

Ward: Minster

Appeal No: APP/E0345/W/21/3277610

Planning Ref: 201480/FPA

Site: 72a-d Admirals Court, Reading, RG1 6SP

Proposal: Construction of two additional storeys to provide 6x1 bed flats (10 flats in total). Prior Notification under Class A, Part 20, of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Decision level: Appeal

Method: Written representations

Decision: Appeal dismissed

Date Determined: 14/01/22

Inspector: A Tucker BA (Hons) IHBC

BACKGROUND

The appeal concerned a three storey detached building comprising four flats, part of a planned development of flatted blocks to the west of Rose Kiln Lane.

Prior Approval was sought under Class A, Part 20 for the construction of two additional storeys, to provide an additional six flats. Class A took effect from 01/08/20 and allows for the construction of up to two additional floors on purpose built detached block of flats. There are various technical, size and dimension-based criteria to which the existing building and proposed development must comply with in order to constitute permitted development.

Development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for 'prior approval' as to transport and highways impacts, air traffic and defence asset impacts, contamination risks, flooding risks, the external appearance of the building, the provision of adequate natural light in all habitable rooms of the new dwellings, the impact on the amenity of existing buildings and neighbouring premises including overlooking, privacy and the loss of light, and the impact on a protected view.

The application was refused on 09/02/21 for four reasons:

1. The applicant has failed to demonstrate that the proposed development would not have a material detrimental impact on the functioning of the transport network. The proposed on-site parking provision is inadequate, intensifying existing parking pressures and compromising the safety of users of the transport network including pedestrians and cyclists. The proposal is therefore contrary to A.2 (1) (a) of Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. The proposed building has an over-scaled appearance, disproportionate to the prevailing character of the area. The large, blank flank elevations are oppressive and the building lacks texture and depth. The extent of render to the upper floors would contrast starkly with the general appearance of blocks at Admirals Court. This represents poor design. The proposal is therefore contrary to A.2 (1) (e) of Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

3. By virtue of its additional height, the proposed development would cause detrimental harm to the residential amenities of the occupiers of flats with windows to the northward

elevation of Block 64-72 Admirals Court in terms of visual dominance, overbearing effects and loss of privacy through overlooking. The proposal is therefore contrary to A.2 (1) (g) of Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

4. Insufficient information has been provided to demonstrate the accurate date of construction of the building. It is likely that the building was under construction after 5th March 2018. The proposal is therefore contrary to A.1 (c) of Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SUMMARY OF DECISION

The Inspector firstly clarified that the principle of the development is established by the GPDO, and that there is no requirement for regard to be had to the policies of the development plan (the Reading Borough Local Plan 2019).

The Inspector first considered the fourth reason for refusal, relating to the date of construction of the building. This requirement in the GPDO is that the building was constructed on 5th March 2018. It was noted that a Google Street View image, dated July 2018, showed the building to be largely complete, but crucially still undergoing important construction works. The Inspector took a straightforward reading of the phrase in the GPDO of 'was constructed', concluding that the building was still under construction on 5th March 2018, and that the proposed development could not therefore be permitted development.

With regard to the first reason for refusal, the Inspector noted that at the time of their site visit there were many unoccupied parking spaces within the immediate area of the building, and that existing parking demand appeared low. The Inspector advised that their findings were consistent with the evidence supplied by the appellant, concluding that the transport and highways impacts of the proposal would be acceptable.

The GPDO only requires that LPA scrutiny is given to the external appearance of the building. The Inspector agreed with the Council regarding the difficulties in making an assessment of the design of a building without taking into account its context. However, the Inspector concluded that the external appearance of the building would be acceptable when viewed in isolation, and within the limited scope of consideration of the permitted development right would accord with Chapter 12 of the NPPF, which seeks to secure good standards of design.

The Inspector noted that the relationship between the existing building and the adjacent block at 64-72 Admirals Court was already constrained in terms of the separation distance and bulk, and agreed that the proposed increase in height would exacerbate existing issues to lower level flats in terms of visual dominance and overbearing effects. However, the Inspector did not consider that the proposals would amount to an adverse impact on privacy.

In conclusion, the Inspector concluded that the proposal would not meet the basic technical criteria to constitute permitted development, and would have a harmful impact on the amenity of neighbouring premises. The appeal was therefore dismissed.

HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES COMMENT

Officers welcome the decision of the Inspector and applaud the common sense approach taken to the application of technical based criteria. Officers note that this is the first appeal decision made in the Borough concerning this type of Prior Approval, and that the observations of the Inspector will be useful in future consideration of these types of application.

SITE LOCATION



Case Officer: Tom Hughes