
Appeal Decision

Site visit made on 27 April 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2021

Appeal Ref: APP/E0345/W/20/3265679

Hazelwood, 13 Kendrick Road, Reading RG1 5DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Mann against the decision of Reading Borough Council.
 - The application Ref 200639, dated 5 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is described as 'Erection of single-storey bow roofed garden house comprising two 2-bed flats. Revised private amenity space and parking layout'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Council have set out that they have adopted updated affordable housing guidance. The Affordable Housing Supplementary Planning Document Adopted, March 2021 (the AH SPD) replaces the earlier version referenced within the formal Decision Notice.
3. Furthermore, the Council have submitted in evidence the Reading Borough Council Tree Strategy adopted in March 2021. They advised that this updates the 2010 version referenced within their delegated application report.
4. The appellant has had opportunity to comment on these updated documents during the appeal. As such, I do not consider that they would be prejudiced by my considering these as part of my assessment.

Main Issues

5. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area having particular regard to the Kendrick Conservation Area (the KCA) and protected trees;
 - ii) The effect of the proposal on the living conditions of future occupiers of the development having particular regard to outlook, access to light and external and internal space; and
 - iii) Whether the proposal makes appropriate provision towards affordable housing.

Reasons

Character and appearance

6. Policies CC7, H10 and H11 of the Reading Borough Local Plan, Adopted November 2019 (the RBLP) set out the requirement for high quality design that responds positively to its context having regard to matters such as density, scale, architectural detail and materials. The RBLP in these regards has a high degree of conformity with the National Planning Policy Framework (the Framework). Paragraph 124 of the Framework sets out that the creation of high-quality buildings and places is fundamental to planning with good design being a key aspect to sustainable development. Furthermore, paragraph 127 sets out that decisions should ensure that development adds to the quality of the area, is visually attractive, sympathetic to local character and history, and maintains a strong sense of place whilst optimising the potential for the site to accommodate an appropriate amount of development.
7. The appeal site is located within the KCA and Policies EN1 and EN3 of the RBLP seek to protect the significance of this designated heritage asset and consider proposals that enhance it positively. The appeal site contributes to the significance of the conservation area and I place considerable importance and weight on the desirability of preserving or enhancing the character or appearance of the KCA. The Proposed Kendrick Conservation Area Character Appraisal (the KCA appraisal) is dated from 2005. However, I have little evidence that the context it provides has changed significantly and consider that it provides useful guidance, along with my own site observations, to establish the significance of the KCA and how the area has evolved.
8. At this point the character and appearance is derived from large Edwardian and Victorian villas set back from the tree lined road with a strong building line. The mature trees are a particular feature that make a valuable contribution to the area's character and appearance. The buildings have architectural quality and coherence with 5-15 Kendrick Road being exceptionally well detailed 2- and 3-storey detached properties mostly in red brick, fine dressed stone and terracotta. Furthermore, the spaces between these properties are as important as the buildings, providing a spacious atmosphere. I am also recognisant of the negative features within the KCA appraisal, including the modern development on the western side of Kendrick Road and the loss of gardens to car parking.
9. The proposed development would not respect the significance of the conservation area and its context. The proposal would occupy much of the gap between nos 13 and 15 appearing cramped in, and eroding of, the spacious context. This would not be mitigated by the relatively modest retained space either side of the proposal, the demolition of the attractive conservatory at no 13, or the building's single storey scale. Furthermore, whilst there is a paucity of detail within the submitted plans, the appellant sets out that the proposals would include private gardens for each unit at either end of the building. These proposed gardens would not respect the size and character of other similar spaces in the vicinity which includes generous plots that have spacious private or communal gardens. As such, the scheme would not represent an appropriate density or amount of development in this context.
10. The single storey height of the proposal would be clearly at odds with the prevailing height of the detached buildings lining this part of Kendrick Road. Nor would it be in keeping with the flats to the rear and opposite. The appellant

suggests that the proposal would appear as a garden house. However, I have little evidence to support this or a context for such development.

11. The scheme would project forward of the established building line which would increase its presence in the street scene. This would not be suitably mitigated by the hard and soft landscape features to the front of the site. The prominent siting of the proposal would be further highlighted by its incongruous form, including the bow roof and glazed walls, and use of alien materials such as timber cladding and floor to ceiling glass. As such, the proposal would not respect the context of the high-quality Victorian and Edwardian architectural details and materials.
12. Furthermore, Policy EN14 of the RBLP sets out that new development shall make provision for tree retention and planting within the application site to improve the level of tree coverage within the Borough so as to maintain and enhance character and appearance. The appellant sets out that the proposal is to retain the existing trees on site but makes little provision for planting such as to improve the level of tree coverage. Moreover, based on the appellant's Tree Protection Plan¹ the vast majority of the development area would be within the root protection area (RPA) of a number of trees subject to a Tree Preservation Order (TPO)². The trees lining Kendrick Road and the Plane tree towards the rear are noted as important trees within the KCA appraisal. They are large and visually prominent and contribute to the KCA's significance.
13. The appellant's Arboricultural Impact Assessment (the AIA)³ details that the construction area should be designed to avoid damage overground or underground to trees. It is unclear what measures the appellant would take beyond the use of pile and raft foundations to minimise the incursion into the RPAs. There is no evidence that a structural engineer has been consulted regarding the construction design or the feasibility of these arboricultural recommendations. Additionally, the tree protection fencing has been positioned in such close proximity to the retained trees that it would be of minimal value. There are no details of how services would be excluded from the RPAs as the AIA requires. Furthermore, the evidence is 2 years old and in the intervening time the trees will have likely grown. The AIA pre-dates the appeal plans and makes little reference to any development proposals.
14. Based on the evidence before me and my own site observations, I do not have sufficient information to assure me that the proposed development would not lead to significant impacts to the trees subject to the TPO. Even if it could be demonstrated that the proposals could be built so as to avoid harm, I find that the relationship between the trees and the proposed accommodation would likely lead to tension between their management and the living conditions of future occupiers. This of itself would likely lead to works to the trees that would reduce their contribution to the KCA's character and appearance.
15. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be afforded to its conservation. This is reflective of the statutory status of conservation areas and associated duties in decision

¹ by Gilfillan Studios, Drawing Title: Site Plan, Drawing No: 01

² LPA ref: TPO 5/003

³ Arboricultural Impact Assessment/Statement and Tree Protection Plan by Gifford Tree Service dated 23rd April 2019.

making. I have found a number of harmful impacts to the KCA but consider, in the context of the heritage asset as a whole, that the impacts would remain less than substantial. Paragraph 196 of the Framework sets out that where less than substantial harm occurs this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

16. The appellant has set out a number of matters that would represent public benefits. For example, paragraph 59 of the Framework refers to boosting significantly the supply of housing and the proposal would provide 2 additional units. Furthermore, when judged against some of the core planning principles the proposal would perform well including that it would have reasonable access to services and facilities. Additionally, I note that the site is currently separated from the garden of no 13 and not in use. However, even if taken cumulatively, the public benefits of the scheme would not outweigh the great weight I attach to the various harms to the KCA.
17. Therefore, in conclusion on this main issue the proposal would be harmful to the character and appearance of the area including the KCA and protected trees. As such, the proposal would conflict with Policies CC7, H10, H11, EN1, EN3 and EN14 of the RBLP and Sections 12 and 16 of the Framework.

Living conditions

18. Policy CC8 of the RBLP seeks amongst other aims to safeguard the living conditions of future occupiers of development in terms of outlook and access to sunlight and daylight. The en-suite bedroom to each unit would be served by a rooflight only. A bedroom, albeit principally used for sleeping, is a habitable room. The reasonable provision of natural light and outlook to such spaces is a basic requirement. Mindful of paragraph 127f of the Framework, the lack of either of these does not reflect good design.
19. The roof lights would be at a high level and result in habitable rooms with little or no outlook. This would not represent a high standard of living conditions for future users of the development that would promote health and well-being. Whilst I have little evidence to substantiate the Council's concerns that the proposal would result in an inadequate amount of natural light into these rooms, this does not mitigate the lack of suitable outlook.
20. Policy H10 of the RBLP sets a standard for dwellings to be provided with functional private or communal open space. The appellant sets out that the proposals would include private gardens for each unit that exceeds the floor area of the built form and would be over-standard. However, from my site observations it is clear that the quality of the outside space to both the front and rear of the site would be significantly impacted by the canopy of existing trees including specimens subject to the TPO.
21. As set out previously I have expressed reservations over the feasibility of retaining the protected trees. However, that is what is being proposed and, in these circumstances, the retained canopies would severely impact on the functionality of the external areas having regard to matters such as sitting-out, home food production and drying space; particularly considering the potential for organic matter to descend into the spaces, including leaf, mast and twig fall. Due to the relationship of the external spaces with the retained trees, the living conditions within these gardens would be poor. The trees, particularly when in leaf, would be dominant and overbearing.

22. Finally, Policy H5 of the RBLP sets out standards for new housing including a requirement for housing outside of the Central Area of Reading to comply with the nationally described space standard. I am mindful that the parties agree that the en-suite bedroom in each unit would meet the size requirements for a double bedroom. On this basis, the accommodation would at least provide reasonably sized internal space as 2-bedroom, 3-person dwellings. However, this does not mitigate my findings on other matters.
23. Therefore, in conclusion on this main issue the proposal would be harmful to the living conditions of future occupiers of the development having particular regard to outlook and external space. As such, the proposal would conflict with Policies CC8 and H10 of the RBLP and Section 12 of the Framework.

Affordable housing

24. Policy H3 of the RBLP states that developments of the scale proposed are required to provide a financial contribution towards affordable housing elsewhere in the Borough. This policy is not consistent with the Framework where it outlines that the provision of affordable housing should not be sought for residential schemes that are not major developments, other than in designated rural areas.
25. Nevertheless, the Framework pre-dates the adoption of the RBLP and evidence has been provided of the level of need for affordable housing within the Borough. This has not been challenged by the appellant. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In these circumstances I give the conflict with the Framework limited weight.
26. The appellant has acknowledged in evidence that the proposal would attract an affordable housing contribution. However, I have not been provided with any means, such as a completed legal agreement to secure the contribution. Furthermore, based on the evidence before me there are no exceptional circumstances to justify the use of a planning condition to secure a planning obligation in this instance.
27. Therefore, in conclusion on this main issue the proposal would not provide an appropriate level of affordable housing. As such the proposal would conflict with Policy H3 of the RBLP and the AH SPD.

Conclusion

28. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR