



Appeal Decision

Site visit made on 5 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/E0345/W/23/3324013

2 Adelaide Road, Reading RG6 1PG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Mrs Tahir and Saddam Butt against the decision of Reading Borough Council.
 - The application Ref 221399, dated 16 September 2022, was refused by notice dated 15 December 2022.
 - The development proposed is the demolition of a building and construction of a one bedroom detached dwelling 64sqm GIA over two storeys.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity and conciseness, I have amended the description of development from that included on the application form so that it more accurately reflects the proposal.
3. Under Article 3(1) and Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the demolition of buildings and construction of new dwellinghouses in their place subject to limitations and conditions, as set out at ZA.2. These include that before beginning development the developer must apply to the local planning authority for prior approval of the authority as to a number of matters, including: (2) (d) the design of the new building; (e) the external appearance of the new building; and (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 20, Class ZA do not require consideration of the development plan.

Main Issues

5. The main issues are:
 - the effect of the design and the external appearance of the proposed new building in terms of its relationship with the context of Adelaide Road and the character and appearance of the area;

- the effect of the proposed new building on the amenity of the future occupants of the new building with particular reference to the provision of private outdoor garden space; and
- the effect of the proposed new building on the amenity of the occupiers of neighbouring premises, with particular reference to overlooking, privacy, outlook and light.

Reasons

Design and external appearance

6. The property to be demolished is a flat roofed single storey workshop located in a prominent location that fronts Adelaide Road. It is to the rear of No 93 St Peter's Road (No 93) which is located on the corner of Adelaide Road and St Peter's Road. The appeal property is located immediately next to a row of terraced period properties and a pair of semi-detached houses that have a uniform building line, set back from the pavement by shallow front gardens that have largely been paved and which typically have a low front wall. This uniformity and set back creates a simple, uncluttered, and spacious building form and layout that contributes positively to the existing context and the character and appearance of the area.
7. In reaching that view I have taken account of the fact that the side elevation of properties on the corner at either end of Adelaide Road which are No 93 and 88 Wykeham Road (No 88) sit forward of that uniform building line, as does 22 Adelaide Road (No 22) and the appeal property. However, No 93, No 88 and No 22 do not have their front elevation facing Adelaide Road, and in the case of the appeal property it is a modest flat roofed single storey building. As a result, these properties do not diminish the simple, uncluttered, and spacious building form and layout that I have identified as positively contributing to the character and appearance of the area.
8. In terms of the design and appearance of the proposed building it is not necessary for it to replicate the architectural features of surrounding properties. Therefore, the fact that it would not include a bay window and the proposed position and scale of windows do not match those in the adjacent terrace and some windows face towards other residential properties, does not weigh against the proposal. Further, I consider that the proposed dwelling would have an adequately active frontage to the street, as although the main door would be in the side elevation, there would be two ground floor windows serving the open plan living/kitchen area that would look out over the street. Moreover, the size of the garden area would not be so limited that it would harm the character and appearance of the area.
9. However, the proposed building would introduce a two-storey dwelling with its front elevation facing Adelaide Road. It is not appropriate to consider the external appearance of the building in isolation as the street context is relevant. The proposed building would sit forward of the front elevations of the row of terraced houses and the pair of semi-detached houses. That arrangement would harmfully disrupt the existing uniform building line. Further, unlike the majority of other properties in the street, the proposed dwelling would not be set back from the pavement. As a result, the proposed development would introduce a discordant feature into the street scene which

would harmfully erode the simple, uncluttered, and spacious building form in this prominent location.

10. The appellant highlights that there are similar developments in the same area including No 22. However, that property has a different orientation to the proposed dwelling and consequently has a very different presence in the street scene compared to the proposed development. Moreover, the other examples that have been brought to my attention are not on the same road. As a result, the relationship these other examples have on their surroundings are materially different and, in any event, their existence does not justify harmful development at the appeal site.
11. I therefore conclude that the design and the external appearance of the proposed new building in the context of Adelaide Road would unacceptably harm the character and appearance of the area.

Amenity of future occupiers

12. The proposal would include a private outdoor garden area to serve the future occupants of the proposed dwelling. Bearing in mind that it would have only one bedroom, the area proposed would provide adequate private space for future occupants of the proposed development. Consequently, the proposal would provide acceptable amenity for the future residents of the new building.

Amenity of neighbouring occupiers

13. The proposed dwelling would have windows in the side elevation serving the bedroom that would face directly towards and would be close to the rear elevation of 93A St Peter's Road (No 93A), which is the flat at first floor level of No 93. Although I accept that the principal windows of this flat face the front, nevertheless it is reached by an external staircase that leads to a pitched roof first floor extension that has extensive windows facing towards the appeal site, as well as a dormer window in the roof slope. Similarly, clear views would be possible towards the rear windows and the garden area of 95 St Peter's Road (No 95).
14. Although I accept that there is commercial use on the ground floor of No 93, nevertheless, the proposal would result in an unacceptable degree of overlooking of No 93A and No 95 and would therefore harm the amenity of their occupiers.
15. The appellant suggests that any overlooking could be overcome by incorporating frosted glass or removing one or both windows in the side elevation. However, given that two-bedroom windows are currently proposed to be incorporated in this elevation, the imposition of frosted glass and certainly removing one or both windows altogether would likely unacceptably reduce light and outlook from the bedroom and therefore harm the amenity of future occupiers. In addition, such an approach would materially change the design and external appearance of the new building. It would not, therefore, be acceptable to impose such a condition.
16. The proposal would result in the introduction of a significant building mass immediately next to the garden area of No 95. Notwithstanding that this property has development to the rear, part of the garden is open and provides an amenity area for the existing occupants. Given the position of the proposed dwelling relative to this neighbouring property and the trajectory of the sun,

the proposal would not result in an unacceptable loss of daylight or sunlight and so would not unacceptably overshadow the garden of No 95. However, the introduction of the proposed building would appear unacceptably overbearing and would harm the amenity of the occupants of No 95.

17. The main door serving 4 Adelaide Road (No 4) is located in the side elevation facing the appeal site. The front door is reached from the road via a side alley. The proposal would result in a significant building mass immediately next to the common boundary and anyone entering or leaving No 4 would be faced with a blank two storey brick wall that would appear oppressive and overbearing and would unacceptably harm the amenity of the occupants of No 4.
18. In relation to my finding that the proposed building would have an unacceptable impact on the outlook from neighbouring premises, I note that outlook is not specifically mentioned in the relevant provision, which deals with the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light. However, I have interpreted the provision on the basis that "including" denotes that the list is not closed and whether the proposal would unacceptably impact on the outlook from neighbouring properties is of the same kind as the matters listed in the sense of being clearly relevant to the amenity of adjoining premises.
19. I therefore conclude that the proposed new building would have an unacceptable impact on the amenity of neighbouring premises with particular reference to overlooking, privacy and outlook.

Conclusion

20. For the reasons given above, the proposal would not satisfy Condition ZA.2 (2) (d), (e) and (g) due to the adverse impact the design and the external appearance of the proposed new building in the context of Adelaide Road would have on the character and appearance of the area and because of the unacceptable impact the proposed development would have on the amenity of neighbouring premises. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR