
Appeal Decision

Site visit made on 4 April 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/E0345/W/22/3303428

1A Eaton Place, Reading RG1 7LP

- 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 K Townsend, Jim Townsend & Co against the decision of Reading Borough Council.
 - The application Ref 211424, dated 27 August 2021, was refused by notice dated 6 June 2022.
 - The development proposed is the demolition of existing commercial building (Class A2) and erection of new 2 storey residential (Class C3) flats (2 x 1bed flats).
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Decision

1. The appeal is allowed and permission is granted for the demolition of existing commercial building (Class A2) and erection of new 2 storey residential (Class C3) flats (2 x 1bed flats) at 1A Eaton Place, Reading RG1 7LP, in accordance with the terms of the application, Ref 211424, dated 27 August 2021, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the proposed flats would provide acceptable living conditions for their occupiers in relation to external amenity space and, in the case of the ground floor flat, internal floorspace, noise and disturbance.
3. A further reason for refusal was resolved to the Council's satisfaction following a Section 106 agreement to secure financial contributions towards affordable housing and off-site tree planting.

Reasons

4. The proposal is for the demolition of a single storey flat roofed office building on the corner of Eaton Place and the Chatham Place service road and the construction of a two-storey pitched roof block, about 12 m x 5 m in size, to provide 2 no. one-bedroom flats. With the appeal site backing onto the blank rear elevation of No 104a Oxford Road, adjacent to two other single storey premises and located opposite the four-storey rear elevation of Mayer House, there is no dispute that the bulk and design of the building would be acceptable in its setting. Indeed, paragraph 6.8 of the committee report states the scheme would add visual interest to the area and would enhance the setting of nearby heritage assets. I agree. It follows that the proposal would preserve the character and appearance of the Castle Hill/Russell Street/Oxford Road Conservation Area to the south and would not adversely affect the setting of the Grade II listed Royal Meteorological Society building to the west.

External amenity space – both flats

5. Neither ground nor first floor flat would be provided with any external amenity space contrary to Policy H10 of the Reading Borough Local Plan 2019 (RBLP). This requires the provision of functional private or communal open space. However, paragraph 4.4.83 states that flats in Central Reading, which includes the appeal site, do not require the same amount of outdoor space as elsewhere because the needs of residents in such areas are likely to differ and there is the ability to walk to public open space nearby. In this case the modest one-bedroom flats would not accommodate children, and the central location is close to Victoria Park, Forbury Gardens and Christchurch Meadows which each provide recreational opportunities.
6. However, the proposal does not include a balcony or roof garden for the flats which 'should' be provided as a minimum in Central Reading to comply with paragraph 4.4.86. Consequently, the lack of any functional or communal open space amounts to conflict with Policy H10, a clear disadvantage of the scheme which weighs against the proposal in the planning balance.

Internal floorspace, noise and disturbance – ground floor flat

7. The constrained nature of the site, the narrow set back from the footpath of 0.8 m and the need to provide bin/cycle storage for both flats all conspire to limit the internal floorspace of the ground floor flat to 30.5 sq m, well below the nationally described space standard (NDSS) of 37 sq m for a one-person one-bedroom flat. The first floor flat would have internal floorspace of 50.5 sq m, thus meeting the NDSS of 50 sq m for a two-person one-bedroom flat.
8. However, RBLP Policy H5 only requires housing *outside* Central Reading to comply with the NDSS. Paragraph 4.4.41 notes that the expectations of those choosing to live in Central Reading tend to be different and applying the same standard in the area could reduce its ability to meet its expected contribution to housing needs. In the circumstances, a shortfall of 6.5 sq m against the NDSS for a one-person one-bedroom flat would be within the spirit of Policy H5 and not unreasonable. A condition could be imposed to prevent occupation of the ground floor flat by two persons as the shortfall against the NDSS in that case would be an excessive 19.5 sq m.
9. The bedroom of the ground floor flat would be situated directly beneath the bathroom, part of the kitchen and part of the landing of the first floor flat (but not the living room as also listed in the Council's statement). This would be contrary to RBLP paragraph 4.1.40 which advises against locating bedrooms below bathrooms and kitchens in order to meet the Policy CC8 requirement to provide a satisfactory living environment in relation to noise and disturbance. However, paragraph 4.4.41 again notes that expectations in terms of noise tend to be different for those who choose to live in Central Reading and a condition could be imposed to require internal noise insulation measures to address the concern. Taking these factors into account a satisfactory living environment would be provided in accordance with Policy CC8.

Conclusion

10. The proposal would provide two units of accommodation in a highly sustainable location which would make a useful contribution to local housing needs and have economic and social benefits for the Borough. In addition, as small,

relatively affordable dwellings, their provision would be consistent with the latest housing market assessment that there is a requirement for more small units in Reading due to population changes. Whilst neither flat would be provided with external amenity space and the ground floor flat would not meet the usual internal floorspace standard, even for a single person, and could be subject to some noise and disturbance, the RBLP allows for normal standards to be applied flexibly in Central Reading. On balance, having regard to the benefits in relation to the character and appearance of the area and the provision of two small dwellings, the scheme should go ahead.

11. The Council suggested various conditions should the appeal be allowed and these have been assessed against the relevant tests with amendments made as necessary. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty. Further conditions are necessary to control the materials to be used, the details of hard/soft landscaping together with its maintenance, and to reinstate any damage to adjacent footways, each of these to ensure the satisfactory appearance of the development in its setting. In addition, conditions are necessary to ensure that cycle parking and refuse/recycling storage is provided, energy efficiency is increased and to advise residential parking permits may not be available in the interests of sustainable development. Conditions are also necessary to require a construction method statement, to control the hours of construction work and to prevent the burning of waste to protect the amenities of nearby residents. Further conditions requiring a noise insulation scheme to protect against external noise and adequate noise insulation between the two flats are necessary to ensure satisfactory living conditions are provided. Finally, a condition is necessary to restrict occupation of the ground floor flat to a single person to ensure an acceptable standard of accommodation.
12. A Section 106 agreement dated 17 November 2022 between Jim Townsend & Co (the site owner) and Reading Borough Council has been submitted to deliver £17,666 towards affordable housing and £1,800 towards off-site tree planting to comply with RBLP Policies H3 and EN14 respectively. These contributions make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind, the tests in paragraph 57 of the National Planning Policy Framework.
13. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Planning Design and Access Statement, E T Planning
Heritage Statement rev.00, Artichoke Architectural Consultancy
Transport Technical Note, Stuart Michael Associates
Air Quality Assessment, Redmore Environmental, reference 5025r1
Site & Location Plans BA0175 14 A
Existing Plans & Elevations BA0175 10
Proposed Elevations BA0175 12 A
Proposed Floor Plans BA0175 11 B
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified in Materials Revision A – 10th February 2022, on the plans and/or application forms, with Flemish bond brickwork, unless otherwise approved in advance in writing by the Local Planning Authority.
- 4) No development shall commence on site, including any works of demolition, until a site specific Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) Space on site or nearby where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
 - b) Location on site or nearby for storage of plant and materials used in constructing the development;
 - c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
 - d) Identification of any footpath closures or road closures needed during construction;
 - e) Wheel washing facilities if necessary;
 - f) A scheme for recycling waste resulting from the construction works.
 - g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - h) Measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
 - i) Measures for the control of noise coming from the site during demolition and construction;
 - j) Full details of pest control measures following any demolition required, and where necessary, capping of drains/sewers and baiting arrangements.The measures within the approved Construction Method Statement shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing in advance by the Local Planning Authority.
- 5) No development above slab level shall commence until a plan showing how cycle parking spaces can satisfactorily be provided on site is submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in full accordance with the

- approved details prior to first occupation and thereafter kept free of obstruction and retained available for the parking of cycles at all times.
- 6) Prior to first occupation the refuse and recycling storage facility shall be provided in full accordance with the details shown on the approved plans and thereafter retained for use by the occupiers at all times.
 - 7) Prior to first occupation any damage to the adjacent footway(s) and verge shall be reinstated to the satisfaction of the Local Planning Authority.
 - 8) No development shall commence on site until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted will achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and will achieve the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of a 'design stage' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.
 - 9) No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and that individual noise events do not exceed 45 dB LA,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded. Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before either dwelling hereby approved is first occupied, unless the Local Planning Authority agrees otherwise in advance in writing.
 - 11) No construction, demolition or deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval of the Local Planning Authority.
 - 12) No materials or green waste produced as a result of the clearance of the site, demolition works or construction works shall be burnt on site.
 - 13) Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes or future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential units

for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

- 14) Prior to first occupation of the dwellings hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall specify materials and means of treatment for hard surfaced areas, specify species, planting sizes, spacing and numbers of trees/shrubs to be planted with planting specifications, and must include a maintenance programme detailing all operations to be carried out in order to allow successful establishment of the planting. Hard surfacing shall be carried out in accordance with the approved details prior to first occupation of the dwellings. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the dwellings or in accordance with a timetable agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 15) No development above slab level shall commence until a detailed scheme for noise insulation between the ground and first floor flats has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details and a verification report submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.
- 16) Occupation of the ground floor flat hereby permitted shall be limited to one permanent resident.