



<b>Title</b>	<b>PLANNING APPEALS</b>
<b>Purpose of the report</b>	To note the report for information
<b>Report status</b>	Public report
<b>Report author</b>	Julie Williams, Development Manager (Planning & Building Control)
<b>Lead Councillor</b>	Councillor Micky Leng, Lead Councillor for Planning and Assets
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	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: Caversham Heights  
APPEAL NO: APP/E0345/W/24/3353393  
CASE NO: PL/23/1590  
ADDRESS: 2 Conisboro Way, Caversham  
PROPOSAL: Demolition of existing dwelling house and construction of replacement dwelling house  
CASE OFFICER: Marcelina Rejwerska  
METHOD: Written Representation  
APPEAL TYPE: REFUSAL OF PLANNING PERMISSION  
APPEAL LODGED: 5/11/2024

WARD: Caversham Heights  
APPEAL NO: APP/E0345/W/24/3354019  
CASE NO: PL/24/0054  
ADDRESS: 98 Conisboro Way, Caversham  
PROPOSAL: Erection of a new dwelling  
CASE OFFICER: Marcelina Rejwerska  
METHOD: Written Representation  
APPEAL TYPE: REFUSAL OF PLANNING PERMISSION  
APPEAL LODGED: 24/10/2024

WARD: Redlands  
APPEAL NO: APP/E0345/D/24/3352853  
CASE NO: PL/24/0727  
ADDRESS: 74 Donnington Road  
PROPOSAL: Rear extension measuring 6.0m in depth, with a maximum height of 3.0m, and 2.7m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.  
CASE OFFICER: Huimin Chen  
METHOD: Written Representation  
APPEAL TYPE: REFUSE PRIOR APPROVAL OF PD RIGHTS  
APPEAL LODGED: 30/09/2024

## **APPENDIX 2**

### **Appeals Decided:**

WARD: Emmer Green  
APPEAL NO: APP/E0345/D/24/3346524  
CASE NO: PL/24/0286  
ADDRESS: 12 St Benet's Way, Emmer Green, Reading  
PROPOSAL: Proposed single storey extension to create an extended garage and workshop  
CASE OFFICER: Gary Miles  
METHOD: Written Representation  
DECISION: DISMISSED  
DATE DETERMINED: 8<sup>th</sup> November 2024

**Officer Comment:** The Inspector found that the proposal would not harm trees of amenity value but that the removal of some smaller trees would nevertheless harm the biodiversity of the site (protected species and priority habitats), without appropriate mitigation having been demonstrated. Officers, are pleased that the ecological concerns were upheld.

**Link to Decision:** <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3346524>

WARD: Park  
APPEAL NO: APP/E0345/Z/24/3341590  
CASE NO: PL/24/1842  
ADDRESS: Land at Hand Car Wash 261 London Road  
PROPOSAL: New pair of illuminated 48-sheet digital advertisement displays.  
CASE OFFICER: Gary Miles  
METHOD: Written Representation  
DECISION: DISMISSED  
DATE DETERMINED: 8<sup>th</sup> November 2024

**Officer Comment:** The Inspector found that the size, prominent location and nature of the proposals would draw the eye, at a point when drivers are approaching not only a signalled controlled junction but also one at which pedestrians would be crossing. This would be harmful to public safety. The Inspector also found that the proposed illuminated screens with changing images would compete visually with the grade II listed cemetery entrance and its associated structures. As a result, the proposal would appear incongruous within the street scape and result in harm to the setting and thus significance of Reading Cemetery. Officers welcome this decision which usefully outlines the types of impacts which large illuminated screen displays can have on busy roads and on surrounding heritage assets.

**Link to Decision:** <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341590>

WARD: Caversham Heights  
APPEAL NO: APP/E0345/D/24/3345630  
CASE NO: PL/24/0309  
ADDRESS: 18 Richmond Road Caversham Reading RG4 7PP  
PROPOSAL: Erection of a detached car port located at the front of the host dwelling (Retrospective)  
CASE OFFICER: Sian Hickey  
METHOD: Written Representation  
DECISION: ALLOWED  
DATE DETERMINED: 13<sup>th</sup> November 2024

**Officer Comment:** The inspector found that the car port structure which has been built "...has a relatively discrete appearance when approaching from the Albert Road junction due to its open face and the backdrop of tall, mature trees and street foliage. Moreover, given that the

*carport is not significantly taller than the existing boundary fencing, its side and rear elevations are largely screened from views along Richmond Road.” The Inspector “...observed that planting is becoming established between the carport and the fencing, which exceeds the height of the development. The leafy foliage on the appeal site serves to conceal most of the development from view”. The Inspector did not find any harm to the adjacent protected tree. Officers have a distinctly different view of the situation on site in terms of the visual impact of the development, the benefits of any existing or future landscaping in terms of visual mitigation, or the long-term impacts on the tree, but respect the Inspector’s decision.*

**Link to Decision:** <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3345630>

### **APPENDIX 3**

**Planning Officers’ reports on appeal decisions.**

**None**