

**Appeal No:** APP/E0345/W/19/3220213

**Planning Ref:** 180849

**Site:** Land adjacent to Thorpe House, Colliers Way, Reading RG30 2QS

**Proposal:** The development proposed is residential development to provide a maximum of 14 dwelling units and demolition of dwelling at 16 Kirton Close to provide access.

**Decision level:** Committee decision on 20/07/18

**Method:** Informal Hearing

**Decision:** Appeal Dismissed

**Date Determined:** 17 December 2019

**Inspector:** Mike Hayden

## 1. BACKGROUND

- 1.1 The appeal site comprises an area of open land to the east of Thorpe House, with a treed embankment to the north of the site and public footpath to the south of the site. At the time of the application and the appeal, the site was enclosed by timber hoardings.
- 1.2 The 2018 application received a significant number of public consultation responses, with a total of 1 response in support and 33 separate objections received as part of the original consultation. In July 2018 Planning Applications Committee concurred with the officer level recommendation to refuse planning permission for the following reasons:
  - 1.The proposed development would result in the loss of open space that has not been previously developed and which makes a positive contribution to the character, appearance and environmental quality of the area due to its openness, undeveloped character and green vegetated appearance. As such the proposed development would be contrary to Policies CS7 and CS28 of the Reading Borough LDF Core Strategy 2008 (altered 2015).
  - 2.The amount of development proposed within the main body of the site would require a scale of building (or buildings) that would appear as an incongruous, jarring and poorly integrated feature within the context of the notably modest scale of development in adjacent streets. The minimal distance that would be likely to exist between the building(s) and north eastern and south western site boundaries would result in an overly cramped appearance, further adding to the visual harm. For these reasons the development would represent an overdevelopment of the site, fail to respond positively to its local context, and fail to reinforce local character and distinctiveness. The proposal would therefore harm the character and appearance of the area, contrary to Policies CS7, CS15 and CS28 of the Reading Borough LDF Core Strategy 2008 (altered 2015).
  - 3.The proposed removal of the dwelling at 16 Kirton Close and its replacement with an access roadway and vehicle parking area would result in the loss of continuity and enclosure within the established street scene which is characterised by a regular built form of a distinctive style and appearance. The proposed access would result in a disjointed and visually stark arrangement of access road and vehicle parking to the detriment of the existing streetscene and contrary to Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015).
  - 4.The proposal would generate traffic crossing an existing footpath / cycle path, without giving priority to pedestrians and cyclists. This would result in an increased risk of accidents to users of the footpath and would be in conflict with Core Strategy Policy CS20 and Sites and Detailed Policies document Policy DM12.
  - 5.The proposal includes the unnecessary and unjustified removal of a TPO-protected tree of amenity value (Norway Maple T1 of TPO; T540 of tree survey) at the northern corner of the site. As such the proposal fails to preserve and not harm the character and appearance of the

site and area within which it is located, including the wider contribution to visual amenity provided by mature trees. The proposals are therefore contrary to Policies CS7, CS38 and DM18.

6. The application fails to demonstrate that the proposed amount of development can be accommodated without harm to the amenity of occupiers of neighbouring dwellings caused by a loss of privacy to windows and gardens due to overlooking; overbearing effects resulting from the likely scale and proximity of the building; and disturbance from vehicle movements adjacent to Thorpe House. As such the proposal is contrary to Policies DM4 and CS15.
7. The application fails to demonstrate that the proposed amount of development can be accommodated in a manner which provides adequate outlook, daylight, sunlight and private outdoor amenity space for future occupiers. As such the proposal would be harmful to the amenity of future occupiers, contrary to Policy DM4.
8. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough and the objective of creating mixed and balanced communities and as such is contrary to Policy CS16, Affordable Housing Supplementary Planning Document (2013) and para. 50 of the NPPF.
9. In the absence of a completed legal agreement to secure an acceptable mitigation plan or equivalent contribution towards the provision of Employment, Skills and Training for the construction phase of the development, the proposal fails to contribute adequately to the employment, skills or training needs of local people with associated socioeconomic harm, contrary to Policies CS3, CS9, DM3 and the Employment Skills and Training SPD (2013).

1.3 The applicant appealed against this decision to the Planning Inspectorate and an Informal Hearing was held 19th and 20th November 2019.

## **2 SUMMARY OF DECISION**

2.1 The Inspector accepted that the reasons relating to loss of protected trees (reason 5), and the lack of contributions towards affordable housing and skills and training (reasons 8 and 9) had been overcome and that the four main issues remaining for the appeal were:

- The effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the potential loss of open space; the indicative scale, design and layout of the proposed development in relation to the surrounding streets and buildings; and the street scene in Kirton Close;
- The effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to privacy, outlook and disturbance;
- Whether the proposal would provide acceptable living conditions for future occupiers of the development, with particular regard to outlook, daylight/sunlight and private outdoor amenity space; and
- The effect of the proposed development on highway safety.

2.2 In terms of loss of open space and whether or not the site was classed as 'Previously Developed Land', the Inspector considered that, notwithstanding the embankment along the north boundary (last remaining evidence of the former quarry use) that as there were no actual structures remaining associated with the previous use, the open space and amenity land does not comprise 'Previously Developed Land'.

- 2.3 Further to the above, the Inspector placed considerable emphasis on the space as informal recreational use for local residents, having previously provided - and with the potential to provide - a valuable area of attractive visual amenity. The Inspector also considered that the openness of the site itself above the fencing and the backdrop of mature trees made an important contribution to the character of the area.
- 2.4 In terms of character and appearance, and linked to the above openness of the site, the Inspector concluded that given the indicative scale of the development proposed, this loss of openness and space would be harmful to the character of the surrounding area. Furthermore, that whilst an outline application and the drawings were indicative, the quantum of development likely required to facilitate the 14 units proposed (3 storey) would create a visually dominant and overbearing building form out of keeping with and harmful to the character and scale of the wider area (2 storey and bungalows).
- 2.5 In terms of the demolition of No.16 Kirton Close, the Inspector considered that, given its position at the head of the cul-de-sac, creating a unique sense of enclosure, coupled with its distinctive design and small scale character and appearance, its removal would result in an unacceptable loss of continuity of the architecture and intimate character of the cul-de-sac.
- 2.6 The Inspector therefore concluded that “the proposed development would cause and unacceptable degree of harm to the character and appearance of the surrounding area conflicting with Policies EN8 and CC7 of the Reading Borough Local Plan”.
- 2.7 In relation to living conditions of neighbouring properties, the Inspector considered that, given the closeness, position and orientation of potential windows in the proposed development this would result in overlooking of No.12 Verney Mews. Furthermore, given the height of the proposed development, it would also result in an overbearing impact on the outlook to No.12.
- 2.8 In relation to Thorpe House, the Inspector considered that the number of vehicle turning movements associated with the proposed development would result in unacceptable disturbance to the occupiers of Thorpe House, and compared to the current traffic free environment that currently exists.
- 2.9 The Inspector did not consider there to be any unacceptable impact on No’s 15 or 17 Kirton Close.
- 2.10 The Inspector therefore concluded that “the proposed development would cause unacceptable harm to the living conditions of occupiers of 12 Verney Mews, with regard to loss of privacy and an overbearing outlook, and for the occupiers of Thorpe House with regard to noise and disturbance...contrary to Policy CC8”
- 2.11 In relation to living conditions of future occupiers, the Inspector considered that, in respect of amenity space, that not only would the land proposed for communal garden space harm the open space and public amenity value of the land (and as discussed above) but that much of the land itself would be overshadowed by trees and the proposed building, compromising its attractiveness, functionally, quantity and quality as outdoor space.
- 2.12 Further linked to the above, the Inspector also considered that given the limited depth of the amenity space to the rear, it would be hard to ensure privacy for ground floor units.
- 2.13 The Inspector therefore concluded that “the proposed development would cause unacceptable living conditions for future occupiers of the proposed development, in terms of its inadequate communal outdoor space...contrary to Policies CC8 and H10”
- 2.14 In terms of Highway Safety, whilst the Council’s original concerns were considered to have been overcome during appeal submissions, this was still considered as an issue by the

Inspector, given concerns expressed by local residents at the hearing. However, the Inspector was satisfied with the technical evidence provided and the views of the Highway Authority and concluded that there would not be any “unacceptable harm to highway safety or the operation of the road network complying with Policy TR3 of the Reading Borough Local Plan”.

- 2.15 The Inspector raised no concerns in respect of loss of protected trees (either due to poor condition or proposed replacement).
- 2.16 The Inspector recognised the benefits of the scheme (13 additional dwellings to the supply of housing in Reading, and financial contribution in substitution for provision of affordable housing units on site). However, the Inspector concluded that the number of limited units proposed, coupled with the current surplus in the housing land supply in the Borough, that the proposed housing contribution would not outweigh the harm it would cause to the character and appearance of the area and living conditions of both neighbouring and future occupants.
- 2.17 In overall terms the Inspector found that the harmful impacts of the scheme outweighed the benefits.

**Head of Planning, Development & Regulatory Services Comment:**

This appeal decision is very welcome given that the comments made by the Planning Inspector upholding the remaining reasons for refusal regarding the principle of developing this open space for residential use, protecting the character and appearance of the area and safeguarding the residential amenities of neighbours. The comments also pay tribute to and endorse the contributions that residents made with their submissions on the application, again against the appeal and attending the hearing.

Case officer: Ethne Humphreys