The financial contribution should be calculated by the Council in accordance with the Affordable Housing Supplementary Planning Document 2021 (SPD), which indicates that the most appropriate way to calculate the Gross Development Value (GDV) and apply 5% of the GDV to proposals for 1-4 dwellings. The Council has set out in the Statement of Case that two independent valuations were provided during the course of the application, and a contribution figure that would be expected towards affordable housing.
10. There is limited evidence with the appeal to demonstrate viability issues associated with the proposed development, or that the contribution figure calculated by the Council is incorrect. I do not have any substantive evidence to confirm that the appellant is willing to agree the contribution set out by the Council, and no alternative contribution has been put forward as part of the appeal submissions.
11. I have considered whether this matter could be addressed through the imposition of a negatively worded planning condition to prohibit the development until a satisfactory planning obligation is agreed. However, Planning Practice Guidance states that a condition to secure a contribution such as this is unlikely to be appropriate in the majority of cases, unless exceptional circumstances dictate otherwise. No exceptional circumstances have been put forward to condition the consent, and as there is no planning obligation before me to confirm these matters. As such, there is no agreement or mechanism in place to ensure that a contribution could be secured for affordable housing.

12. Accordingly, as the proposed development would not contribute to affordable housing, it would fail to comply with the objectives of Policy H3 of the LP, which aims to significantly boost the supply of homes for varying groups in the community. It would also fail to comply with the aims and guidance set out in the SPD and Planning Obligations Supplementary Planning Document, which seek to secure financial contributions towards affordable housing on smaller schemes such as this.

Living conditions of neighbours

13. The proposed development would be situated in the former rear garden area of 24 and 26 Wantage Road. The land is relatively flat, and the proposed development would be orientated to face Wilson Road. The rear elevation would face the back of No 24 and 26 Wantage Road. The appeal site adjoins the side boundary and private garden of the flats at 1 Wilson Road to one side, and the rear garden of 22 Wantage Road on the other side. No 22 has a hardstanding for the parking of vehicles adjoining Wilson Road and the remainder is a private garden space.
14. The Council has referred to Policy CC8 of LP, which amongst other things, seeks to safeguard the living conditions of existing residential properties in terms of access to light, outlook and privacy. It states that the position of habitable rooms, windows and outdoor living spaces will be particularly important. Also, a back-to-back distance of 20 metres between dwellings is usually appropriate, although the circumstances on individual sites may enable dwellings to be closer without a detrimental effect on privacy.
15. The distance from the proposed development to the back of the main rear elevation of No 24 and No 26 would be approximately 20m, but the distance to the rear two storey projections and its windows would be approximately 16.6m. The rear projections are part of the original dwelling. The proposed development would include two-bedroom windows on the first floor and another two in the roof dormers of each proposed property, directly facing the rear of No 24 and No 26. I have considered the appeal on this basis.
16. I acknowledge that the site is an urban location and there are examples of properties facing each other in a similar manner between Wilson Road and Wantage Road. However, from what I saw on site and the evidence before me, the 20m distance between dwellings on Wilson Road and Wantage Road has largely been maintained. Also, there are no specific circumstances set out to indicate why a shorter distance between the proposed development and existing properties could be allowed in this case without a detrimental effect on privacy.
17. As such, having regard to the shorter distance between the buildings coupled with the the two-storey height and dormers, the proposed development would be of a scale, height and proximity that would unacceptably dominate the outlook from the rear windows, as well as overshadow the private gardens at No. 24 and 26. Furthermore, as the windows would directly face the habitable windows in the rear projections at a distance of 16.6m, the proposed development would fail to safeguard the neighbouring occupiers privacy.
18. Due to the set back of the proposed dwellings from Wilson Road, the proposed front elevation (excluding the front gable) would be roughly in line with the rear elevation of 1, Wilson Road. It would be set off the side boundaries either

side by 1m, with the private garden space of 22 Wantage Road to the one side and on the other the shared outdoor space of the flats at 1, Wilson Road.

19. The side elevations of the proposed dwellings (excluded the front gable) would extend between 8 to 9m in depth at approximately 5m high (to eaves). Due to set back of the proposed development, the majority of the side elevation would be adjacent to the private garden space of No. 22 and the shared garden space of the adjacent flats. In the garden spaces, the scale and height of the side elevation and rear dormers would be clearly read and understood. A two-storey elevation of this scale, height and proximity would appear overbearing, adversely impacting on the neighbours living conditions with regard to the outlook from the private gardens.
20. The siting and layout of the proposed development is such that the side elevation would be visible from the flat windows in the rear elevation of 1 Wilson Road. I have had regard to Council's position on the nearest kitchen windows, however, based on the evidence before me, the size and layout of the kitchen is such that it would only be used for cooking purposes and not as a living space. The windows serving habitable spaces (such as the living rooms and bedrooms) are set away from the side boundary to such an extent that it would not dominate the outlook from these spaces or impact upon light.
21. Consequently, the proposed development would detrimentally affect the living conditions of the neighbouring occupants at 24 and 26 Wantage Road with regard to privacy, outlook and light, as well as the outlook from the private garden spaces at 22 Wantage Road and 1 Wilson Road. The proposed scheme would fail to accord with requirements of Policy CC8 of the LP, which states that development should not cause a detrimental impact on the living environment of existing residential properties, by virtue of privacy, outlook and light.

Living Conditions of future occupants

22. Policy H10 of the LP states that dwellings should be provided with functional private or communal open space, including green space wherever possible, that allows for suitable sitting-out areas, children's play areas, home food production, green waste composting, refuse storage, general outdoor storage and drying space. The design of outdoor areas will respect the size and character of other similar spaces in the vicinity.
23. The garden space would be small in comparison to some on Wantage Road and Wilson Road, but within the immediate setting there are smaller backland plots with rear gardens that have a similar length and width as proposed. As such, in this context, the garden would respect the size and character of other similar spaces in the vicinity. Furthermore, the rear garden would be flat and a functional rectangular shape, which would an external area where future occupiers would be able to sit out, relax, include outside storage and have drying space. As such, the private space proposed in this instance would be suitable to serve the proposed dwellings.
24. Policy H5 of the LP states that all new development should meet the nationally described space standards (Space Standards). The Space Standards indicate a 4-bed 6-person dwelling, over three-storeys, should be a minimum of 112 sqm. Over two storeys, a 4 bed 6-person dwelling should be a minimum of 106 sqm. A single bedroom should also include a floor area of at least 7.5sqm and be at

least 2.15m wide. The submitted floor plans are annotated and set out that one of the properties measures 99sqm and the other 104sqm. Also, a single bedroom in each of the properties would have a floor area of 5.6 sqm and 6 sqm, with a width below 2.15m.

25. The proposed floorspace as well as the single bedrooms fall short of the minimum requirements set out. While this is a relatively small shortfall below the national standard, it is nonetheless, a minimum requirement. I note that the other bedroom spaces would meet the standard and the private garden space is satisfactory, but this would not mitigate for the failure to meet the space standards. The units would consequently feel cramped and oppressive to their future occupiers, and I do not have evidence before me that would justify the shortfall from the required standard. Furthermore, there is limited evidence before me to suggest that if the dwellings were increased to meet the nationally described space standards it would render the development unviable.
26. Accordingly, although the garden area would be sufficient, the poor internal space standards would result in a substandard level of accommodation, which would undermine the quality of life of future residents. I therefore conclude that the proposed development would fail to provide adequate living conditions for future occupants of the proposed flats with particular regard to the internal space standards. The proposed development would be contrary to Policy H5 of the LP, which requires all new development to meet the nationally prescribed space standards, to ensure living accommodation for future occupants is not substandard in internal living space.
27. The proposed development would also be contrary to paragraphs 130 (f) and 134 of the National Planning Policy Framework (the Framework). Paragraph 130 (f) of the Framework states that decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraph 134 of the Framework also states that development that is not well designed should be refused, especially where it fails to reflect local design policies.

Character and Appearance

28. As indicated, the site is to the rear of 24 and 26 Wantage Road and adjoins Wilson Road. The proposed development would relate closely to the adjacent properties on Wilson Road rather than Wantage Road.
29. On the opposite side of Wilson Road, the dwellings are a mix of two storey semi-detached and terraced dwellings of varying design, set back behind a small front garden, with long rear private gardens and finished in red brick. However, on the same side as the appeal site, there is a mix of rear gardens and outbuildings interspersed with terraced and semi-detached properties of varying sizes, plot layouts and designs formed to the back of Wantage Road. Some of the plot layouts and sizes are smaller than opposite, but the backland properties largely retain a simple form and face Wilson Road, which together with coherent materials and finishes provides a distinct character and appearance to the area.
30. As such, within the immediate context, there is backland development of varying design, along with a mix of smaller plot layouts and property sizes, which provides some flexibility to the established pattern of development.

31. The proposed development would be a pair of semi-detached dwellings fronting Wilson Road, with a front gable projection and pitched roofed dormers to the rear roof plane. The proposed pair of dwellings would reflect the orientation as well as the plot layout and size of some of the backland properties in the immediate vicinity. Furthermore, the pair of dwellings would have a simple form and a two-storey scale and height, which would be comparable to a number of properties facing Wilson Road. Accordingly, in this context, the proposed development would harmonise with the varying design, plot sizes and orientation of properties within the immediate vicinity.
32. I have had regard to the Council's position, however, from what I saw on site, the outbuildings and boundary enclosures, together with the backland housing development, does not result in area that is predominantly open in character. Furthermore, the scale and mass of the side elevation when viewed from Wilson Road would be moderated by the subservient scale and height of the front projection and rear roof dormers. As such, the introduction of a pair of dwellings in this location would not adversely impact upon character and appearance of the area.
33. I, therefore, conclude that the proposed development would not lead to an adverse effect on the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the design requirements of Policies CC7, H2 and H11 of the LP, which require new housing development on garden land to reinforce and harmonise with the established character of the street and positively contribute to the character and quality of the environment through good design and materials.

Other Matters

34. I have had regard to the history of the site, and the planning permissions granted for the same development in 2019. While I sympathise with the circumstances of the case, insufficient information has been provided to confirm that either the 2018 or varied 2019 permission were implemented within the required time period and remain extant. As such, I am unable to consider the previous consents as a plausible fall-back position.

Planning Balance and Conclusion

35. Although it appears that there have been no significant physical changes to the site since the previous approvals, the Council has adopted a new development plan, the Reading Local Plan 2019. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
36. As such, to allow the proposed development would be contrary to the policies of the development plan, which encourage satisfactory living conditions for future occupiers and neighbours as well as the provision of affordable housing in an area. These policies are generally consistent with the Framework, and I attribute significant weight to the conflict with these policies. I acknowledge the contribution that two new dwellings from a windfall site could make to the local housing stock. I also note that there would be social and economic benefits from the construction of the new dwellings, in terms of additional expenditure in the local economy and the creation of construction jobs. However, it would only be a marginal uplift in housing and mostly short-term economic benefits to

the area. As such, these benefits are limited and do not outweigh the harm I have identified above.

37. The proposed development would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should, therefore, be dismissed.

M. P. Howell

INSPECTOR