



Appeal Decision

Site visit made on 26 March 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/E0345/W/23/3327892

125 Highgrove Street, Reading RG1 5EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Highgrove Portfolio Build Ltd against the decision of Reading Borough Council.
- The application Ref is 230387.
- The application sought planning permission for the erection of 8 new dwellings (Use Class C3) including landscaping. Demolition of existing buildings within site, without complying with a condition attached to planning permission Ref 171477 dated 12 June 2018.
- The condition in dispute is No 2 which states that: "The development hereby permitted shall be carried out in accordance with the following approved plans and details:
285/100 Rev.3 - Location and Site Plan - dated 3 November 2017, received 14 November 2017,
285/111 Rev. 4 - Proposed Site Plan Ground Floor, dated 3 November 2017, received 14 November 2017,
285/112 Rev.3 - Proposed Site Plan First Floor, dated 3 November 2017, received 14 November 2017,
285/113 Rev.3 - Proposed Site Plan Roofs, dated 3 November 2017, received 14 November 2017,
285/114 Rev.4 - Proposed Longitudinal elevations, dated 3 November 2017, received 14 November 2017,
285/116 Rev.1 - Section AA and BB, dated 10 November 2017, received 14 November 2017.
285/117 Rev.1 - Section CC and DD, dated 10 November 2017, received 14 December 2017.
285/118 Rev.3 - Section EE & FF, dated 10 November 2017, received 14 November 2017.
285/119 Rev.3 - Elevations seen from adjacent dwellings, dated 3 November 2017, received 14 November 2017.
285/120 Rev. 5 - Elevations and plans of unit 1 and 2, dated 14 December 2017, received 14 December 2017.
285/121 Rev. 4 - Elevations and plans of unit 3, dated 13 December 2017, received 13 December 2017
285/122 Rev.2 - Elevations and plans of unit 4, dated 13 December 2017, received 13 December 2017
285/123 Rev.2 - Elevations and plans of unit 5, dated 24 August 2017, received 14 November 2017
285/124 Rev.3 - Elevations and plans of unit 6, dated 3 November 2017, received 14 December 2017.
285/125 Rev.3 - Elevations and plans of units 7 and 8, dated 18 December 2017, received 18 December 2017.
285/127 Rev.1 - Refuse vehicle turning circles, dated 24 October 2017, received 14

November 2017

285/128 Rev.0 - Schematic site cross section, dated 17 August 2017, received 14 November 2017.

285/129 Rev.0 - Existing Site Plan, dated 1 November 2017, received 14 November 2017 [topographical survey]

285/130 Rev.0 10.2m Dennis Sabre Fire Engine turning circles, dated 3 November 2017, received 14 November 2017

285/131 Rev.0 - Schematic louvre system, dated 23 November 2017, received 24 November 2017

285/132 Rev.0 - Schematic amenity space plan, dated 4 December 2017, received 4 December 2017

Arboricultural Method Statement ref:4421/17-03 dated 22 October 2017, received 31 October 2017, including Tree Protection Plan PJC/4422/17/C dated 20 October 2017."

- The reason given for the condition is: "Because permission is granted in respect of the development as detailed in the approved plans only."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council notes that although the residential units have been built, there are some parts of the scheme that they do not consider have been completed in line with the approved plans. My decision is necessarily based on the proposed drawings.
3. The main parties were asked for clarification of the fire appliance size shown in the swept path drawings given the inconsistency between the approved and proposed plans. The appellant has responded and I have taken this into account in my decision.

Background and Main Issues

4. Permission was granted in 2018 for the erection of 8 dwellings and associated landscaping and I noted on my site visit that 8 dwellings and the access have been built.
5. The proposal is seeking to vary the approved plans condition of the original approval so as to allow changes to the approved layout. These include the relocation of the cycle storage to within the private gardens of each dwelling and the relocation of the refuse storage for units 1 and 2 to directly outside these units. 2 car parking spaces with Electric Vehicle (EV) chargers are now proposed on the land where the cycle storage was previously approved and on part of the adjacent and previously approved communal amenity space.
6. The communal amenity space would therefore, be reconfigured and split into 3 parts across the site: a modified area in the original location along with an area directly outside units 1 and 2, and the area between units 6 and 7. Additional planting is also proposed.
7. The main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers with particular regard to communal amenity space, cycle and refuse storage;

- the effect of the proposal upon character and appearance of the area; and,
- the effect of the proposal upon highway and public safety.

Reasons

Living conditions of future occupiers

8. On the proposed drawing 1079-203 rev H, which shows the intended layout arrangements, there is a conflict between the location of the proposed car parking spaces and communal amenity space. Such is the position of the 2 proposed car parking spaces that the amenity space would effectively become a manoeuvring area for the vehicles using those spaces.
9. There is no certainty as to when those vehicle trips would take place and how frequently they would occur; for residents there would be the prospect of an unknown amount of disruption to their use of the space. Even if there were few vehicle trips to and from the proposed spaces, it would be reasonable to assume that the prospect of conflict with cars would be sufficient to put residents off using the space. The proposed arrangement of amenity spaces would also mean that refuse vehicles would drive over the two northernmost spaces when turning around.
10. I acknowledge the appellant's point that the presence of the approved cycle storage adjacent to the communal space would mean that there would be some, potentially frequent, disruption as a result of residents using the cycle storage. This is not, however, comparable disruption to that of a manoeuvring motor vehicle. The presence of car parking would unacceptably harm the quality of the communal space.
11. Residents should be able to use their communal amenity space in ways they see fit and they should feel safe when doing so. I do not accept that the use of a reinforced grass system would mean that there would be a lesser conflict between users of the amenity space and vehicles. The presence of the reinforced grass system as a ground covering would not necessarily mean that residents would not use it for sitting out.
12. The proposed drawings show 2 further dedicated communal amenity spaces. The area outside units 1 and 2 is shown on the drawings as communal amenity space right up to the front elevation of the dwellings and the occupants of these units would have to cross it to access their front doors and refuse storage. Similarly, the residents of unit 3 would have to cross this area to get to their refuse storage. In practical terms, there would be little genuinely useable communal amenity space given it would mostly be used as circulation space and defensible space immediately in front of units 1 and 2.
13. The communal space proposed between units 6 and 7 would be overlooked by the bedroom of unit 7 and the living area of unit 6, as well as being the only access to the refuse storage area for units 7 and 8. This would make it difficult for residents to use and would potentially create conflict over the use of space.
14. In summary therefore, the quality of the communal amenity space adjacent to the proposed car parking spaces would be harmed as a result of its location. The 2 additional proposed areas would not provide space that is genuinely useable due to its configuration and relationship with adjacent residential units.

They would not compensate for the harm to the quality of the amenity space adjacent to the proposed car parking.

15. Cycle storage is proposed to be located within the private gardens of the dwellings. Whilst this would reduce the area available for private recreational use, it would not render the gardens or terraces unusable, and they would still function as a private space serving each dwelling.
16. I note the Council's concerns over the lack of refuse storage present on site for units 4 and 5. The proposed drawings however show refuse storage for all units except unit 6, which I consider could have been addressed by condition had the appeal been allowed.
17. For these reasons, the proposal would not harm the living conditions of future occupiers with regard to cycle and refuse storage, and so would accord with Policies TR5 (Car and Cycle Parking and Electric Vehicle Charging) and CC5 (Waste Minimisation and Storage) of the Reading Borough Local Plan 2019 (RBLP). However, this would be outweighed by the unacceptable harm caused to the living conditions of future occupiers with particular regard to communal amenity space, and so would conflict with Policies H10 and ENV9 of the RBLP, which require the provision of functional private or communal open space in residential development, and that all new development makes provision for appropriate open space.

Character and appearance

18. The proposals include some additional landscaping in the form of a planter outside unit 1, a planter to the west of the proposed car parking, along with the greater use of reinforced grass across the site. Taken together, these additional planting opportunities would maintain the visual amenity of the scheme. I note the Council's concern regarding lack of detail about the tree pit and potential conflict with the proposed EV charging points, but had the appeal been allowed, this aspect of the landscaping could reasonably have been dealt with by an additional appropriate planning condition.
19. The proposal is in line with Policies EN14 and CC7 of the RBLP which amongst other things, aim to ensure developments are visually attractive, including appropriate landscaping, along with tree planting within the application site to improve the level of tree coverage within the Borough and to enhance the character and appearance of the area.

Highway and public safety

20. The fire appliance swept path on the approved drawings is shown using a 10.2m vehicle, which would need to use the entire space up to the approved cycle storage area. The swept path for the proposed layout is shown using a 7.9m appliance. Although the available manoeuvring space has been reduced due to the proposed car parking area, the vehicle is shown as being capable of making a turn within this area.
21. The appellant states that the size of the fire appliance which would attend any incident in this location would be 7.7m, significantly smaller than the size of appliance shown on the previously approved drawings. However, there has been no substantive evidence submitted by the appellant which corroborates that the fire appliance would be no more than 7.7m.

22. The Council did not directly comment on this matter and I note that the fire authority was not consulted on the appeal proposal. Consequently, I cannot be certain that any fire appliance attending this location would be within the size specified by the appellant and so would be capable of manoeuvring as shown on the swept path drawings. It has not been demonstrated that there would be sufficient space for a larger fire appliance to safely manoeuvre within the proposed space; as such, highway and public safety would be compromised.
23. The swept path drawings show that a refuse vehicle should be capable of manoeuvring in the space available. On the basis of the evidence provided, space available for refuse vehicles would be sufficient and would not cause unacceptable harm to highway safety.
24. Notwithstanding the points made by the Council regarding bins not being stored as approved and blocking the road for refuse collection, based on the proposed drawings, I am satisfied that there would be sufficient space for refuse storage away from the route used by refuse vehicles. Whilst the swept path drawings for the refuse vehicle do not indicate the location of the refuse storage for units 1 and 2, it is clear that there would be no conflict providing the bins are stored as shown on the proposed drawings.
25. For these reasons, the proposal would be acceptable with regard to the manoeuvring of refuse vehicles and refuse storage, in line with the aims of Policy CC5 of the RBLP. However, this would be outweighed by the harm to highway and public safety I have identified as a result of the space available for fire appliance access and manoeuvring. This would conflict with Policies CC7 and TR3 of the RBLP which seek to achieve a high-quality public realm and ensure proposals maintain highway and pedestrian safety.

Planning Balance and Conclusion

26. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area. However, this would be outweighed by the harm I have found to the living conditions of future occupiers and to highway and public safety.
27. As such the proposal would be contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

L Francis

INSPECTOR