

Appeal Decision

Site visit made on 14 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2017

Appeal Ref: APP/E0345/W/16/3162427

171 Blagdon Road, Reading RG2 7NE

- 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 Alex Rhodes against the decision of Reading Borough Council.
 - The application Ref 160752, dated 22 April 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the construction of 1 two-bedroom house with parking, private amenity space and cycle storage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area
 - whether it should provide a financial contribution to affordable housing, and
 - whether it would provide acceptable living conditions for existing and future occupiers in terms of private amenity space.

Reasons

The character and appearance of the area

3. While the Council raises no objection to the design of the proposed house, it concludes that the proposed development would appear cramped and overdeveloped.
 4. I appreciate that the back garden of the proposed house would be short compared to neighbouring plots. However, given the tapering shape of the existing street block layout and the way the layout of the house has been arranged to address the street and the side garden rather than the back, when considered as a factor in isolation, the break from the existing pattern of development would not be harmful.
 5. The resulting back garden area of the existing house would be smaller than the back gardens of neighbouring houses. However, being around three-quarters of the area of its adjoining neighbour, and given its location towards the tip of the triangle of the street block towards which back garden depths diminish,
-

- considered as a factor on its own, it would not be significantly out of character with similar spaces in the area.
6. In so far as Policy DM10 of the Reading Borough Local Development Framework Sites and Detailed Policies Document, adopted 2012, with alterations adopted January 2015 (SDPD) seeks outdoor areas which respect the size of similar spaces in the vicinity, the very limited conflict from the proposal would be insufficient to warrant dismissal of the appeal on this factor.
 7. Notwithstanding this, a critical component of the pattern of development of the houses in this part of Blagdon Road, which is reflected in the housing in Hazel Crescent and in which context the proposal would be viewed, is the generally consistent and substantial gap between the flanks of neighbouring houses. The lateral gap between the existing house and the proposed would be conspicuously less than between No 163 and No 165 and between No 167 and No 169 in the same section of street. This would diminish a coherent component in the distinctively spacious pattern of development in this part of Blagdon Road.
 8. When this is considered together with the effects of back garden depth and back garden area described above, the combined effect would be a cramped character of development. I acknowledge that the house reflects many features of the surrounding housing, including the curved front alignment of the street block and the form and siting of 27 Highmead Close. In terms of its appearance, the proposed house would not be out of place in the street scene. However, in spatial terms, for the reason above, it would harm the spacious character of development in the area.
 9. It would thus conflict with SDPD Policy DM11 which seeks, amongst other objectives, development that makes a positive contribution to the character of the area in terms including its integration with the surrounding area, the rhythm of plot frontages, and the relationship of the existing built form and spaces around buildings. It would be at odds too with the Framework¹ which says that decisions should aim to ensure that developments respond to local character and reinforce local distinctiveness.

Affordable housing

10. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council would make the scheme unviable, but refers to the Court of Appeal judgment² of 11 May 2016 in respect of a challenge to the Written Ministerial Statement³ of 28 November 2014 (WMS).
11. The WMS stated that '*for sites of 10 units or less....affordable housing and tariff style contributions should not be sought*', and the Court upheld that this should be considered as national planning policy defining the specific circumstances where contributions for affordable housing planning obligations should not be sought from small scale development. The Planning Practice Guidance has been amended to reflect the judgment.

¹ National Planning Policy Framework, paragraphs 58 and 60

² Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

³ House of Commons: Written Statement (HCWS50) 28 November 2014

12. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan, in which SDPD Policy DM6 is relevant to the issue in this appeal. It seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013 (SDP).
13. The Council's representation describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
14. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD Policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
15. The appellant draws my attention to an appeal decision⁴ in April 2016 for 3 dwellings in Reading in which the Inspector attributed greater weight to the WMS than Policy DM6, and concluded that a contribution to affordable housing was unnecessary. However, the Council refers to two, more recent appeal decisions⁵ in November 2016 and January 2017 in this Borough, in which the Inspector concluded to the contrary. My findings above are consistent with the most recent decisions by Inspectors in like cases, in which light the determination of this case in a like manner is a material consideration to which I attach substantial weight. For the reasons above, I conclude that the proposed development should provide a financial contribution to affordable housing, the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.

The living conditions of existing and future occupiers

16. I acknowledge that the proposal would reduce the area of the back garden of the existing house; however, it would retain a back garden of substantial size, sufficient for the needs of its occupiers. Though the back garden of the proposed house would be constrained, the garden to the side of the house would be substantial. Whilst triangular in shape it would be of sufficient dimensions to accommodate the needs of the occupiers of a 2-bedroom house,

⁴ Appeal Ref: APP/E0345/15/3141752 July 2016

⁵ Appeal Ref: APP/E0345/W/16/3153661 November 2016

Appeal Ref: APP/E0345/W/16/3159962 January 2017

and the hedge along the street boundary would provide sufficient screening to secure their privacy.

17. The overall effect in terms of quantity and quality of outdoor space is that the development would provide acceptable living conditions for existing and future occupiers in terms of private amenity space. It would comply with SDPD Policies DM10 and DM11 which seek private outdoor space that allows for suitable sitting-out, children's play, home food production, composting, refuse, and general storage, and which respects the size and character of other similar spaces in the vicinity.

Other Matters

18. Whilst I have considered the letters of support from neighbours, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

19. The proposed development would provide acceptable living conditions for existing and future occupiers and a modest benefit of one additional house to local housing supply. However, this is outweighed by the unacceptable harm it would cause to the character of the area, and its lack of provision for affordable housing, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR