

Planning Applications Committee

06 November 2024



Reading
Borough Council
Working better with you

Title	PLANNING APPEALS
Purpose of the report	To note the report for information
Report status	Public report
Report author	Julie Williams, Development Manager (Planning & Building Control)
Lead Councillor	Councillor Micky Leng, Lead Councillor for Planning and Assets
Corporate priority	Inclusive Economy
Recommendations	The Committee is asked: 1. To note the report.

1. Executive Summary

- 1.1. To advise Committee on notifications received from the Planning Inspectorate on planning appeals registered with them or decision made and to provide summary reports on appeal decisions of interest the Planning Applications Committee.

2. Information provided

- 2.1. Please see Appendix 1 of this report for new appeals lodged since the last committee.
- 2.2. Please see Appendix 2 of this report for appeals decided since the last committee.
- 2.3. Please see Appendix 3 of this report for new Planning Officers reports on those appeal decisions of interest to this committee.

3. Contribution to Strategic Aims

- 3.1. Defending planning appeals made against planning decisions contributes to creating a sustainable environment with active communities and helping the economy within the Borough as identified as the themes of the Council's Corporate Plan.

4. Environmental and Climate Implications

- 4.1. The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 4.2. The Planning Service uses policies to encourage developers to build and use properties responsibly by making efficient use of land and using sustainable materials and building methods

5. Community Engagement

- 5.1. Planning decisions are made in accordance with adopted local development plan policies, which have been adopted by the Council following public consultation. Statutory consultation also takes place on planning applications and appeals, and this can have bearing on the decision reached by the Secretary of State and his Inspectors. Copies of appeal decisions are held on the public Planning Register.

6. Equality Implications

6.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2. It is considered that an Equality Impact Assessment (EIA) is not relevant to the decision on whether sites need to be visited by Planning Application Committee. The decision will not have a differential impact on people with the protected characteristics of; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.

7. Legal Implications

7.1. Public Inquiries are normally the only types of appeal that involve the use of legal representation. Only applicants have the right to appeal against refusal or non-determination and there is no right for a third party to appeal a planning decision.

8. Financial Implications

8.1. Public Inquiries and Informal Hearings are more expensive in terms of officer and appellant time than the Written Representations method. Either party can be liable to awards of costs. Guidance is provided in Circular 03/2009 "Cost Awards in Appeals and other Planning Proceedings".

9. Timetable for Implementation

9.1. Not applicable.

10. Background Papers

10.1. There are none.

APPENDIX 1

Appeals Lodged:

WARD:	PARK
APPEAL NO:	APP/E0345/W/24/3351980
CASE NO:	240015
ADDRESS:	70-78 Wokingham Road Reading RG6 1JL
PROPOSAL:	Demolition of existing building and construction of 6 no 2 bed flats over 3 storeys including parking, landscaping, bin and cycle store
CASE OFFICER:	Anthony Scholes
METHOD:	Written Representation
APPEAL TYPE:	REFUSAL
APPEAL LODGED:	22.10.2024

APPENDIX 2

Appeals Decided:

WARD: NORCOT
APPEAL NO: APP/E0345/D/24/3343633
CASE NO: 231572
ADDRESS: 23 Ibstock Close
PROPOSAL: Proposed replacement of existing uPVC conservatory with new gable-roofed single-storey side and rear extension.
CASE OFFICER: James Schofield
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 3.10.2024

Officer Comment: The key finding was that the proposed extension would be overly bulky, would dominate the host dwelling and would be unacceptably prominent in the streetscene. Also that it would result in the loss of the grass verge to the side of the house which forms part of a wider network of green buffers in an area of terraced housing. The extension would appear incongruous and erode the character and appearance of the site and area.

Link to Decision: <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343633>

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WARD: ABBEY
APPEAL NO; APP/E0345/W/24/3343524
CASE NO: 201104
ADDRESS: 10 Eaton Place
PROPOSAL: The development proposed is demolition of the existing building and redevelopment of the site to provide a residential building of 5-storeys(use Class C3) and associated public realm improvements
CASE OFFICER: Natalie Weekes
METHOD: Informal Hearing
DECISION: DISMISSED
DATE DETERMINED: 11.10.2024

See officer report on the decision in Appendix 3

WARD: NORCOT
APPEAL NO; APP/E0345/W/24/3342234
CASE NO: 31578
ADDRESS: 194 Waverley Road
PROPOSAL: The development is demolition of an existing detached garage and replacement with new 2 bedroom residential dwelling
CASE OFFICER: Marcelina Rejwerska
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 17.10.2024

Officer comment: The key finding was that the site was too small to accommodate the proposed dwelling in terms of the impact on the character of the area. The Inspector also found that the proposal would be overbearing on the existing dwelling at 194 Waverley Road, with associated harm to the amenity of occupiers.

Link to decision:

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3342234&CoID=0>

Planning Officers reports on appeal decisions.

READING BOROUGH COUNCIL: APPEAL DECISION REPORT

PLANNING APPLICATIONS COMMITTEE: 6 November 2024

Ward: Abbey

Appeal No.: APP/E0345/W/24/3343524

Planning ref. 201104

Site: 10 Eaton Place, Reading, RG1 7LP

Proposal: Demolition of the existing building and redevelopment of the site to provide a residential building of 5 storeys (Use Class C3) and associated public realm improvements

Decision level: Committee

Method: Informal Hearing

Decision: Appeal dismissed

Date Determined: 11 October 2024

Inspector: Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

1. Site description and background

- 1.1 The appeal site is located on Eaton Place. It sits on the western side of the road, with the curtilage (boundary) of The Butler public house (Listed Grade II and since the hearing, now confirmed as an Asset of Community Value in the Borough) to the immediate north and just to the south, the former DWP Government Offices. To the north is the boundary of the Castle Street/Russell Street/Oxford Road Conservation Area.
- 1.2 The site is presently occupied by a vacant two storey office building and car park. The site is within a larger area identified in the Local Plan as CR12 and allocated for residential-led development.
- 1.3 The application was recommended for approval (subject to a s106 legal agreement) by officers at the 1 November 2023 Planning Applications Committee, however the Committee went against the recommendation and refused the application for reasons of (in summary):
 1. unacceptable noise and disturbance to new residents from the pub;
 2. harm to the setting of the Listed Building and failing to produce a comprehensive approach to redevelopment of the CR12 sub area
 3. failure to supply a contribution towards affordable housing
 4. a failure to provide contributions/obligations in relation to employment and skills, carbon offsetting and refuse collection arrangements.
- 1.4 Reasons 3 and 4 were subsequently agreed via a unilateral undertaking and were not discussed in the appeal. The appeal was examined by way of a hearing held at the Town Hall on 17 September 2024.

2. Summary of decision

2.1 The Inspector considered that the appeal raised three principal issues:

- whether the proposed development would both provide acceptable living conditions for its future occupants in relation to noise and disturbance, and be compatible with the existing use of the adjacent public house;
- the effect of the development on the amenity of patrons of the adjacent public house in relation to privacy; and
- the effect of the development on the character and appearance of the area, including whether it would conserve the significance of a Grade II listed building.

Living conditions

- 2.2 The Inspector noted that 14 of the 15 flats would have openable windows in very close proximity to the live music area. The robustness of the noise monitoring was discussed in detail at the hearing and the LPA did not offer a specialist noise representative, nor an officer from the Council's Environmental Protection (EP) Team, given that their original consultation response was that the noise monitoring provided by the applicant/appellant was considered sufficient. However, the Inspector disagreed, not finding the noise assessment comprehensive or convincing and instead took a commonsense view about the realistic impact that the proposal would have on the very adjacent residents, ie. that the relationship between the proposal and the live music venue would generate complaints. Further, he was not persuaded that the mechanical ventilation heat recovery (MVHR) system would be suitable. Overall, he found that the proposal would provide unsuitable living conditions next to uses which produce noise and disturbance, contrary to Local Plan policies CR6 and CC8.

Effect on privacy of pub patrons

- 2.3 This matter was included within reason for refusal 1 of the Decision Notice. Comparatively little time was spent at the hearing on this matter (and the Inspector's decision) and overall, the Inspector concluded that the amenity of patrons was not a valid consideration for resisting the proposal. There was no conflict with Local Plan Policy CC8.

Effect on character and the Listed Building (the Butler PH)

- 2.4 The appeal proposal featured a five storey building (originally proposed as eight storeys in the planning application) on the southern boundary with the pub. The Inspector concentrated on the impact of the proposal on the setting of the Listed Building in the present context of the site, which is largely surrounded by more modern building forms and the dual carriageway; but also appropriateness in terms of the aspiration of the Local Plan to develop the wider allocation site. He considered impacts on wider Heritage Assets, other listed buildings (including the Meteorological Society building on Oxford Road and the Conservation Area) but did not attribute harm to these. Overall, he found the proposal would harm the character of the area mainly through its failure to conserve the significance of the Listed Building, noting that, *'The jump in height between it [the appeal scheme and the cluster of largely dingle storey buildings attached to the back of the public house would be both startlingly abrupt and visually overwhelming']*.

Assistant Director for Planning, Transport & Public Protection comments

This is a welcome decision in respect of the compatibility of adjacent land uses and developments. Although the decision does not mention the 'agent of change principle' by name, the relevant section of the NPPF is noted. Although there will be individual determinations on disturbance and the proximity of residential developments near to noisy town centre activities such as music venues, the Inspector considered this an unfortunate juxtaposition and appeared to accept the LPA's view at the hearing that this situation could have been avoided with a more sympathetic design.

On the matter of impact on heritage assets, officers consider that the Inspector correctly focused on the wider purpose of the allocation and the key harm (impact to the setting and appreciation of the special significance of the immediately adjacent LB). Any heritage harm much further afield was more difficult to describe and attribute to the appeal scheme.

On both of the above matters, it was clear that the Inspector considered the scheme inappropriate for the site and there is helpful commentary here to guide developers and officers when considering alternative proposals.

Case officer: Nathalie Weekes

Aerial photo with site outlined



visual of proposed development with The Butler in foreground.