
Appeal Decision

Site visit made on 19 September 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/E0345/W/24/3342234
194 Waverley Road, Reading RG30 2QG

- 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 Hamish Nugent against the decision of Reading Borough Council.
 - The application Ref is 231578.
 - The development proposed is demolition of an existing detached garage and replacement with new 2 bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council indicates that matters relating to the third reason for refusal concerning living conditions have been resolved. Consequently, this reason for refusal does not need to be addressed in the appeal decision.

Main Issues

3. The main issues are:
 - whether the proposal would provide adequate amenity space for the two dwellings and an adequate number of bedrooms for the proposed dwelling;
 - the effect on the character and appearance of the appeal site and the surrounding area;
 - the effect on trees and biodiversity; and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

4. No 194 is a two storey detached dwelling within a residential road of mixed dwelling types, predominantly semi-detached and terraced dwellings. The surrounding area is residential in character.

Amenity space and number of bedrooms

5. Policy H10 of the Reading Borough Local Plan (2019) (the LP) concerns the provision of outdoor space for dwellings, including private gardens. It requires that dwellings will be provided with functional private or communal open space. The

supporting text expands on this by stating that useable private outdoor space for dwellings should be no less than the gross floor area of the dwelling to which it relates. Policy H11, concerning the development of residential gardens, requires that the site is of adequate size and dimensions to accommodate the development, including in terms of amenity space.

6. Given the large corner plot, No 194's existing garden clearly meets the size requirements of Policy H10. Despite the appellant's contention that the policy requires an assessment of the footprint of the dwelling, it clearly refers to the floor area of the dwelling. The Council indicates that No 194 has a floor area of 128m², while the proposed development would reduce the garden area to approximately 90m². While the configuration of the garden would reflect those of neighbouring dwellings on the same side of Waverley Road, it would be materially smaller.
7. The floor area of the proposed dwelling would be just under 105m², while the garden area would be around 90m². While this shortfall is not significant, the layout and configuration of the garden would not reflect the characteristics of existing gardens. In particular, the garden area would be fragmented with two small areas to the side and rear, and a narrow section between the rear boundary and corner of the dwelling. Despite the site being a corner plot and the policy acknowledging that amenity space does not need to be provided only in the form a back garden, this would result in an awkward and contrived amenity area that would reflect the constraints of the site in accommodating the proposed development.
8. The appellant contends that this approach to amenity space is not consistent with other, larger developments in the surrounding area. However, while I note the concerns raised, I am unaware of the specific policy considerations related to these developments and, therefore, cannot make a direct comparison. As such, I have considered the proposal on its individual merits against the relevant development plan policies referred to in this case.
9. Policy H11 states that in developing residential gardens, the emphasis is on the provision of family-sized housing. Policy H2 of the LP, concerning density and mix of housing, says that wherever possible, residential development should contribute towards meeting the needs for the mix of housing set out in the supporting text, in particular for family homes of three or more bedrooms. As a substantial amount of the housing need will be met in the town centre, this places a particular onus on sites outside centres to meet the need for family homes.
10. The proposed dwelling would have two bedrooms, but I note in this regard that there is a substantive need for this size of dwelling as well as for three bedroom homes. Policy H2 includes a degree of flexibility in recognising that, whilst there is a particular need for family homes, wherever possible dwellings should contribute to the area's housing needs. The proposed dwelling would do so and, for this reason, there is no reasonable basis to conclude that there would be material harm because the site cannot accommodate a larger dwelling.
11. Nonetheless, for the reasons given, I conclude that the proposal would result in overdevelopment and so unacceptable harm due to the inadequacy of the amenity space for the existing and proposed dwellings. Consequently, the proposal is contrary in this regard to Policies H10 and H11 of the LP, as described. There is

no such harm or conflict with Policies H2 and H11 of the LP with regard to the number of bedrooms for the proposed dwelling.

Character and appearance

12. Policy CC7 of the LP requires all development to be of high design quality that maintains and enhances the area of Reading in which it is located.
13. The surrounding area comprises predominantly semi-detached and terraced dwellings, with few detached properties as proposed here. The established dwellings are laid out in a uniform manner with regular spaces between pairs of dwellings and the ends of terraces.
14. It has been found above that the garden of the proposed dwelling would be fragmented, resulting in an awkward and contrived amenity area. Furthermore, the layout and configuration of the garden would be uncharacteristic of the layout of gardens within the surrounding area. The position of the southern corner of the new dwelling would be particularly close to the side elevation of No 194 due to its proximity to the shared boundary. Seen from the road frontage and dwellings opposite this would give a cramped appearance to the relationship between No 194 and the new dwelling. As such, the appeal site would be overdeveloped compared to the layout of the established dwellings.
15. The proposed dwelling on a corner plot would be in a prominent location and its relationship with the host dwelling and neighbouring dwellings would be highly visible from the public realm and properties opposite. From these views the incongruous and uncharacteristic layout and appearance of the new dwelling and its garden would be readily apparent.
16. Therefore, based on these findings, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the appeal site and the surrounding area. It is, therefore, contrary to Policy CC7 of the LP, as described.

Trees and biodiversity

17. Policy EN14 of the LP requires that new development shall make provision for tree retention and planting within the application site, particularly on the street frontage.
18. The appeal site has a number of small trees along the front boundary, which are shown as being retained in accordance with the policy. However, given the constraints of the site as already found, the proposed dwelling and hardstanding would be located close to the boundary and the location of the trees. In the absence of a tree survey and impact assessment it is not possible to conclude that the trees could be retained as proposed.
19. Policy EN12 of the LP concerns biodiversity and requires that on all sites development should not result in a net loss of biodiversity and should produce a net gain for biodiversity wherever possible. In the absence of any apparent assessment of the existing biodiversity on site and proposed mitigation measures, if necessary to ensure that there is no net loss, it is not possible to determine that these policy requirements would be met.

20. Accordingly, for these reasons, I must conclude that the proposal is contrary to Policies EN12 and EN14 as it has not been adequately demonstrated that the proposal will not have a harmful effect on trees and biodiversity on the appeal site.

Affordable housing

21. Policy H3 of the LP requires the proposal to contribute to off-site affordable housing, in accordance with the evidence of exceptional need for such housing. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the statutory tests in accordance with regulations. I note that the appellant does not appear to dispute the requirement to make such a contribution, but a planning obligation has not been provided.
22. Given the conclusions on the other main issues this issue is not determinative for the appeal. Nonetheless, in the absence of the requisite contribution to affordable housing, I must conclude that the proposal is contrary to Policy H3 of the LP.

Other Matters

23. I have had regard to the representations made by interested parties, which as well as raising matters addressed under the main issues, also concern the effect of the proposal on neighbouring occupiers' living conditions.
24. I accept that concerns about overlooking and possible privacy issues between the new dwelling and No 194 could be addressed by conditions, if necessary. However, due to the proximity of the proposed dwelling to the boundary shared with No 194 and the layout proposed, the new two storey dwelling would be seen as an overbearing and dominant presence from the nearest parts of No 194's garden. Consequently, the proposal would result in material harm in this regard to the living conditions of current and future occupiers of No 194.
25. There would be greater separation from No 196 and the rear building line of the new dwelling would be similar to that of this neighbouring property. As such, there would be no adverse effects on the occupiers of No 196. Similarly, there would be no harmful effects on the living conditions of occupiers of No 130 St Georges Road opposite. This property is well-separated from the appeal site by the road. There is no basis to find that there would be undue noise and disturbance from the domestic occupation and use of the proposed dwelling.
26. I acknowledge that the appellant may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

27. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR