



Appeal Decisions

Site visit made on 26 March 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal A Ref: APP/E0345/W/23/3323732

9 Eldon Square, Reading, RG1 4DP

- 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 Dr & Mrs D'Cruz against the decision of Reading Borough Council.
 - The application Ref is 220123.
 - The development proposed is demolition of existing garages and car port, followed by construction of one detached three-bedroom, 1.5 storey detached dwelling, with associated car parking, cycle and bin storage.
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Appeal B Ref: APP/E0345/Y/23/3323751

9 Eldon Square, Reading, RG1 4DP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Dr and Mrs D'Cruz against the decision of Reading Borough Council.
 - The application Ref is 220124.
 - The works proposed are demolition of existing garages and car port, followed by construction of one detached three-bedroom, 1.5 storey detached dwelling, with associated car parking, cycle and bin storage.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. The main parties have been given the opportunity to make representations on this matter, and any comments received have been considered in my determination of the appeal.
4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issues

5. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as 9 Eldon Square, and whether it would preserve or enhance the character or appearance of the Eldon Square Conservation Area (ESCA).

6. An additional main issue for Appeal A is the effect of the proposal upon the living conditions of the occupants of the dwellings to the east of the site, with particular regard to outlook.

Reasons

Heritage

7. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The appeal site is the rear part of the curtilage of a substantial listed building: No. 9 Eldon Square. It dates from circa 1840 and is built in an Italianate style with a fine front façade that is rich in architectural detail. It enjoys a carefully planned and spacious setting, owing to its relationship with other similar dwellings to either side and the manner by which they face over the mature landscape of the gardens at the centre of the square. The rich detailing and overall massing of the building's front façade, including its historic fabric, are primary contributors to its special interest.
9. The appeal site at the rear is quite different. It faces onto a narrow road, which includes a modest terrace of small 19th century dwellings. It has the appearance of a secondary service road as it provides access to the rear of some of the gardens of the dwellings fronting Eldon Square. Views towards the back of the listed building are limited from here, owing to mature vegetation in the garden. The appeal site would therefore appear to contribute little to the significance of the listed building.
10. The appeal site is within an area of the ESCA that includes a high concentration of listed buildings. These include the substantial dwellings that form Eldon Square. These richly detailed high-status dwellings and their formal layout are highly important to the character and appearance of the ESCA. The survival of more modest terraces and secondary or service streets adds authenticity to the ESCA, and is illustrative of the different people that occupied the area historically. The latter is more relevant to the appeal site.
11. The proposal would see the existing garage building removed and replaced with a small dwelling. The dwelling would have a low eaves and would face the road with a narrow gable. This would be indicative of an outbuilding that might have been associated with No. 9 Eldon Square, particularly as its orientation would also reinforce the linear plot layout. The suggestion of an ancillary relationship would be further emphasised by the simple appearance of its gable end with only a first floor opening that would allude to a hayloft opening to serve a stables.
12. From the street, views of its long east facing wall would be limited by its proximity to the existing terrace. Where visible its blank appearance would be sufficiently addressed by the proposed chimney stacks and the articulation of the brick work. A modest brick wall would front the site. The proposal would represent a considerable visual enhancement over the appearance of the existing garages and concrete block wall.

13. Whilst the proposal would see a good area of garden retained for the listed building, it would also see the rear of the plot separated off. This would strip the listed building of its rear access and the ability of its occupants to park cars off the road. I accept that there are no proposals to alter the listed building or change its use, and any future proposal would be assessed on its own merits. I also note that the Council's transport team is satisfied with the proposal on the basis that current occupants of the listed building utilise parking permits to allow them to park locally.
14. However, given the urban location of the site and the restricted nature of parking in the area, this is a matter that should carry considerable weight, particularly given the increased use of electric cars and the inconvenience of utilising public charging facilities. Information about how the building is currently used is limited, and there is nothing to show whether the whole site has been considered comprehensively to ensure that the listed building has a sustainable future. Removing the parking area would lessen the building's potential to sustain its own future, and in particular its potential to be reinstated as a single dwelling, which is most likely to be its optimum viable use. Generally, the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation¹. For these reasons I find that the proposal would constitute a failure to protect the historic environment.
15. The proposal would thus have a harmful impact on the long-term conservation of the listed building. In terms of the Framework the harm would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
16. The proposal would deliver some visual improvements to the streetscene, particularly as it would secure the removal of the wall and garages which are currently detracting features. This should attract reasonable weight.
17. The proposal would deliver a well appointed two bedroom dwelling with a good sized south facing garden and off road parking in a location with good access to local services and facilities. Additionally, the proposal has the potential to secure a financial contribution to the off site provision of affordable housing. The weight I give to this should be no more than moderate however, given the modest nature of the proposal.
18. There would be some additional modest benefits arising from the construction process, and as future occupants of the dwelling make use of local services and facilities.
19. Together the public benefits carry considerable weight. I need to weigh these against the harm that would arise from the proposal as a result of asset stripping the rear part of the plot and in particular its rear access, and the manner by which this would lessen the building's potential to sustain its own future. Although somewhat hypothetical, the degree of the impact could be considerable if the future use of the building is greatly compromised by the proposal. As such this matter should carry significant weight. I also need to take into account Paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset. On this basis,

¹ Planning Practice Guidance Paragraph: 002 Reference ID: 18a-002-20190723

the public benefits of the proposal would not be sufficient to outweigh the harm.

20. On the basis that the design of the proposed dwelling would be appropriate for the site, the proposal would not harm the character or appearance of the ESCA.
21. In summary, the proposal would fail to meet the requirements of the LBCA as it would have a harmful impact on the long-term conservation of the listed building, and thus its special interest. It would also fail to accord with Policies CC7, EN1, EN3 and EN6 of the Reading Borough Local Plan 2019 (RBLP), which together seek to ensure that development proposals are sensitive to historic context and protect the historic environment.

Living conditions

22. The long side elevation of the proposed dwelling would align with the side elevation of the plot and would be close to the adjacent terrace to the east, and in particular No. 2 Eldon Terrace. I accept that such a close relationship would not necessarily be out of place in a built-up area. However, I still need to consider the existing characteristics and whether the proposal would have a significant detrimental impact, with reference to the Policy of the RBLP.
23. The rear garden to this dwelling is small. Although well orientated to the south it is already impacted by mature trees, which would have an adverse impact on outlook. The proposal would see the existing small rear garden hemmed in further, by restricting outlook to the west. I accept that it would not impinge on the 45° line and that the eaves of the dwelling would be lower than the existing terrace. However, given that the side of the dwelling would be so close, and taking into account the small size of the garden and existing impact from the trees, I am of the view that this would have a significant detrimental impact on the living conditions of the occupiers of this dwelling.
24. The Council raises concern about the impact on the intervening space, which is referred to as a shared amenity area. This is a small parcel of land that appears unused. It is open to the road and unlikely to be useful to the occupants of the dwellings. The impact on this area would be even more significant as the proposed dwelling would abut its western boundary. However, given that this does not appear to be a space that is useful to the occupants of the dwellings or one that is well utilised, I find that the impact on this area would not carry as much weight as the impact on the adjacent garden.
25. In summary, the proposal would have a significant detrimental impact on the living conditions of the occupiers of the neighbouring dwelling to the east. It would fail to accord with Policies CC8 and H11 of the RBLP. These Policies seek to ensure that development proposals do not cause a detrimental impact on the living environment of existing residential properties.

Other Matters

26. The third reason for refusal for the planning application relates to the lack of a financial contribution towards the provision of off-site affordable housing. An obligation has been provided to attempt to address this matter during the appeal process. However, as I am dismissing the appeal for other reasons it has not been necessary for me to consider this further.

Conclusion

27. For the reasons given above the appeals should be dismissed.

A Tucker

INSPECTOR