



Appeal Decision

Site visit made on 25 March 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/E0345/W/23/3328372

John Kleis Car Audio, 248 Basingstoke Road, Reading RG2 0HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Kleis (John Kleis Audio) against the decision of Reading Borough Council.
 - The application Ref is 230169.
 - The development proposed was described as 'demolition of workshop outbuildings, construction of singular workshop outbuilding with open-sided balcony mezzanine storage space and staff rooms, no change of use'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council considered a proposed site plan¹. The appellant submitted an amended site plan as part of the appeal to show electric vehicle charging points². This minor change is not in dispute with the Council and there would be no prejudice to any party. I have therefore determined the appeal on the basis of the amended site plan.

Main Issues

3. The main issues in this appeal are:
 - the effect of the height of the workshop building on the character and appearance of the area;
 - the effect of its height on the living conditions of existing occupiers of adjoining dwellings having regard to outlook;
 - the effect of the proposal on existing trees and whether new trees could be provided on the site; and
 - if there would be an acceptable number of car parking spaces on the site.

Reasons

Character and appearance

4. The appeal site includes dwellings either side of the site entrance, one used by the appellant as a ground floor shopfront. The part of the site to be redeveloped is at the rear. It consists of two opposing rows of single storey flat

¹ Drawing number 299-03-A.03-9 Rev#9

² Drawing number 299-03-A.03-9 Rev#10

roofed workshops with parking in a yard and some temporary structures, including a shipping container and canvas shelters. In essence the business installs car audio, security and communication systems. Though in a wider mixed use area, the site is roughly midway in a row of mostly terraced houses with long back gardens fronting this side and stretch of Basingstoke Road. This discrete, regimented block of houses and swathe of open back gardens with some small, low domestic outbuildings is locally distinctive.

5. The origins of the workshops as lock-up garages in this backland position, now in this commercial use, stretch back many years. Though utilitarian in design, structure and fabric their limited height means these buildings do not project very far upwards at the rear of the site; so are in keeping with the generally open arrangement of back gardens next to and further beyond either side of the site. Combined with an offset layout either side from the main vista at the site entrance, they are not conspicuous in the wide gap between the terraces, with views mainly across the central open part of the site and towards the sky.
6. The workshops would be replaced by a main two-storey asymmetric pitched roof workshop building with a single-storey lean-to part on one side. A shallow roof pitch, first floor partly in the roof space and set back on the site means in absolute terms it would appear lower than the dwellings either side at the front of the site. However, the eaves and main ridge levels of this building would be significantly higher than the existing workshops. It would also stretch wider across most of the site at this height on the more central part of it.
7. As a result, the majority of the front gabled elevation would fill most of the gap sideways between the terraced dwellings with significantly increased presence than the existing workshops. This would also substantially reduce spaciousness at the rear of the site, in abrupt contrast to the sequence of open back gardens both sides. Although seen from a short section of Basingstoke Road, the proposed building would be unduly conspicuous and out of kilter with the prevailing residential context that it would be situated in – an unusual and unexpected feature in this part of the streetscene. The absence of greater public scrutiny would not overcome innate incompatibility in these regards.
8. The site backs onto a commercial estate of modern industrial, trade/retail, storage or warehouse buildings. The height and other dimensions of the proposed building would have more in common with that development including one building closer to the site. But there is little appreciation of most of it from Basingstoke Road, mainly because it is distant and on lower ground than the site in a separate parcel of land beyond the dwellings and gardens either side of the site. Other commercial development nearby faces onto Basingstoke Road or is behind a continuous frontage of taller blocks of flats or dwellings, so is not comparable in these respects to the part of the site to be redeveloped. The commercial premises at No.200 Basingstoke Road is not bordered on both sides by gardens, the single-storey buildings on it do not erode openness and are set well back from the road so not prominent or conspicuous in height.
9. I therefore find that the height of the proposed workshop building would be out of kilter with, and disrupt, the prevailing residential building pattern of this section of Basingstoke Road so have a significant adverse effect on the character and appearance of the area. Consequently, the proposal is contrary to Policy CC7 of the Reading Borough Local Plan November 2019 (the LP). This

policy includes that development should maintain and enhance the character and appearance of an area with regard to height, respond positively to local context and reinforce local distinctiveness.

Living conditions

10. The tallest two-storey part of the proposed building would not be immediately behind the rear elevations or shortened back gardens of the dwellings on the site, nor the dwellings and gardens next to the site and those closest either side in both directions. As such, it would not be in direct line of sight in perpendicular views from rear facing windows or these gardens or affect views in the other directions away from the site.
11. However, despite inset from the side boundaries of the site and lower than the dwellings, its tall eave and ridge heights (taken with other dimensions, thus overall extent of built form) in this most exposed part of the site would be hard to ignore from these closest windows and gardens. The height of the proposed building with an overtly commercial purpose in this backland setting (as opposed to similar separation distances between dwellings) would be an unexpected visual intrusion with an overly physical presence.
12. The existing workshops are sited closer to these dwellings and gardens and no longer pristine, towards the end of economic or practical use. But they are single storey in height so while they can be seen they do not intrude into existing views from these windows or gardens. The large buildings on the commercial estate are much further away from them than would be the height of the front or side elevations of the proposed building. They also do not restrict most views because of the intervening change in land levels which reduces their intrinsic height in relation to these dwellings and gardens.
13. I therefore find that the height of the proposed workshop building would have a moderate adverse effect on the living conditions of occupiers of adjoining dwellings having regard to outlook. Consequently, the proposal is contrary to LP Policy CC8. It includes that development should not have a detrimental impact on the living environment of existing residential properties in terms of visual dominance and overbearing effect.

Trees

14. There is no objective evidence of underlying tarmac or concrete surfaces or foundations beneath gravel hardstanding next to the south boundary of the site, near part of the proposed building. However, a row of trees are in the back garden of No.256 Basingstoke Road, not No.254 as the Council suggests, so further away from this part of the proposed building. The canopies overhang the garden of No.254, not the site, so are beyond this proxy for root protection area referred to by the Council as defined in the relevant British Standard³. The proposed building and foundations would be about 6m from the canopy edges of these trees. There is therefore no apparent reason why they could not be safeguarded by a condition to secure suitable details of tree protection measures on the site. This could include an appropriate method of foundation construction if necessary.
15. A concrete slab foundation in one of the existing workshops is close to the west boundary of the site and some adjacent trees in a row off-site. Part of the

³ BS5837:2012 Trees in relation to design, demolition and construction. Recommendations

proposed building would have a similar position so there would be no substantial change or additional intervention to ground conditions here. However, though inset slightly further away from the west boundary, there would be some new foundations where there is no evidence of underlying tarmac or concrete beneath gravel hardstanding. This part of the proposed building would be in close proximity to some of these tree trunks, about 3m. There is, therefore, a significant risk of damage to them by the carrying out of this part of the development and potentially irrespective of standard tree protection measures.

16. This consideration is relevant to the overall footprint or layout of the building on the site and an in principle decision to grant planning permission, so cannot be relegated to a condition. There is no objective evidence to the contrary, such as a survey or impact assessment for these trees. While they do not have extensive or wide canopies, these trees are tall. As such, they make a modest positive contribution to local visual amenity and to this part of an air quality management area so are worthy of protection.
17. The appellant proposes rows of trees (or managed as hedges) planted along some of the north and south boundaries of the site. Subject to details of these trees, including suitable species for this intended environment and of any other appropriate landscaping, there would be sufficient margins between the new building and these boundaries for this, including next to an outside customer seating and waiting area. Such details could be secured by a condition.
18. Nevertheless, while there is potential for a net gain in biodiversity at the site due to the proposed landscaping, I am not satisfied that the appellant has demonstrated there would be no harm to some trees next to the site. In these circumstances the proposal is in conflict with LP Policies EN12 and EN14. Amongst other things, they seek to maintain and protect a network of green features, including lines of trees⁴, and new development should make provision for off-site tree retention.

Car parking spaces

19. The Council does not have a relevant adopted car parking standard for the proposal. The existing site plan shows 12 car parking spaces, though not all are marked out on the site and does not include cars being worked on in the workshops⁵. The Council assumes there is room for 'in excess of 20 spaces' elsewhere on the site so in total 'in excess of 30 parking spaces'.
20. There is plainly room to currently park more than 12 cars on the site, should the appellant wish to, including to work on outdoors because some do not fit in the workshops. However, in the absence of clear objective evidence either way, I consider that the higher parking level speculated by the Council would unduly interfere with the operation of the business and activity on the site, such as receiving and manoeuvring customer cars or access to the workshops, so is not likely a regular occurrence, if at all.
21. Even if such an extraordinary level of parking does already occur, the proposed site plan shows 18 car parking spaces on the site, plus 8 spaces in the workshop building, so 26 overall⁶. This would not be significantly less than

⁴ LP paragraph 4.2.60

⁵ Drawing number 299-03-A.01-9 Rev#9

⁶ Drawing number 299-03-A.03-9 Rev#10

the Council's worst case scenario. Subject to a condition, all of these spaces could be marked out on the site and would not interfere with the turning space shown for cars (and some delivery vans) or access to the workshop. A condition could also require a service and delivery vehicle plan to be approved by the Council, including so that the availability of car parking was not compromised by inappropriate service or delivery vehicles entering the site. The Council has planning powers to enforce compliance with such conditions.

22. The number of customer cars at the site is controlled by appointment, except for casual callers. Near the site, across Basingstoke Road (with a convenient pedestrian central refuge crossing point) there is restricted, limited to 2 hours, and unrestricted on-street parking in Long Barn Lane and Canterbury Road respectively. This would be available to some short stay customers if necessary, especially those without an appointment.
23. Additional cars, or delivery drivers, parking out of bay on the site or inconsiderately on, or oversailing, the pavement (rather than within the front forecourt) would be a matter for the appellant or the Council, which has separate enforcement powers with regard to the public highway. Unauthorised vehicles occupying car parking spaces on the site, reducing available parking, would be a matter for the appellant. On-street residents parking in Basingstoke Road near the site is permit controlled so customer or delivery vehicles should not conflict with this parking. There are double yellow lines either side of the site entrance to prevent on-street parking close to the site and this access.
24. Some staff might walk to work or could travel by bus (there are bus stops near the site)⁷ and be encouraged to cycle by the proposed cycle parking. Some customers have equipment installed at home but others would need to bring cars to the site to be worked on in the new workshop. It is a matter for the appellant how on-site parking spaces are apportioned to staff or customers for successful operation of the business.
25. Accordingly, I find that there would be an acceptable number of car parking spaces on the site and as a result no undesirable knock-on effect on the safety and function of the highway network. Consequently, the proposal complies with LP Policy TR5 because it would provide car parking appropriate to the accessibility of the site to sustainable transport facilities.

Other Matters

26. A number of interested parties supported the proposal but a number objected, also including to alleged noise and disturbance. The appellant's noise impact assessment⁸ sets out mitigation measures for sound insulation, roller shutter door use and operation of plant. A condition could ensure satisfactory details were agreed with the Council in these respects, including to control the hours of working to avoid antisocial times of the day or week and public holidays. These details could be enforced by the Council if necessary and it has separate statutory noise nuisance powers. Alleged antisocial behaviour on the site would be a matter for the appellant or the Police. Alleged restriction on access to dwellings on or next to the site would be a private matter between the

⁷ The site is in Zone 2 primary core area well served by public transport – Revised Parking Standards and Design Supplementary Planning Document October 2011

⁸ Nova Acoustics February 2023

respective parties, as would damage to private property during construction works. Meeting other regulations, such as means of fire escape or health and safety, would be a matter for the appellant and the relevant authorities.

27. The proposal is a revised scheme following a previous withdrawn application⁹ and non-binding pre-application advice from Council officers. I appreciate the appellant considers that the proposal addresses this planning history but I have determined the appeal on its individual planning merits.

Planning Balance and Conclusion

28. The appellant's business has been successfully established in Reading for over 40 years, now with a regional and national presence. It provides direct (staff) and in-direct (eg suppliers) employment, as would construction works. It also delivers valued services to customers and generates business rate receipts. The proposal would allow the business to evolve and meet operational requirements, including staff and customer expectations, in a single, modern otherwise well-designed, energy efficient workshop with storage and administration. There would be no reliance on outdoor working space or activity be impeded by inclement weather. This would allow the business to remain competitive in the market that it operates in.
29. The Council has no objection in principle to these outcomes, which would be aligned with relevant LP employment and environmental policies, and nor do I. These aims of the Council are broadly consistent with objectives of the National Planning Policy Framework (NPPF) for business investment and expansion, with significant weight given to supporting local business economic growth and productivity, and in this case the local economy overall. The proposal would also help to meet the challenge of climate change. These would be important benefits so they have considerable weight in support of the appeal.
30. On the other hand, this should not be at the expense of ensuring that the proposed development is acceptable in other important respects as it would otherwise be permanent. In relation to character and appearance of the area and trees, the significant adverse effects in this case weigh strongly and decisively against the proposal. The moderate harm to living conditions adds further weight in this direction. The proposal would undermine the Council's relevant LP objectives in these respects. These are broadly consistent with aims of the NPPF to achieve well-designed places with development that is sympathetic to local character, the surrounding built environment, retains trees and maintains a strong sense of distinctive places to live and visit.
31. The benefits of granting planning permission do not, therefore, outweigh the harm. The proposal conflicts with the development plan overall and with relevant provisions of the NPPF. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan¹⁰. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁹ Ref 22073

¹⁰ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12