



Appeal Decision

Hearing held on 28 March 2023

Site visit made on 28 March 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal Ref: APP/E0345/W/22/3313234

9 Upper Crown Street, Reading, RG1 2SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Irongate Property (Reading) Ltd against the decision of Reading Borough Council.
 - The application Ref 211614, dated 15 September 2021, was refused by notice dated 20 June 2022.
 - The development proposed is demolition of existing buildings and structures, associated reuse of frame with basement level used for car parking & servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations & associated works to rear of indigo apartments to facilitate pedestrian access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the Hearing the Council confirmed it does not consider that the appeal proposal would be harmful to the living conditions of the occupiers of 89 Southampton Street. I see no reason to dispute this, given the relative siting of the existing and proposed buildings. I have determined the appeal accordingly.
3. Notwithstanding the appellants' appeal form, the description of development was changed from that stated on the application form, with 3 residential blocks proposed rather than 4. I have used this amended description above.

Main Issues

4. The main issues are:
 - Whether it would provide acceptable living conditions for future occupiers, with particular regard to outlook for occupiers of building 1 and the privacy and outlook of occupiers of buildings 2 and 3,
 - The effect on the character and appearance of the area; and,
 - The effect on the living conditions of neighbouring occupiers, with particular regard to the outlook from and privacy of nos 85 and 87 Southampton Street.

Reasons

Future occupier living conditions

5. Policies CC8 and H10 of the Reading Borough Local Plan (the LP) require, amongst other criteria, that development not cause unacceptable living conditions for new residential properties, and must provide functional private open space that is not compromised by the relationship of other buildings.
6. The size and proximity of Building 2 to the rear of the terraced houses and their rear gardens would result in it being overbearing to the occupiers of these houses. The appearance of the building would be softened with a living wall on this elevation, which would also have some articulation from the siting of obscure glazed windows. In addition, the setting in of the mansard roof from this elevation would be significant, limiting its presence when seen from ground level in particular. I also recognise that for the easternmost house in the terrace, only part of the outlook would be onto Building 2. Nevertheless, the size and proximity of Building 2 would result in it being a dominant and oppressive presence that would compromise the outlook from the houses and the quality of the rear gardens to the extent that the living conditions of occupiers of the houses would be unacceptable.
7. I acknowledge that other properties may exist in the area with a similar outlook, and I saw during my site visit that neighbouring gardens are relatively small, in some instances smaller than those proposed for the terraced houses. However, development locally has been piecemeal in nature, and in the case of the older houses on Upper Crown Street and Newark Street these are of considerable age far predating modern standards for residential development. They also do not back onto buildings of the size and height of the proposed Building 2. In any case, the combination of factors identified above would result in unacceptable living conditions for the future occupiers of these properties. Even if a similar combination of factors does exist locally, this does not change my view that the appeal proposal would be unacceptable in this regard.
8. The appellants contend that future occupiers of the houses would be aware of the relationship before occupying the properties. I note that the proposed affordable housing would comprise 1 and 2 bedroom units, with these 3 bedroom houses in private ownership. However, I do not consider that this would excuse the provision of new housing with such poor outlook.
9. I heard during the Hearing that Buildings 2 and 3 at their closest would be separated by around 9 to 10 metres. There would be windows and balconies to bedrooms and living areas in both buildings facing one another across this distance. There would be trees between the buildings, but it would take time for them to become established. It is not clear to what extent screening would be effective, especially between apartments at the upper floors. However, I am mindful that these would be apartments in an urban environment where the surrounding density of development is high. Within this context, total privacy cannot be reasonably expected, and the upper floors would be separated to a greater degree by the setback at mansard level. Having regard to these factors, I consider that on balance the occupiers of these apartments would have acceptable privacy.
10. There would be limited separation between Buildings 2 and 3. The facing apartments would principally have outlook onto the communal amenity area

between and around the buildings. However, almost all of the apartments would be dual aspect, with windows or balconies providing wider vistas to the north or south beyond the building opposite. These apartments would have acceptable outlook, given the dense urban setting. The 1 person apartment on the ground floor of Building 3 would have a single window facing onto the communal area so would have the most limited outlook of those proposed. However, the proposed window would be full length and face onto an area of soft landscaping with trees between the two buildings. On balance, and again taking account of the dense urban setting, this relationship would be acceptable.

11. Overall, therefore, the appeal proposal would fail to provide acceptable living conditions for the occupiers of the 4 terraced houses due to poor outlook from the houses and their gardens. This would be contrary to the requirements of Policies CC8 and H10 of the LP set out above.

Character and appearance

12. The appeal site lies in an area of mixed character, with older, predominantly low-rise properties intermingled with taller, newer buildings. Along Upper Crown Street properties are generally 2 storey terraced houses, but the 5 storey City Gate building sits on one corner of the street, next to the appeal site. In addition, the site is next to the 6 storey Indigo Apartments as well as other buildings of more than 2 storeys.
13. Within this context the appeal proposal would be a relatively dense development of between 2 and 5 storeys in height. The developable area of the site above street level would be constrained by the provision of basement parking, with a wide access ramp along one boundary of the site. However, it is necessary to reprovide the parking spaces within the site due to the lengthy leases held by some of the users. While this limits the developable area for new buildings, the resultant spacing would prevent the development from being overbearing to neighbouring occupiers to the north and east of the site.
14. Buildings 2 and 3 would be centrally located within the site, closer to the taller neighbouring buildings than those to the south or east. Within this context, their height and massing would not appear out of keeping, especially given the height of Indigo Apartments and both the height and massing of City Gate.
15. Buildings 2 and 3 would be close together. This would result in a relatively compressed feeling for users of the communal space between them. However, the area would be planted with grass and trees, softening its feel. The public space on site generally would be more open with a mix of hard and soft landscaping to provide access and a generally attractive setting for the buildings.
16. Building 1 would be a terrace of 4 houses of similar scale to those existing in Upper Crown Street. The Council accepted during the Hearing that this aspect of the development was acceptable in terms of its scale, and I see no reason to disagree with this.
17. The low level parking would extend across the entire site. There would be little opportunity for planting, with much of this area beneath the buildings and receiving little or no natural light. This area would therefore be functional in character, but in my experience this is typical for parking areas in general,

particularly at subterranean level. Given the limited visibility of the parking, I am satisfied that it would be acceptable in terms of its effect on the character and appearance of the area.

18. Buildings 2 and 3 would each have dedicated stairwell accesses to the underground parking. Measures to ensure safe and controlled access to the buildings would be necessary, but this could be secured by an appropriately worded condition were I otherwise minded to allow this appeal.
19. Overall, therefore, the appeal proposal would be acceptable in terms of the effect on the character and appearance of the area. It would accord with the requirements of Policies CC7, EN14 and H10 of the LP. Taken together, these policies require that development must be of high design quality that maintains and enhances the character and appearance of the area and that it make provision for tree planting within the application site and functional private or communal open space.

Neighbour living conditions

20. The building at 85 Southampton Street is in residential use. Some of the rear windows face towards the appeal site and I heard during the Hearing that these would be around 16 metres from Building 3. This degree of separation would limit the extent of impact to the occupiers of No 85. Building 3 would be significantly taller than No 85, but given the urban setting and considerable separation distance the reduction in outlook would not cause unacceptable harm to the occupiers of No 85.
21. There would be windows to communal areas in the upper floors of Building 3 that would face towards No 85. As these would not serve habitable areas, an appropriately worded condition could require that these be fitted with obscured glazing, were I otherwise minded to allow this appeal. This would ensure that no perception of overlooking would result.
22. No 87 would be the closest building to Building 3. There are no windows in the facing elevation of No 87. From the evidence before me, the building is in use as offices, although presently vacant. While there are no defined standards of light or outlook for offices, I am nevertheless mindful that they are spaces where users can spend considerable periods. It would therefore be unreasonable to permit development that would cause an undue loss of light or outlook to the building. However, Building 3 would not extend beyond the south elevation of No 87, so would not affect the windows facing in that direction. It would extend to the north of No 87, but there would be no effect on natural light from this direction. There would be some loss of peripheral outlook from the closest windows, but this would be slight, and not to an extent that unacceptable harm would occur.
23. There is an extant permission for the addition of a flat to the top floor of No 87, above the existing offices. This would be approximately level with the fourth floor of Building 3, with the approved plans showing habitable room windows facing north and south. While the approved flat would experience some loss of peripheral outlook from the closest windows than previously envisioned, this would not be so harmful that it would justify a refusal of planning permission.
24. Overall, therefore, the appeal proposal would not result in unacceptable harm to the living conditions of the occupiers of the existing buildings at 85 and 87

Southampton Street. It would therefore accord in this matter with Policy CC8 of the LP, which amongst other criteria requires that development not cause a detrimental impact on the living environment of existing residential properties.

Other Matters

25. There is a Conservation Area (the CA) near the appeal site, and I have paid special attention to the desirability of preserving or enhancing its character or appearance. No harm has been identified as arising to the CA from the appeal proposal. Given the separation distance and extent of intervening buildings I am satisfied that it would not result in harm to the character or appearance of the CA, or to its setting.
26. During the Hearing it was confirmed that an acceptable form of wording for a unilateral agreement had been reached between the main parties. This was then signed and circulated after the close of the Hearing in accordance with an agreed timetable. The agreement would secure the contributions for employment skills and training, affordable housing and carbon off-setting sought by the Council. Accordingly, the Council has stated that the related reason for refusal no longer applies. As I am dismissing the appeal on other grounds, it is not necessary for me to consider this matter further.

Planning Balance

27. The appeal proposal would create 46 new dwellings, contributing to the Government's objective of significantly boosting the supply of homes, with a policy-compliant provision of 14 affordable units that would assist in addressing the local need for affordable homes. Given the recorded shortfall in delivery of affordable housing, this attracts additional weight in the overall balance.
28. The appeal site is close to Reading town centre with a range of shops, services and facilities. It comprises brownfield land, the redevelopment of which is supported both in local and national planning policies. The site is available and the development could be delivered quickly, helping to meet the Council's housing delivery targets. There would be economic benefits from the construction and occupation of the development, as well as benefits for local people from skills development secured through the provided legal agreement. The development would be in keeping with the general character and appearance of the area and would improve the appearance of the appeal site. The site is presently wholly laid for hardstanding and the data centre building, and there would be environmental benefits from the introduction of soft landscaping, sustainable drainage and the incorporation of biodiversity enhancement measures within the development. The appeal proposal would also include sustainability measures, including photovoltaic panels and air source heat pumps, with the provision of electric vehicle charging points in the car park.
29. Collectively these benefits attract very substantial weight in favour of the appeal proposal.
30. Set against this is the harm that would occur to the occupiers of the terraced houses due to the proximity of Building 2. While this would only affect 4 of the proposed 46 dwellings, the height and overbearing presence of the taller building would result in the rear gardens and outlook from the rear of the houses being compromised to the extent that living conditions for occupiers

would be unacceptable. This harm would outweigh the benefits arising from the proposed development.

31. The appeal proposal would therefore conflict with the development plan, and there are no material considerations, including the identified range of benefits and the National Planning Policy Framework, to indicate that this appeal should be determined otherwise than in accordance with it.

Conclusion

32. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR

Appearances

For the appellant

Thomas Rumble	Woolf Bond Planning
Edward Mather	Colony Architects
David Fletcher	Evoke Transport Consultants
Nicholas Gardner	Base Energy Services

For the Council

Thomas Bradfield	Principal Planning Officer
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Interested parties

Tom Hawthorn	Resident
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