



Appeal Decision

Site visit made on 17 January 2023

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/E0345/W/22/3295119

111A Watlington Street, Reading, Berkshire, RG1 4RQ

- 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 Mr Rehmat Chauhdry against the decision of Reading Borough Council.
 - The application Ref 201650, dated 19 November 2020, was refused by notice dated 22 September 2021.
 - The development proposed is the replacement of the existing industrial building with a new residential end of terrace with a mix of 6 units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the description of development has been change during the course of the planning application in order to make it explicit that part of the building will be retained should the appeal be allowed. Whilst I consider that the original description of development adequately describes the proposal I have had regard to the amended description's intention of retaining part of the existing building in any completed proposal in this decision.
3. The applicant has submitted revised plans since the appeal was lodged in order to address some of the Council's concerns. I have considered whether to accept these plans in accordance with the Procedural Guide – Planning Appeals - England (the Guide) and the Wheatcroft principles. The Guide sets out that if an applicant thinks that amending their application proposals will overcome the local planning authority's reason for refusal they should normally make a fresh planning application. It goes on to say that the appeal process should not be used to evolve a scheme and it is important that what was considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. I note that a consultee made representations on the planning application regarding the matters the amended plans seek to address. I therefore have not had regard to the amended plans submitted during the course of the appeal as they have not been subject to consultation and therefore might disadvantage people which should have been consulted on the amended proposals.

Main Issues

5. The main issues in this appeal are:

- the effect of the proposed development on the character and appearance of the Eldon Square Conservation Area;
- the effect of the proposed development on the setting of a Grade II listed building;
- whether the loss of a non-designated heritage asset is justified;
- the effect of the development on the living conditions of potential residents, especially those occupying the basement bedrooms and the front living room/dining room/kitchen of the duplex flat;
- whether the lack of a completed agreement under s106 of the Town and Country Planning Act 1990 to secure a contribution towards the provision of affordable housing and provision for the adequate storage and collection of refuse makes the proposal unacceptable.

Reasons

Character and appearance of the conservation area

6. The area of the appeal site lies in a transition between the buildings along a principal route in the town, the A4 London Road, and the domestic scale of Watlington Street. Buildings and structures fronting London Road in this location are generally large in scale and include a large hospital building, the building at 71 and 73 London Road and a petrol filling station. The appeal site however lies within the part of Watlington Street that displays a domestic character with rows of terraced houses, with small front gardens and varying between 2 and 3 stories in height. The terraced houses display a rhythm of small front gardens, windows and doors which contribute significantly to the character and appearance of Watlington Street away from the London Road.
7. The site lies within the Eldon Square Conservation Area (ESCA). For the purposes of analysing the area's character the Conservation Area Appraisal (CAA) divides the area into 3 parts. The appeal site falls within character area 2. Area 2 is characterised, amongst other things, by a variety of terraced houses, a typical 19th century street pattern, roofscapes with brick chimneys and clay pots. The houses themselves generally have a narrow frontage with a door (with a brick arch above) and window at ground floor level. At first floor level is a single matching window with a brick dental course is commonly used.
8. The appeal proposal would redevelop the existing two storey former industrial building which currently displays timber cladding and a small gable parallel to the road, with a three storey buildings with a flat roof, a sloping front at second floor level with a gap into a balcony. At first floor level two openings, to serve a balcony, are proposed in the brick work to mimic the appearance of the windows in the terraced houses. It is also proposed to construct the section of brickwork between the two openings with 'hit and miss' brickwork, in order to reduce the mass and bulk of the structure. Brickwork would sit over a large opening at ground floor which contains the door and front window to the ground floor flat which extends across the entire width of the site.
9. The predominance of brickwork in the Watlington Street elevation together with the bulk of the brickwork, both between the first floor heads of the openings and the edge of the second floor balcony and the ground floor and the bottoms of the openings at first floor level, would give the proposal a heavy and bulky

appearance. This would be accentuated by the width of the brick work either side of the openings at first floor level. The 'hit and miss' brick work could reduced the apparent weight of the structure when viewed from Watlington Street. However it would not sufficiently mitigate the feeling of bulk and weight of the proposal to an acceptable degree, especially when combined with the other factors referred to above.

10. The Conservation Area Appraisal is clear, one of the main characteristic of Watlington Street is the 19th century terraced houses with narrow frontages served by a door and a single window at ground floor level and a single window above. Moreover the character is reinforced by the lively roofscape and clay pots.
11. Despite the attempt to create a pitched roof at the front of the building, this would have the appearance of a sloping projection with a gap in the middle to serve the balcony. The wide gap at ground floor level would not reflect the rhythm of doors and windows in the terraces giving the building a horizontal emphasis on the ground floor. The appeal building as a whole would be viewed as flat roofed and therefore not harmonise with the houses on Watlington Street which generally have pitched roofs. The lack of other features such as chimneys would also emphasise this disharmony.
12. Furthermore, the solid brickwork both above and below the first floor openings would give the building a heavy and bulky appearance. This would clash with the well-proportioned terraced houses to the north. Moreover, whilst I note the openings facing on to Watlington Street are an attempt to mirror the windows of the terraces, without glass, glazing bars and window frames they would have the appearance of empty eye sockets which would further damage the character and appearance of the area.
13. In determining this appeal I have a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. I also, in terms of paragraph 199 of the National Planning Policy Framework (the Framework), when considering the impact of the proposal on the significance of the ESCA have given great weight to the area's conservation. I find that for the reasons given above the proposal would fail to preserve or enhance the character and appearance of the ESCA. However given the overall scale of the proposal it would lead to less than substantial harm to the significance of this heritage assets.
14. In view of this I am required to weigh the harm I have found to the heritage asset against the public benefit of the proposal. It appears to me that the benefits of the scheme would relate to the replacement of a currently vacant building in the conservation area which displays unsympathetic features, the provision of housing and a contribution towards affordable housing and the retention of parts of the existing building which have historical significance in the area. I also acknowledge that there will be employment benefit during the construction phase of the development. Set against these benefits are the harms which I have identified above to the character and appearance of the ESCA.
15. I give limited weight to the benefits that relate to the removal of the existing building such as the loss of the PVC windows and the timber cladding as these would be realised in any scheme to redevelop the existing site, including those that would preserve and enhance the character and appearance of the ESCA. I

note the Council has a 5-year supply of deliverable housing sites. I therefore give limited weight to the provision of additional housing. I note it is proposed through a Unilateral Undertaking (UU) that a sum of £99,175 is to be provided for the provision of affordable housing. This is a relatively small sum in housing terms. Therefore it would not provide a significant amount of affordable housing. Consequently I give this benefit limited weight. In terms of the creation of jobs this would occur during the construction phase of the project and therefore would be temporary. As such I give this benefit limited weight.

16. Overall the benefits of the scheme would be limited and would not outweigh the substantial harm to the character and appearance of the ESCA that I have found.
17. The development plan is comprised of the Reading Borough Local Plan (2019)(RBLP). Policy EN1 seeks to protect and where possible enhance the significance of heritage assets and their settings. It expects, amongst other things, that proposals avoid harm in the first instance with any harm being justified usually in the form of public benefits. Policy EN3 deals with development affecting conservation areas and Policy CC7 deals with more general design considerations. The main aim of Policy EN3 is to conserve and enhance conservation areas and support proposals that make a positive contribution to local character and distinctiveness.
18. I consider the elevation of the proposed development to Watlington Street to be bulky with a heavy appearance. This is demonstrated by the amount of brickwork used around the openings to the street. Moreover the large opening at ground floor level does not reflect the character of the 19th century terraced houses in the area. Furthermore the lack of architectural detailing, such as brick arches, chimneys and roof pitches harms the overall character and appearance of the area. I have also assessed the public benefits of the proposal and have found that they do not outweigh the harm caused to the character and appearance of the ESCA. Therefore, and for the reasons given above, I find that the appeal proposal is in conflict with these policies of the development plan as it harms the character and appearance of the ESCA.

Setting of the listed building

19. The site abuts the boundary of the grounds of a Grade II listed building, 71 and 73 London Road. This building is surrounded by open space which contains car parking, trees, a footpath and grassed areas which form part of its setting. The existing building on the appeal site is located on the rear boundary of the grounds of the listed building and forms part of its setting, together with the side elevation of 36 Prince's Street. Both the existing building and the side elevation of 36 Prince's Street provide a red brick back drop to the listed building which is recessive.
20. The appeal proposal would largely recreate this back drop, with the existing boundary wall retained and part of the flank wall of the existing building incorporated into the proposed development. Whilst there are elements of the existing building that would not be recreated in the appeal proposal, such as the variety of pitched roofs and the chimney stack, the absence of these features would not adversely affect the setting of the listed building. This is due to the dominant element in this part of the building's setting being the red brick wall. The additions that the appeal proposal would make to the redbrick wall include a flat roof and slate cladding would not in themselves affect the

setting of the listed building. This is due the retention of the recessive nature of this boundary feature as a result of the continued dominance of red brick and dark coloured slate cladding in the proposal.

21. In considering whether to grant planning permission for development which affects the setting of a listed building I am required to have special regard to the desirability of preserving that setting¹. I have also given great weight to the conservation of the setting of the listed building as I am required to do at paragraph 199 of the Framework. I have set out above what I consider to be the important elements of the setting of the listed building in relation to the appeal proposal and have found, for the reasons given above, that the appeal proposal does not harm the setting of the listed building.
22. Policies EN1 of the RBLP deals with the protection and enhancement of the historic environment. It particular and with regard to the protection of the setting of a listed building it seeks to ensure that new development avoids harm, and does not have an adverse impact on those elements that contribute to the building's setting. I have found above that the proposed development does not harm the setting of the listed building, nor does it have an adverse impact on those elements that contribute to its setting. Consequently the proposal is in conformity with this policy of the development plan as it does not harm the setting of the listed building.

Loss of a non-designated heritage assets

23. The building has been identified in the ESCA appraisal as a '*building of townscape merit*'. This, according to the Council, identifies it as a non-designated heritage assets. I have therefore treated it as such for the purposes of this decision.
24. The building to be replaced has historic interest, especially in its centre section, it does reflect the areas character of historically containing a mixture of uses, including industrial and commercial. However it has been substantially altered over the years and displays features that do not reflect the character of the area within which its is located, including PVC windows, a gable parallel with the street and timber cladding.
25. The harm caused by the loss of the non-designated heritage asset in itself would be limited due to the unsympathetic alterations it has undergone over the years and the proposal to retain part of the building in the appeal proposal. However Policy EN4 of the RBLP allows for the loss of such buildings only where it can be demonstrated that the benefits of the development significantly outweigh the assets significance.
26. I have found above that the proposed scheme would have limited benefits and that the scheme itself would harm the character and appearance of the ESCA, for the reasons set out above. For these reasons I find that the appeal proposal is in conflict with Policy EN4 of the RBLP as the loss of a non-designated heritage asset in these circumstances is not justified.

Living conditions

27. The 2 duplex apartments which would be provided on the ground and basement floors would have their bedrooms in the proposed basements. Access

¹ Planning (Listed Building and Conservation Areas) Act 1990, s66(1)

to daylight for these rooms is to be provided through the use of lightwells. Furthermore due to the set back of the ground floor wall on the Watlington Street elevation the living, kitchen and dining room of this flat would experience restricted access to sunlight at certain times of the day.

28. The Policy CC8 of the RBLP expects new development not to create '*unacceptable living conditions for new residential properties*'. It defines '*unacceptable living conditions*' in terms of, amongst other things, access to sunlight and daylight and harm to outlook.
29. The basement bedrooms would all have an outlook on to a retaining wall at the base of the lightwells. However the basement bedrooms to the rear flat would also have an outlook that includes the rear elevation of 36 Prince's Street. These bedrooms would also face east and therefore might only experience direct sunlight at certain times during the morning. It is clear that the larger bedroom would have limited access to both sunlight and a restricted outlook. Whilst I acknowledge that the Building Research Establishment guidance on these matters is not mandatory it appears to me that due to its position and orientation of the larger bedroom it would have an unacceptable outlook and access to sunlight.
30. In terms of the kitchen/living room/dining room this would have an outlook over the street and would experience daylight and sunlight via a floor to ceiling and wall to wall window. That would allow the maximum amount of daylight and sunlight to penetrate the room. I therefore consider that the living conditions for the occupants of this flat would be acceptable.
31. I therefore find that in terms of Policy CC8 of the RBLP the living conditions that would be experienced by the occupants of the rear ground floor duplex flat would be unacceptable due to the lack of outlook and sunlight experienced in the larger of the two rear bedrooms, due to the position and orientation of the window. The proposal is therefore in conflict with the provisions of the development plan in this respect.

Affordable housing and arrangements for the storage and collection of refuse

32. I have been supplied with a completed UU made in accordance with s106 of the Town and Country Planning Act 1990. This UU addresses the matters relating to a contribution towards the provision of affordable housing and the arrangements for the storage and collection of refuse.
33. I am satisfied that the UU meets the tests set out in paragraph 57 of the Framework and the provisions of s122 of the Community Infrastructure Levy Regulations 2010. Therefore the appeal proposal would conform with the development plan in this respect and address the matters set out in the reason for refusal related to the lack of a contribution towards the provision of affordable housing and adequate provision of the storage and disposal of refuse.

Other Matters

Loss of employment floorspace

34. Policy EM4 is aimed at maintaining a variety of premises in the Borough. However Policy EM3 relates to the loss of employment land. It is clear to me that the appeal building has not been in employment use for a considerable

period and has been marketed as an employment premises. This indicates that the building is not suitable for modern employment purposes and it is not currently contributing to the supply of employment floorspace within the Borough.

35. Moreover given its location adjacent to a residential area, use for employment purposes might harm the living conditions of the nearby residential occupiers. This is recognised in Policy EM3 where proposals to change the use employment premises in residential areas are one of the exceptions that allow the loss of employment floorspace to residential. Another exception in Policy EM3 that count against the continued use of the premises for employment purposes is its poor access to the strategic road network, brought about by traffic management measures that restrict access to Watlington Street to the north.
36. Therefore, when read as a whole, I find no conflict between the Policies of the development plan, and the appeal proposal in relation to its loss as a potential employment site.

Planning Balance and Conclusion

37. I have found, that for the reasons given above, the setting of the Grade II listed building situated at 71-73 London Road will not be harmed by the appeal proposal. I give this neutral weight.
38. I find that the proposal would not be consistent with Policy EN4 as it would lead to the loss of a non-designated heritage asset and its replacement would be of insufficient quality to justify that loss. I give limited weight to this consideration.
39. In terms of the living conditions of the potential occupiers I find that the living conditions of the occupiers of the larger basement bedroom in the rear duplex flat would be harmed through a combination of a poor outlook and access to sunlight due to its position and orientation. I give this consideration limited weight.
40. I have also found that the harm the appeal proposal causes to the character and appearance of the ESCA is not outweighed by the benefits of the proposal. I therefore give substantial weight to the harm the appeal proposal causes to the character and appearance of the ESCA for the reasons given above.
41. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have weighed the considerations in favour of the appeal proposal against the policy conflicts I have identified. As a result I find that the other considerations do not outweigh the policies of the development plan and therefore appeal should be determined in accordance with its policies.
42. The appeal is therefore dismissed.

Peter Mark Sturgess

INSPECTOR