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# Appeal Decision

Site visit made on 2 March 2023

**by M Aqbal BA (Hons) DipTP MRTPI**

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

**Decision date: 28 April 2023**

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**Appeal Ref: APP/E0345/W/22/3301610**

**Water Tower Store, land between 54-54A, Norcot Road, Tilehurst, Reading RG30 6BU**

- 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 Shamarma, Reading Asian Housing Consortium Limited against the decision of Reading Borough Council.
  - The application Ref 210708, dated 4 May 2021, was refused by notice dated 7 January 2022.
  - The development proposed is conversion of existing Water Tower store to a dwelling house with new doors replacing existing and associated uses.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant has confirmed that parts of the appeal site are under separate ownership titles. Therefore, as part of the appeal the correct Certificate B has been submitted for the application. I have proceeded with the appeal on this basis.

## Main Issues

3. The main issues are:
  - i) The effect of the proposal on the character of the area and the setting and significance of the Water Tower a Grade II Listed Building.
  - ii) Whether the proposal would offer acceptable living accommodation for the occupiers of the proposed dwelling;
  - ii) The effect of the proposed development on the living conditions of the occupiers of the adjacent Water Tower, and;
  - iii) Whether the proposal makes adequate provision for affordable housing.

## Reasons

### *Character and listed building*

4. The appeal relates to a detached store building located immediately to the south-east of the Water Tower.
5. The "Water Tower" is a Grade II listed building, which is a late nineteenth century, tall, detached red brick building with a distinct circular plan,

architectural detailing and fenestration. Its materiality reflects the building products and skill set of the local community as well as illustrating the technological ability of the area at that point in time. When it was replaced by a newer water tower, and was subsequently sold off, the tower and site was given a new use (builder's yard) reflective of the historic need to re-build Reading after WWII.

6. Therefore, the Water Tower is of significance because of its architectural merit, distinct form and scale. It also reflects the social and economic development of the local area driven by the local brick works which were an important part of the architectural history of Reading and Berkshire.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. Paragraph 195 of the National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
8. The store building reflects the change of use of the site to a builder's yard. This is a building of good quality, which is of some architectural merit and worthy of retention due to its evidential value of illustrating the changes to the site over time as part of the story of the rebuilding of Reading.
9. At present, the store building is set back behind an open frontage and separate from the Water Tower. Together, these reinforce the detached form of the Water Tower within its setting.
10. The internal and external alterations to the store building itself would be of a sympathetic design.
11. The amenity space for the proposed dwelling would be located to the front of it. The frontage to the amenity space is shown to be enclosed on the submitted 'Site Plan As Proposed (02-10 P2)'. Nevertheless, no elevational drawing to scale of this enclosure has been provided. The Design and Access Statement states that: 'The amenity has been improved, increased and made more private through the insertion of a brick wall, providing a generous and defensible space for the dwelling.' The labelling on the layout plan in the Design and Access Statement also indicates a gate and 2.1m high brick boundary wall.
12. The appellant asserts that although the wall would be 2.1m high, where it meets the existing taller boundary wall to the adjacent dwelling to the east. This would then sweep down to a low level with a hedge over. Irrespective of its height, this confirms that there would be a form of wall along the frontage. Based on the 'Site Plan As Proposed (02-10 P2)' this abuts the Water Tower.
13. Because of its siting and extent, the enclosure around the proposed amenity space for the new dwelling would appear to link this to the Water Tower. This arrangement would therefore diminish the visual separateness associated with the Water Tower and add to its scale. Thereby, detracting from its detached form and present scale.
14. Moreover, the amenity space located to the front of the new dwelling would not reflect the prevailing pattern of development in the area, where amenity spaces are generally located to the rear of dwellings. Therefore, this arrangement

would appear incongruous in itself. Also, if I accept that the front of the amenity space would be enclosed by a wall and hedging, I cannot be certain how long the planting would take to establish and the height this would be maintained at. Furthermore, the appellant has advised that the planting would be of a semi-transparent nature. This, therefore, is likely to facilitate views into the amenity space and of any associated domestic paraphernalia, which would add to the incongruity of the proposal.

15. As such, the proposal would fail to achieve a layout which respects the particular characteristics of the site in the context of the historic Water Tower.
16. The submitted 'Design Note' suggests the inclusion of a hedge to delineate the front boundary of the amenity space for the proposed dwelling. However, in the absence of a detailed scheme for this and other new landscaping, these attract limited weight. Furthermore, given the sensitive location of the site (adjacent to a listed building) in my view, such matters should not be left to planning conditions.
17. For the above reasons, the proposal would harm the setting and the significance of the Water Tower.
18. The harm the proposal would cause to the setting and significance of the Water Tower would be less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use. This is broadly consistent with the aims of Policy EN1 of the Reading Borough Local Plan 2019 ('LP').
19. The proposal would deliver a single, one bedroom dwelling. This would make an important but very limited contribution towards the supply of housing in the Borough. Subject to a completed legal agreement, the proposal would also provide support for off-site affordable housing. The building works to facilitate the proposal and the spending of future occupiers would bring public economic benefits to the local economy. Even so, the benefits arising from the conversion of an existing building to provide a single, one bedroom dwelling would be limited.
20. Whilst the appellant argues that the proposal would bring a redundant building back into viable use, it is unclear why the storage building is not used as intended in association with the Water Tower. Indeed, the application form refers to the current use of the site as storage area. There is also nothing to suggest why the storage building cannot be used for bin and/or cycle storage in association with the Water Tower.
21. The existing hard and soft landscaping associated with the storage building is unkempt. There were also a number of items located outside the storage building. On the available evidence it is unclear if these items were from the storage building or as a consequence of fly tipping. Even so, my observations only represent a snapshot in time. Therefore, I attach limited weight to these.
22. Having special regard to the desirability of conserving the heritage asset. As set out in the Framework that despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. However, the benefits in this instance would be

limited and do not outweigh the less than substantial harm that I have identified.

23. I therefore conclude that the proposal would conflict with Policy EN1 of the LP, and guidance in the Framework for conserving and enhancing the historic environment.
24. The proposal also conflicts with Policy CC7 of the LP, because it fails to respond positively to reinforce local context, character and distinctiveness, including protecting and enhancing the historic environment of the Borough and providing value to the public realm.
25. Accordingly, I also find conflict with Policy EN6 of the LP, which requires that new developments make a contribution to the historic character of the area by respecting and enhancing its architectural and visual qualities and considering how heritage considerations can influence the design of new development.

#### *Quality of proposed amenity space*

26. The proposed dwelling is of a modest size (1-bedroom dwelling). Therefore, is only likely to be occupied by an individual or couple. Accordingly, and because the appeal property is not intended to be a family dwelling, it is unlikely to require space for children to play. The amenity space incorporates some green space, space for sitting out (decking area) and there would appear to be sufficient space for refuse storage, drying space and a green composting facility commensurate with the size of the new dwelling.
27. To provide privacy to the amenity space, the proposal is dependent on the nature and quality of the proposed screening along the front of this. Nevertheless, for the reasons already given, I cannot be certain that this would provide adequate screening to ensure that the proposed amenity space would be suitably private and therefore functional.
28. The side elevations to the proposed amenity space would be flanked by the Water Tower on one side and the flank gable of the adjacent dwelling on the other. As such, this amenity space would be dominated by these buildings. This is likely to result in shadowing of the amenity space and compromise the quality of the outlook from it.
29. For the above reasons, I consider the overall quality of the proposed outdoor amenity space to be unacceptable. Consequently, this would adversely impact upon the amenity and quality of living accommodation for future occupants. This would be contrary to Policy H10 of the LP, which requires that dwellings will be provided with functional private amenity space that is not compromised by the relationship of other buildings which may be detrimental in terms of overbearing or overshadowing.
30. Therefore, I also find conflict with Policy CC8 of the LP, which requires that development does not cause unacceptable living conditions for new residential properties.

#### *Living conditions of neighbours*

31. The proposed outdoor amenity space would be in proximity of the existing ground floor accommodation within the Water Tower.

32. On the information available to me, the store building is intended to be used for storage in association with the Water Tower. Therefore, there is likely to be some limited activity associated with this.
33. Even so, as a consequence of the proposal, the use of the existing store building would intensify, which includes the use of the proposed amenity space. Therefore, the noise and disturbance associated with the movement of people, activity including the use of the amenity space. In particular, immediately next to the existing ground floor flat, would in my view result in unacceptable noise and disturbance to the occupiers of this flat. This would be particularly exacerbated during summer months, when the windows on the Water Tower are likely to be open for ventilation and the amenity space is likely to be in greater use.
34. Therefore, the proposal would result in an unacceptable intensification of noise, disturbance to the occupants of the ground floor accommodation in the Water Tower. As such, I find conflict with Policy CC8 of the LP, which amongst other matters seeks to safeguard the living environment of existing residential properties.

#### *Affordable housing*

35. The submitted Unilateral Undertaking (UU) made under the provisions of Section 106 of the Town and Country Planning Act 1990, includes a covenant for a financial contribution of £9,250) (5% of Gross Domestic Value of the proposal) towards the provision by the Council of Affordable Housing in the Borough.
36. There are also other undertakings in the sum of £1000 and a fee of £400. These represent a reasonable estimate of the expenses which have been or will be incurred by the Council in connection with checking that the terms of this have been complied with.
37. There is no disagreement between the main parties regarding the requirements for the above contributions. However, the only signed UU before me is undated and is also missing key information such as the appeal reference. Along with requiring other minor amendments to the content and wording of the document, as identified in the Council's email dated 6 October 2022. Had the proposal been acceptable in other respects, I would have afforded the appellant an opportunity to provide a revised UU with the required information.
38. Nevertheless, and whilst the above matters would not appear to be unsurmountable, based on the incomplete UU before me, the proposal fails to support the requirements of Policy H3 of the LP for affordable housing. Accordingly, the proposal also fails to comply with Policy CC9 of the LP, which requires that proposals for development will not be permitted unless requirements made necessary by the development are provided through direct provision or financial contributions at the appropriate time.

#### **Other matters**

39. Because the plans indicate that the proposed frontage brick wall and pillars would be next to the listed building, the Council suggests the requirement for listed building consent. However, as I am dismissing the appeal, it is not necessary for me to consider this matter further.

40. The appellant has suggested that the proposed amenity space for the new dwelling is intended for the same use in association with the Water Tower. Nevertheless, I have not been provided any approved drawing for the Water Tower development to confirm this. As such, this does not alter my findings on the main issues.

### **Planning balance and conclusion**

41. Overall, in making the planning balance, even if all the above factors in favour of the proposal are taken together, including the provision of a affordable housing contribution, to my mind they do not clearly and demonstrably outweigh the harm I have identified. In particular, to the heritage asset, and in respect of living conditions of the occupants of the new dwelling and impact on neighbours, so do not justify a decision otherwise than in accordance with the development plan.

42. For the above reasons, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR