



Appeal Decision

Site visit made on 12 March 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/E0345/W/24/3353393

2 Conisboro Way, Caversham, Reading RG4 7HT

- 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 Mark and Sapna Odlin against the decision of Reading Borough Council.
- The application Ref is 231590.
- The development proposed is demolition of existing dwelling house and construction of replacement dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the biodiversity within the site;
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of neighbouring occupants on Hilltop Road and Carlton Road with regard to privacy.

Reasons

Biodiversity

4. The proposed development would replace the existing bungalow, 2 Conisboro Way (No 2), with a two storey dwellinghouse and ancillary annexe. No 2 is currently in a significant state of disrepair. The appeal site is somewhat overgrown and has a relatively high number of trees, three of which have Tree Preservation Orders. The appellant has previously cleared some of the land.
5. Policy EN12 of the Reading Borough Local Plan 2019 (RBLP) requires no net loss on all development sites. The appellant considers that Policy EN12 is not relevant to the appeal scheme. However, the application was validated by the Council in

November 2023. Mandatory BNG was introduced for small sites in April 2024 and consequently, the proposed development is subject to Policy EN12. Therefore, although the appeal scheme would qualify for a Biodiversity Net Gain (BNG) exemption given it is a small site and self-build under the mandatory BNG requirement outlined in the Environment Act 2021, it is still required to provide no net loss according to local policy. The Policy does also state that a net gain should be provided wherever possible, consequently whilst a net gain should be provided, it is not a mandatory requirement.

6. Planning Practice Guidance states that it is inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy. I have identified above that Policy EN12 requires no net loss rather than a mandatory net gain. Consequently, it does not conflict with the Framework and the exemptions to mandatory BNG.
7. The Council dispute the validity of the BNG calculations contained within the Biodiversity Impact Calculation (BIC) report dated 28 March 2024 given that eight trees would be removed for the development and have not been included. Nevertheless, it finds that the appeal scheme would result in a net loss of biodiversity. Policy EN12 of the RBLP outlines the hierarchy of action following a biodiversity net loss. It establishes that in exceptional circumstances where the need for the development clearly outweighs the need to protect the value of the site and it has demonstrated that the impacts cannot be avoided, mitigated or compensated for on-site, then off-site compensation shall be calculated.
8. Whilst the BIC report states that the appellant has agreed to commit to purchasing offsite credits, I find that they have not adequately demonstrated that the need for the development clearly outweighs the need to protect the value of the site. Nevertheless, even if this was the case, there is limited evidence before me to demonstrate that the appellant cannot avoid, mitigate or compensate on-site for the net loss in biodiversity.
9. Given the above, the appeal scheme would result in an unacceptable loss of biodiversity. Therefore, it would conflict with Policy EN12 of the RBLP insofar as it seeks to ensure development does not result in a net loss of biodiversity.

Character and Appearance

10. The site is accessed via a private road from Geoffreyson Road. The surrounding area is characterised predominantly by detached and semi-detached dwellings apart from 1 Conisboro Way which is a white render bungalow. The plot is relatively large when compared to the other residential plots adjacent to the appeal site.
11. The built form in the surrounding area is generally consistent in character in terms of both the material palette and roof design for example. The appeal scheme would introduce a relatively large dwelling in comparison to the neighbouring dwellings and as such it could appear incongruous. However, given that the appeal site is on a larger plot than the nearby residential plots and incorporates a flat roof design, it would not be unreasonable for the development to be larger. Consequently, the relative space for vegetation and replacement planting would be

adequate given the overall size of the plot. Furthermore, the Council state that the proposed style of development is not considered unacceptable.

12. Interested parties have raised concerns regarding the Garden Room (Annexe) stating that it would be excessively large and result in an overly dominant built form which would harm the character and appearance of the surrounding area. They have also referenced an application at The Old Rectory in Bedford¹ in relation to a development resulting in an unacceptable overbearing impact on adjoining residential occupiers. I do not have the details of the application before me and therefore cannot be certain that it is wholly comparable to the appeal scheme before me. Nevertheless, the Council do not consider it to harm the character and appearance of the surrounding area and given that it would be set back from the boundary, I find no reason to disagree.
13. Concerns regarding the design of the main dwelling have also been raised, referencing the relationship of the appeal scheme to nearby properties. I have identified above that the scale is acceptable given the size of the plot. Moreover, the Council did not raise concerns regarding the modern design of the appeal scheme and I find no reason to disagree. Each application is determined on its own merits and therefore the number of objections to previous applications on the grounds of design are not a significant planning consideration in this case.
14. The set back of the proposed development in the plot has also been raised by interested parties who have concerns that this would further exacerbate its dominance. The Council has not indicated concerns regarding the proposed development and the building line of Conisboro Way. Given the location of the plot, it is somewhat isolated from other dwellings on Conisboro Way. Consequently, I find that the set back would not harm the surrounding character of the area.
15. Given the above, the appeal scheme would not result in significant harm to the character and appearance of the surrounding area. It would therefore comply with Policy CC7 of the RBLP insofar as it seeks to ensure development is of high design quality and would maintain and enhance the character and appearance in which it is located.

Living Conditions

16. The appeal scheme would be cited on a plot that is surrounded by other dwellings. The Council has indicated concerns regarding the perception of overlooking and loss of privacy as a result of the appeal scheme upon the living conditions of the occupants of dwellings located on Hilltop Road and Carlton Road. This is because the proposed development would incorporate large windows and transparent doors on both the ground and first floor rear elevations.
17. The introduction of a two-storey dwelling on a plot with an existing bungalow would not result in a significant change in the built form of the area given the existing relationship between the appeal site and the adjacent dwelling houses. Consequently, the appeal scheme would not result in a perceived loss of privacy for the aforementioned dwellings.
18. Moreover, Policy CC8 of the Reading Borough Local Plan 2019 (RBLP) does not refer to a perception of loss of privacy. It instead states that a distance of 20

¹ Planning Application Ref: CB/22/00805/FULL

metres between dwellings is usually appropriate, although the context of individual sites may enable dwellings to be closer. Whilst interested parties have highlighted that certain distances would be below 20 metres, these would not be unreasonable given the location of the plot in relation to existing dwellings. Therefore, given that the Council acknowledge that the appeal scheme would largely achieve the required separation distances, the Council has not adequately demonstrated that the appeal scheme would result in significant harm to the living conditions of neighbouring occupants in this respect.

19. An interested party has referred to the possible effect of the proposed development upon their health and wellbeing due to the perception of overlooking. Given that I have limited substantive evidence before me to demonstrate the extent of the impact upon their health and wellbeing, I have attached limited weight to this matter in my determination of this appeal.
20. I have identified above that the introduction of a two-storey dwelling would result in a change in the built form of the area as well as the relationship of the plot with neighbouring properties. The Council has not highlighted outlook as a putative reason for refusal. Nevertheless, there is limited evidence before me to demonstrate that the set back of the appeal scheme within the plot would result in unacceptable harm to the living conditions of neighbouring properties regarding outlook.
21. Furthermore, interested parties have raised concerns regarding a loss of daylight and sunlight. Whilst this has not been identified as a reason for refusal by the Council, given the distance of the appeal scheme from neighbouring dwellings, there is limited evidence to suggest that there would be an unacceptable impact upon daylight and sunlight enjoyed by the habitable rooms in these dwellings. Another concern has been the diffusion of light due to the large size of the fenestration. The Council has not raised this as a concern and there is limited evidence to suggest that the glazed windows and doors would cause an unacceptable level of light to diffuse into neighbouring gardens and dwellings.
22. Concerns have been raised regarding noise and disturbance from the use of the proposed annexe should it at a later date be used as living accommodation. The Council has not raised concerns regarding noise and disturbance and furthermore, there is limited evidence before me to suggest that the annexe would be used as living accommodation. I have determined this appeal on the evidence before me.
23. Therefore, given all of the above, the appeal scheme would comply with Policy CC8 of the RBLP insofar as it seeks to safeguard the amenity of existing residential properties with regard to privacy and overlooking.

Other Matters

24. Interested parties have raised concerns regarding the effect of the proposed development upon protected species, specifically bats. Given the findings in the bat emergence survey dated August 2022, and in the absence of significant evidence that protected species are likely to be affected by the proposal, further information in this respect would not be necessary.

Planning Balance and Conclusion

25. I have identified above that the appeal scheme would not result in significant harm to the living conditions of neighbouring occupants or to the character and appearance of the surrounding area. Nevertheless, for the reasons given above regarding biodiversity, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR