



Appeal Decision

Site visit made on 23 April 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/E0345/W/24/3356573

19 Ogmore Close, Tilehurst, Reading RG30 4SX

- 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 Karn Herbert against the decision of Reading Borough Council.
- The application Ref is 240660.
- The development proposed is erection of a 2 storey 3 bedroom dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the development on Blundells Copse;
 - whether there is a suitable mechanism to secure affordable housing;
 - whether the development provides biodiversity net gain (BNG);
 - the effect of the proposed development on the living conditions of the occupiers of 19 and 21 Ogmore Close, with particular regard to loss of privacy to properties and the external garden areas; and
 - whether the proposed development would provide acceptable living conditions for the future occupants of the property, with particular regard to overlooking of the external garden area.

Reasons

Character and appearance

3. 19 Ogmore Close (No. 19) is the end property of a short group of houses. Its garden wraps around the rear and side of the property and sits to the side of 21 Ogmore Close (No. 21), which is perpendicular to No.19. The appeal site comprises part of the side and rear garden and would wrap around the area to the rear of No. 19. It is currently laid to lawn and enclosed to the rear and side with close boarded fencing and a brick wall to the front. It is open to the rest of the garden of No. 19.
4. There is an established woodland, Blundells Copse, to the rear of the site, and I saw that the trees within the woodland are close to, and overhang, the rear fence. The woodland contributes significantly to local green infrastructure. The gap

between the dwellings provides views of the woodland from Ogmores Close and this gap currently contributes positively to the character of the street by providing visual relief from the built development.

5. The houses on Ogmores Close are all of similar design and materials and display a relatively consistent architectural style. They are set in groups and short terraces. No. 19 is the end of a group of three pairs which have staggered frontages and heights to respond to the shape and slope of the road. No. 19 has a larger plot size than the surrounding houses as it is the end unit where the road turns. Nevertheless, the layout, design, and scale of the houses on Ogmores Road are all very similar, designed as an estate with set building lines and design features which contribute to creating a pleasant and consistent appearance.
6. The proposed dwelling would be detached and positioned behind the building line of 17 and 19 Ogmores Close. Although the proposal would have a similar set back to the other pairs of houses in the group, it would be detached and would not follow the line of the road. The proposal would, therefore, not have a road frontage and would be out of keeping with the estate design and layout and, consequently, appear contrived. Even though the proposed dwelling is of a similar size to the other houses on the street, the design and appearance, which include different materials and window layouts, would also visually conflict with the surrounding house designs.
7. Although set back from the road, the development would be prominent and visually harmful in views from the entrance into Ogmores Close as it would not be read as part of the existing street scene. It would also close most of the existing gap and restrict views of Blundells Copse. The proposed landscaping, which is limited in detail, would not mitigate this visual harm.
8. The proposal would include two tandem parking spaces for each unit. This would provide an appropriate level of parking and would be similar to other houses on the street. Although the positioning of the parking would visually enclose the new dwelling with cars and hardstanding, leaving very little space for planting, there are other instances of completely hard surfaced frontages on Ogmores Close. I also saw other parking positioned to the side of dwellings. The extent of the hard surfacing and the car parking, albeit greater than other drives, would not be significantly harmful to the street scene.
9. Nonetheless, for the above reasons, I find that the development would adversely affect the character and appearance of the area, contrary to the requirements of Policies H11 and CC7 of the Reading Borough Local Plan, adopted November 2019 (the LP) which, taken together, require development of gardens to make a positive contribution to the character of the area through, amongst other matters, the relationship of the buildings, building lines, materials and elevational details, arrangement of doors, windows and other principal architectural features and the rhythm between buildings, requires all development to maintain and enhance the character and appearance of the area of Reading in which it is located, respond positively to local context and create or reinforce local character and distinctiveness.

Trees

10. As noted above the appeal site is bordered by Blundells Copse. I accept, from the evidence before me, that the Copse is not defined as an Ancient Woodland in

Natural England's Ancient Woodland Inventory (AWI) or shown as such on the Council's mapping system.

11. Nevertheless, the Natural England and Forestry Commission standing advice notes that the guidance should be used for all ancient woodlands and ancient and veteran trees whether they are on the inventories or not. It advises that new data can be added to the AWI at any time and that a review of the AWI is ongoing. Annex 2 of the National Planning Policy Framework (the Framework) defines an ancient woodland as "An area that has been wooded continuously since at least 1600 AD". It does not require a woodland to be included in the AWI to be considered as an ancient woodland. Consequently, that it is not currently in the inventory would not automatically mean it is not an ancient woodland.
12. The Council's evidence, which references the Natural England Handbook for Updating the Ancient Woodland Inventory for England, includes details of the designation of Blundells Copse as a Local Nature Reserve and Local Wildlife Site both describing it as ancient woodland, a local walking leaflet advising that the Copse is the remnant of ancient woodland, details of the number of ancient woodland indicator species found in a 2006 survey, and that it has been continuously wooded for as long as mapping records exist.
13. The appellant has not provided any credible evidence to the contrary. Although it is not for me, within this appeal, to determine whether Blundells Copse is an Ancient Woodland or not, from the evidence before me the Copse has several indicators of being an ancient woodland. To minimise the effect on such areas Natural England advises that a buffer zone of at least 15 metres should be provided from the boundary of the woodland.
14. Although the proposed dwelling would be outside the root protection areas and canopy spread of the nearest trees, as detailed in the appellant's Arboricultural Report, the house and driveway would be within the 15 metre buffer zone. The development would, therefore, increase built development near the woodland, increase the potential for light spillage and noise pollution, potentially introduce non-native species and remove semi-natural habitat. The development would also increase the risk of the nearest trees being cut back or pressure to fell the trees given their proximity and overhanging of the proposed garden area.
15. The trees in the woodland have grown to be closer to the existing houses on Ogmores Close. However, I have no compelling evidence that the houses were built within 15 metres of the Copse. Whereas the appeal proposal would be built close to the canopy and root areas of the existing trees.
16. Even if I were to accept that Blundells Copse is not an ancient woodland, the proposal would be a new building close to the trees along this edge and filling in the gap which currently provides views from Ogmores Close to the woodland. The Copse is, in any event, a Priority Habitat due to being lowland mixed deciduous woodland and wet woodland and an area designated as local green space. The position of the proposed dwelling would both harm the views towards the woodland and also, due to its proximity, likely harm the habitat and fauna within the woodland through increased noise and light. This would reduce the quality of the local green space.
17. The appellant contends that the proposed landscaping, boundary planting and boundary fence would buffer the development from the woodland. However, there

is no indication of any additional planting provided on the plans. Although this could be sought through an appropriately worded condition, the provision of additional planting would not mitigate the harm that would arise from building a new dwelling so close to the established woodland.

18. For the above reasons, irrespective of whether Blundells Copse is an Ancient Woodland or not, I find that the development would adversely affect Blundells Copse contrary to the requirements of Policies EN7, EN12, EN14 and EN16 of the LP. Collectively these policies seek to protect Local Green Spaces, resist development that erodes Local Green Space quality through insensitive adjacent development, maintain, protect, consolidate, extend and enhance the Green Network, resist development that negatively affects sites with identified interest, ensure that development is designed to maximise the opportunities for enhancing the network, ensure development would not result in a net loss of biodiversity and geodiversity, protect and, wherever possible, enhance features, incorporate and integrate them into development proposals, protect individual trees, groups of trees, hedges and woodlands where they are of importance, and resist development that would be damaging to the environment and sensitive receptors.

Affordable housing

19. Policy H3 of the LP seeks to secure appropriate contributions towards affordable housing on all housing development. On sites of one to four dwellings Policy H3 requires a financial contribution to be made that would enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.
20. The LP was adopted in 2019, after the changes to the Framework relating to the scale of development for which affordable housing contributions are required. Policy H3 was justified on the basis of the affordable housing need in Reading, and I have no compelling evidence that Policy H3 of the LP should not be given full weight.
21. Although the appellant has suggested that a Unilateral Undertaking was being prepared, I have only been provided with a draft of the document and the Council has raised concerns with its execution. I do not have a completed and signed copy and, therefore, there is no appropriate means to secure a contribution towards affordable housing. For these reasons, the proposal fails to comply with Policies H3 and CC9 of the LP which require residential development to make an appropriate contribution towards affordable housing and secure infrastructure through direct provision or financial contributions.

BNG

22. The appeal proposal advises that the development would lead to a net loss of biodiversity. This would, therefore, be contrary to Policy EN12 of the LP which seeks to ensure that development would not result in net loss of biodiversity and should, wherever possible, provide a net gain. However, the Council has accepted that the requirement in Policy EN12 is, in part, superseded by the more recent national requirements for BNG set out in the Environment Act 2021.
23. The appellant has provided the information required as part of the submission of a planning application. The Biodiversity Net Gain Assessment (Arbtech, dated 13/05/2024), which is supported by a BNG Metric Calculation, details the baseline

habitat value and the area-based unit score that would need to be achieved to comply with the requirement for 10% BNG. The Assessment also advises that there is limited scope on site and that the provision of 10% BNG may not be possible on the site. The purchase of credits for off-site mitigation is referred to.

24. The Environment Act requires developers to provide quantified evidence of at least a 10% net gain in biodiversity prior to the discharge of a pre-commencement condition that secures the biodiversity gain objective. The general biodiversity gain condition has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). The condition is deemed to apply to every planning permission granted for the development of land in England unless exemptions or transitional provisions apply. It is, therefore, not necessary to impose the condition on the planning decision. It is also not necessary for the development to prove that 10% BNG would be secured, as this is required by the condition.
25. Whether the 10% BNG is secured on-site, off-site or through the purchase of credits is also a matter for post-planning decision. Although on-site provision of BNG is the preferred option I accept that the appeal site would have limited opportunities to provide sufficient BNG enhancements to meet the requirements of the Environment Act, or Policy EN12. Nevertheless, the appellant acknowledges that a BNG Management Plan must be produced for the site and that, if they are not able to achieve 10% BNG on the site, that they would be required to contribute to off-site BNG.
26. For the above reasons, given the separate statutory requirement for 10% BNG, the development would provide biodiversity net gain and would, therefore, comply with Policies EN12 and H11 of the LP which, taken together, seek to ensure that development would not result in a net loss of biodiversity and should provide a net gain for biodiversity, wherever possible, and seeks to ensure that development would not have an adverse impact on biodiversity in terms of the fragmentation of blocks of gardens.

Living conditions of neighbouring properties

27. The appeal site lies between No. 19 and No. 21 both of which have blank gables facing towards the site and windows in the ground and first floor front and rear elevations. The appeal proposal is for development to the side of existing dwellings and there would not be any back-to-back relationships. As such I find that back-to-back separation distances are not wholly relevant.
28. The appeal proposal would be sited with its front elevation facing towards No. 21. However, the proposal has been designed with only a non-habitable, bathroom, window at first floor. Consequently, there would not be any overlooking of the existing windows or garden of No. 21 from the front of the proposed dwelling.
29. The scheme proposes habitable windows in the side elevation, which would face towards the woodland. There would be a perception of overlooking of the garden of No. 21 from these first floor bedroom windows. Nevertheless, the position of the proposed dwelling is set far enough back into the site and the views from these windows would be at an angle. This would ensure that any overlooking of the garden is minimised and there would continue to be an area nearest to the rear of No. 21 that remains private. Furthermore, the garden of No. 21 is already overlooked by the windows in the other adjoining property.

30. The proposed windows in the rear elevation would face over the garden of the proposed unit and also over the end of the retained section of garden of No. 19. This would also result in some degree of perception of overlooking of the garden. However, this would only be of the very end of the garden retained with No. 19 and, as with No. 21, this garden is already overlooked by the adjoining neighbour on the opposite side.
31. For these reasons, I find that the proposal would not result in unacceptable adverse effects on the living conditions of the occupiers of 19 and 21 Ogmores Close, with particular regard to loss of privacy to properties and the external garden areas. It would, therefore, comply with the relevant parts of Policies CC8 and H11 of the LP which seek to ensure that development would not cause a detrimental impact on the living environment of existing residential properties in terms of, amongst other matters, privacy and overlooking, and ensure that all development does not cause a significant detrimental impact to the amenity of adjacent and nearby occupants.

Living conditions of future occupants

32. The proposed side garden would be visible from the windows in the rear elevation of No. 21 and the rear garden of the proposed dwelling would be visible from the windows in the rear elevation of No. 19.
33. Nonetheless, the proposed position of the dwelling, set back into the site, albeit harmful to the character of the area and the woodland, would restrict views from the windows in the existing neighbouring properties. The views from No. 21 would be predominately towards the cycle store and views from No. 19 would be of the section of the proposed garden which wraps around the rear of the retained garden. The layout of the proposal would ensure that there is an area of garden, to the rear of the proposed dwelling, which is not unacceptably overlooked by the neighbouring properties.
34. Consequently, I find that the proposed development would provide acceptable living conditions for the future occupants of the property, with particular regard to overlooking of the external garden area. It would, therefore, comply with the relevant parts of Policies CC8 and H11 which seek to ensure that development would not cause unacceptable living conditions for new residential properties.

Other Matters

35. The appellant has suggested, in their Statement of Case, that further refinement and minor modifications could overcome the design and layout issues. However, I do not have any such amendments before me and any such changes would amount to a materially different scheme which would need to be consulted on to ensure procedural fairness.

Conclusion

36. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR