



Appeal Decision

Site visit made on 8 May 2025

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/E0345/W/24/3354019

98 Conisboro Avenue, Caversham, Reading RG4 7JF

- 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 R Smith against the decision of Reading Borough Council.
 - The application Ref is 240054.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal the appellant has submitted a set of amended plans (3902-201G; 3902-202G; 3902-203G; 3902-204F and 3902-205F). These include the enlargement of the window for 'Bedroom 1'.
3. The amended plans are intended to address the Council's third reason for refusal but do not alter the overall nature of the proposal for a new dwelling. Therefore, I have accepted these in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.
4. In reaching my decision, I have considered the revised version of the National Planning Policy Framework that was published in December 2024 as amended ('the Framework') but this does not alter my findings on the main issues.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbours;
 - Whether the proposal would provide an acceptable quality of accommodation;
 - The effect of the proposal on trees and biodiversity; and
 - Whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

6. Conisboro Avenue, generally features detached dwellings in a range of sizes and designs. Most notably, the built forms associated with these dwellings are accommodated in landscaped and generous plots which give the area a spacious and verdant character and appearance.

7. The appeal site comprises part of the side and rear garden of 98 Conisboro Avenue ('the host property'). This is a detached dwelling which occupies a substantial and landscaped plot. As such, this positively contributes towards the character and appearance of the area. The extent of which is mainly apparent from neighbouring properties and in views from along Conisboro Avenue.
8. Although Policy H11 of the Reading Borough Local Plan 2019 ('LP') supports the redevelopment of residential plots, subject to a number of criteria, this Policy does not allow tandem development. Nonetheless, there are examples of tandem developments nearby. Whilst these developments pre-date the current development plan and appear to incorporate larger plots, they still inform the character and appearance of the immediate area surrounding the appeal site. Consequently, in this case, I am unpersuaded that the introduction of a tandem development is in itself a reason to dismiss the appeal.
9. The access to the proposed dwelling would be logical, as this makes use of an existing driveway. Some new boundary treatments are to be introduced. However, these would be softened by existing and proposed landscaping.
10. Whilst the proposed dwelling incorporates two floors, the upper level is accommodated in its roof form, which helps to limit its overall height, which would be lower in height than the host property and comparable to others nearby. Also, the amenity area proposed for this dwelling would be of a sufficient size to accommodate a shed for storage, seating and drying out areas, along with enough space for leisure activities commensurate with a family dwelling.
11. Notwithstanding the above, the proposed dwelling incorporates a generous footprint and hard surfacing to accommodate its access, turning areas and terrace. Most notably, in part, the new dwelling would be particularly close to its eastern and southern boundaries. Overall, the extent of the proposed development would dominate its plot, resulting in an erosive and detrimental effect on the verdant and spacious character of the site and area.
12. Moreover, based on my findings in respect of some of the other main issues, namely the effect of the proposal on the living conditions of neighbours, trees and biodiversity, the appeal site is not of an adequate size to accommodate the scale of development proposed, in terms of the setting, spacing around buildings and safeguarding landscaping and enhancing biodiversity. Therefore, the proposed scheme is contrived and does not represent high design quality.
13. Accordingly, the proposal would be harmful to the character and appearance of the area and conflicts with the overarching aim of LP Policy H11, which supports proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens, where the proposal makes a positive contribution to the character of the area. Therefore, the proposal also fails to accord with LP Policy CC7, which says that all development must be of high design quality that maintains and enhances the character and appearance of the area.

Living conditions of neighbours

14. Although some third parties have made reference to spacing standards, the full details in respect of these are not before me. Additionally, the Council has not specifically drawn my attention to any adopted space standards with respect to

neighbouring dwellings. Therefore, this is largely a matter of judgement for the decision maker. Broadly to the south of the appeal site is Morecambe Avenue, which incorporates a number of semi-detached dwellings with relatively deep rear gardens. A number of these properties back onto the appeal site.

15. The proposal would introduce a new dwelling along the rear of some of the properties along Morecambe Avenue. Notwithstanding this, generous separation distances would be achieved between the front elevation of the proposed dwelling and the rear elevations of the dwellings along Morecambe Avenue. These, together with the intervening boundary treatments and planting, would in part, screen and mitigate the visibility of the new dwelling from those in Morecambe Avenue, including their associated rear gardens. As such, this arrangement would be acceptable.
16. However, to the rear of the appeal site is 169 Kidmore Road ('No. 169'). This property incorporates a relatively wide but shallow rear garden. The proposed dwelling would span along a considerable part of the rear boundary of No.169. Most notably, the integral garage to the new dwelling would be particularly close to this boundary. Overall, this extent of development, despite its considered scale, would appear particularly dominant in views from No 169 and its rear garden and would also introduce a substantial degree of enclosure adjacent to it. Therefore, the proposed layout arrangement would result in a significant adverse visual impact on the outlook from No. 169. In particular, when the leaf cover associated with the intervening landscaping would be reduced. Whilst some new landscaping is proposed along this boundary, this is likely to take considerable time to establish.
17. As such, the proposal would harm the living conditions of the occupiers of No.169 and fails to accord with LP Policy CC8, which seeks to ensure that development does not cause a detrimental impact on the living environment of existing neighbours, in terms of visual dominance and overbearing effects and harm to outlook.

Living conditions of occupiers

18. The proposed 'Bedroom 1' would be located on the ground floor and in close proximity of the eastern boundary of the appeal site, which incorporates landscaping and fencing. Despite this, the amended scheme shows that this bedroom would be served by a large corner window, which would allow this room to receive sufficient natural light commensurate with its principal purpose. This window would also provide a dual aspect, which would offer a satisfactory outlook from Bedroom 1.
19. Consequently, the quality of Bedroom 1 with regard to access to daylight and outlook, would be acceptable and this along with the overall quality of the proposed accommodation, would provide acceptable living conditions for the occupiers of this property. Therefore, the proposal accords with Policy CC8 of the LP, which amongst other things seeks to ensure that development does not result in unacceptable living conditions in new residential properties, in terms of access to sunlight, daylight, and outlook.

Trees and biodiversity

20. The saplings within the garden of No 169, are not identified in the Arboricultural Impact Assessment ('AIA'). Nevertheless, I am satisfied that the Council's suggested condition, which requires the submission of an Arboricultural Method Statement and Tree Protection Plan could deal with this matter and secure any necessary protection measures, should this appeal succeed.
21. The privet hedge along the eastern boundary of the appeal site is identified in the AIA and is to be removed. Although this hedge was assessed as being of low quality, this is an attractive and prominent feature of the appeal site, which provides some screening between gardens and is likely to have some biodiversity value. This is therefore of some importance. As such, the loss of this hedge conflicts with LP Policy EN14, which says that individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance.
22. LP Policy EN12, requires that on all sites, development should not result in a net loss of biodiversity and geodiversity and should provide a net gain for biodiversity wherever possible. In particular, and in exceptional circumstances, where the need for development clearly outweighs the need to protect the value of the site, this Policy does allow the on-site loss of biodiversity where this meets a hierarchy for managing biodiversity impacts. Accordingly, schemes need to demonstrate that such impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is "no net loss" of biodiversity.
23. The appeal submission is accompanied by a revised Biodiversity Net Gain Matrix, which confirms that the proposal would result in the loss of about 0.17 biodiversity units. During the appeal, the appellant has reserved 0.17 biodiversity units off-site at a Habitat Bank. Irrespective of this, on the submissions before me, there appear to be no exceptional circumstances for supporting the on-site loss of biodiversity value. Also, the hierarchy for managing biodiversity impacts has not been clearly demonstrated. As such, the proposal conflicts with the overarching aim of LP Policy EN14 for managing the net loss of biodiversity on-site.

Affordable housing

24. In order to support appropriate provision of affordable housing in the Borough, Policy H3 of the LP requires that, on sites of 1 – 4 dwellings, a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.
25. The amount of the affordable housing contribution is detailed in the Council's submissions. The signed and dated legal agreement, includes an obligation for a financial contribution towards affordable housing provision in accordance with the Council's requirements.
26. Therefore, the proposal would make sufficient provision towards affordable housing and accords with LP Policy H3. The proposal is also consistent with LP Policy CC9, which says that proposals for development will not be permitted unless necessary infrastructure is provided through direct provision or financial contributions.

27. Accordingly, the affordable housing contribution is directly related to the development, fairly and reasonably related in scale and kind to the development and therefore complies with the tests set out in the Framework, the advice in the Planning Practice Guidance and with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Other matters

28. The appellant asserts that under the provisions of permitted development rights a substantial outbuilding could be erected at the appeal site. Based on the conditions and limitations for the relevant provisions, it is likely that any such outbuilding would be lower in height relative to the proposed dwelling. Accordingly, such a fallback attracts limited weight.
29. The appellant's submissions advise that given the self-built character of the proposed development (in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015) and its classification as a small site (no more than 0.5 hectares, as per the Town and Country Planning (Development Management Procedure) (England) Order 2015, the application is exempt from providing a Biodiversity Net Gain Statement. Because no legal agreement has been provided to ensure that the proposed dwelling would be a self-build and/or custom dwelling, I cannot be certain that this is a form of development which is exempt from the statutory Biodiversity Net Gain requirements. Nevertheless, as I am dismissing this appeal for other reasons, it is not necessary for me to consider this matter further.
30. I also note that the proposed scheme was amended during the course of the application. Even so, I have found this to be unacceptable for the reasons set out above.

Conclusion

31. I have found that the proposal would provide an acceptable quality of accommodation for its occupiers and makes appropriate provision for affordable housing. On the other hand, the proposal would fail to enhance the character of the area, harms the living conditions of neighbours and fails to meet the Council's requirements for managing on-site biodiversity impacts and safeguarding hedges. For these reasons, and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR