



Appeal Decision

Site visit made on 4 July 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/E0345/W/23/3334782

Trinity Hall, South Street, Reading RG1 4QU

- 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 Hardeep Hans of Hanslink Ltd against the decision of Reading Borough Council.
 - The application Ref is 220385.
 - The development proposed is demolition of existing buildings and erection of 22 apartments.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Hardeep Hans of Hanslink Ltd against Reading Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A planning obligation was submitted during the course of the appeal in relation to securing affordable housing, and contributions towards carbon offsetting and employment and skills.
4. Amendments to the route of the path to the front of units 1 and 2 as well as additional windows by way of condition have been suggested by the appellant. However, no plans showing these changes are before me. Although amended plans provided prior to the decision by the Council were not subject to a new consultation, they have been provided as part of the appeal and were the plans upon which the Council determined the application. Therefore, I have assessed the scheme based on those same plans.

Main Issues

5. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area, including the setting of nearby listed buildings,
 - Whether the proposed development provides an appropriate mix of housing with regard to the local development strategy,
 - Whether the proposed development makes appropriate provision for affordable housing,
 - The effect of the proposal on biodiversity and air quality with regard to trees,

- Whether appropriate living conditions would be provided for future occupiers of unit 1 and unit 2 with regard to privacy, outlook, daylight, outdoor space and disturbance,
- The effect of the proposed development on the living conditions of the occupiers of 49 South Street (No 49) with regard to outlook,
- Whether the proposed development makes appropriate provision for surface water drainage, with regard to effects on flooding and biodiversity,
- Whether the proposed development would make appropriate provision for carbon offsetting measures; and
- Whether the proposed development would make appropriate provision towards social and economic infrastructure.

Reasons

Character and appearance

6. There is a varied scale, height and appearance to buildings in both South Street and Sidmouth Street. This includes some large and tall blocks of built form, several of which are on corner plots of a comparable upper height to the appeal proposal. Nonetheless, in many instances, the change in height is gradual and staggered including along South Street and Queens Crescent. In addition, the scale of taller buildings tends to be broken up by changes in height and sloping roofs.
7. Moreover, buildings generally have some space around them within their plots, even where this is parking areas to the rear. This gives a spaciousness to parts of the nearby streets. While there is limited tree coverage nearby, where such features are present, they contribute positively to the character and appearance of the area.
8. There are several listed buildings¹ near the appeal site. The significance of No 43-49 is, in part, in its consistency of detailing along the front of the terrace and flint with brick dressings and quoins behind. Its setting includes considerably larger buildings opposite, with those nearby on the same side having more gradual increases in height and bulk. The space around No 43-49, including that from the taller elements of the appeal building being set in from the boundary, allows an appreciation of its detailing and materials.
9. The significance of No 9 is, in part, its unusual end of terrace form and traditional detailing. The significance of No 3 and 5 is, in part, derived from its detailing and appearance as a pair of asymmetrical Butterfield Vicarage style properties. The setting of No 9 as well as No 3 and 5 already includes buildings of a substantial size, including those of a comparable or greater height and footprint on both sides of South Street.
10. The existing building was damaged and subject to graffiti at the time of my visit. However, its plain appearance and undeveloped areas of the plot mean it is not particularly conspicuous on either streetscene. As such, it makes a neutral contribution towards the significance and appreciation of the listed buildings.

¹ 3&5 Sidmouth Street (No 3 and 5), 9 Sidmouth Street (No 9) and 43-49 (odd) South Street (No 43-49)

11. There would be a limited difference in height between the proposed building and the adjacent one under construction along Sidmouth Street, reflective of the often-gradual increase in heights between and within blocks of built form nearby. However, there would be a much greater and more noticeably immediate jarring increase in height on South Street against No 43-49. The space between large built form and No 43-49 would be eroded. Views towards No 43-49 would be partly obscured from Sidmouth Street and from along South Street. The proposed building would appear as an imposing block against it resulting in it dominating and distracting from No 43-49 due to its far larger mass and footprint.
12. The protruding elements break up the mass of the appeal proposal to some degree and although window shapes vary across the building, consistency within columns prevent a muddled appearance. However, even with the set back of the upper floor, the considerable increase in height and eaves/parapet is discordant with the more subtle changes in height along much of this side of South Street. The roof shape and largely continuous parapet also unfavourably contrasts with the way in which the often-sloping roofs or staggered increases in height nearby reduce the bulkiness of the larger blocks in the street scenes.
13. The entrance to the parking area forms only a small part of the building frontage. While such a feature is not typical of the area it would not be particularly prominent or distracting. From other sides, were suitable boundary treatments and planting provided, the parking level would not be overly noticeable.
14. Although buildings are generally located close to their roadside boundaries, gaps to the rear provide an element of spaciousness that can be appreciated as you travel along and behind both South Street and Sidmouth Street. The footprint of the proposed building however would fill a considerable amount of the plot and erode this spaciousness. The lack of space around the building would add to the impression of the bulkiness and discordance.
15. There is little greenery at the site at present, with any grassed areas unkempt. While the areas proposed for planting would be narrow, there would be areas to 3 sides of the building. Given there is limited greenery to the same side of both South Street and Sidmouth Street, although new planting would not be substantial, there would be an opportunity to provide more meaningful planting to the streetscene. Details of this, including the species could form part of a landscaping condition were the appeal allowed.
16. The tree adjacent to the site was still in place at the time of my visit. Nevertheless, the plans for the development of that site, which appeared to be underway at the time of my site visit, show the tree being removed. Were the appeal to be allowed, a condition could be imposed to require details of any works that may affect the tree if it were not removed as part of another scheme.
17. Given the separation between the appeal site and existing large and varied built form around them, the proposal would not harm the significance or ability to appreciate No 9 and No 3 and 5. Notwithstanding this, the proposal would harm the character and appearance of the area. Furthermore, it would harm the appreciation of the significance of No 43-49 that could not be overcome by planning conditions. It would lead to less than substantial harm to the significance of No 43-49.

18. The proposal would provide public benefits in the form of its contribution towards housing supply, including affordable housing and accessible units. There would also be economic benefits from the build and occupation of the units. Although development of a long-time vacant site would likely reduce occurrences of anti-social behaviour it has not been shown that the appeal scheme is the only method of achieving this. There would also be benefits relating to energy efficiency, sustainable construction, and biodiversity. Some of these benefits would be temporary, however given the scale of the proposals I give these benefits moderate weight. Compliance with internal space and parking standards would only be neutral factors.
19. The National Planning Policy Framework (Framework) indicates that great weight should be given to an asset's conservation. In this instance the public benefits would not outweigh the harm. Therefore, the proposed development would unacceptably harm the character and appearance of the area, including to the setting and significance of No 43-49.
20. It would be contrary to Policies CC7, EN1, EN6 and H2 of the Reading Borough Local Plan (Local Plan). These, in part, require schemes to consider the character of the area, respond positively to their context and protect the historic environment, including their setting. While the Local Plan historic environment policies do not make reference to a public benefits balance, their aims to prevent harm to assets is consistent with the Framework.
21. The proposal would also be contrary to the heritage protection aims of the Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where it requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Housing Mix

22. Policy CR6 of the Local Plan states that all proposals for residential development within the central area, such as the appeal site, should contribute towards a mix of different sized units. It states that 'as a guide' for schemes of the scale proposed a maximum of 40% of units should be 1-bed/studio, unless it can be clearly demonstrated that this would render a development unviable. The supporting text states that developments should not be dominated by 1-bed units.
23. The appeal proposal would provide approximately 63% 1 bed units. Nevertheless, the policy percentages are a guide and the evidence in the appeal indicates that the Strategic Housing Market Assessment 2016 related to the Borough as a whole rather than city centres where the supporting text of Policy CR6 acknowledges are unlikely to be popular with large numbers of families. The single 3 bed unit broadly accords with the policy guide, and the scheme also provides some 2 bed units. As such, while mostly 1 bed units, the proposal would include an appropriate mix of housing sizes. It has not been demonstrated how the additional 1 bed units in the appeal scheme would lead to a failure to meet the wider needs of the Borough and viability information is therefore not required in this instance.
24. The proposed development would provide an appropriate mix of housing with regard to the local development strategy. It would accord with Policy CR6 of

the Local Plan where it requires schemes to contribute towards a mix of different sized units.

Affordable Housing

25. Policy H3 of the Local Plan requires proposals of this scale to provide 30% of the total dwellings in the form of affordable housing, in the first instance on site provision. The supporting text indicates that the tenure, size and type of affordable housing provided as part of any scheme should respond to the identified need for affordable housing taking account of the most up-to-date information, including information in an Affordable Housing Supplementary Planning Document. The text goes on to state that housing with 2 or more bedrooms that can house families are a priority and that developments should include a range and mix of tenures, sizes and types. Policy CC9 relates to securing infrastructure.
26. The Affordable Housing SPD outlines a tenure split of 38% affordable home ownership, including shared ownership and affordable rented accommodation at 62% should be provided.
27. The planning obligation submitted indicates that 7 units would be secured as affordable housing, a mix of one and two bed units (31%) with the 2 bed units being shared ownership and one-bedroom units being affordable rent.
28. Although 2 or more bed units are said to be a priority and that recent affordable delivery have been mainly for one- or two-bedroom properties, the evidence does not indicate this has removed the need for further smaller units, such as those proposed in this scheme. The Council indicate an undersupply of provision in affordable housing. Moreover, the SPD states that the affordable housing to be provided will depend on the mix of sizes and types within the overall development and broadly reflect the overall mix of sizes and types. Therefore, the proposal meets the requirements in terms of mix, amount and tenure.
29. The obligation includes provision for up to 100% of the units to be affordable housing dependant on grant or other funding. A letter from a housing association indicating their intention to deliver all the apartments as affordable housing has been provided. However, they have not been included in the obligation and no other mechanism binding them to the 100% provision at the site is before me. Were a grant not secured, there is no mechanism in the obligation to seek off site contributions, or any other equivalent provision. As such, 100% affordable provision is not certain or secured. In any event, the provision of 7 units is policy compliant.
30. As such, the proposal would make appropriate provision for affordable housing. It would accord with Policies CC9 and H3 of the Local Plan and the Affordable Housing and Planning Obligations under Section 106 SPDs.

Biodiversity and air quality

31. There are no existing trees on the site. The evidence before me indicates the tree at the adjacent site would be removed as part of another development which appears to have already commenced. While not extensive, planting is proposed which can be secure by condition. The Ecological Appraisal indicates that the scheme would lead to significant biodiversity net gain. No clear evidence has been provided as to how, even if the off site tree were lost, the

proposal would result in harm to biodiversity or air quality subject to conditions on any permission. Moreover, no objections were made from the Ecology Consultant or Environmental Health.

32. Reference to the requirements of the Council's validation list has been made. However, the Council proceeded to validate and determine the application.
33. Consequently, the proposed development would not harm biodiversity and air quality. It would accord with Policies EN15 and EN14 of the Local Plan where they, in part, seek to prevent worsening of air quality and improve tree coverage. It would also accord with the Tree Strategy² where it seeks to protect, retain, manage and plant trees.

Living conditions – future occupiers

34. Policy H10 of the Local Plan states dwellings will be provided with functional private or communal open space and that flats may be provided with communal outdoor space, balconies and/or roof gardens. This is to allow for, amongst other things, suitable sitting-out areas, general outdoor storage and drying space.
35. Future occupiers of units 1 and 2 would have no private individual or communal space. There are some open spaces within walking distance of the site. Nonetheless, these are public spaces, away from the living accommodation and would not provide private or functional spaces linked to the internal accommodation. This would prevent appropriate living conditions being provided for future occupiers of these units with regard to outdoor space.
36. There would be a path to the front of units 1 and 2 close to their main windows. However, the path is set back from the pavement and would likely only be used by those accessing the appeal building or heading towards Sidmouth Street. As such, while there would be some disturbance from these comings and goings, they would not be significant or unacceptable.
37. Similarly, although windows for the main living accommodation are on to the street, this is not untypical in the area, and they are set back from the pavement. In addition, planting between the windows and the street would help filter and partly screen views. As a result, sufficient levels of privacy would be achieved.
38. The windows for the ground floor units are shown to have planting close to them. However, with appropriate positioning and species of planting, they could be located to avoid any significant disruption to the outlook from and daylight accessing these units.
39. Nevertheless, the proposed development would not provide appropriate living conditions for the future occupiers of units 1 and 2 with regard to outdoor space. The scheme would fail to accord with Policies H10 and CC8 of the Local Plan. These, in part, aim to prevent unacceptable living conditions for new residential properties and require outdoor space provision.
40. Policy CC7 does not relate directly to living conditions and therefore, weighs neither for nor against the scheme in relation to this main issue. Policies EN9

² Reading Borough Council Tree Strategy, March 2021

and EN10 relate to public open space provision so are not directly relevant to this main issue.

Living conditions – No 49

41. The main windows on No 49 do not face directly towards the site. Views from within the building towards the site would be angled. While not in use as garden at the time of my visit, given the height and position of the proposed building, it would be prominent in views from the rear of No 49 in that direction. Notwithstanding the scale of the proposed building, there would be some separation with a road between and there would be outlooks in other directions away from the site.
42. As such, the proposed development would not harm the living conditions of the occupiers of No 49 with regard to outlook. It would be in line with Policy CC8 of the Local Plan where it requires schemes to not cause a detrimental impact on the living environment of existing residential properties.

Surface Water

43. Policy EN18 of the Local Plan states that all major developments, such as the appeal scheme, must incorporate sustainable drainage systems (SuDS) as appropriate. Wherever possible, SuDS provision should maximise ecological benefits, incorporate tree planting and landscaping and avoid damage to existing significant trees. The supporting text states that virtually any new development should be able to deliver SuDS due to the wide variety of techniques available.
44. No detailed investigations have been made in relation to possible SuDS methods and there would be extensive areas of hard surfacing at the site. Nonetheless, there is also no compelling evidence to indicate that the site would be unable to accommodate SuDS to at least some degree. If such systems are not possible at the site, no objection to connecting to the mains sewer system has been made from Thames Water. Moreover, there would be some areas of planting, which while not large, provides some scope to contribute to any system. A condition requiring further details, including looking through a hierarchy of systems could be imposed on any permission.
45. Therefore, the proposed development would make appropriate provision for surface water drainage, with regard to effects on flooding and biodiversity. It would be in accordance with Policy EN18 of the Local Plan and the Sustainable Design and Construction SPD where they seek to ensure flood risk is not increased and ecological benefits maximised where possible.

Carbon Off-setting

46. Local Plan Policy H5 sets out standards for new build housing within the Borough including that a development of this scale should achieve zero carbon home status. The supporting text highlights that where homes are not designed to be carbon neutral, as a minimum, there will be a requirement for dwellings to achieve a 35% improvement in the dwelling's emission rate over the target emission rates in the 2013 Building Regulations. Policy CC3 requires schemes to be designed to incorporate measures to adapt to climate change.

47. The Sustainable Design and Construction SPD explains how financial contributions towards carbon off-setting will be calculated, secured, and potentially used where not achieved on site.
48. An obligation has been provided that secures the minimum 35% emissions target and a contribution to offset any additional residual carbon emissions where zero carbon is not met. Given the above planning policy context, I am satisfied that securing these measures is necessary to make the development acceptable in planning terms. The obligation is also directly related to the development and fairly and reasonably related in scale and kind to it.
49. Therefore, the proposed development would make appropriate provision for carbon off-setting. It would accord with Policies CC3, CC9 and H5 of the Local Plan along with the Sustainable Design and Construction SPD and Planning Obligations under Section 106 SPD. These aim to ensure that climate change is considered and that certain standards are achieved and secured.

Social and economic infrastructure

50. Core Strategy Policy CC9 details, amongst other matters, that development proposals should contribute towards economic development services with employment, skills, and training development initiatives amongst its highest priorities. The Council's Employment Skills and Training SPD meanwhile requires proposals of this scale to deliver an Employment and Skill Plan (ESP) as part of the development.
51. The obligation provided during the appeal secures an ESP and a commuted sum to other employment and skills measures related to the development. I am satisfied that these are necessary to make the development acceptable in planning terms and are directly related to the development and fairly and reasonably related in scale and kind to it.
52. Consequently, the proposed development would make appropriate provision for employment and skills. The scheme would comply with Policy CC9 of the Local Plan and the Employment Skills and Training SPD and Planning Obligations under Section 106 SPD.

Other Matters

53. The previous permission at the site was for a building of a different scale, form and design as well as being for a different type of residential accommodation. This included greater separation from No 43-49 and a staggered increase in height. The assessment of the affordable housing contribution in the Caversham Road scheme and the weight to it, do not affect my findings on this appeal scheme. That and the Queens Road scheme were also of a different scale and appearance. As such, these other developments are materially different to this appeal.
54. The Council are able to demonstrate a 5-year supply of housing land, although this is not an upper limit. The proposal would contribute to housing supply and mix in the area and provide accessible units. It would align with the Framework where it seeks to significantly boost the supply of housing and where it states small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. There would also be a contribution towards affordable housing in an area where there is said to be undersupply.

55. The site is also in an accessible location near to services and facilities and the scheme would be a more efficient use of land. There would be economic benefits from the build and occupation of the units as well as to biodiversity, energy efficiency and sustainable construction. The scheme would also likely reduce occurrences of anti-social behaviour at the site and bring a long time vacant brownfield site back into use.
56. Given the scale of the scheme, the weight to the above benefits would be moderate. Although I did not find harm from several of the main issues, this is a neutral factor. The harm to the character of the area, including to the significance and setting of the listed building attracts great weight.

Conclusion

57. The proposed development conflicts with the development plan when considered as a whole, and the Framework, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
58. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR