



Appeal Decision

Site visit made on 21 September 2023

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/E0345/W/22/3313574

4 Downshire Square, Reading RG1 6NJ

- 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 Cosgrove of Finerain Developments Ltd against the decision of Reading Borough Council.
 - The application Ref 211416
 - The development proposed is the demolition of existing dwelling house and large detached garage and erection of new building comprising of two buildings of 1 detached and 2 x semi detached dwellings with associated uses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site lies within the Downshire Square Conservation Area and as such there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requiring decision makers to have special regards to the desirability of preserving or enhancing the character or appearance of a Conservation Area (the CA).

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the CA; and
 - whether the proposal makes adequate provision for affordable housing, with regard to planning obligations; and
 - the effect of the development on the living conditions of the occupiers of 6 Downshire Square, with regard to daylight, outlook and loss of privacy; and
 - the effect of the development on the living conditions of nearby residents to the rear of the site, with regard to privacy.

Reasons

Character and appearance of the Conservation Area

4. The application site contains a detached chalet dwelling and detached garage, which is set within a large garden area. It differs to other residential dwellings in the area, which are generally characterised by detached and semi-detached two and three storey dwellings of various styles and finishes. By comparison, the existing dwelling has a limited first floor, which is built into the roof space and is set within a relatively large plot, with a spacious garden area. The nearby properties also often have spacious gardens and are mostly from the

Victorian and Edwardian period. Most dwellings had a maximum of two vehicles in their front parking areas. Due to this limitation, a significant number of vehicles were instead parked along the highway. Nonetheless, the street scene has an open and lush green presence, due to the broad suburban width of the highways and the presence of mature trees and hedgerows.

5. The CA encompasses the appeal site and several of the highways and properties around it. The significance of the CA is derived from the historic dwellings in the area which are characterised by Victorian and Edwardian design and architecture. It features a diverse range of house types and styles, which are typically located on large plots, which give the area a spacious feel. While plot sizes vary in terms of depth and width, they typically retain substantial rear garden spaces. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the spacious character of the CA. The existing dwelling on the appeal site contributes positively to the CA, notably preserving a large rear garden within a quiet residential area.
6. The proposed development would have a larger overall footprint than the existing dwelling. The width and depth of the dwellings would introduce a significant amount of built form onto the plot, with six parking spaces which are arranged around the proposed dwellings. The new parking and turning areas would extend across the site's frontage and be visible from public views along the road. The hard surface with the addition of several parked vehicles would have the appearance of a high-density urban development that would be at odds with the more open and verdant frontages along the street. This would be detrimental to the street's character, as it is unusual for such high levels of vehicles to be parked within the frontage of properties.
7. Regarding garden space, the depth of the garden area would be significantly reduced by the added depth of the proposed dwellings, including their rear wings. Additionally, the gardens would be subdivided into three smaller garden plots through further fencing. Taken together, these would appreciably erode the extent of green space within the plot and undermine the fine balance between built form and undeveloped land in the rear garden. Whilst the effect of this would not be easily perceptible from public vantage points, the development's scale and increased projection into the space at the rear would remain visible from surrounding dwellings. As such, this proposal would be a departure from the character and appearance of the area, thereby harming the spaciousness of the CA.
8. There are other buildings in the immediate locality which also have small rear gardens, such as those located at the adjacent property referred to as All Saints Court. I am not aware of the particular circumstances of those developments; however, they are not of a scale that fundamentally alters the spacious character of the CA. The Conservation Area Assessment confirms that most homes in the CA still maintain large gardens.
9. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing

justification. The rear garden has low visibility and other properties within the CA also have front parking areas, albeit typically with fewer vehicles. Therefore, I find the harm to be less than substantial in this instance. Nevertheless, it attracts great weight in accordance with Paragraph 205 of the Framework.

10. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge that the development would deliver three dwellings in an existing residential location. This would have a positive impact on the local housing supply and there would also be some economic benefits through the associated uplift from the construction process and future spending by residents. These attract a moderate level of importance as a public benefit. However, this would not outweigh the harm identified above to the significance of the heritage assets. I conclude therefore that the proposal would fail to preserve or enhance the special character of the CA.
11. The other aspects of the proposed development's design, including the location of the front building line, use of tree and shrub planting, retention of original railings, massing, general form of roofs, and materials, are considered acceptable within the context of the CA.
12. Given the above, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA. This would fail to satisfy the requirements of the Act and the Framework. It would conflict with Policies EN1, EN3 and CC7 of the Reading Borough Local Plan 2019, specifically the need for development to conserve and enhance heritage assets and be compatible with the existing setting.

Section 106 Agreement

13. Based on the Gross Development Value of the proposed development, the parties have agreed an affordable housing contribution figure, which would enable affordable housing to be built elsewhere. An indicative draft of a unilateral undertaking (under s106 of the Act) has been submitted to secure this planning obligation.
14. The draft unilateral undertaking aims to secure the payment of the affordable housing contribution. Although it has been signed, the plan which would identify the land has been omitted. Additionally, it has not been dated and thus it has not been legally completed or delivered, contrary to the appropriate appeal guidance¹. Thus, it would not be possible for the Council to rely upon it to secure the contribution. I am therefore unable to take the undertaking into account in determining this appeal or attribute any weight to it.
15. For these reasons, therefore, the proposed development would not make adequate provision for any additional need for affordable housing arising from the development, with regard to planning obligations. Consequently, in this regard, it would conflict with Policy H3 of the Reading Borough Local Plan 2019 and the Affordable Housing Supplementary Planning Document (2021), as it would not secure an appropriate contribution in perpetuity.

¹ Planning obligations: good practice advice

Living conditions – neighbouring occupiers at 6 Downshire Square

16. In relation to access to daylight, the proposed detached dwelling is located in close proximity to 6 Downshire Square, with a boundary fence separating the two properties. While some loss of daylight may occur, this would be relatively limited due to the orientation of the proposed dwelling. The garden area and windows of 6 Downshire Square would still benefit from unobstructed daylight for a large part of the day. I have seen no detailed evidence to persuade me that this loss of daylight would result in gloomy living conditions for the occupiers of those areas. Accordingly, I am satisfied that there would be no significant or unacceptable loss of light.
17. In terms of outlook, even though the proposed dwelling would be taller and of greater mass than the existing bungalow, it would not appear imposing or prominent when considered in the context of the existing two and three storey dwellings in the surrounding area. While the building would be clearly visible, it would be similar to other developments and as such, any visual impact would not justify rejecting the proposal.
18. Regarding privacy, the proposed detached dwelling may affect the privacy of residents at 6 Downshire Square. This is due to the increase in glazing and height, with particular regard to the windows facing 6 Downshire Square. The Side Elevations plan shows that obscured glazing would be used on the second-floor window, but this is not reflected in the floor plans. However, this inconsistency could be resolved through planning conditions in the event that this appeal was allowed. In any event, this second-floor window would not be located in a habitable room. As such, occupants are not likely to spend extended periods of time in that location.
19. In conclusion, the appeal scheme would not harm the living conditions of the neighbouring occupiers at 6 Downshire Square, with regard to daylight, outlook and privacy. Accordingly, it would comply with Policy CC8 of the Reading Borough Local Plan 2019, which requires development to not cause a detrimental impact on the living environment of existing residential properties.

Living conditions – privacy of occupiers to the rear of the site

20. The properties 8,10 and 12 Downshire Square are located to the rear of the site. There are already clear views of the first floor of the existing dwelling from those properties. Consequently, there already exists some level of existing passive overlooking of garden spaces and rear elevations. This is typical of suburban residential areas of this type, given the constraints of the appeal site.
21. The proposed development would extend further back into the plot towards those properties located at the rear of the appeal site, albeit a significant proportion of this extension is due to the inclusion of rear projections. These would be limited in height to one storey, however, when compared to the existing dwelling, the overall buildings would still be larger in size and height. The rear elevation would increase the number of upper floor windows, specifically through the addition of second floor windows which would serve habitable rooms in the proposed dwellings. With this elevated position, the proposed second floor windows would facilitate an increase in the availability of views from the appeal site across neighbouring gardens and dwellings.

22. The proposed development includes vegetation screening and boundary fencing to avoid overlooking between neighbouring rear gardens. While there would be an increase in the opportunity for direct overlooking towards the rear gardens and elevations of 8, 10 and 12 Downshire Square, this is already possible from the first floor of the existing dwelling. The area is characterised by two and three storey dwellings, so the proposed development would only result in a minor increase in the opportunity for direct overlooking through the increase to two storeys. There is no evidence to suggest that this minor increase would cause any unacceptable harm to the living conditions of those nearby residents. It is also common ground that the separation distance between the rear of these neighbouring properties and the rear projections of the proposed development would exceed the recommended distance stated in Policy CC8 of the Reading Borough Local Plan 2019. As such, I am not persuaded that any potential loss of privacy would be significant or unacceptable.
23. In conclusion, the appeal scheme would not harm the living conditions of the neighbouring occupiers at 8, 10 and 12 Downshire Square, with regard to privacy. Accordingly, it would comply with Policy CC8 of the Reading Borough Local Plan 2019, which requires development to not cause a detrimental impact on the living environment of existing residential properties.

Other Matters

24. There are concerns that the proposed development would increase the parking pressure in the locality. However, as six parking spaces have been allocated on the appeal site, this is unlikely to result in a significant increase in on street parking. In relation to the affordability of the properties, this is not a planning consideration as they are privately owned.
25. Third parties have referred to a fall back position which would enable the construction of one additional house, however, there is no substantive evidence before me that this proposal was granted planning permission. On that basis, I cannot speculate on this fall back position.
26. There are concerns that the appellant has removed several trees which existed on the appeal site. The appellant's Arboricultural Impact Assessment notes that there are no trees of significance on the site. On that basis, I cannot speculate on the removal of trees from the site.
27. There are concerns that the appeal site has become a habitat for wildlife and endangered species, such as bats, hedgehogs, willow tits and house sparrows. However, in relation to the ecological value of the appeal site, I note that the Council's Ecologist considers that the proposal is acceptable on ecological grounds and that the bat survey report has been undertaken to an appropriate standard. Furthermore, this concluded that the building is unlikely to host roosting bats. On that basis and lack of any concerns regarding other endangered species, I cannot speculate on the previous biodiversity value of the site.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR