

APPEAL REPORT

Ward: Caversham

Appeal No. APP/E0345/A/09/2119425/NWF

Site: 11 Gosbrook Road, Caversham, RG4 8BT

Planning Ref & Proposal:

Demolition of existing building and erection of 5 dwellings.

Decision level: Delegated

Method: Hearing 31 March 2010

Decision: APPEAL DISMISSED

Date Determined: 28 April 2010

Site Description:

The site is located immediately to the east of Caversham District Centre and fronts Gosbrook Road, a busy route through Lower Caversham. The rear part of the site is located within Flood Zone 2 and the front, closest the road, within Flood Zone 1. A Grade II listed former church is sited immediately to the west of the site and the Arthur Legge Adult Education Centre adjoins the site to the east. The side boundary of 3 Wolsey Road bounds the site to the south.

Existing buildings on the site include a two storey building and single storey workshop buildings. These are currently vacant and were formerly in light industrial use.

Description of Development:

Full planning permission was sought to demolish all existing buildings on the site and to replace them with four two-bedroom and one one-bedroom, two-storey dwellings. It was proposed for the single bedroom unit be located fronting Gosbrook Road. The two-bedroom units were proposed to form a terrace orientated on a north-south axis, immediately adjacent to the eastern boundary of the site.

The Appeal:

The Inspector identified three main issues relating to the appeal as follows:

- i) The effect of the proposed development on the character and appearance of Gosbrook Road and on the setting of The Waterhouse, formerly the West Memorial Hall, which is listed grade II.
- ii) The effect on flood risk and flooding.
- iii) The effect on the living conditions of occupiers of no. 3 Wolsey Road in terms of visual impact.

On the **first issue**, the Inspector found that this part of Gosbrook Road differs from the rest due to the dominance of The Waterhouse listed building adjacent to the appeal site but “whilst the building line is staggered and there is considerable variation in scale, enclosure of the street frontage and a clear delineation of public and private space is a consistent characteristic of the road as a whole.”

The design of the adjacent listed building was found to reinforce this pattern with the scale decreasing further into the plot.

The proposed two-storey building was found to be generally lower than the adjacent listed building and “appropriately subservient to it”. However the proposed terrace of four dwellings further into the site would, the Inspector reasoned, be “substantially larger”. This arrangement of building scales would be an “inversion of the established pattern of development in the street”.

The Inspector criticised the a lack of clarity within the proposed layout due to access to the new houses being via an unenclosed apron area. The Inspector contrasted this with the existing terraced houses elsewhere in Gosbrook Road with small enclosed front gardens which provide a “well defined edge to the street and a semi-private area of readily understood transition from the public street to the private dwelling”.

The scale of the rear terrace, including its steeply pitched roof and substantial bin stores, would appear large and enclosing within its context, the Inspector reasoned, and would visually dominate the small link attached structure at the rear of the listed building.

The Inspector concluded on this issue that the proposal would have a detrimental effect on the character and appearance of Gosbrook Road and fail to preserve the setting of the adjacent listed building due to the inversion of the site hierarchy and the poor relationship of the proposed dwellings to the street and to the listed building. The Inspector therefore agreed with the Council's assessment that the proposal would be contrary to Policies CS7 and CS33 of the Core Strategy and saved policies CUD14 and CUD4 of the Local Plan.

On the **second issue**, flood risk, the Inspector supported the accuracy of the Environment Agency flood maps as they have been examined as part of the Strategic Flood Risk Assessment process. The Inspector agreed with the Council's interpretation of national policy PPS25 Development and Flood Risk and confirmed that the overall aim of decision makers should be to steer new development to areas at the lowest probability of flooding (Flood Zone 1) and that a sequential risk-based approach to determining the suitability of land for development in flood risk areas should be applied at all levels of the planning process.

The Inspector quoted Paragraph 17 of PPS25 which describes the sequential test "If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3". The Inspector clarified the correct interpretation of Table D.1 of PPS25. The table shows that dwelling houses are appropriate in Flood Zone 2, but only in cases where sites in Flood Zone 1 are not available. This interpretation accords with the Council's decision and subsequent appeal statement which reached the same conclusion.

The Inspector found that, although close to local facilities, the proposal is not specifically designed to meet an identified local need, unlike Abbotsmead Place to the rear which provides sheltered accommodation for the elderly, with the associated geographical constraints. The proposal was essentially for open market housing. The Inspector agreed with the Council's view that the appropriate area for consideration in applying the Sequential Test was the whole of the Borough, in line with recent appeal decisions at 75 Star Road, 244-251 Henley Road and 205-219 Henley Road.

Applying the area of search for alternative sites to the whole of the Borough, the Inspector considered that the Borough's Strategic Housing Land Availability Assessment demonstrates that sufficient housing land is available to provide a continuous 5 year supply of deliverable sites. On the basis of the evidence provided, the Inspector concluded that other reasonably available sites within Flood Zone 1 would be available within Reading Borough and as such the proposed development would not comply with the Sequential Test.

In respect of the **third issue**, the Inspector concluded that as the gable wall of the proposed terrace would be set approximately 1.2 to 2 metres off the boundary with 3 Wolsey Road and would extend only slightly more than half way across the site, any overbearing effect would be no greater than that arising from the existing building to be replaced. In addition, the removal of an unsightly structure and potentially noisy use would be of benefit to the neighbour's amenity.

Costs

An application for an award of costs against the appellant was made by the Council at the hearing. The Council's case related to the failure of the appellant to enter into pre-application discussions; the failure of the appellant to submit information on site availability to allow the Sequential Test to be applied at planning application stage and the fact that the appellant proceeded to submit evidence that, in their opinion, was sufficient to undertake a Sequential Test at appeal stage. This the Council argued constituted unreasonable behaviour in accordance with Circular 03/2009.

The costs application was refused by the Inspector. The Inspector reasoned that, whilst the appellant acted unreasonably in only submitting evidence on the availability of alternative sites at appeal stage, this did not result in additional or unnecessary expense on the part of the Council as the additional information submitted did not alter the Council's position, and the issue of the extent of the Sequential Test search area could not have been resolved, other than at appeal.

HPBC COMMENTS ON THE DECISION:

The Inspector’s decision provides a detailed and well reasoned assessment of the issues and is broadly welcomed. The comments on the design of the scheme give a clear steer to the form that any future development on the site should take. The principles set out by the Inspector can also be used more widely within Gosbrook Road in assessing development proposals.

The endorsement of the Council’s interpretation of PPS25 in respect of Flood Risk adds to the growing number of appeal decisions that support this approach within Reading Borough.

The Inspector’s decision in respect of neighbouring amenity is clearly reasoned and, although different from that of the Council, is considered to be reasonable.

The Inspector’s decision not to award costs against the appellant is disappointing and appears to contradict advice in the Circular. The Inspector clearly states that the appellant acted unreasonably in only submitting evidence to support a Sequential Test at appeal stage. It is considered that this unreasonable behaviour relating to the *procedural* aspects of the appeal incurred additional work and expense on the part of the Council in defending its decision. The matter should not have proceeded to appeal without the Sequential Test having been applied at application stage.

