



Appeal Decision

Site visit made on 12 February 2026

by **S F Murphy BSc (Hons) MSc MRTPI MISEP CEnv.**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Appeal Ref: APP/E0345/W/25/3376303

92 Albert Road, Caversham, Reading, RG4 7PL

- 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 Widbrook Property Developments against the decision of Reading Borough Council.
 - The application Ref PL/25/0422.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted into the appeal, drawings PR11.3-107 (Shading Plans) and PR11-102 revision A (existing tree plan), a Biodiversity Net Gain (BNG) certificate invoice dated October 2025, and a document titled "Explanation of baseline assessment for 92 Albert Road" which is undated. The appellant has also submitted drawing PR11.5-104 revision D (Landscape Plan) into the appeal. This drawing relates to development permitted for number 92 Albert Road and is not for the appeal site.
3. In considering these submissions I have been mindful that the appeal process should not be used to evolve a scheme. Accordingly, I have carefully considered whether to accept the additional information, I have had regard to Holborn Studios Ltd¹.
4. The additional drawings and BNG information provide further clarification on these matters. They do not create a substantial or fundamental change that would result in a different application. As these documents were submitted with the appeal, the Council have been given the opportunity to comment on these documents. I am satisfied no interested party would be prejudiced if I took these documents into account. I have therefore considered the documents in determining the appeal.
5. Reference is made within the reasons for refusal, the appellants evidence and the Council's evidence, to trees located within the appeal site and located in close proximity to the appeal site boundary. I note the tree numbering shown on drawing PR11-102 revision A (existing tree plan) does not correspond with the tree numbering shown on the Tree Preservation Order (TPO) drawing EW33967 dated January 2006. Given the TPO drawing is a legally bound map, I have adopted the numbering shown on the TPO drawing EW33967.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

6. The main issues are:

- whether the proposal would secure acceptable living conditions for future occupiers with regard to outside private amenity space;
- whether the proposal would make adequate provision for BNG;
- the effect of the proposal on trees; including protected trees;
- whether the proposal adequately secures affordable housing; and
- the effect of the proposal on the character and appearance of the area with particular regard to scale, plot coverage, and layout.

Reasons

Living conditions for future occupiers

7. The appeal site is located in the north eastern end of the rear garden of number (No) 92 Albert Road in a residential area. Given the positioning of the proposed dwelling within the appeal site, its garden would extend as one area wrapping around the proposed dwelling on the northern, eastern and southern elevations. No physical barrier is proposed to divide the front from the rear garden.
8. A low picket fence and hedge would form the boundary treatment with Chelford Way along the southern boundary of the appeal site. As a result, the garden would be visible from the public highway. This exposure would significantly diminish the level of privacy available to the space, thereby limiting its appeal and reducing its effectiveness as usable private amenity space for the occupiers of the property. It is likely occupiers would seek to utilise the rear of the garden to obtain privacy.
9. The submitted Arboricultural Impact Assessment (AIA) indicates the canopies of five trees located within the eastern and northern parts of the appeal site's garden, together with a further six trees situated outside the appeal site, collectively extend over approximately half of the garden and the external amenity space to the side and rear. As a result, these trees create shading. Two of the trees within the appeal site and one adjacent to the northern boundary are protected by TPOs.
10. The submitted Shading Plans show the garden would likely experience reduced daylight and overshadowing particularly when the trees are in leaf even if they have limited scope for future growth. Whilst the trees would provide some cooling effect in the height of summer, the increase in foliage coverage during the summer would add to the heavy shading of the garden and amenity space. The front part of the garden nearest to the public highway would be the only area not to experience any shading throughout the year.
11. I note the appellant's photographs showing the appeal site at various times of the day. However, I note that in each, a significant part of the garden area is in shade reinforcing my concerns.
12. Although the size of the garden would be acceptable, given its configuration, the suitability of the private outdoor space would be unreasonably affected by its proximity to mature, protected trees. Furthermore, given the constraints the tree canopy would present, this could lead to increased pressure for tree works to take

place to improve the outside amenity space for prospective occupiers, which in turn could affect the character of the area.

13. I therefore conclude the proposal would fail to provide acceptable living conditions for future occupants, with particular regard to outside private amenity space, which consequently would lead to unnecessary pressure to undertake tree works. It would therefore conflict with Policies CC8 and H10 of the Reading Borough Local Plan adopted November 2019 (the Local Plan) which require development proposals to not cause a detrimental impact on the living environment for new residential properties in terms of privacy and overlooking, access to sunlight and the provision of a functional private open space. It would also be contrary to the National Planning Policy Framework (the Framework) which seeks a high standard of living conditions for future occupiers.
14. The appellant has drawn my attention to the garden layout of the adjoining plot at No 92 Albert Road, that is arranged in a similar manner to the proposed development. Whilst I accept the arrangement of the proposed development's garden and amenity space is comparable to the adjoining plot, there is a clear difference in the quality of the space that would be provided. This being the increased area of shading the appeal site's garden would experience from tree canopies both within and along two boundary lines of the appeal site. As such, I do not consider the garden of the adjoining plot is directly comparable with the appeal site.

BNG

15. Schedule 7A of the Town and Country Planning Act 1990 introduced the requirement for BNG such that every planning permission, with some exceptions, is deemed to have been granted subject to a deemed biodiversity gain condition. This requires the delivery of at least a 10% increase in biodiversity value. This delivery can be through the provision of on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits. Development cannot commence until a biodiversity gain plan (BGP) has been submitted to and approved by the local planning authority.
16. The appellant has submitted a Biodiversity Metric alongside both pre and post development plans identifying existing and proposed habitats for the appeal site. The BNG metric calculates a 11.66% loss in habitat units and a 407.27% increase in hedgerow units. Some of the habitat unit loss would be offset through the provision of a green roof on the proposed dwelling. However, there would remain a deficit.
17. I note drawing PR11.3-106 revision D (Landscape Plan) submitted with the appeal identifies nine trees to be planted in an area of approximately 8 metres square within the appeal site but outside of the residential garden and that these had been intended to provide on-site BNG. However, these trees do not appear within the BNG metric, and the appellant has stated within their final comments their willingness to replace those trees with BNG credits. If the trees had remained as part of the calculation, I have strong reservations as to the capability of this area of land to support the number and size of trees proposed.
18. Whilst I note the large increase in hedgerow units, the Small Sites Metric (Statutory Biodiversity Metric) User Guide dated July 2025, outlines that a post development private garden has no public access and consequently, BNG cannot

be legally secured. Furthermore, the User Guide states that whilst hedgerows and mature trees can be recorded as part of the baseline within a private garden, habitats should be recorded as either 'urban – vegetated garden' or 'urban – unvegetated garden'. In this particular case, as shown in the evidence before me, on-site gains would not be able to be secured for the aforementioned reasons.

19. Planning Practice Guidance (PPG²) makes clear that it would be generally be inappropriate for decision makers, when determining a planning application for development subject to BNG, to refuse an application on the grounds that the biodiversity gain objective will not be met and that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of successfully being discharged.
20. However, there is nothing before me to indicate whether purchasing BNG credits is a viable option. Furthermore, there is no mechanism, in the form of a legal agreement, to demonstrate how such credits would be secured and recorded and I am mindful of the advice within the PPG which sets out that ensuring any planning obligation is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed.
21. The appellant has directed me to a planning decision³ relating to planning permission for four dwellings where BNG was not delivered. I have no evidence before me to explain the rationale behind the Council's approach to this planning decision cited by the appellant. Nevertheless, this proposal has not persuaded me as to how BNG can be delivered and I have determined this appeal on its own merits.
22. Consequently, I am not satisfied that the proposal makes adequate provision for BNG or, on the evidence before me, that BNG for the proposal would be fully achievable. The proposal therefore conflicts with Policy EN12 of the Local Plan which requires no net loss of biodiversity and provision of net gain for biodiversity wherever possible as part of development proposals and paragraphs 187 and 193 of the Framework. The proposal would also be contrary to the Framework and Schedule 7A of the Town and Country Planning Act 1990 which seek to minimise impacts on and provide net gains for biodiversity.

Effect on trees

23. The appeal site contains five trees alongside there being trees located close to the common boundaries with No 94 Albert Road and No 1 Orwell Close. These trees make a positive contribution to the verdant character of Chelford Way, Orwell Close and Albert Road. A TPO covers 92 and 94 Albert Road for a number of trees within their boundaries. Two of these trees, T1 and T2 (as shown on drawing EW33967 referred to above), are located along the north eastern and eastern boundary within the appeal site. Their canopies extend over much of the eastern part of the garden. There would be a minor incursion into the root protection area (RPA) of both trees from the proposed hard surfaced patio. Trees T11 and T12 (shown on the same plan) are located outside the appeal site along the northern boundary with their canopies overhanging into the appeal site. Tree T12 canopy would cover much of the northern part of the garden.

² Reference ID: 74-019-20240214

³ PL/24/1659

24. Tree T1 has been identified as Category A in the appellant's AIA. Category A trees are considered to be of high quality with a good life expectancy. Trees T2 and T12 have been categorised as Category B trees, being of moderate quality with some material value. Tree T11 has been categorised as Category C. These trees, alongside other trees that are not covered by the TPO that are within the appeal site and adjacent to it, contribute to the wider verdant character of Albert Road, Chelford Way and Orwell Close.
25. With regards to physical works, the AIA proposes the use of protection barriers and ground mitigation to ensure no impact on root protection areas alongside excavation by hand and no dig areas in sensitive areas. I am satisfied that the AIA provides sufficient detail that such an approach could be the subject of a condition to ensure the protection of the RPA of trees T1, T2 and T12.
26. However, whilst I note that no trees are to be removed to facilitate the proposed development and a method statement for the protection of trees during the construction phase is detailed within the AIA, due to the size and positioning of the trees and their canopies, the use of the garden would be compromised. This is likely to result in significant pressure for trees to be pruned or felled in the future undermining their long-term retention. This need for management is recognised in the AIA.
27. Whilst the appellant or prospective house purchasers may place a high value on the contribution woodland or trees make to the setting of the property, failing to appreciate the implications and potential problems that may arise from living next to large trees that are within and beyond the appeal site's control that are also protected, may not be understood until the dwelling is occupied.
28. An increase in pressure to carry out tree works where safety is an issue, or where damage is being sustained to a property, would be difficult for the Council to resist should such applications be submitted.
29. The appellant has drawn my attention to the planning decision referred to above despite incursion into the RPA of a protected tree. Whilst I note some minor incursion into the RPA for trees T1 and T12 for the proposed patio, my concerns stem from increased pressure to carry out tree works from the proposed development as a consequence of the configuration of the garden and outside amenity space beneath the canopies of protected trees. I am satisfied the matters regarding trees are materially different.
30. As such, I conclude the proposed development would conflict with Policy EN14 of the Local Plan which seeks to protect individual trees and groups of trees from damage or removal where they are of importance and for measures to be in place to ensure trees are adequately maintained. It would also conflict with objectives 5 and 11 of the Reading Tree Strategy 2021 which seeks to retain and protect trees on development sites.
31. Whilst paragraphs 96, 135, 139, 203 and 205 of the Framework are referred to in the fourth reason for refusal in the decision notice, these paragraphs pertain to the delivery of healthy, inclusive and safe places alongside the provision of delivering good design and ensuring adequate evidence is provided with regards to heritage assets. As these paragraphs do not relate to the reasons for refusal given within the decision notice, I consider these paragraphs to be of low relevance.

Affordable housing

32. Policy H3 of the Local Plan requires that for schemes of 1 – 4 dwellings a financial contribution to enable the equivalent of 10% housing to be provided as affordable housing elsewhere in the borough. This is also detailed within the Affordable Housing Supplementary Planning Document (SPD) adopted March 2021. Policy CC9 of the Local Plan relates to securing infrastructure. As the proposal would result in the addition of a dwelling, this would meet the requirement for a financial contribution.
33. Whilst the appellant has indicated they are willing to enter into a legal agreement to secure the necessary contribution towards affordable housing in line with Policy H3, nonetheless, I have no mechanism before me that would secure the relevant contributions.
34. In the absence of any appropriate agreement or undertaking, the development would not make appropriate contributions in respect of affordable housing. As such, it would conflict with Policies H3 and CC9 of the Local Plan and the Affordable Housing SPD which together seek to ensure that development makes appropriate contributions towards affordable housing.

Character and appearance

35. Whilst the appeal site is located to the rear of No 92 Albert Road, the principal elevation and access to the proposed dwelling, would be orientated towards Chelford Way. As such the proposed dwelling would be more appropriately aligned with the character of Chelford Way and the adjoining Orwell Close.
36. Residential dwellings on Chelford Way and the adjoining Orwell Close are set in modest sized plots with dwellings and adjoining garages covering the width of the plot. Dwellings are generally set back within their plots with parking areas and front gardens positioned to the fore. These front gardens are typically open in nature, with minimal boundary treatment. Whilst dwellings vary in outline, there is a consistency with the building line and height of these properties. Residential properties along Albert Road are large, detached dwellings set in spacious plots set back from the highway with the majority of the plots having tree coverage adding to the verdant character of the area. No 92 Albert Road, having previously been three flats is currently undergoing conversion into a pair of semi-detached dwellings.
37. The appeal plot is of similar proportions to those on Chelford Way and Orwell Close. Unlike dwellings on Chelford Way and Orwell Close, as the proposed dwelling would sit on the western half of the appeal site, it would not fully extend across the full width of the plot. It would, however, be set back a similar distance from the highway as other dwellings on Chelford Way and Orwell Close do. Whilst I note this configuration would be a deviation from the character of residential properties on these roads, I do not consider layout or plot coverage of the proposed dwelling to be of such a scale that it would appear cramped within the plot. Proportionately the dwelling would occupy the plot in a similar manner to dwellings on Chelford Way and Orwell Close. The proposed height of the dwelling, being part single and part two storey, would not give rise to an appearance of excessive scale being no greater in height than dwellings located on Chelford Way and Orwell Close.

38. For the reasons above, I conclude the proposed development, with particular regard to scale, plot coverage, and layout, would not represent a cramped form of development within the appeal site and would not have a harmful effect on the character and appearance of the area and would accord with Policies CC7 and H11 of the Local Plan which collectively require development proposals to maintain and enhance the character and appearance of the area through a proposal's density and scale, and having a layout which integrates with the surrounding area with regard to the built up coverage of each plot and compatibility with general building height.

Planning Balance

39. I consider the policies which are most important for determining the appeal application are broadly consistent with the Framework. I have found that the proposal would not represent a cramped form of development and would not have an adverse effect on the character and appearance of the surrounding area. However, the absence of harm in this regard is a neutral factor and does not outweigh the significant harm, and subsequent policy conflict I have found with regards to the provision of private amenity space for future occupiers, insufficient information provided relating to BNG, the protection of trees, and insufficient information for the delivery of affordable housing to which I attach significant weight.
40. Set against this, there would be a benefit of delivery of an additional dwelling alongside the economic benefits arising during the construction and occupation stages of the development. I recognise that small and medium sized sites can make an important contribution to meeting housing requirements in the area as they are often built out relatively quickly, and that the proposal would enhance housing choice. I further recognise that paragraph 124 of the Framework looks to promote an effective use of the land in meeting the need for homes. However, given the proposed development would only provide one additional dwelling against the shortfall, even taking account of the objective of significantly boosting the supply of housing in the Framework, such benefits only attract modest weight in favour of the proposal.
41. I note the appeal site is within a sustainable location with access to public transport and some services and amenities and there are no objections from the Highway Authority. All other matters do not weigh either for or against the proposal.
42. Paragraph 11 d) of the Framework sets out the presumption in favour of sustainable development. It details that where the policies which are most important for determining the application are out of date, planning permission should be granted unless there are any adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
43. In the particular circumstances of this case, the adverse impacts from the proposal would significantly and demonstrably outweigh the modest benefits I outline above, when assessed against the policies in the Framework taken as a whole. The proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

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

S F Murphy

INSPECTOR