

## APPEAL DECISION REPORT

**Ward:** Battle (previously Norcot)

**Appeal No:** APP/E0345/W/22/3299930

**Application Ref:** 220032/FUL

**Address:** 24 Wantage Road, Reading

**Proposal:** Construction of 2 semi detached houses at the rear of 24-26 Wantage Road with access from Wilson Road

**Case officer:** Claire Ringwood

**Decision level:** Delegated, but no decision issued (not determined). Appeal lodged 13 September 2022

**Method:** Written Representations

**Decision:** Appeal dismissed

**Date Determined:** 10 January 2023

**Inspector:** M P Howell BA (Hons) DipTP MRTPI

### 1. Background

1.1 This appeal was lodged on the basis of the failure to determine this application by the Local Planning Authority (a 'non determination' appeal).

1.2 The application site is part of the long rear gardens of Nos. 24 and 26 Wantage Road which front Wilson Road. The application was to erect a small pair of semi-detached houses on the plot.

1.3 There were a number of background points the Inspector firstly considered:

- He did not treat the prior existence of a similar planning permission on the site as extant and therefore material to his assessment
- He did not agree with that there was evidence to conclude that the plans were inaccurate, as officers suggested; and
- Although the LPA had not issued a refusal, he had treated the reasons for refusal in the LPA's Statement of Case as if they had had the power to do so.

### 2. Summary of the decision

2.1 The Inspector considered the main issues to be:

- The effects on affordable housing in the area
- Effects on living conditions of the occupiers and neighbours
- Whether the accommodation, the third bedrooms and the gardens, were of adequate size for the occupants; and
- The effect on the character and appearance of the area.

#### The effects on affordable housing in the area

2.2 The Inspector noted Policy H3's need for an off-site contribution and found that there was limited evidence within the appeal to demonstrate viability issues with the proposed development or that the figure calculated by the Council was incorrect. The Appellant had forwarded no confirmation of the Council's sum, nor offered any alternative and no other options were considered open to the Inspector to address this matter and accordingly, he concluded that there was conflict with Policy H3 and the Affordable Housing and s106 Obligations SPDs.

#### Effects on living conditions of the occupiers and neighbours

2.3 With regard to the effects on the rear of the dwellings at 24 and 26 Wantage Road, the Inspector saw no reason why the usual 20 metre 'back-to-back distance in Policy CC8 should not also apply in this case. The 16.6 metre separation, when coupled with the two storey height and (large) dormers at second floor level, would, he reasoned, *'be of a scale, height and proximity that would unacceptably dominate the outlook from the rear windows [of 24 and 26], as well as overshadow the[ir] private gardens'*. Further, directly-facing windows at 16.6 metres would fail to safeguard privacy. The Inspector also considered that the massing of the development next to the side boundaries of the plots either side would be overbearing to those properties' gardens. For the above reasons, he found the scheme would fail to accord with Policy CC8. He was satisfied that the impact on habitable room windows to the flats at 1 Wilson Road in terms of light and outlook was acceptable.

Whether the accommodation, the third bedrooms and the gardens, were of adequate size for the occupants

2.4 While having regard to Policy H10, the Inspector agreed that the gardens were small, but given that there are small gardens in the immediate vicinity and that the gardens were usable and functional, he concluded that they would be suitable.

2.5 In terms of internal floorspace, the Inspector noted that both the proposed overall floorspace of the houses and the third (single) bedrooms fell short of the National Minimum Housing Standards. He opined that although the shortfalls were relatively minor, there was no justification for not meeting these minima and as a result, the units would feel cramped and oppressive. Therefore, he concluded on this point that although the gardens were suitable under Policy H10, this did not overcome his concern that overall, the internal living conditions would provide a substandard level of accommodation to the occupiers, and therefore conflict with the housing standards as set out in Policy H5. He also went further in considering the development to be in conflict with paragraphs 130(f) and 134 of the NPPF, where developments should create places with a high standard of amenity and that development which is not well designed should be refused.

Effect on the character and appearance of the area

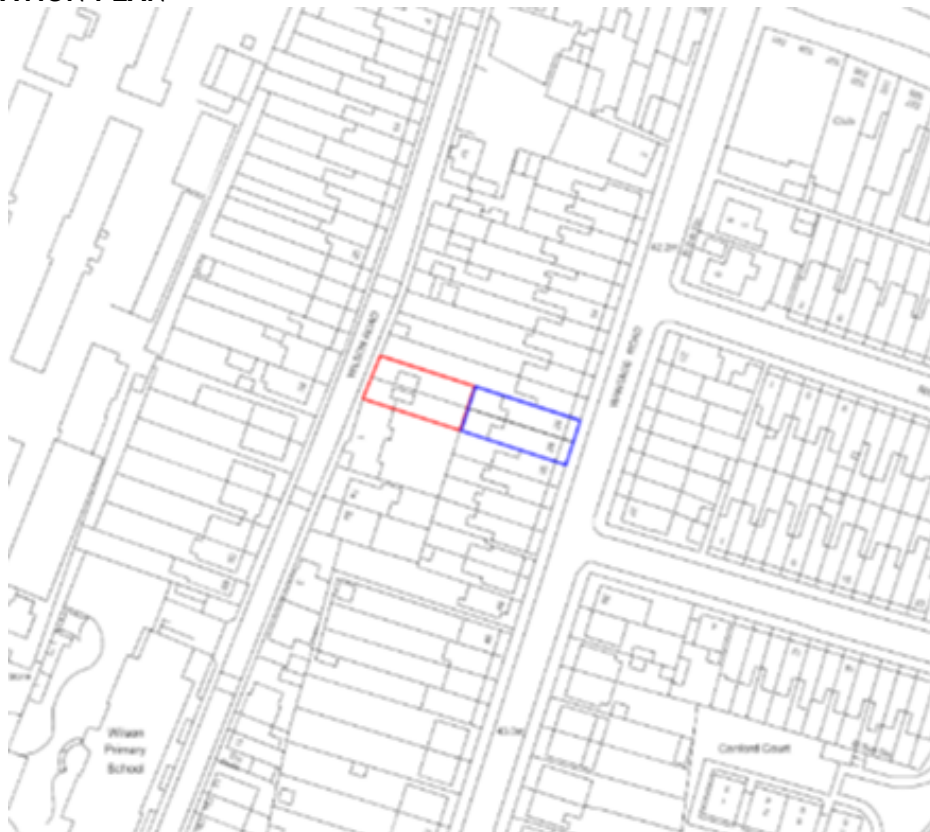
2.6 The Inspector considered that given that there are both frontage and back garden and garage plots fronting this side of Wilson Road in this area, along with a mix of plot sizes, this provided some flexibility to the established pattern of development and he did not accept the position put forward in the Council's statement, that the mix of plots and garaging provided an open character in this part of Wilson Road. He considered that the semi-detached pair of houses and brick-built design was suitable in streetscene terms and therefore found no conflict with policies CC7, H2 and H11 of the Local Plan in this regard.

2.7 Overall, the Inspector concluded that he attached significant weight to the conflict with the adopted local plan policies which seek to ensure satisfactory living conditions and secure affordable housing. He acknowledged the benefits of adding two units to the overall housing stock and the economic benefits (creation of jobs, etc.) from their construction, but acknowledged that these benefits were limited and did not outweigh the harm.

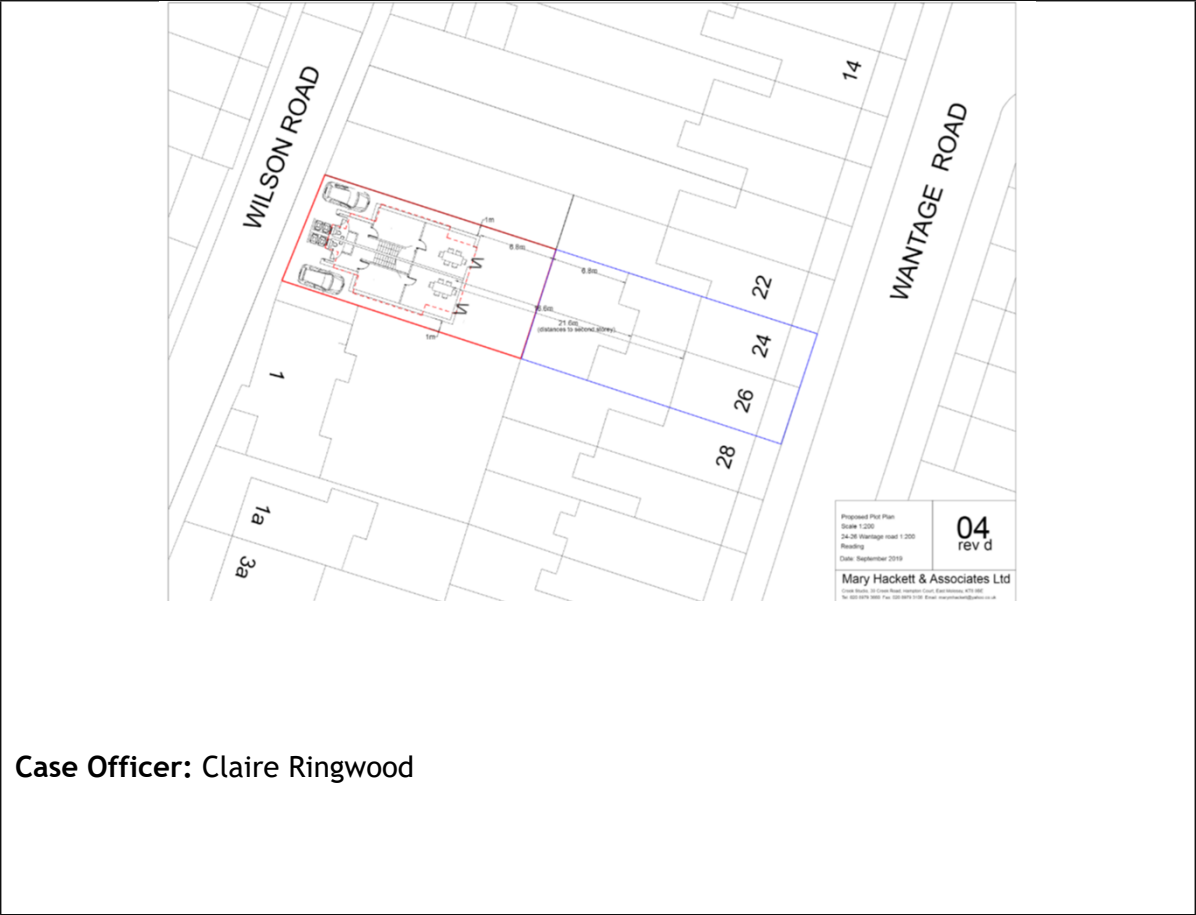
### **3 OFFICER COMMENTS**

- 3.1 This is an pleasing decision in a number of respects.
- 3.2 Firstly, there was clearly disagreement between the parties on the advice which officers were giving to the (then) applicant on the planning application. The applicant declined to withdraw and before the LPA was able to issue a decision of refusal, appealed against non-determination. It is therefore pleasing that not only did the Inspector agree with most of officers' concerns, but also the statement that he had considered this as if the LPA had in fact refused permission in the first place.
- 3.3 The Appellant's unsubstantiated statements of viability in relation to the ability to provide an affordable housing contribution were not clear to officers or the Inspector and attracted a clear policy objection.
- 3.4 Your officers attach great importance to maintaining privacy in suburban situations and also that internal living conditions are satisfactory and it is encouraging to see the Planning Inspector agreed that such minimum standards should prevail, unless there are very good reasons for not doing so.

### **SITE LOCATION PLAN**



Site layout plan



Case Officer: Claire Ringwood