

## APPEAL DECISION REPORT

**Ward:** Katesgrove

**Appeal No:** APP/E0345/W/22/3298800

**Application Ref:** 210714/VAR

**Address:** The Abbey School 17 Kendrick Road, Reading, RG1 5DZ.

**Proposal:** Variation of conditions 6 (hedge height and density) and 13 (hours of floodlighting) of planning permission 120948 (for Development of an all-weather playing field with floodlights and fencing), namely to remove section of hedge and replace with railings, pillars and brick wall and to increase the hours of use of floodlighting

**Case officer:** Beatrice Malama

**Decision level:** Delegated. Refused 1 March 2022

**Method:** Written Representations.

**Decision:** Appeal dismissed

**Date Determined:** 25 October 2022

**Inspector:** Lewis Condé BSc (Hons), MSc, MRTPI

### 1. Background

1.1 The application site relates to the playing field used by Abbey School. The site is located to the west of Kendrick Road, with the Abbey School on the opposite side of the road to the east. The site is bound by residential properties to the north, west, south and southeast. There is a substantial hedge along the eastern boundary.

1.2 The application was made under Section 73 application seeking the variation of conditions 6 (retention of hedging on the eastern boundary) and 13 (hours of floodlighting) of permitted planning application reference 120948.

1.2 There were 4 reasons for refusal and these are summarized as:

- Replacement of a significant proportion of hedging with railings would harm the character and appearance of the conservation area
- Adverse impact on wildlife and protected species
- Harm to residential amenity due to extended hours of floodlighting
- Harm to protected species because of increased hours of floodlighting

### 2. Summary of the decision

2.1 The Inspector considered the main issues to be:

- Whether the condition is reasonable and necessary in the interests of the character and appearance of the area with specific regard to the Kendrick Road Conservation Area (CA)
- Whether it is reasonable and necessary in the interests of the living conditions of neighbouring occupiers with specific regard to noise, disturbance, and light; and protected species with specific regard to bats.

2.2 The Council's case was that the proposal to replace a significant proportion of hedging with railings would harm the character and appearance of the conservation area. The Inspector agreed with the Council "*the loss of what would be a substantial amount of greenery would have a detrimental effect on the character and appearance of the street scene. Accordingly, the proposal would fail to preserve the character and appearance of the CA*". Further the Inspector noted that the proposed replacement planting to the western boundary "*would not mitigate the visual harm that the proposal would cause to the frontage of Kendrick Road specifically and its inherent qualities as I have defined them*". Regarding the level of harm, the Inspector stated that although the proposal would cause less than substantial harm, "*any harm to the significance of a designated heritage asset*

*requires clear and convincing justification and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal".*

- 2.3 Regarding the impact on biodiversity, the Inspector noted that the hedge in question is a priority habitat as defined by the framework. The Inspector further highlighted that the Council's ecologist identifies the hedge as a suitable habitat for wildlife and that the Council has designated it as part of a Green Link on its policy map. This shows that the hedge is regarded as a significant ecological asset and an important part of Reading's Green Network. The Inspector considered the appellant's case but found in favour of the Council's arguments and concluded that *"even though no species were identified as using the hedge for habitat during surveys, it remains a potentially suitable habitat for a range of species"* and added that the appellant did not refute the Council's findings that the hedge is species rich *"with a much greater variety of species than identified within the appellant's Preliminary Ecology Appraisal (PEA) 2021"*. The Inspector further concluded that *"in the absence of any robust challenge to the Council's findings, including a BNG calculation from the appellant, I am not persuaded that the proposed replacement of the hedge would suitably address its loss"* and therefore Condition 6 was reasonable and necessary in the interests of biodiversity.
- 2.4 In respect to harm to protected species, the Inspector noted that both the Council and the appellant's PEA identify part of the site as a suitable foraging habitat for bats. The impact of the floodlighting on the hedgerow however was not specifically considered within the appellant's PEA and no bat survey appear to have been undertaken. The Inspector stated that *"In the absence of such information, I am unable to rule out that the hedgerow may be an important feature that is routinely used by bats for foraging."* In conclusion, the Inspector stated that *"I therefore deem that there is a realistic prospect that the increased use of the floodlights could cause harm to protected species, namely bats. Without the condition the proposal would conflict with Local Plan Policy EN12 and would be contrary to the Framework in respect of conservation and enhancement of the natural environment."*
- 2.5 On harm to residential amenity the Inspector agreed with Council and the residents that the increased hours of floodlighting would have an adverse impact on the living conditions of nearby residents in terms of increased pollutions and glare. The Inspector noted that *"the Council's evidence indicates that concerns relating to glare and light trespass formed part of the determination of the application, and contributed to the need for the condition restricting usage"*. Whilst the inspector agreed with the appellant that the proposed increased hours of operation would result in increased participation in sporting activities and some health benefits, the benefits were not considered to outweigh the harm to amenities of nearby residents resulting from the increased glare of the floodlights. The Inspector further stated that *"despite my findings I regard to noise, the extended hours of floodlight usage would have a detrimental impact on the living conditions of neighbouring residents through increased light pollution and glare."*
- 2.6 Overall, the Inspector concluded that all the Council's reasons for refusal were supportable and dismissed the appeal.

### 3 OFFICER COMMENTS

3.1 Officers are very pleased with the conclusions reached by the Inspector in terms of the support for the approach to protecting heritage as well as the useful confirmation of the Council's approach to protecting biodiversity and residential amenity.

### SITE LOCATION PLAN



Aerial view Google maps 2022

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