

## UPDATE TO ITEM 4 APPEALS: ADDITIONAL APPEAL DECISION REPORT

**Appeal No:** APP/E0345/W/20/3253870

**Planning Ref:** 182114

**Site:** Land adjacent to Thorpe House, Colliers Way, Reading RG30 2QS

**Proposal:** The development proposed is residential development to provide 6 no. 3 bed dwelling units following demolition of dwelling at 16 Kirton Close to provide access.

**Decision level:** Committee decision on 04/03/20

**Method:** Written Representations

**Decision:** Appeal Dismissed

**Date Determined:** 23 October 2020

**Inspector:** Steven Rennie BSc (Hons), BA (Hons), MA, MRTPI

### 1. BACKGROUND

- 1.1 The appeal site comprises an area of open land to the east of Thorpe House, with a treed embankment to the north of the site and public footpath to the south of the site. At the time of the application and the appeal, the site was enclosed by timber hoardings.
- 1.2 There have been 2 previous planning applications for residential development of this site. The first application 171219 (Outline application for residential redevelopment to provide a maximum of 18 dwelling units. Demolition of dwelling at 16 Kirton Close to provide access) was refused planning permission in December 2017. The next application 180849 (Outline application for proposed residential redevelopment to provide 6 no. 3-bedroom dwelling houses) was also refused planning permission and the appeal dismissed, following a hearing, in December 2019 (APP/E0345/W/19/3220213).
- 1.3 This third application received a significant number of public consultation responses, with a total of 53 separate objections received as part of the original consultation. In March 2020 the Planning Applications Committee agreed with the officer recommendation to refuse planning permission for the following reasons:
  1. The proposed development would result in the loss of open space that has not been previously developed and which makes a positive contribution to the character, appearance and environmental quality of the area due to its openness, undeveloped character and green vegetated appearance. As such the proposed development would be contrary to Policies CC7 and EN8 of the Reading Borough Local Plan 2019.
  2. The amount of development proposed within the main body of the site would require a scale of building that would appear as an incongruous, jarring and poorly integrated feature within the context of the notably modest scale of development on adjacent streets. For these reasons the development would represent an overdevelopment of the site, fail to respond positively to its local context, and fail to reinforce local character and distinctiveness. The proposal would therefore harm the character and appearance of the area, contrary to Policies CC7 and EN8 of the Reading Borough Local Plan 2019.
  3. The proposed removal of the dwelling at 16 Kirton Close and its replacement with an access roadway and vehicle parking area would result in the loss of continuity and enclosure within the established street scene which is characterised by a regular built form of a distinctive style and appearance. The proposed access would result in a disjointed and visually stark arrangement of access road and vehicle parking to the detriment of the existing streetscene and contrary to Policy CC7 of the Reading Borough Local Plan 2019.
  4. The application fails to demonstrate that the proposed amount of development can be accommodated without harm to the amenity of occupiers of neighbouring dwellings caused

by a loss of privacy to windows and gardens due to overlooking; overbearing effects resulting from the likely scale and proximity of the building; and disturbance from vehicle movements adjacent to Thorpe House. As such the proposal is contrary to Policy CC8 of the Reading Borough Local Plan 2019.

5. The application fails to demonstrate that the proposed amount of development can be accommodated in a manner which provides adequate outlook, daylight, sunlight and private outdoor amenity space for future occupiers. As such the proposal would be harmful to the amenity of future occupiers, contrary to Policy CC8 of the Reading Borough Local Plan 2019.
6. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough and the objective of creating mixed and balanced communities and as such is contrary to Policy H3 of the Reading Borough Local Plan 2019, Affordable Housing Supplementary Planning Document (2013) and para. 50 of the NPPF.

## 2 SUMMARY OF DECISION

2.1 The Inspector considered that the main issues for the appeal were:

- The effect of the character and appearance of the area, along with the associated issue of whether the development results in the loss of open space;
- The effects of the development on both the living conditions of neighbours to the site and future occupiers of the proposed development; and
- Whether the proposal makes adequate provision towards affordable housing.

2.2 In terms of whether the site was classed as 'Previously Developed Land' the Inspector agreed with the previous Inspector for the 2019 appeal decision that whilst there were no structures on site relating to its former use a brick and tile works, nevertheless, the site is not previously developed land as defined in the NPPF (2019).

2.3 In terms of loss of open space, the Inspector also agreed with the previous Inspector that the land offers a valuable area of open space for the local community area. The Inspector agreed with officers that Policy EN8 (Undesignated Open Space) of the RBLP was therefore applicable. Whilst the Inspector acknowledged potential improvements to the remaining open space at the eastern end of the site (put forward by the applicant to outweigh the loss) including tree maintenance and other visual enhancements, that this would not outweigh the harm that would arise as a consequence of the loss of the larger western end of the site. The Inspector considered that the western end of the site has greater potential amenity value for the public than the strip of land to the east.

2.4 Further to the above, the Inspector acknowledged that whilst the appellant might not now remove the fencing around the site (due to concerns over an accumulation of litter and misuse of the site), that this may not be the case in perpetuity. Indeed, the Inspector referenced that the land had previously been a well maintained area of open space and that if the development went ahead, this area of open space would be lost - irrespective of the appellant's intentions with the fence. The Inspector considered that to accommodate the proposals a significant proportion of the open space would be lost which would not accord with Policy EN8 of the RBLP.

2.5 In terms of character and appearance, the Inspector acknowledged that the quantum of development had reduced significantly since the 2019 appeal dismissal. However, the conclusions of the previous Inspector were agreed with and the Inspector considered that despite the reduction in built form, and even with the current fencing in place, the site in

its current state of openness provides visual relief in this residential estate. The Inspector concluded that this erosion of openness would in itself be harmful to the character of the area. The Inspector did not consider that enhancements to the eastern strip of land would outweigh this loss.

- 2.6 In terms of the demolition of No.16 Kirton Close, the Inspector considered that the proposals had not substantively addressed the issues raised by the previous Inspector. The Inspector agreed with the conclusion of the previous Inspector that the single storey nature and location of the bungalow, comparable to the ends of the adjacent cul-de-sacs (Verney Mews and Appelby End), was a deliberate architectural feature, providing a sense of enclosure and architectural continuity to the street scene. The Inspector considered that its removal would be significantly harmful and erode the sense of enclosure and thereby the character of the street scene.
- 2.7 Notwithstanding the above, and in terms of design, the Inspector considered that a two storey building would potentially be acceptable in terms of scale and height and raised no objection to the design of the proposed development in itself.
- 2.8 The Inspector concluded that “the proposed development would result in a harmful loss of positive open space and its visual qualities and openness” and that “the character and appearance of the area would be harmed by the demolition of No.16 Kirton Close to its street scene” thereby conflicting with Policies EN8 and CC7 of the RBLP.
- 2.9 In relation to living conditions of neighbouring properties, the Inspector considered that whilst there could be views towards the rear windows and gardens of No.17 Kirton Close, given the distances involved, there would be no material overlooking to warrant a refusal on this basis.
- 2.10 In relation to Thorpe House, the conclusions reached by the previous Inspector were agreed; that the number of vehicle turning movements associated with the proposed development would result in unacceptable disturbance to the occupiers of Thorpe House when compared to the current traffic free environment that currently exists.
- 2.11 The Inspector therefore concluded that “due to this harmful impact to the living conditions of some of the occupants of Thorpe House, the proposal is contrary to Policy CC8”.
- 2.12 However, in relation to living conditions of future occupiers, the Inspector considered that as a consequence of the reduction in built form, the proposals would allow for more space within the site and that the amenity space proposed, whilst small and could be overshadowed by adjacent trees, would overall provide sufficient amenity space with its final layout. Furthermore, the Inspector did not consider the outlook for future occupiers to be so significantly poor as to be harmful to future occupiers. The Inspector therefore concluded that “the proposal could achieve sufficiently good levels of living conditions for future occupiers subject to reserved matters... in accordance with Policy CC8 of the RBLP”.
- 2.13 In terms of Affordable Housing, the Inspector was satisfied that the appellant would have made a financial contribution for affordable housing and considered that should the scheme have otherwise been considered acceptable that the remaining issues on the legal agreement could have been sufficiently addressed.
- 2.14 In conclusion, while the Inspector recognised the benefits of the scheme (6 family sized dwellings to the supply of housing in Reading, accessible location and financial contribution in substitution for provision of affordable housing units on site) these were not sufficient to outweigh the harm it would cause to the character and appearance of the area and living conditions of neighbouring properties. The appeal was dismissed.

