



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: 19 July 2024

Appeal Ref: APP/E0345/W/23/3329316

Land adjacent to 28 Southampton Street, Reading RG1 2QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Arcitek Building Design Ltd against the decision of Reading Borough Council.
 - The application Ref is 191506.
 - The development proposed is to redevelop the site for a three storey building to provide 6 x 1-bedroom flats
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Arcitek Building Design Ltd against Reading Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Outline planning permission is sought with all matters except landscaping to be considered. I have regarded elements shown on the submitted plans for landscaping as illustrative. The description of development has been taken from the appeal form as it more accurately reflects the number and mix of units that the application was determined on.
4. The Council confirmed that they assessed the scheme on the basis of plans Rev F. Plans referenced as Rev G were provided by the appellant at the outset of the appeal. There were limited changes as part of the latest revision such as the removal of windows to the stairwell and position of front elevation windows. As the Council and other parties have had opportunity to comment on the plans, and they do not significantly alter the scheme, no party would be prejudice by my taking them into account in my reasoning.
5. While the Council have questioned the accuracy of the submitted plans due to annotations on them¹, I have no clear evidence before me to indicate that they are incorrect, and I consider them sufficiently detailed to assess the proposal.
6. At the time of my site visit the development at the former Red Lion Public House (No 34-38) was underway with the external form largely in place. The properties at 26-28 Southampton Street (No 26-28) appeared to be in residential use, although an extension to the rear of 28 Southampton Street had not been constructed.

¹ Choiceplace Properties Limited v SoS (2021)

Main Issues

7. The main issues of the appeal are:

- The effect of the proposed development on the living conditions of the occupiers of St Giles Court with regard to outlook, privacy, daylight and sunlight, No 26-28 with regard to privacy, and No 34-38 with regard to outlook, disturbance, sunlight, daylight and odour,
- Whether appropriate living conditions would be provided for future occupiers with regard to privacy, outlook, noise and disturbance, daylight and sunlight, odour and outdoor space,
- Whether the proposed development provides an appropriate mix of housing with regard to the local development strategy,
- Whether the proposed development would encourage the use of a range of transport options, with regard to cycle storage provision,
- Whether the proposed development would make appropriate provision for affordable housing; and
- The effect of the proposed development on the character and appearance of the area, including the setting of nearby listed buildings and Market Place/London Street Conservation Area (CA).

Reasons

Living Conditions – nearby occupiers

St Giles Court

8. There are numerous windows at St Giles Court facing the appeal site. While the outlook from some of these would be restricted by the development at No 34-38, the appeal scheme would bring built form very close to several others. It may not be untypical in urban areas for outlooks and separation distances to be more limited than in other locations and no set standards for separation distances have been put before me. Notwithstanding this, the scale and position of the proposed building would result in it dominating the outlook from these existing windows and be an oppressive feature for occupiers within these rooms.
9. Although angled in places, there would also be direct short-range views into these existing rooms that would result in considerable harm to the privacy of the occupiers. In addition, as a result of the small space between it and St Giles Court, and the lack of any assessment to indicate otherwise, the new building would severely restrict the daylight and sunlight that would be able to reach these windows and the rooms they serve.
10. Therefore, the proposal would unacceptably harm the living conditions of the occupiers of St Giles Court with regard to outlook, privacy daylight and sunlight.

26-28 Southampton Street

11. Whilst there would be first and second floor windows on the proposed elevation facing and near the boundary with No 26-28, these serve bathrooms which also have a rear window. Were the appeal to be allowed, conditions could be

imposed to ensure the side elevation windows were fitted with obscure glazing and restricted opening. This would prevent overlooking into the rear of No 26-28 and their outdoor space.

34-38 Southampton Street

12. Dining room and bedroom windows over ground, first and second floors at the development under way at No 34-38 would be located close to the boundary with the appeal site. The scale and position of the proposed building would mean it would be an inappropriately imposing feature in the outlook from these windows. Given the orientation of the windows facing the appeal site, it is doubtful sunlight would be affected. Nonetheless, the scale and proximity of the proposed building to these windows would unacceptably reduce the daylight able to access the rooms these windows serve. There is no compelling evidence provided to the contrary.
13. There would be direct views from the shared access into a bedroom window for unit 2 at No 34-38. Nevertheless, this access way is already shown to have access to bin storage areas for the development at No 34-38. While there would be increased movements passing this window to access outdoor areas, these would likely be fleeting. Therefore, sufficient privacy would be retained. As the appeal scheme does not relate to a significant number of units the increased comings and goings would not result in unacceptable noise and disturbance for the units at No 34-38. There would also be sufficient separation from the proposed bin store to prevent unacceptable issues relating to odour at the units at No 34-38.
14. Nevertheless, there would be unacceptable harm to the living conditions of the occupiers of No 34-38 with regard to outlook and daylight.

Living Conditions Conclusion – nearby occupiers

15. Consequently, the proposed development would unacceptably harm the living conditions of the occupiers of St Giles Court with regard to outlook, privacy, daylight and sunlight as well as those of No 34-38 with regard to outlook and daylight. It would be contrary to Policy CC8 of the Reading Borough Local Plan (Local Plan) where it seeks to ensure development that will not cause a detrimental impact on the living environment of existing residential properties.
16. As I found no harm from noise and disturbance, and light concerns do not relate to light pollution, the scheme would accord with Policy EN16. Policy CC5 relates to the provision of refuse facilities rather than their effects. Consequently, it weighs neither for nor against the scheme for this main issue.

Living Conditions – future occupiers

Privacy

17. Windows for the main living accommodation of Flat 1 would be very close to the pavement and this would limit privacy from passersby. However, these would likely be fleeting and passing views and comparable to existing residential uses nearby where there is often little set back or front garden spaces. Therefore, privacy would be acceptable.
18. At Flat 2, the bedroom and bathroom windows would face the communal outdoor area and cycle store. Therefore, it would attract occupiers of other

units to this area. Given this is the main outdoor space and the number of units proposed, this could lead to several people spending potentially long periods adjacent to the windows. Even if the bathroom window would be fitted with obscure glazing, this would not be appropriate for the bedroom. There would be insufficient privacy for future occupiers due to the direct close-range views into the bedroom of this flat.

19. There would be little separation between the bedroom windows for Flat 3 and 4 and windows at St Giles Court behind. While some overlooking is expected in urban areas and the views would be angled in places, there would be close range uninterrupted views into these windows. This would result in insufficient levels of privacy for these occupiers.
20. The increased height and therefore angle between the rear windows for Flats 5 and 6 would prevent direct overlooking from the windows on St Giles Court and ensure sufficient privacy. The rearmost side windows facing No 26-28 would be high level, not large and given they would be for bathrooms could be conditioned to be obscure glazing and restricted opening. This would prevent views from No 26-28 and their outdoor space into these rooms and ensure sufficient privacy.

Outlook

21. The bedroom window for Flat 1 would face the proposed bin store. No details of the store or bins have been provided. However, being the only window for this room, an outlook over the bin store for the whole development would be uninviting and unacceptable. Without any obvious alternative location, imposing a condition for further details to would not be appropriate as I could not be sure that a suitable solution could be found. The other window adjacent to the bin store in this flat serves a bathroom. In light of this, as it could be fitted with obscure glazing and would be a room where occupiers would not spend considerable time, in terms of outlook, this would be acceptable.
22. The outlook from the rear bedroom window for Flat 2 and Flat 4 would be dominated by, and have little relief from, St Giles Court given its scale and close proximity to these windows. The bedroom windows at Flat 3 would be set further away from the building behind and would therefore not have the same oppressive outlook. The outlook from the rear windows from Flats 5 and 6 would be partly over St Giles Court and as a result be acceptable.

Daylight and Sunlight

23. The main living area for Flat 2 has only one high-level window. Due to the orientation of the window, its size, and potential for an extension at No 26-28, there would be limited daylight able to reach this room. While at a higher level and would be affected less by any adjacent extension, being of the same size and orientation this would also be the case for Flat 4 and Flat 6. In the absence of any daylight or sunlight assessments, this arrangement would result in a gloomy, unappealing and unacceptable living environment for the occupiers of these flats. This would also be the case for the rear elevation bedroom windows for Flats 2 and 4, along with sunlight, given the small separation between and orientation of, the existing and proposed buildings. The height of the bedroom window for Flat 6 would ensure sufficient light reached that room.

24. Flats 1 and 3 would have 2 large front windows each serving the living areas and orientated differently to Flats 2, 4 and 6 with no obstructions close to them. As such, although rear parts of the room would receive less light, sufficient light would be achieved for these rooms.

Outdoor space

25. 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.
26. There would be no individual private outdoor space for any of the proposed flats. The communal areas to the rear would be overlooked from windows at St Giles Court and at No 34-38 and of a small size for the number of occupiers. Therefore, there would be little privacy for users of this space.
27. The size of the space, and that it would be surrounded by tall built form also limits its usability and the desirability of it for occupiers. There are some open spaces in the area. Nonetheless, these are public spaces, away from the living accommodation and would not satisfy the functional and enjoyment aspects of a more private area that even an appropriate communal area would provide.

Odour

28. The bins are shown as being located adjacent to windows at Flat 1. In the absence of details of whether or how they would be enclosed, I cannot be sure that odour would be appropriately contained. Due to the uncertainty over where controls would be possible, the imposition of a condition requiring such details is not appropriate. The proximity to the bins and the number of them could result in unacceptable odour for occupiers of Flat 1 wishing to open their windows.

Noise and disturbance

29. The proposed building is located close to the pavement. While only a snapshot in time, at my visit I saw frequent pedestrian movements passing the site and a considerable level of traffic on the road. There is no clear evidence to show this was untypical. This would lead to some noise and disturbance for the occupiers of the proposed flats, more so at rooms on the front of the building at ground floor level.
30. However, such activities would be expected in such an urban location and similar to those experienced by existing properties along the same street where some are similarly set just behind the pavement. The upper floor windows serving the flats above would experience less noise and disturbance due to the increased distance from the street. Were the appeal to be allowed then conditions could be imposed relating to glazing and sound proofing to limit the extent of the noise and disturbance experienced within the properties.
31. There would be comings and goings directly in front of the bedroom window of Flat 1 as the sole bin storage area would be adjacent to it. Nonetheless, the use of the bin store would be sporadic and unlikely to be for long periods. Therefore, any noise and disturbance would not be significant or unacceptable.

Living Conditions Conclusion – future occupiers

32. Therefore, the proposed development would fail to provide appropriate living conditions for future occupiers with regard to privacy, outlook, daylight and sunlight, odour and outdoor space. It would be contrary to Policies EN16 and CC8 of the Local Plan where they seek to avoid unacceptable living conditions for new residential properties.
33. As I found no harm from noise and disturbance, and light concerns do not relate to light pollution, the scheme would accord with Policy EN16. Policy CC5 concerns the provision of refuse facilities, rather than their effects so weighs neither for nor against the scheme for this main issue.

Housing Mix

34. Policy H2 of the Local Plan states that wherever possible, residential development should contribute towards meeting the needs for the mix of housing set out in the Strategic Housing Market Assessment 2016. The supporting text of Policy H2 recognises that the delivery of a substantial amount of family housing on town centre sites will not be achievable. However, although flatted development in urban areas may reduce scope for family homes, the appeal scheme only provides 1 bed units.
35. Policy RC9 of the Reading Central Area Action Plan (RCAAP) states that all proposals for residential development within the central area will be required to contribute towards a mix of different sized units within the development. Ideally, a mixture of one, two and three bedroom units should be provided.
36. Although reference to another housing assessment is referred to in the Eaton Place appeal, this has not been put before me. No substantive evidence has been provided to justify the lack of any mix in terms of size of units due to viability or other issues. Additionally, that the Council currently has a 5-year supply of housing land does not indicate that the need for a mix of units is redundant.
37. As such, the proposed development would not provide an appropriate housing mix with regard to the local development strategy. It would fail to accord with Policy H2 of the Local Plan and H9 of the RCAAP.

Transport Options

38. The proposed location of the cycle storage, though to the rear of the building, would not be a great distance for occupiers to access. As such, it would be convenient and not discourage the use of the facility. Nevertheless, it has not been shown whether sufficient spaces could be provided. No car parking is provided and therefore there is likely to be a greater reliance on cycles.
39. The Transport Development Control Advisor raised no objection to the scheme but indicated details of cycle parking would be needed with a full application. This is an outline proposal, however, other than landscaping, all other matters fall to be considered. As the external space of the site is constrained and no details of the suggested methods such as a stacking arrangement are before me, I cannot be sure a condition requiring details to be agreed could achieve the desired provision. Without appropriate provision, the use of cycles as a mode of transport would be discouraged.

40. As such, the proposed development would fail to encourage the use of a range of transport options with regard to cycle storage provision. It would be contrary to Policy CC7 and TR5 of the Local Plan. These, in part, seek to ensure ease of movement and the provision of appropriate cycle parking to ensure access to sustainable transport facilities. It would also be contrary to the Parking SPD² where it sets out the required minimum number of cycle spaces and that they should be easy to use, secure and covered.

Affordable Housing

41. Policy H3 of the Local Plan requires proposals of this scale to make a financial contribution that will enable the equivalent of 20% of the housing to be provided as affordable housing elsewhere in the Borough. The onus is on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution. Policy CC9 relates to securing infrastructure.
42. While a viability assessment was submitted with the original scheme, no such details have been provided for the revised scheme of a different design and number of units. Therefore, regardless of the disputed elements of the assessment that has been provided, I have no detailed information relating to the viability of the scheme subject to this appeal. It has not been demonstrated that a contribution towards affordable housing would make the scheme unviable and no planning obligation to secure a contribution has been provided.
43. As such, the proposal would fail to make appropriate provision for affordable housing. It would be contrary to Policies CC9 and H3 of the Local Plan and the Affordable Housing and Planning Obligations under Section 106 SPDs where they require affordable housing contributions unless this is not justified.

Character and Appearance

44. There is no consistency in terms of the scale, footprint or appearance of buildings near the appeal site. Large modern buildings are seen with and are located close to more historic ones. There is also fluctuation in roof heights and forms along Southampton Street, rather than any consistent stepping down or up. The same can be said for the spacing between blocks of built form.
45. No 26-28 adjacent to the site and the Church of St Giles across the road, are listed buildings. The boundary of the CA is also on the other side of Southampton Street.
46. The significance of No 26-28 is, in part, derived from its particular design and form. Its setting currently includes varied built form including modern buildings of a considerable size and St Giles Court relatively close to the rear. The appeal site, which is currently an advertisement and building compound, and from the evidence was previously largely overgrown, makes a neutral contribution towards the significance and appreciation of the No 26-28.
47. The significance of the Church of St Giles is, in part, derived from its impressive scale and detailing. Its setting currently includes its immediate grounds which give a sense of openness and spacing from the generally more compact varied development around it. The appeal site across the road from is not seen in many views with the Church of St Giles. The appeal site blends into

² Revised Parking Standards and Design Supplementary Planning Document

the wider varied development and makes a neutral contribution towards its significance and appreciation.

48. The appeal site is located close to the CA. The significance of the CA comes, in part, from the historic development of the area around the river, public open spaces and prestigious buildings and churches. The CA itself has fine examples of buildings covering different periods. The setting of the CA includes built form of considerable variation in terms of height, materials and mass. Given its appearance, size and location amongst other varied development, the appeal site makes a neutral contribution to the setting of the CA.
49. No 26-28 and its features are already largely screened on the approach from the direction of the appeal site by a large tree, the advertisement hoarding and the building under construction at No 34-38. The stagger of the proposed building line would allow a similar degree of prominence and visibility to No 26-28. Moreover, the proposal would be stepped down from, and of smaller scale than, that under construction at No 34-38. The staggered front elevation would help break up the mass of the building. In addition, although with higher eaves, it would not be considerably taller than No 26-28 and therefore would not appear dominant or imposing in the streetscene or on No 26-28.
50. Although some buildings are set in from their side boundaries, others are up to or adjoining those adjacent. That the appeal building would fill much of the plot frontage and depth would not look out of place. Similarly, while plot coverage would be greater than No 26-28 and closer to the road than it, building depth and plot coverage would be comparable to the ongoing development at No 34-38. As such, it would not appear discordant.
51. The limited space around the building and scale of those adjoining the rear outdoor areas would prevent much in the way of landscaping. However, even if not a tree, there would be space for some planting to the front near the existing tree adjacent. That frontage greenery would likely be limited is typical along this part of the street. Landscaping is a reserved matter and further information would be provided at that stage.
52. The use of brick would reflect many buildings nearby where there is variation in terms of the colour and detailing. Therefore, while different to those adjacent it would not appear incongruous. If the appeal were allowed, conditions could be imposed to require further details to be agreed.
53. There is no compelling evidence before me that the proposal would lead to any physical implications for No 26-28. I saw that there was already a fence very close to No 26-28. No detailed case has been made as to how the current situation or a permanent building with windows facing it located in a similar position would prevent maintenance or repairs that would harm its significance or lead to increased fire risk. Furthermore, in the absence of detailed information to show that the foundations of No 26-28 cross into the site or would be affected by the scheme, a condition requiring further details of construction and foundations could be imposed were the scheme to be allowed. Given the above, the proposal would have a neutral effect on the significance of the CA, the Church of St Giles and No 26-28.
54. As such, the proposed development would not harm the character and appearance of the area, including the setting of nearby listed buildings and the CA. Therefore, it would accord with Policies EN1, CC7, CR2, H2, and EN14 of

the Local Plan. These, in part, aim to ensure schemes respond positively to their local context and create or reinforce local character, protect the historic environment, provide continuity and enclosure and make space for planting within the site. Moreover, the size of the space is comparable to similar spaces in the vicinity so complies with Policy H10.

55. It would also comply with the design and heritage protection aims of the National Planning Policy Framework (Framework).
56. While other issues relating to the location of bin storage has been raised, this was not in the context of character and appearance, so Policy CC5 weighs neither for nor against the scheme for this main issue. Policy CC8 relates to the living environment for occupiers, and this is also not directly relevant to this main issue.

Other Matters

57. The scheme at No 34-38 was of a different design, scale and number of units. It also included enclosed bin storage, has a different relationship with nearby properties and windows, some mix of unit sizes and included a mechanism to secure affordable housing if this was viable. The Eaton Place proposal was also for a different number of units, arrangement and in a different location with several different main issues to the appeal before me. Therefore, they are materially different to the appeal scheme.
58. Although the Council are able to demonstrate a 5-year supply of housing land, this is not an upper limit. The proposal would contribute to housing supply in the area. 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. 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.
59. Given the scale of the scheme, the weight to the above benefits would be small. Although I did not find harm from some of the main issues, the harm to the living conditions of existing and lack of appropriate conditions for future occupiers attracts significant weight as does affordable housing provision. Harm arising from a lack of housing mix and transport options would be moderate.

Conclusion

60. 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.
61. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR