

**READING BOROUGH COUNCIL: APPEAL DECISION REPORT**

**PLANNING APPLICATIONS COMMITTEE: 26 June 2024**

**Ward:** Abbey

**Appeal No.** APP/E0345/W/23/3325863

**Planning Ref:** 221443/FUL

**Site:** Land to the rear of Dukesbridge House, 23 Duke Street, Reading

**Proposal:** Construction of a pair of semi-detached mews houses with associated cycle and refuse storage

**Decision level:** Delegated

**Method:** Written Representations

**Decision:** Appeal DISMISSED

**Date Determined:** 29 May 2024

**Inspector:** S D Castle BSc (Hons) MA MRTPI

**Site description and background**

The appeal site relates to a car park / servicing yard (the courtyard) contained within the multi-storey urban block that faces onto Duke Street to the west, King's Road to the north, the River Kennet to the south, and Highbridge Wharf to the east.

The site is located within the Market Place / London Street Conservation Area (the CA). The CA is the subject of an Appraisal adopted by the Council in 2007.

The site has been subject to an earlier planning application: 211681/FUL which was similar in built form, though differed in its provision of open space. This was refused by delegation and was not appealed.

The officer recommendation on the application subject of the appeal (211681) was to refuse permission for the following reasons:

Reasons for refusal (summary)

1. The proposal fails to integrate with the layout and design of the surrounding conservation area,.
2. The proposed development, will adversely impact upon the level of amenity and provide an unacceptable quality of living accommodation for future occupants,.
3. The proposed development, will result in a harmful level of noise and disturbance to residents of Il-Libro Court as existing windows and balconies would sit in close proximity to the proposed roof terraces.
4. The proposal would result in an unjustified loss of parking provision within Dukesbridge Court and failed to demonstrate whether all the retail units fronting onto Duke Street and Kings Road will continued to be serviced from the courtyard.
5. The proposal has failed to demonstrate or make provision for an adequate level of tree planting on site.
6. Absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing,.

At the appeal, the Appellant provided a draft unilateral undertaking to Council for review. It was not considered that this was sufficient in detail to overcome the last reason for refusal and as such it was objected to through the appeal.

The applicant submitted additional archaeological details to address objections from Berkshire Archaeology. This was considered acceptable by Berkshire Archaeology to overcome their objection.

### **Summary of Decision**

The Inspector considered that the two remaining main issues were: the effect on the character and appearance of the area, and the Market Place/ London Street Conservation area; living conditions of future occupiers of the development; and effect of the proposal on accessibility and servicing of surrounding buildings.

#### Character and Appearance of the Area, including the Conservation Area

The appeal site is a portion of land within the rear of Dukesbridge House with access to this area via Highbridge Wharf (off Kings Road). The site is not a listed building, though opposite in Highbridge Wharf, is the Grade II listed Highbridge House. Number 12, 14 and 16 King's Road are buildings of townscape merit as identified within the CA appraisal (2007). Though the site would not be immediately visible from key Streets within the Conservation Area, the proposal would have introduced what was considered by the case officer a harmful intrusion into the space which would not be able to accommodate the needs of the development without harming servicing of the main building on the site. Overall, the scheme was considered poor in both layout and design and was crammed into a site which was unable to cater for it.

The inspector considered that *"The open space of the appeal site comfortably frames the surrounding multi-storey buildings, providing the substantial urban block with a degree of legibility when viewed from Highbridge Wharf."*

Further, the inspector concluded that *"The proposed townhouses, their garden areas and boundary treatments, would appear incongruous within this space, dwarfed in scale in comparison to the surrounding urban block. The subdivision of the existing courtyard would result in a cramped and contrived layout with an uncomfortably narrow pedestrian access. The incongruous character and appearance of the development would be readily perceived from Highbridge Wharf in shared views of 12, 14, and 16 King's Road, and also in views from Highbridge House. It would not engage positively with the surrounding built form, and consequently would harm the character and appearance of the CA. Securing boundary treatment details by condition would not ameliorate the harms identified."*

The inspector concluded however *"that the harm caused by the development to the significance of the CA as a designated heritage asset would be less than substantial"*

Given the inspector was minded to consider the harm to the Conservation area as 'less than substantial' they returned to consider the heritage and planning balance in concluding the appeal decision. It was noted that the benefits of the proposal: additional housing, jobs during construction, new residents supporting the vitality of the area. Though the benefits were considered moderate, when weighed against the harm it was not sufficient to outweigh such harm to the conservation area.

#### Living Conditions

The inspector disagreed with the Council's view that the dwellings, including their outdoor amenity space would be significantly harmful. The Inspectors view that due to the town centre location, and the fact that flats could be built without private amenity space (noting that the size of the dwellings are akin to flats) would mean that the proposal would be acceptable in this setting.

The inspector concluded that *“The amenity spaces would provide useful outdoor space for the 1-bedroom dwellings, including for relaxing outside and the hanging of washing. ... I find the degree of overlooking would not render the proposed external amenity spaces unacceptable.”*

#### Accessibility and Functionality of Dukesbridge House

The servicing of Dukesbridge House via the area of the proposal would be highly compromised by the development. The inspector stated that *“The loss of open courtyard area would be detrimental to the efficient delivery of goods to the adjoining commercial units. The proposals are, therefore, contrary to Policy TR3 of the Reading Borough Local Plan (2019) and paragraph 116 of the Framework.”*

#### Other considerations

The Inspector was satisfied that the legal agreement was sufficient to secure a contribution toward affordable housing despite Council’s concerns. Though, as the Inspector dismissed on other reasons, the disagreement between Council and the Appellant was not pursued.

#### **Assistant Director for Planning, Transport & Public Protection comments:**

The appeal decision is a pleasing decision which supports the officer’s position that the proposal would be harmful to the character and appearance of the conservation areas. Despite the Inspector determining the amenity of residents would not be unduly harmed by the layout of the site and other buildings within it, it remained to be considered unacceptable in form. The comments around functionality of the site, and servicing also reiterate the need for servicing areas such as these, and that not all land within the town centre could or should be built upon. The balance struck between the needs of housing and conservation protection are noted and are pleasing.

**Case Officer: Application stage: Connie Davis / Appeal stage: Anthony Scholes**

