
Appeal Decision

Site visit made on 30 October 2013

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 21 November 2013

Appeal Ref: APP/E0345/A/13/2196625

578 and Rear of 580-584 Oxford Road, Reading, Berkshire RG1 1EQ

- 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 Kingfisher First (Oxford Road) Limited against the decision of Reading Borough Council.
 - The application Ref 12/01735/FUL, dated 8 November 2012, was refused by notice dated 8 April 2013.
 - The development proposed is the demolition of existing rear buildings, the erection of a two storey rear extension to 578 Oxford Road and the construction of two x one bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission granted for the demolition of existing rear buildings, the erection of a two storey rear extension to 578 Oxford Road and the construction of two x one bedroom dwellings at 578 and Rear of 580-584 Oxford Road, Reading, Berkshire RG1 1EQ in accordance with the terms of the application, Ref 12/01735/FUL, dated 8 November 2012, subject to the conditions identified in the attached Schedule to this decision.

Procedural Matter

2. The Council's third reason for refusal concerns the absence of a planning obligation to secure contributions towards infrastructure improvements and the appellant has now submitted a Unilateral Undertaking.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area, in particular the streetscene, and (b) the safety of other highway users.

Reasons

Character and Appearance

4. The proposed development includes the demolition of existing vacant commercial buildings which front Gordon Place and their replacement by a residential development comprising 2 dwellings. The National Planning Policy Framework (the Framework) refers to housing applications being considered in the context of the presumption in favour of sustainable development. The
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Council has not objected to the proposed 2-storey extension to 578 Oxford Road and there are no reasons to disagree with this assessment.

5. The buildings are not in a particularly good state of repair and do not make a positive contribution to the streetscene. Although the proposed dwellings would be substantially sited on the footprint of these buildings there would be a modest encroachment of built development onto a neighbouring rear garden. Although such land is excluded from the Framework's definition of previously developed land such development is not precluded subject to other policy consideration. This approach is echoed in Policy DM11 of the Reading Borough Local Development Framework Sites and Detailed Policies Document (SDPD).
6. The appeal site is situated within an area of mainly terraced dwellings situated on narrow plots with some buildings fronting Oxford Road possessing commercial uses at ground floor level. However, along this part of Gordon Place, the dominant forms of development are the appeal buildings and the workshop on the opposite side of the road. Only a pair of semi-detached dwellings fronts the road. Accordingly, the uniformity of the character and appearance of the terraces of dwellings within the surrounding area, for example Sherwood Street and elsewhere along Gordon Place, does not apply to this part of the streetscene.
7. By reason of the existing buildings and the streetscene along this part of Gordon Place, my judgement is that the redevelopment of the site does not need to integrate entirely with the rhythm and characteristics the of terraces of dwellings within the wider area, including the density of development, plot widths and fenestration. Although the full planning circumstances have not been provided, the infill residential scheme which has occurred on Little John's Lane has adopted a similar approach.
8. Because they would be 2-storeys high, constructed of brick and slate and set back from the edge of the footway, the proposed dwellings would be compatible with the general characteristics of other residential properties within the surrounding area as required by SDPD Policy DM11. The design of the appeal scheme would not make it so conspicuous so as to cause unacceptable harm to the character and appearance of the surrounding area. When compared to the condition of the existing buildings the proposed dwellings would make a positive contribution the appearance of the streetscene.
9. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such, it would not conflict with Policy CS7 of the Reading Borough Local Development Framework Core Strategy (CS) and SDPD Policy DM11. Amongst other matters, these policies include general high quality design principles and require development involving private residential gardens to make a positive contribution to the character of the area and integrate with the surrounding area. They are consistent with the Framework's core principle of high quality design.

Highway Safety

10. The appeal scheme does not include off-street car parking provision for the future occupiers of the proposed dwellings. Few properties within the surrounding area possess off-street parking and there are restrictions which

preclude on-street parking along the opposite side of Gordon Place. Although I acknowledge the appellant's claims that there are facilities within the surrounding area and Oxford Road is a bus route, there can be no certainty that the future occupiers would not own vehicles.

11. The Council's Supplementary Planning Document: *Revised Parking Standards and Design* (SPD) requires 1 parking space for each dwelling and reference has been made to the car ownership information for a dwelling occupied by 2 people contained in the latest Census to support this standard. However, the SPD does refer to fewer spaces being acceptable for residential schemes provided there would be no detriment to highway safety. SDPD Policy DM12 does not specifically refer to parking but does require consideration to be given to the effect of development on highway safety.
12. The Council recognise that there is the potential demand for 1 on-street parking space associated with the lawful use of the buildings albeit during the daytime. The appellant has noted that there would be the removal of the dropped kerb in-front of the buildings which would potentially increase the length of carriageway available for on-street parking. Both these matters are material considerations which need to be considered alongside the parking requirement for the proposed dwellings.
13. Some photographs have been provided identifying the parking conditions along Gordon Place but no detailed parking surveys have been provided by either party. During the daytime site visit there were spaces available for on-street parking, including in-front of the appeal site. Although the circumstances would be different at weekends and evenings and there are some parking restrictions, I am mindful that there are only 2 other dwellings fronting this part of Gordon Place. This contrasts with the adjoining residential roads where the competition for on-street parking spaces would be significantly greater.
14. The Council claim that additional on-street car parking would affect highway safety, including by reason of the proposed development being sited close to road junctions. The accident data provided is limited and indicates that the incidents are associated with the roundabout on Oxford Road rather than along Gordon Place itself. In my judgement, this data does not appear to support the Council's claims that additional on-street parking along Gordon Place associated with the appeal scheme might lead to unpredictable and dangerous manoeuvres to secure a space.
15. Further, the appeal scheme is sited between, rather than adjacent to, the junctions of Gordon Place with Oxford Road and Sherwood Street. There are parking restrictions at these junctions which would maintain the visibility splays.
16. Although 2 off-street parking spaces would not be provided because of the reasons given, including the availability of on-street parking observed during the site visit and the limited evidence concerning the detriment which would be caused to highway safety, this is a case where the SPD's flexibility to provide fewer spaces would be appropriate. Accordingly, it is concluded that the proposed development would not unacceptably prejudice the safety of other highway users and, as such, it would not conflict with SDPD Policy DM12, the SPD and the Framework's approach to establishing parking standards.

Other Matters

17. A Unilateral Undertaking has been provided by the appellant to secure financial contributions towards leisure/recreation, affordable housing and transport works which were identified as being required in the Planning Officer's report.
18. From the information before me, I am satisfied that the obligations contained in the Unilateral Undertaking accord with the statutory tests which are identified at Article 122 of *The Community Infrastructure Levy Regulations 2010*. Accordingly, the proposed development accords with CS Policies CS9 and CS29, SDPD Policies DM3 and DM6 and the Council's Supplementary Planning Guidance: *Planning Obligations Under Section 106 of the Town and Country Planning Act 1990*.
19. Although I have carefully considered the concerns raised by a local resident regarding the effect of the proposed development on the living conditions of the occupiers of neighbouring properties I have found no reason to disagree with the Council's assessment.

Conditions

20. The Council has suggested a number of conditions in the event this appeal was successful which have been considered against the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. The views expressed by the appellant concerning 3 of the suggested conditions have also been noted.
21. Although I acknowledge that the extent of soft landscaping may be limited, it is appropriate for details of both soft and hard landscaping to be submitted for approval by the Council. Such details would include the means of enclosure. However, other than trees, a condition securing the replacement of plants is considered unnecessary.
22. The view of the Council's Environmental Health Officer that the site is of low risk has been noted and I agree with the appellant that the suggested contamination condition is unnecessary.
23. Exceptionally a condition to remove permitted development rights for the extension or alteration of the proposed dwellings is necessary to protect the living conditions of the occupiers of neighbouring properties. However, no specific justification has been provided to remove the permitted development rights for the erection of buildings within the curtilages of the proposed dwellings.
24. Other than amendments to the wording for reasons of precision and to accord with the model conditions, the conditions concerning materials, controls during the construction period and achieving the Code for Sustainable Homes Level 3 are considered necessary.
25. In addition, for reasons of proper planning, it is necessary for a condition to be imposed requiring the proposed development to be constructed in accordance with the submitted drawings.

Conclusion

26. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should succeed.

D J Barnes

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 3226.01A; 3226.02B; 3226.03; 3226.04; 3226.07A; 3226.08 and 3226.09
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include means of enclosure; hard surfacing materials and proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
6. If within a period of five years from the date of the planting of any tree that tree is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
7. No development, including demolition, shall take place, including any works of demolition, until details of measures to control the emission of noise, dust and dirt during demolition and construction phases shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8. Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
9. No bonfires or other fires shall take place on the site during the demolition and construction phases of the development hereby permitted.
10. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement, improvements or other alterations of the dwellings hereby permitted shall be constructed.