

Ward: Redlands

Appeal No: APP/E0345/W/20/3259438

Planning Ref: 200123

Site: 1A Mulberry House, Eldon Road, Reading RG1 4DJ

Proposal: Erection of a 3 to 5 storey building and semi-open basement providing 11 (5x1bed, 3x2bed and 3x3 bed) residential units (Use Class C3), 10 parking spaces, landscaping and associated works.

Decision level: Delegated decision on 09/06/2020

Method: Written representations

Decision: Appeal Dismissed

Date Determined: 08/01/2021

Inspector: D.R. McCreery MA BA (Hons) MRTPI

1. BACKGROUND

- 1.1 The appeal site comprises vacant land which was previously a dental surgery (demolished in 2019) and associated green space and car parking. It lies between the 1960s Hanover House (flats after being converted from offices) and the 3 storey Edwardian 1-3 Eldon Road properties. It is located within Eldon Square Conservation Area.
- 1.2 There is an extant planning permission (granted in 2019) for the demolition of Mulberry House (Class D1) and erection of part 3, part 5 storey building providing 7 (3x1 & 4x2-bed) residential units (Class C3), 5 parking spaces, landscaping and associated works.
- 1.3 The appeal proposal was for a separate proposal, incorporated an altered massing, 11 (rather than 7) units, introduced a semi-basement area and a number of other changes in comparison with the extant permission. At application stage, the proposal was refused under delegated powers in June 2020 for nine reasons, summarised as:
 1. Mass, detail and materials not being of sufficient high-quality design (impact on conservation area and setting of nearby listed buildings)
 2. Removal of TPO tree and not demonstrating that the proposal would not harm other trees
 3. Overbearing/outlook harm to existing nearby residential occupiers
 4. Absence of day/sun assessment and lack of features preventing crime equates to failure to provide acceptable living conditions for future residential occupiers
 5. Lack of 50% of dwellings being 3-bedrooms or more
 6. Absence of an acceptable Sustainable Drainage Strategy
 7. Lack of an appropriate contribution towards affordable housing (and subsequent absence of legal agreement to secure affordable housing).
 - 8&9. Absence of legal agreement for an Employment and Skills Plan and carbon offsetting.
- 1.4 The applicant appealed against this decision to the Planning Inspectorate.
- 1.5 The appellant submitted more information regarding reason for refusal 6 at appeal stage. Officers considered this addressed the concern and was therefore no longer pursued.

2 SUMMARY OF DECISION

2.1 The Inspector considered that the four main issues to be:

- The effect of the proposed development on the character and appearance of the surroundings, including the character and appearance of the Eldon Square Conservation Area (Conservation Area), the setting of nearby Listed Buildings, and impact on trees.
- Whether it would provide a suitable mix of accommodation and provision for affordable housing.
- Whether good living conditions would be created for future occupants of the development, with particular reference to standards of internal natural light and crime prevention.
- The effects on the living conditions of occupiers of nearby properties, with particular reference to outlook.

- 2.2 On the first main issue, the Inspector considered that the greater single mass of the new building would result in a lack of clear distinction and gap between buildings, deficiencies in the detailed design (large areas of glazing) and would in overall terms result in harm to the character and appearance of the surroundings, including the character and appearance of the Conservation Area (but not harm the setting of nearby listed buildings), conflicting with Policies CC7, EN1, EN3 and EN6 of the Local Plan. In terms of trees, the Inspector concluded that the proposal would result in the unjustified removal of a tree of importance, harmful to the character and appearance of the surroundings, including the character and appearance of the Conservation Area (contrary to Policies EN14, CC7, EN1 and EN4 of the Local Plan). The Inspector considered other trees would not be harmed subject to conditions.
- 2.3 On the housing mix element of the second main issue, the Inspector concluded that the evidence did not demonstrate that the requirement for 50% of the units to be 3 bedrooms or more should not be applied. As such, there was conflict with Policy H2. In terms of affordable housing, the Inspector ultimately considered that the proposal would not make adequate provision for affordable housing, contrary to Policy H3. The Inspector considered the evidential basis to decide the matter to be weak (partly as the Inspectorate did not accept the additional justification provided on behalf of the LPA by BPS at appeal stage). The onus was on the Appellant to demonstrate that no affordable housing contribution was justified and that was not demonstrated.
- 2.4 Moving on to the third main issue, while the Inspector considered that on balance adequate daylight for future residents would be provided, this was not adequately demonstrated in terms of sunlight. The Inspector considered that crime issues could be addressed through planning conditions. However, in overall terms it had not been demonstrated that the proposal would create good living conditions for future residents, conflicting with Policy CC8.
- 2.5 Finally, in terms of the impact on occupiers of nearby properties, the Inspector concurred with the LPA in that an angled solid privacy wall proposed would be oppressive and overbearing, detrimental to the outlook of nearby Hanover House flats at ground, first and second floor levels. The Inspector was content with the impact on 1-3 Eldon Road, but in conclusion considered that the proposed development would have a harmful effect on the living conditions of occupiers of nearby properties, contrary to Policy CC8.
- 2.6 With regard to legal agreement reasons for refusal, the appellant signalled a willingness to make the obligations, but no s106 was submitted as part of the appeal (which it should have been). The Inspector advised that given the conclusions on other matters it was not expedient to pursue the s106.
- 2.7 In providing an overall conclusion, the Inspector identified conflict with the Local Plan arising from harm in relation to the character and appearance of the surroundings and the Conservation Area, trees, the mix of accommodation and provision for affordable housing, and the effects on the living conditions of future occupants of the proposal and occupiers of nearby properties. The Inspector also concluded that the 2019 permission constituted a more desirable fallback position than the appeal proposal.

Head of Planning, Development & Regulatory Services Comment:

This is a pleasing and clear-cut appeal decision, with the Inspector agreeing with the major components of each original reason for refusal. It is presently unclear whether the appellant will seek to build out the 2019 permission or seek to return with a further application. Based on this clear decision, it is likely to be challenging for the landowner to achieve much more development beyond the 2019 permission.

Case officer: Jonathan Markwell