

APPEAL REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 5 DECEMBER 2018

Ward: Battle

Appeal No: APP/E0345/W/18/3200081

Planning Ref: 171719/FUL

Site: 39 Brunswick Hill, Reading, RG1 7YU

Proposal: Erection of part two/part three storey building containing 10 no. apartments with parking at rear following demolition of existing buildings.

Decision level: Committee decision on 7/03/2018

Method: Written representations

Decision: Appeal Dismissed

Date Determined: 14 November 2018

Inspector: Patrick Whelan BA (Hons) Dip Arch MA MSc ARB RIBA RTPI

1. BACKGROUND

- 1.1 The application site extends to some 0.14 hectares (25 metre frontage/width, 56 metre depth, equating to 1400 square metres in area) and comprises a substantial 2.5 storey plus partial basement Edwardian detached house on the west side of Brunswick Hill.
- 1.2 The site has had two previous applications refused for a development involving the demolition of the dwelling at 39 Brunswick Hill (05/00886/OUT and 891317/891318).
- 1.3 On 7 March 2018, Planning Applications Committee agreed with the officer recommendation to refuse the planning permission for the following reasons (summarised):
 - The proposal fails to incorporate an appropriate mix of dwellings based on the scale of the development;
 - The scheme is inappropriate within the streetscene, and would fail to create a safe and secure environment;
 - The ground floor front, South flat would have a poor living environment
 - The application fails to secure a s106 agreement for the provision of an Employment and Skills Plan (ESP) or to adequately provide for the required Traffic Regulation Order (TRO); and
 - It has not been proven to the Local Planning Authority that the development is unable to sustain a financial contribution toward affordable housing.

2 SUMMARY OF DECISION

- 2.1 The Inspector considered that the main issues in the appeal were:
 - the contribution of the existing building and the merits of the replacement building on the character and appearance of the area;
 - whether the proposal would provide an appropriate mix of dwelling size and type;
 - whether it should make provision for affordable housing and a construction-phase employment and skills plan;
 - whether it would provide acceptable living conditions for future occupiers, with particular regard to light and outlook in the southernmost ground floor flat to the front; and

- whether it would be able to provide suitable access to the parking area.
- 2.2 In terms of loss of the building, the Inspector considered that the materials and architectural language of the existing dwelling make passing reference to the Victorian houses further down the street and around the corner, but “...*the idiosyncratic arrangement of its architectural elements, and the exuberance of its scale distinguish it from them*”. The Inspector considered that the architectural significance of the undesignated heritage asset was a material consideration in the appeal and this weighed against the proposal.
- 2.3 In relation to the impact on the character and appearance of the area, the Inspector remarked that decisions should ensure that developments are sympathetic to the local character and history, and be distinctive and visually attractive as a result of good architecture. He noted that adopted policies CS7, CS33, DM10 and DM11 seek development of high quality design which maintains and enhances the character and appearance of the area, reinforces local distinctiveness including protecting the historic environment, and ensures that outdoor areas are appropriately related to main entrances. He considered that the proposed replacement building would be uncharacteristically long, bulky at its flank and lacking in articulation; the large roof area lacked the rhythm of its neighbours; the entrance would be uncharacteristic in its ancillary location; the effects of its massing would be uncharacteristically great which would be incompatible with the closer grained-scale and detail of the houses beside it. Further, he found it incomparable to the architectural quality and heritage interest of the existing building on the site, whose loss would not be mitigated.
- 2.4 In relation to mix of dwelling size and type, the Inspector considered that there was no evidence the site could not facilitate an alternative scheme with a greater mix, and that the current proposal would not provide an appropriate mix of dwelling size and type in accordance with Policy DM5. The Inspector noted that houses are preferred under Policy DM5 and that the area is isolated from other flat developments, and that Policy DM5 as applied requires a mix of dwellings primarily including family dwellings in the form of houses.
- 2.5 In terms of affordable housing, the Inspector concluded that there was no evidence to suggest that the Appellant has not clearly demonstrated the circumstances to justify the lack of affordable housing provision. As such, the Inspector determined that there was no conflict with Policy DM6.
- 2.6 In relation to a construction-phases employment and skills plan (ESP), the Inspector agreed that the Appellant was required under Policy CS9 to provide an ESP or, a financial contribution via an executed unilateral undertaking, and the lack of such provision was therefore in conflict with Policy CS9.
- 2.7 In relation to living conditions, the Inspector found that although the bin store and front garden wall would result in an outlook which would be obscured from the Southernmost ground floor flat, he considered that the living would nonetheless have sufficient aspect and openings to provide an acceptable living condition for future occupiers. He concluded that there was no conflict with Policy DM4.
- 2.8 With regard to the changes required to highway markings, the Inspector considered that although an amendment to the Traffic Regulation Order (TRO) would be required to secure access to the development, a Grampian-type condition on an approval would overcome the Council’s objection.

2.9 Overall, the Inspector concluded that the loss of the heritage asset, the inappropriate design, the inappropriate mix of dwelling sizes and types, and the absence of a contribution/ provision of an employment and skills plan outweighed the benefits of providing additional housing units which had acceptable living environments and suitable off-street parking.

Comment:

A pleasing decision which validates the Council's design concerns for this development. Although not meeting the requirements for local listing status, the National Planning Policy Framework allows for the consideration of a building as having a degree of significance meriting consideration in a planning decision, because of its general heritage interest. The decision also notes that the Inspector was minded to accept later alterations to the design which included decorative brick features and changes to the side entrance, but these clearly did not sway him from the design concerns he identified.

It is also pleasing that the Inspector agreed that there was no justification for not providing houses and three-bedroom dwellings on site, which is characteristic of this residential area.

On affordable housing, your officers are content with the conclusions reached by the Inspector and are confident that this does not prejudice officers' ability to secure affordable housing on other sites.

Although officers are concerned that a condition requiring a TRO may not pass the legal test and be a 'Grampian' condition, being a condition that requires work on land that is not controlled by the applicant, as the land in question is within the control of the local authority (highway authority) the Inspector believed that this would not be the case.

