

Ward: Redlands

Appeal No: APP/E0345/W/22/3295119

Planning Ref: 201650/FUL

Site: 111a Watlington Street, Reading, RG1 4RQ

Proposal: Part demolition of existing industrial building and erection of a three storey end of terrace building of 6 flats (C3 use) (amended description)

Decision level: Appeal

Method: Written representations

Decision: Appeal dismissed

Date Determined: 01/02/2023

Inspector: Peter Mark Sturgess BSc (Hons), MBA, MRTPI

BACKGROUND

The appeal site is a vacant part brick/part timber clad, two storey light industrial building which is attached to an end of terrace property, which consists of a Class E use (retail) at ground floor level, and residential to the first floor, located on the east side of Watlington Street. Records indicate that historically the building was occupied as a builder's merchants (from mid-1800's to early 1900's). The most recent known use of the building to Officers is as a glass merchants in the 1970's.

The appeal was lodged against the refusal of a planning application sought for full planning permission for the part demolition of the existing part timber part brick industrial building and erection of a three-storey end of terrace building of 6 flats (C3 use).

The Officer Report for application 201650 was presented to the Planning Applications Committee (PAC) on 8th September 2021. This report recommended the proposal for approval. Members of the PAC, having read the report and discussed the application, came to a different conclusion on the proposed development and voted to overturn the recommendation and refused planning permission for the following three reasons:

1. The proposed development, by virtue of its bulk, mass, scale and detailed design is considered to result in a building which would fail to integrate with the character and appearance of the terrace of buildings to which it would adjoin and that of the surrounding area and would harm the setting of the neighbouring Listed Building. The proposed development is not considered to be of sufficient design quality to justify the loss of the existing light industrial building, which is a non-designated heritage asset building of townscape merit, and fails to respond positively to the local context though failure to demonstrate that the building could not be adapted to provide live/work units. Therefore, the proposed development is considered to fail to preserve the character of the surrounding conservation area, to harm the setting of the adjacent grade II listed building at no. 71-73 London Road and fails to respond positively to its context. The proposed development is contrary to Policies EN1, EN3, EN4, EM4 and CC7 of the Reading Borough Local Plan 2019.

2. The proposed development, by virtue of seeking to provide 6no. dwellings on the site, includes the provision of basement level bedrooms to serve the two duplex flats laid out across the ground and basement floors. This will result in the occupiers of these flats having a poor quality of outlook and daylighting creating a poor standard of residential

amenity for them. The proposed development is contrary to Policy CC8 of the Reading Borough Local Plan 2019.

3. In the absence of a completed S106 Legal Agreement the proposal fails to secure an acceptable Affordable Housing contribution towards meeting housing needs in the Borough and fails to provide for suitable refuse collection arrangements for the development to prevent excessive stationing of waste collection vehicles causing obstruction on the public highway and to prevent proliferation of bins being left on the Princes Street for collection, which would be harmful to and fail to preserve the character of the surrounding conservation area. The proposed development is contrary to policies EN1, EN3, EN4, CC7, CC9, H3 and TR3 of the Reading Borough Local Plan 2019.

The decision notice was issued on 22/09/2021.

SUMMARY OF DECISION

Within the Preliminary Matters section of the decision, the Inspector discusses the amended plans submitted by the appellant at appeal stage. In accordance with the Procedural Guide - Planning Appeals - England (the Guide) and the Wheatcroft principles:

1. If an appellant is submitting revisions at appeal stage, these should normally be submitted within a fresh planning application.
2. The appeal process should not be used to evolve a scheme.
3. It is important for the Inspector to consider the scheme that was considered by the Local Planning Authority and the public during consultation.

The Inspector confirms that the amended plans were not considered at appeal stage, as they have not been subject to consultation and therefore might disadvantage people which should have been consulted on the amended proposals.

In respect of the first reason for refusal the Inspector identified the main issues to be:

- The effect of the proposed development on the character and appearance of the Eldon Square Conservation Area.
- The effect of the proposed development on the setting of a Grade II listed building.
- Whether the loss of a non-designated heritage asset is justified.

The “loss of existing light industrial building” and “failure to demonstrate that the building could not be adapted to provided live/work units” is not listed as one of the main issues but is instead discussed in paragraph 34 of the appeal decision under “Other Matters”, “Loss of employment floorspace”.

Character and appearance of the Eldon Square Conservation Area

The Inspector assessed the development against the latest Conservation Area Appraisal document for Eldon Square (2007).

In paragraphs 14 and 15, the Inspector weighs the benefits of the proposal against the harm to heritage assets in accordance with paragraph 202 of the NPPF and concludes that the benefits in providing an affordable housing contribution and employment during

construction, does not outweigh the substantial harm to the character and appearance of the Conservation Area that the development would cause. The Council's 5-year supply of deliverable housing sites is also acknowledged. The benefit of removing the existing building is also discarded, as this would occur under any scheme to redevelop the site.

In paragraph 18, the Inspector succinctly summarises the harm of the development. The proposed development is stated as appearing bulky and having a heavy presence on the Watlington Street elevation. In terms of detailing and materials, the amount of brickwork used around the openings contributes to the bulky and heavy appearance of the building, whilst the detailing does not match that of the prevailing terraced rows along Watlington Street. The development also fails to incorporate features that have been identified within the Eldon Square Conservation Area Appraisal as having a positive contribution, this is with regards to brick arches, pitched roofs and chimney stacks.

The development was therefore found to not be in accordance with Policies CC7, EN1 and EN3 of the Reading Borough Local Plan and harmful to the character and appearance of the Eldon Square Conservation Area.

The setting of a Grade II listed building - 71 and 73 London Road

Paragraph 20 of the appeal statement opens with "The appeal proposal would largely create this backdrop, with the existing boundary wall retained and part of the flank wall of the existing building incorporated into the proposed development". The Inspector found that the development would avoid harm to the setting of the Listed Building or have an adverse impact on the elements of the heritage asset that contribute to its setting.

Loss of a non-designated heritage asset

The Inspector considers the importance of retaining the existing building at 111a Watlington Street. Whilst the Inspector concludes that the benefits of the scheme do not outweigh the loss of the heritage asset, the Inspector also highlights that features of the existing building do not reflect the character of the area, with the building being substantially altered over the years. These features include uPVC windows, a gable parallel with the street, and timber cladding.

Living conditions for future occupants

Reason for refusal 2 refers to substandard living conditions for future occupants with regards to poor quality outlook and daylight. The Inspector identified the main issue to be the living conditions of potential residents especially for those with the basement bedrooms and the arrangement of the duplex flat.

In terms of the basement rooms (paragraph 29) the Inspector notes that the east facing windows to habitable rooms would result in unacceptable outlook and daylight in relation to the lower ground bedrooms. The Inspector does, however, consider that the kitchen/living room/dining room to the ground floor front flat would have an outlook over the street and that despite the overhang, the presence of a floor to ceiling window would allow for maximum penetration of daylight and sunlight.

So while the living conditions to the ground floor front flat were found to be acceptable the Inspector concludes that the living conditions to the ground floor rear bedrooms would be unacceptable due to the lack of outlook and sunlight experienced to the two rear bedrooms. The development was therefore found not to be in accordance with Policy CC8 of the Reading Borough Local Plan.

Affordable Housing and Refuse Disposal Management Plan

Reason for refusal 3 was attached as a legal agreement securing a Policy compliant affordable housing contribution and details of suitable refuse collection management plan had not been completed. At appeal stage, a legal agreement was completed on 2nd September 2022 for the affordable housing contribution and details of suitable refuse collection arrangements. The Inspector considered that the legal agreement met the tests set out in paragraph 57 of the Framework and the provisions of s122 of the Community Infrastructure Levy Regulations 2010. Therefore, the third reason for refusal was found to be suitably addressed.

Other Matters - Loss of Employment Floorspace

The Inspector assessed the loss of employment floorspace against Policy EM3, rather than Policy EM4 of the Reading Borough Local Plan, as the Policy directly relates to the loss of employment land. The Inspector credits the building's lack of occupancy and inactive use for employment for a considerable period to the unsuitability of the building for modern employment.

The Inspector also considered that the use of the site for employment may have repercussions to the predominantly residential surrounding area in terms of harm to living conditions. It is assumed that the Inspector is referring to noise and disturbance issues to residents along Watlington Street from any use of the site as employment land. Therefore, this aspect of reason for refusal 1 fell away.

Planning Balance and Conclusion

In conclusion, the Inspector concluded that the proposal would:

- Harm the character and appearance of the Eldon Square Conservation Area. With the visual harm of the development not outweighing the benefits of the scheme. (Reason for Refusal 1)
- The ground floor rear flat of the development would provide harmful living conditions to future occupants in terms of poor outlook and access to sunlight due to its position and orientation. (Reason for Refusal 2)

The appeal was therefore dismissed.

Assistant Director, Planning, Transport & Public Protection Comment

The appeal decision accepts the principle of the loss of the site for employment purposes. However, the decision clearly explains why in respect of reason for refusal one the proposed development fails to meet relevant Local Plan policies in respect of appearance by not making a positive contribution to the local character and distinctiveness of the

conservation area. It also finds that for reason for refusal two while not all occupants would be disadvantaged, concerns for the poor outlook for residents of the ground floor rear flat were sufficient to uphold the Council's concerns.

SITE LOCATION



Case Officer: David Brett