

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	5 September 2018	AGENDA ITEM:	5
TITLE:	PLANNING APPEALS		
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report notifications received from the Planning Inspectorate on the status of various planning appeals.

2. RECOMMENDED ACTION

- 2.1 That you note the appeals received and the method of determination as listed in Appendix 1 of this report.
- 2.2 That you note the appeals decided as listed in Appendix 2 of this report.
- 2.3 That you note the Planning Officers reports on appeal decisions provided in Appendix 3 of this report.

3. INFORMATION PROVIDED

- 3.1 Please see Appendix 1 of this report for new appeals lodged since the last committee.
- 3.2 Please see Appendix 2 of this report for new appeals decided since the last committee.
- 3.3 Please see Appendix 3 of this report for new Planning Officers reports on appeal decisions since the last committee.

4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 Defending planning appeals made against planning decisions contributes to producing a sustainable environment and economy within the Borough and to meeting the 2015 -18 Corporate Plan objective for "Keeping the town clean, safe, green and active."

5. COMMUNITY ENGAGEMENT AND INFORMATION

- 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 IMPACT ASSESSMENT

6.1 Where appropriate the Council will refer in its appeal case to matters connected to its duties Under the Equality Act 2010, Section 149, to 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.

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. BACKGROUND PAPERS

9.1 Planning Appeal Forms and letters from the Planning Inspectorate.

APPENDIX 1

Appeals Lodged:

WARD: MAPLEDURHAM
APPEAL NO: APP/E0345/D/18/3204361
CASE NO: 172098
ADDRESS: 72 Chazey Road
PROPOSAL: Two storey side extension
CASE OFFICER: Ethne Humphreys
METHOD: Written Representation
APPEAL TYPE: HOUSEHOLDER REFUSAL
APPEAL LODGED: 10.07.2018

WARD: PARK
APPEAL NO: APP/E0345/D/18/3204709
CASE NO: 180328
ADDRESS: 48 Regis Park Road
PROPOSAL: Conversion of garage to habitable room and associated landscaping alterations
CASE OFFICER: Tom Hughes
METHOD: Written Representation
APPEAL TYPE: HOUSEHOLDER REFUSAL
APPEAL LODGED: 10.07.2018

WARD: MAPLEDURHAM
APPEAL NO: APP/E0345/D/18/3205295
CASE NO: 180301
ADDRESS: 8 Hilltop Road
PROPOSAL: Single storey front and side extension
CASE OFFICER: Tom French
METHOD: Written Representation
APPEAL TYPE: HOUSEHOLDER REFUSAL
APPEAL LODGED: 17.07.2018

WARD: KATESGROVE
APPEAL NO: APP/E0345/W/18/3199747
CASE NO: 172118
ADDRESS: 40 Silver Street
PROPOSAL: Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 62 studio rooms (sui generis use class) with associated ancillary space and landscaping works.

CASE OFFICER: Alison Amoah
METHOD: Written Representation
APPEAL TYPE: REFUSAL
APPEAL LODGED: 17.02.08.2018

WARD: ABBEY
APPEAL NO: APP/E0345/W/18/3204180
CASE NO: 172127
ADDRESS: "Dogma Ph", 11 Castle Street, Reading
PROPOSAL: Placement of furniture upon public highway
CASE OFFICER: Natalie Weekes
METHOD: Written Representation
APPEAL TYPE: REFUSAL
APPEAL LODGED: 02.08.2018

APPENDIX 2

Appeals Decided:

WARD: MAPLEDURHAM
APPEAL NO: APP/E0345/W/17/3192214
CASE NO: 170176
ADDRESS: Caversham Lawn Tennis Club Queensborough Drive
PROPOSAL: Erection of 9 no. floodlighting columns (6.7 metres high) supporting 10 no. luminaires (HiLux Match LED Gen 3) with LED lamps (overall height 7.0 metres) to provide lighting to Courts 3 and 4 for Recreational Tennis (BS12193-2007 Class III).
CASE OFFICER: Jonathan Markwell
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 17.07.2018

WARD: KENTWOOD
APPEAL NO: APP/E0345/D/18/3202378
CASE NO: 180057
ADDRESS: 12 Lower Armour Road
PROPOSAL: First floor rear extension
CASE OFFICER: Tom Hughes
METHOD: Written Representation Householder
DECISION: DISMISSED
DATE DETERMINED: 26.07.2018

WARD: KATESGROVE
APPEAL NO: APP/E0345/W/17/3190317
CASE NO: 170019
ADDRESS: "Existing private carpark", East Street, Reading
PROPOSAL: Erection of a 4 storey building to provide 103 student accommodation units (Sui Generis) , landscaping and ancillary works , following the removal of a 49 space car park
CASE OFFICER Matthew Burns
METHOD: Informal Hearing
DECISION: ALLOWED
DATE DETERMINED: 10.08.2018

WARD: PARK
APPEAL NO: APP/E0345/D/18/3204709
CASE NO: 180328
ADDRESS: 48 Regis Park Road, Reading
PROPOSAL: Conversion of garage to habitable room and associated landscaping alterations
CASE OFFICER Tom Hughes
METHOD: Householder written representation
DECISION: ALLOWED
DATE DETERMINED: 16.08.2018

WARD: MAPLEDURHAM
APPEAL NO: APP/E0345/D/18/3204361
CASE NO: 172098
ADDRESS: 72 Chazey Road, Caversham, Reading
PROPOSAL: Two storey side extension
CASE OFFICER Ethne Humphreys
METHOD: Householder written representation
DECISION: ALLOWED
DATE DETERMINED: 16.08.2018

APPENDIX 3

Address Index of Planning Officers reports on appeal decisions.

City Wall House, 26 West Street, Reading

Caversham Lawn Tennis Club, Queensborough Drive, Caversham, Reading

Planning Officers reports on appeal decisions attached.

APPEAL DECISION REPORT:

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 5 September 2018

Ward: Abbey

Appeal No: APP/E0345/W/17/3188270

Planning Ref: 170251/FUL

Site: City Wall House, 26 West Street, Reading

Proposal: Change of use of fourth and fifth floors from C1 (hotel) to 10 no. C3 (residential) apartments with minor internal alterations.

Decision level: Committee

Method: Written Representations

Decision: Appeal Allowed, subject to a s106 unilateral undertaking and conditions.

Date Determined: 25 June 2018

Inspector: N A Holdsworth MCD MRTPI

SUMMARY OF DECISION

Planning application 170251 was refused for reasons of cramped nature of units and communal areas, unsuitable access for those with mobility issues and concern for loss of opportunity of securing an affordable housing contribution.

The Inspector considered the main issues in the appeal to be:

- (i) Whether suitable accommodation would be provided, regarding (a) size and layout of the units (b) the layout of communal areas; and (c) provision made for people with limited mobility; and
- (ii) Whether or not a sufficient range of housing types would be provided.

Unit size:

The proposal would not involve any internal changes to facilitate 9 studio flats or one-bed units and there would be one 2-bed flat. He found that the proposed flats had good facilities and reasonable outlooks and light levels. Whilst he noted that 7 out of 10 of the units failed to meet the National Minimum Technical Housing Standards, these are not adopted by the Council, all areas he found as acceptable and the bedroom areas all exceed the sizes as set out in the Council's Residential Conversions SPD. He considered that on-site amenity areas were not necessary in this town centre location. Taking all of these matters into account, he concluded that he did not agree with the Council that the proposed units would be undersized or cramped.

Communal facilities:

The Inspector did not consider the use of the small, communal lobby area for both apartment and residential occupiers to be an unacceptable arrangement. He considered that modern electronic key-fob type access could adequately ensure that the different residents could be given controlled access, subject to condition. Waste collections would need to increase to maintain amenity, but he agreed that this too, could be the subject of a condition. With regard to cycle parking, the Inspector does not appear to tackle the issue of lack of space, facilities and the likely inevitable obstruction; suggesting that bicycles could be stored outside (Officer comment: *there is no opportunity*) or within rooms (*the corridors/lifts are small and the rooms themselves are small*). Surprisingly, the Inspector considered that there is no real difference between the characteristics of long-term housing and serviced apartments. In particular, he seems to discount officer concerns about the need for communal areas and storage, without comment on how else this could be accommodated.

Accessibility:

The Inspector makes some very general assumptions in his assessing of access for those with mobility difficulties. It is not clear, for instance, to what extent the building was inspected by the Inspector and officers have sought urgent clarification on this point from

the Inspectorate and hope to be able to update your meeting verbally on this matter. He has also failed to address the point that disabled visitors would have issues getting to any occupants of the top floor, although he finds that, 'the development would serve those with limited mobility reasonably well' and that, 'the majority of the flats are accessible by lift'.

Unit mix:

The Inspector finds that the (awkward) 2-bedroom unit would provide sufficient living accommodation for two people, but of course, the purpose of a 2-bed unit is also that it could potentially accommodate a family and this unit is not considered acceptable for this purpose. Further, he considered that Policy RC9 of the RCAAP sets out an aspiration for 3-bed units to be provided, rather than a specific policy requirement. He concludes by saying that he finds no evidence before him that demonstrates a serious unmet demand for family sized housing within the town centre.

Affordable housing:

At the appeal, the Appellant provided a unilateral obligation which would enable a contribution towards affordable housing in the Borough to be captured, should subsequent floors of this building latterly be converted from apart-hotel to C3 residential. This approach is the same as that already in place by the same operator in their development in Kings Road. Officers agreed that this met its concerns and the Inspector agreed for the need for the obligation.

Conditions:

The Inspector agreed with the majority of the LPA's suggested conditions, but did not find that the need to prohibit parking permits was justified, however, this is subject to separate control by The Council's Traffic Management Sub-Committee.

Head of Planning, Development & Regulatory Services' Comment

Officers are disappointed in this decision, which in our view would produce a fairly poor-quality of accommodation and the Inspector seems to have failed to fully appreciate the particular physical issues with this building.

The flats themselves would be small and the issue of the minimum housing standards will be addressed in the emerging Local Plan. Communal facilities are the bare minimum and conflict of users is likely to be common. The Inspector considers that apart-hotels and flats are similar, but they are in different use classes and rightly so. This remains a layout with no opportunity for living and the Inspector is assuming that these units will be occupied by single people or couples with no children who would have no more expectation of facilities than one would expect in an apart-hotel. But town centre dwellers have a right to suitable quality of accommodation. There are no supporting amenity facilities, unlike the operator's other site at Kings Road, which includes a gym, terraces and a communal lounge.

Officers remain unconvinced that the tensions which may arise between the transient population and residents can be solved simply with key fobs and this may prove to be a problematic development, but hopefully this would be well-managed by this operator.

Site Plan:



Case Officer: Richard Eatough

Ward: Mapledurham

Appeal No: APP/E0345/W/17/3192214

Planning Ref: 170176

Site: Caversham Lawn Tennis Club, Queensborough Drive, Caversham, Reading, RG4 7JA

Proposal: Erection of 9 no. floodlighting columns (6.7 metres high) supporting 10 no. luminaires (HiLux Match LED Gen 3) with LED lamps (overall height 7.0 metres) to provide lighting to Courts 3 and 4 for Recreational Tennis (BS12193-2007 Class III).

Decision level: Committee decision on 19/07/17

Method: Written representations

Decision: Appeal Dismissed

Date Determined: 17 July 2018

Inspector: Richard S Jones BA (Hons) BTP MRTPI

1. BACKGROUND

- 1.1 The appeal site comprises two existing artificial grass tennis courts at Caversham Lawn Tennis Club (CLTC). More specifically, these are courts number 3 and 4, which are located within the mid-section of a row of seven courts on the southern side of the wider CLTC site.
- 1.2 CLTC has a long history of planning applications / appeals in relation to floodlighting and various other works at the site (e.g. an air hall between the months of October and March allowed on appeal in October 1992). Most notably, an appeal was dismissed for floodlighting at the same courts in January 2010 (Ref APP/E0345/A/09/2109529).
- 1.3 The 2017 application for floodlighting received a significant number of public consultation responses, with a total of 80 responses in support, 1 observation and 18 separate objections received as part of the original consultation. In July 2017 Planning Applications Committee concurred with the officer level recommendation to refuse planning permission for the following reason:

The proposed works, owing to their location, would result in unacceptable noise and disturbance and artificial lighting, thereby causing damaging noise and light pollution which would be harmful to the character and appearance of local area and have a significant detrimental impact to the living environment of existing nearby residential properties, contrary to Policies CS7 (Design and the Public Realm) and CS34 (Pollution and Water Resources) of the Reading Borough Council Local Development Framework Core Strategy 2008 (Altered 2015) and DM4 (Safeguarding Amenity) of the Reading Borough Council Local Development Framework Sites and Detailed Policies Document 2012 (Altered 2015).

- 1.4 The applicant appealed against this decision to the Planning Inspectorate.

2 SUMMARY OF DECISION

- 2.1 The Inspector considered that the two main issues of the appeal were: the effect of the proposed development on the character and appearance of the area; and the effect of the development on the living conditions of the occupiers of nearby residential properties with particular reference to noise and light.
- 2.2 In terms of character and appearance, the Inspector agreed with the conclusions of the Inspector in dealing with the previous appeal in 2010. In particular, the Inspector considered that there would be an unacceptable cumulative adverse visual effect when viewed from the surrounding residential properties, within the context of the existing air hall at the site. The Inspector also quoted elements of the previous appeal decision, referred to floodlights appearing "incongruous and entirely out of keeping with the residential character of the surrounding area." The Inspector therefore concluded that "the proposal would result in unacceptable harm to the character and appearance of the area, contrary to Reading Borough Local Development Framework Core Strategy Policy CS7."
- 2.3 In relation to living conditions, the Inspector concluded that "the proposal would result in unacceptable harm to the living conditions of neighbouring occupants in terms of outlook and

noise, contrary to CS Policy 34 and to Reading Borough Local Development Framework Sites and Detailed Policies Document Policy DM4." In reaching this conclusion the Inspector raised a number of concerns from a variety of perspectives.

- 2.4 First, the Inspector was concerned about light spill into part of the rear gardens of No's 21 and 23 Fernbrook Road, commenting "the spill would be readily obvious within the context of these rear gardens where those presently dark spaces would clearly be lighter, resulting in a material and harmful change."
- 2.5 In terms of outlook the Inspector stated "the floodlighting would present a dominant and unneighbourly outlook from the rear windows and gardens of Nos 21 and 23, in particular, thereby diminishing the living conditions of the occupants of those properties. Moreover, it would not be reasonable to assume that the harm could be mitigated by the occupants being forced to close their curtains. I also consider that there is potential for a material cumulative effect with the air hall."
- 2.6 In terms of respite from noise and disturbance for neighbours, the Inspector stated this would be significantly reduced and again quoted the criticisms made by the previous Inspector in 2010.
- 2.7 In terms of noise, the Inspector noted that during his site visit standing in the rear gardens of both No's 21 and 23 "even though courts 3 and 4 were not in use at that time, the play on other courts further away was still clearly audible... amongst the stated benefits of the scheme is that it would facilitate in particular the coaching of juniors for the whole of the year. Whilst this is clearly a laudable objective, it is nevertheless likely to be noisier than recreational games between older players because of youthful high spirits and the raised voices of coaches." The Inspector concurred with the previous Inspector and, moreover, was "also concerned regarding the likely cumulative noise effects with the use of the adjacent air hall."
- 2.8 The Inspector recognised the benefits of the scheme (enhancing the facilities and wider social / health & wellbeing benefits, as referenced in the significant amount of representation made in support of the appeal proposal. The Inspector also appreciated the needs of the tennis club, but was not provided with any compelling evidence to demonstrate that the lack of floodlighting was the cause of a recent drop in membership or that its absence would result in a further decline of the membership. In overall terms the Inspector found that the harmful impacts of the scheme outweighed the benefits.

Head of Planning, Development & Regulatory Services Comment:

This is a particularly pleasing and clear-cut appeal decision, with the Inspector agreeing with all of the various concerns raised by the Council in refusing the application. The 2010 appeal decision was considered to be abundantly clear in its reasoning, with this latest decision reiterating and, moreover, strengthening the previous position with further references to cumulative harmful impacts as a result of the existing air hall at the site.



Aerial view looking north from Fernbrook Road

Case officer: Jonathan Markwell