

Appeals by Agaram Properties Ltd

27-33 Christchurch Road, Reading, RG2 7AA and 27-33 Christchurch Road, Reading , RG2 7AA

PINS Ref: APP/E0345/W/24/3347609 & APP/E0345/Y/24/3347613

Appellant Final Comments

Planning Final Comments

Quality of Proposed Accommodation

- 1.1 Paragraph 3.13 of the Council's planning appeal statement notes that '*...no specific reference is made to insufficient light to the lower ground floor flat No.29, despite it explicitly forming part of the reason for refusal. The officer report acknowledged light wells to lower ground floor flats of No's 27, 31 and 33; however, it remains that the sole window serving the only bedroom of No.29, which would largely be obscured by existing hardstanding (see site visit photo below) with no light well, would not achieve sufficient light – with no daylight/sunlight report submitted to demonstrate otherwise – and with no outlook.*'
- 1.2 It is acknowledged that the bedroom window to the lower ground floor dwelling at no. 29 is on to a shallow lightwell which will have some impact on the light received and quality of outlook; however, as is evidenced in the photograph included in the Council's statement, the window in question is south facing and will receive sunlight. The main outlook to the dwelling is on to a private rear garden, which is the outlook from the main living space which is served by French doors.
- 1.3 At paragraph 3.14, the Council does not contradict the appellant's statement regarding an overall improvement in the quality of residential amenity following the development. As set out in detail at paragraphs 5.6 to 5.11 of the Appellant SOC, the size and layout of the three existing lower ground floor flats will be improved by the development. In addition, the ground floor flat at no. 27 which is currently 21sqm will increase to 41sqm. It is considered the quality of the existing living accommodation is a material planning consideration and there will be a clear overall improvement in residential amenity.

Family Sized Dwellings

- 1.4 At paragraph 3.18, the Council's statement notes that, '*The proposals would result in the loss of 4 bed house and as discussed above, the 4 x 2 bed units located at upper floor levels that could be classed as family sized accommodation, would have no immediate easy or direct access to private garden amenity space.*' Concern is raised at paragraph 3.17 about access by the occupants of the lower ground floor flats to the communal garden.
- 1.5 As shown on the proposed landscape plan, the communal garden has gated access and so use of this space can be restricted to the occupants of the larger duplex dwellings. The appellant is happy to accept a condition to this effect. Whilst there will be the loss of a single larger dwelling, there will be four no. larger two bedroom dwellings which would be suitable for small families, particularly when considering the very close proximity of open space and recreation space which is a short walk from the buildings.

Trees

- 1.6 At paragraph 3.31, the Council states that, *'Contrary to BS 5837:2012, the application failed to provide relevant tree information prior to a decision, which in turn made impossible the assessment of the (already lacking) replacement planting provisions prior to a decision. Policy EN14 requires that net gain in tree vegetation cover must be demonstrated. However, as the application does not provide baseline tree information for the site, the application failed to demonstrate net gain and is, therefore, contrary to Policy EN14'*
- 1.7 The Council has accepted that there are only small trees and shrubs adjacent to the buildings. The Council's Natural Environment officer has stated that there are no in principle objections to removing the vegetation subject to replacement as, *'...it does not grow at a suitable location in relation to the building and it is of a small size'* (para 3.27 of the Council's Statement). Therefore, it is evident the small trees/ shrubs themselves are not a restriction to the built form, subject to suitable replacement. Under the circumstances, the absence of a tree survey at this stage will not result in the potential uncontrolled arboricultural impacts envisaged by paragraph 4.4.1.3 of the BS5837:2012
- 1.8 The submitted landscape plan shows communal amenity space in which high quality specimens/ desirable species can be planted in a more appropriate location to provide suitable mitigation and long-term canopy cover to result in a net gain. It is considered that these details can be secured via condition.

Heritage Final Comments

- 1.9 The appeal submission proposes a scheme of works and alteration to an important group of listed buildings, prominently located within the Christchurch Conservation Area. Currently the character of the listed buildings and the contribution they make to the character and appearance of the conservation area is diminished and limited by their poor condition.
- 1.10 Indeed, consideration must be given to the likely course of events if this scheme does proceed, which is that the recent history of the buildings will continue on its current trajectory with the buildings and their contribution to the conservation area continuing to diminish with little incentive for their long-term conservation and maintenance.
- 1.11 This scheme represents an opportunity to reverse this negative trend, with the appellant willing to make the substantial investment necessary to conserve and maintain these buildings, alongside the proposed alterations, carrying out a substantial maintenance backlog and reversing harmful changes, such as the imposition of uPVC windows on No.27.
- 1.12 The appellant's position is that the proposals would result in a moderate degree of less than substantial harm to the listed buildings, principally through changes to internal layout of No.29 (which are directly related to securing the conversion and long-term use of the buildings as flats) and the loss of fabric resulting from the proposed rear extension.
- 1.13 As set out at paragraph 208, this must be weighed against the public benefits that flow from the scheme. These do not necessarily need to be heritage-related benefits and, indeed, the provision of two new dwellings in a sustainable location is a clear non-heritage public benefit; however, this scheme does secure heritage benefits, in the form of securing a scheme of works to conserve and repair these important historic buildings and, through securing their

optimum viable use, ensuring their long-term maintenance and conservation. The PPG is clear, under the heading 'What is meant by the term public benefits?' that:

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

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- 1.14 This is not an exhaustive list but, it is considered that all these benefits would flow from these proposals, which must be considered alongside the numerous non-heritage benefits against the less than substantial harm that would arise from this scheme.
- 1.15 As well as these benefits to the listed buildings, there would also be the clear benefit to the character and appearance of the conservation of improving the external character of these prominent historic buildings, while improving the vitality of the area by bringing them back into active use. This is also a heritage-related benefit.
- 1.16 The Council's Appeal Statement is dismissive of these benefits. Indeed, the heritage refusal reason that the statement is predicated upon states that, '*Proposed alterations to the existing fenestration and internal layout of the buildings would result in significant demolition and loss of historic fabric, surviving plan form, and retained original features, causing less than significant harm at the highest level to the significance of the heritage assets*'. Putting aside the incorrect nomenclature (presumably they mean 'less than substantial harm'), it is clearly not credible to argue that the harm that would arise from these proposals would be at the highest level within this wide spectrum.
- 1.17 On this point, it is worth considering the junction between less than substantial and substantial harm. This point is considered by the Inspector, endorsed by the Secretary of State, in the recent called-in Edith Summerskill House appeal decision (ref. APP/H5390/V/21/3277137).
- 1.18 In that case the Inspector argued that, 'Essentially, substantial harm is set at a high bar, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. That means that the range for a finding of less than substantial harm is very wide indeed, from a harmful impact that is hardly material, to something just below that high bar' (paragraph 12.49).
- 1.19 This is useful to understand the reality of position established by the Council's refusal reason, which is that the proposals would harm the listed building to such a degree that this would approach the removal of a good deal or all of their significance.
- 1.20 This is clearly not credible, bearing in mind particularly that the proposals would result in no harm at all to the more significant element of the listed buildings, the Christchurch Road frontage, which rather, would benefit from a scheme of sympathetic repair and the replacement of uPVC windows on No.27 with traditional timber sashes.

- 1.21 Perhaps it is for this reason that the Council's Appeal Statement revises this assessment down to 'moderate-to-high' without providing any explanation for this change in position (paragraph 4.1).
- 1.22 The Council's Appeal Statement criticises the appellant's assessment of the contribution that the listed buildings make to the character and appearance of the conservation area. Strangely, this criticism centres around the fact that the appellant's assessment focuses on the external form of the listed buildings (paragraph 3.8), despite this plainly being the most important consideration when assessing the contribution of the buildings to the conservation area. It is common ground between the parties that the buildings contribute to the character and appearance of the conservation area (although it is the appellant's position that the current condition of the listed buildings diminishes the contribution). Indeed, despite the Council's criticism, their own assessment (paragraphs 3.4-7) goes no further than this and, indeed, concentrates on the front elevation of the listed buildings, which will patently not be harmed (and, indeed, will be enhanced) by the proposals.
- 1.23 In its consideration of the listed buildings, the Council does go on to note that, 'Situated on a corner plot opposite the Grade II* Christchurch, the rhythm created with the original organisation of rear elevation, enhances the significance of the conservation area as an entrance point' (paragraph 3.9). The most obvious issue with this analysis is that the rear elevations do not retain their original organisation or rhythm but have rather been altered, with a mix of small-scale, poor-quality, mid-20th-century extensions and a poor-quality fire-escape stair. The upper floors remain largely unaltered to the rear, but the lower floors do not. Indeed, historic maps show early closet wings that have since been removed.
- 1.24 In this context, it is also worth noting the guidance in Historic England's 'Conserving Georgian and Victorian terraced housing' (2020) : '*The rear of a Georgian terrace is generally easier to alter without compromising architectural integrity. Extensions are therefore often later than the main range, or have been substantially altered over the years to accommodate improvements in sanitation and comfort*' (p.12).
- 1.25 On the internal elements of the works, the Council's statement criticises the appellant's Heritage Statement for being based on an internal inspection of only No.29, although there is no suggestion that the author of the Council's statement has carried out a site visit in preparing their own assessment (or requested access for one). Indeed, despite their criticisms, the author of the Council's statement (paragraph 3.12) concurs with the assessment in the appellant's Heritage Statement that only No.29 retains a good degree of historic internal layout or features as a result of modern alterations to the other buildings, traceable through planning records.
- 1.26 In considering the proposed rear extension, the Council's statement takes the view that this has not been designed with the significance of the listed building or conservation area in mind and quotes from Historic England's 'Conserving Georgian and Victorian terraced housing' (paragraph 3.19), presumably taking the view that this guidance has not been followed. That Historic England guidance document contains seven '*Issues to be considered when extending terrace houses*' (p.16). It is not clear why, despite referencing this guidance document (and, indeed, quoting from the same page of the document) the Council does acknowledge or use these seven questions. These are worth considering in whole below:

1. *Are existing extensions historically significant?*
- 1.27 No; any small-scale extensions at the rear of the existing buildings are modern replacements of no interest.
2. *Is there an existing rhythm to the extensions?*
- 1.28 No, there is no established rhythm to the lower elements of the rear elevations, which have been the subject of *ad hoc* modern changes.
3. *Does the proposal enclose or infill the rear yard?*
- 1.29 The proposed extensions will infill part of the remaining rear area, which has been heavily altered by the formation of a car-park in the late 20th century and is a low-quality space.
4. *Does the service character of the extension survive ie small, simple, unadorned rooms?*
- 1.30 There are no surviving historic service extensions. The proposed extensions will contain living and kitchen spaces, reducing pressure on forming kitchens within the main house.
5. *How does proposal affect the traditional service character of the extension?*
- 1.31 There are no surviving historic service extensions.
6. *What is the impact upon the balance between main house and rear extension?*
- 1.32 The proposed extensions remain subservient to the main building, sitting at two storeys in height, with one of these sunken at lower ground-floor level. Two clear storeys plus roof of the host buildings will be seen over the extensions.
7. *What is the impact upon surviving interior features?*
- 1.33 There are no surviving historic service extensions. In terms of the frontage buildings, impact is limited to the formation of openings into the rear extensions (including some loss of windows and associated brickwork). The Council have confirmed their view (paragraph 3.12 of their statement) that, other than No.29, the frontage buildings retain little of interest internally in terms of either layout or historic features.
- 1.34 Assessment using the 'seven questions' in Historic England's guidance document suggests only a small impact on the significance of the frontage buildings through the proposed rear extension.
- 1.35 Paragraph 3.22 of the Council's Statement states that: 'The appellant asserts that the Council has not attributed sufficient weight to the positive aspects of development. It is also stated that 'The current state of the properties detracts from the character and appearance of the area and the existing buildings require renovation.' Among the matters agreed between the Council and the appellant. On the contrary, the listed terrace is one of the integral elements of the conservation area; it sits within the urban development pattern of suburban Reading, enhancing the significance of the adjacent listed buildings as well as Christchurch. The Council strongly disagree with the appellant on this matter'. This appears to be a wilful misunderstanding of the appellants position, which is not that the listed buildings detract from the character and appearance of the conservation area but that their poor condition does, i.e. their contribution is diminished and limited by the poor condition of the listed buildings.

- 1.36 It is clear that the Council has under-played the beneficial aspects of the appeal scheme. The Council's Statement accepts some benefits from the internal elements of the scheme (paragraph 3.24) but chooses to concentrate on semantics rather than give any real consideration of the external benefits (paragraph 3.22-23). The Statement is correct that the author of the appellant's Statement of Case has incorrectly used the term 'restoration' but it is clear that the appellant's argument is that the buildings are currently in a poor state and this is obvious from its external appearance and that the scheme would include various repairs and positive modifications. These are given no weight in the Council's assessment, which patently limits the weight that can be given to the Council's judgement in this case.
- 1.37 Moreover, the Council give no weight at all to securing a long-term viable use for the listed buildings (paragraph 3.27). This is plainly incorrect. The buildings are in such a poor state that eventually this will impact on the ability of the dwellings to be inhabited. The works proposed will ensure that the buildings can be occupied for residential use long into the future, securing the long term viable use of the buildings.
- 1.38 Paragraph 3.28-29 of the Council's Statement address 'sustainability and energy benefits' taking the view that these are not benefits because they consider the scheme not to be best practice from a historic buildings point of view; however, this is not necessary for this to be a public benefit. It is clear that the proposals would improve the thermal performance of the building and, in this context of the climate crisis, this represents a public benefit whether the Council feel this is the most sympathetic way to achieve this benefit or not. Indeed, the Council's position appears to be that they consider the works harmful in heritage terms and, as such, they cannot be beneficial from a climate perspective, essentially 'double counting' the identified harm. More properly, if they consider the works to be harmful this should be weighed against the benefits.
- 1.39 For all these reasons, it remains the appellant's view that the Council's assessment of the level of heritage harm remains incorrect, while they have not properly considered the public benefits that would flow from the scheme. I continue to invite the Inspector to share the view that the less than substantial harm to the listed buildings and conservation area would be materially outweighed by the public benefits (including both heritage and non-heritage benefits) that would flow from this scheme. As such, the appellant continues to respectfully urge the Inspector to uphold this appeal.

Planning Conditions

- 1.40 The appellant is happy to accept the Council's suggested planning conditions.
- 1.41 The following condition is also proposed in relation to the use of the communal amenity space to address the Council's concern in this regard:

The communal amenity area hereby approved shall be retained permanently for the benefit of the occupiers of the four maisonettes hereby permitted and not for the occupiers of the lower ground and ground floor dwellings.

Reason: To ensure that sufficient amenity space is provided to those units suitable for family housing in accordance with Policies H8 (Residential Conversions), H10

(Private and Communal Outdoor Space) of the Reading Borough Local Plan 2019 and the Residential Conversions SPD 2023

- 1.42 Should the Inspector consider it necessary, the following condition could be attached to secure the minor amendment shown in amended drawings A-1030 Rev C, A-1040 Rev C, A-1110 Rev C and A-1105 Rev C.

Prior to the commencement of development, amended drawings to be submitted and approved by the local planning authority to show retention of first floor rear window of no. 33 and alteration to roof form of single storey rear extension to no. 33 to a single pitched roof.

Reason: To retain more of the original fabric of the listed building and to improve the rhythm of the rear extensions in accordance with EN1 (Protection and Enhancement of the Historic Environment), EN3 (Enhancement of Conservation Areas) and EN6 (New Development in Historic Context) of the Reading Borough Local Plan 2019 and the National Planning Policy Framework 2023.