

APPEAL STATEMENT OF CASE

Against the Refusal of Planning Permission for the Erection of a New Dwelling

At:

98 Conisboro Avenue, Caversham, Reading, RG4 7JF



1.0 INTRODUCTION

- 1.0 This statement is submitted following the decision of Reading Borough Council to refuse Planning Permission The application was registered on 01/03/2024 and considered under reference 240054/FUL. The application was refused under delegated powers on 27/06/2024. A copy of the officer's report and decision notice are included with the appeal documents. This Statement of Case has been prepared on behalf of Mr R Smith. (the Appellant).

2.0 THE APPEAL SITE AND SURROUNDINGS

- 2.1 98 Conisboro Avenue is situated in a pleasant residential neighborhood near the northwest edge of Caversham. The majority of neighbouring residences are spacious detached houses with substantial garden areas and driveways.
- 2.2 The property adjacent to the northwest of 98 Conisboro Ave, identified as number 100a, is a mid 20th century two-storey house. Characterised by dormer windows on the roof, a bay window at the ground floor living room, and a gable porch marking the entrance, it embodies traditional architectural features.
- 2.3 To the southeast of 98 Conisboro Ave, are the semi-detached properties of Morecambe Avenue, with their long rear gardens adjacent to the application site. Notable features of these dwellings include bay windows, gable ends on the front, and bespoke cladding finishes.
- 2.4 To the northeast and set behind 100a is 100 Conisboro Avenue, the original house built in the late Edwardian period. This property will be directly adjacent to the rear garden of the proposed development.
- 2.5 98 Conisboro Avenue is approximately 0.18 hectares in area. Currently, it hosts a two-storey dwelling on the west side, with a spacious garden. There are two accesses serving the existing dwelling and a third access point leading to a parking space. The latter is within a gap of 11m between the south-eastern boundary.
- 2.6 Surrounded by sections of hedges, the site features prominent mature trees generally located adjacent to the existing boundaries providing natural screening particularly along the northeast boundary. Notable elements in the garden include low shrubs, fruit trees, and a silver birch located centrally within the plot.



3.0 RESPONSE TO REFUSAL REASON 1 (CHARACTER)

- 3.1 The Council have recently raised concerns about the subdivision of the plot and the resultant impact on the character and appearance of the area in which the appeal site sits. The refusal reason states:

The proposed dwelling, by reason of its excessive scale and footprint, dominant layout and associated access would result in an overdeveloped character harmful to the spacious and open garden character of the site with consequent harm to the character of the surrounding area. As such the proposal is contrary to Policies H11 and CC7 of the Reading Borough Local Plan 2019 and paragraph 72 of the NPPF 2023.

- 3.2 The appellant has raised concerns that the principle in terms of the development of this site was accepted by the planning officer throughout the course of the application. **Whilst concerns were raised in terms of the scale and bulk, which were addressed throughout the application process by the submission of revised plans, the officer confirmed in writing that she was generally supportive of the scheme** (subject to addressing a technical issue in respect of biodiversity). At no stage was the principle of a detached dwelling being located on this appeal site conveyed to the appellant. That said, the appellant accepts that the formal decision notice sets out the Council's reasons for refusal and would like to respond to the impact that the proposal would have on the character and appearance of the locality.
- 3.3 National Planning Policy Framework (NPPF) paragraph 72 that seeks to ensure that policies are set out to resist inappropriate development of residential gardens. The Council's Local Plan (Policy H11) establishes a number of criteria against which applications for the development of private residential gardens need to be assessed
- 3.4 Policy H11 states: Proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens will be acceptable where:

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1) The proposal makes a positive contribution to the character of the area in terms of:

- The relationship of the existing built form and spaces around buildings within the surrounding area;

- A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and existing pattern of openings and boundary treatments on the site frontage;

- Providing appropriate hard and soft landscaping, particularly at site boundaries. This includes features such as the variety of trees, hardstanding/lawns and hedges, etc;

- Compatibility with the general building height within the surrounding area;

- The materials and elevational detail. These should be high quality, and where appropriate distinctive and/ or complementary;

- The arrangement of doors, windows and other principal architectural features and their rhythm between buildings.

2) The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking;

3) The proposal includes access, which meets appropriate highway standards;

4) The proposal does not lead to tandem development;

5) The design and layout minimises exposure of existing private boundaries to public areas, and avoids the need for additional physical security measures;

6) The proposal does not cause a significant detrimental impact to the amenity of adjacent and nearby occupants;

7) The emphasis is on the provision of family-sized housing;

8) The development provides biodiversity net gain wherever possible, and would not have an adverse impact on biodiversity in terms of the fragmentation of blocks of gardens, which as a unit or in association with adjacent green space are deemed to make an important contribution to biodiversity and contribute to the green network; and

9) The proposal does not prejudice the satisfactory development of a wider area.

3.5 Policy CC7 states “All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form, including: -

- Layout: urban structure and urban grain;
- Landscape;
- Density and mix;
- Scale: height and massing; and
- Architectural detail and materials”

3.6 The Officers delegated report states:

“The existing garden contributes positively to the spacious, verdant, character of the area. Other backland development on adjacent plots is noted although this predates the current local plan and importantly does not alter the spaciousness within the site itself, or that which predominates in the locality. It is considered that proposed dwelling would introduce a marked change in character from spacious, open, vegetated garden, to a more intensively developed residential character. The tandem nature of the proposal is clearly displayed, there is no sense of subservience, or attempt to fit a small dwelling comfortably within retained spacious garden, and instead the proposal competes with the existing house on the plot and would combine in a harmful change in character as described above”.

3.7 The appellant strongly disagrees with the Council in this respect. The area benefits from a number of tandem backland developments, notably at the adjacent site at 100 Conisboro Avenue and to the rear at 169 Kidmore Road. The appellant considers this previously supported layout forms the established character of the area. The introduction of the detached chalet bungalow to the rear of 98 Conisboro Avenue would not appear out of keeping with the established layout of the immediate vicinity. Furthermore, sufficient space would be retained to the boundaries to ensure that the development would not appear cramped within its setting and would allow for the retention of the landscape features within and adjacent to the site which would be further reinforced by

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additional landscaping. The following extract of the submitted plans indicate that the scale of the development would sit comfortably within the plot and the aerial photograph of the site clearly shows the established character and layout of development within the immediate vicinity:



- 3.8 The appellant does not agree that the proposed dwelling competes with the host dwelling and fails to exhibit subservience. The proposed dwelling will be split over the ground and first floor, the first floor being within the roof void. Together, ground and first floor create an internal area of 250.5 square metres. The proposed height is 6.5 metres and will be subservient with the prevailing scale of development adjacent to the application site. The majority of the surrounding dwellings are full storey in height. The design incorporates a thoughtful combination of traditional materials, a well-conceived footprint shape and building form. External elements, including lower eaves line, veranda, the entrance porch at the front, and dormer windows for the first floor, have been strategically integrated to optimize space utilization and improve the appearance of the house. These elements collectively contribute to a pleasing vernacular in keeping with the area. With regards to materials, the traditional look will feature brick walls, render and fibre cement wood grain cladding. The joinery will be powder coated efficient double-glazed windows. The appellant considers that the proposed design is poised to be a positive addition, improving the existing character of the site.
- 3.9 The appellant would also like to highlight the permitted development fallback situation with regard to the erection of a substantial outbuilding of similar footprint that could be built as ancillary/incidental accommodation within this area of the garden under schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Whilst an outbuilding built as permitted development would only achieve a maximum ridge height of 4m, its overall built form could have a similar impact to the current appeal proposal.
- 3.10 In summary, the appellant considers that the proposal is acceptable in design terms, respecting the established pattern of development within the immediate area, appearing subordinate in terms of its height, scale and massing, whilst retaining the important landscape features which contribute to the verdant character of this part of Caversham Heights in accordance with the aims of the NPPF (2023) and Policies H11 and CC7 of the Reading Borough Local Plan 2019.

4.0 RESPONSE TO REFUSAL REASON 2 (RESIDENTIAL AMENITY TO NEIGHBOURS)

- 4.1 The Council have raised concerns that the layout and positioning of the proposed dwelling in close proximity to property boundaries with neighbours on Kidmore Road and Morecambe Avenue would result in a stark and

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uncharacteristic change which would be overbearing on the gardens of those properties . Contrary to Policies CC8 and H11 of the Reading Borough Local Plan 2019.

- 4.2 The appellant considers that the proposal would not have an unacceptable impact on the occupants of adjacent dwellings. Throughout the course of the application, the appellant has engaged with the Council to overcome concerns in relation to loss of privacy with the removal of south facing dormers due to risk of harm of overlooking and loss of privacy for properties on Morecambe Avenue. The following extract indicates the separation distances to the site boundary:



- 4.3 The proposed new dwelling would be positioned in the southeast, with the garage situated closest to the southern and eastern boundaries as identified

above. The nearest building to the new dwelling is No. 169 Kidmore Road, with a minimum separation of 15.2 metres maintained between its rear elevation and the side wall of the new dwelling. A gap of 18.2 metres will be sustained between the rear wall of the proposed house and the side wall of No. 100 Conisboro Ave. Additionally, a gap of 22.8 metres will be maintained between the rear wall of the host dwelling and the side elevation of the new dwelling. Distances between the rear elevations of the semi-detached houses on Morecambe Avenue and the proposed dwelling vary between 19 and 21 metres. The appellant considers that the appeal proposal maintains the well-established separation distances required to ensure that occupants of neighbouring residential dwellings would not suffer an unacceptable loss of light, outlook and privacy in accordance with the aims of Policies CC8 and H11 of the Reading Borough Local Plan 2019.

5.0 RESPONSE TO REFUSAL REASON 3 (AMENITY TO FUTURE OCCUPANTS)

5.1 The Council has raised concerns that the layout and positioning of the proposed dwelling in close proximity to the boundary would result in poor outlook and access to natural light to bedroom 1, resulting in harm to the amenity of future occupiers.

5.2 Policy CC8 states: “Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:

- Privacy and overlooking;
- Access to sunlight and daylight;
- Visual dominance and overbearing effects of a development;
- Harm to outlook;
- Noise and disturbance;
- Artificial lighting.”

5.3 The submitted plans include the provision of a ground floor en-suite bedroom. The bedroom is served by a window facing North - East at a distance of 5.3m from the boundary fence. The en-suite bathroom is served by a window facing north down the garden. Whilst the appellant consider that the future occupants would receive satisfactory levels of light and outlook to bedroom 1, should the Inspector consider it necessary, an additional set of revised plans have been

submitted with this appeal to include the enlargement of this window to create a bay turning the corner which would provide additional light and a rearwards outlook down the garden which could be conditioned. As such, either with or without reliance of the submitted amended plan refs: 3902-201 G; 3902-202G; 3902-203G; 3902-204F and 3902-205F (attached as Appendix 1), the appellant considers that the future occupants of the proposed dwelling would enjoy acceptable levels of light and outlook in accordance with the aims of Policy CC8 of the Reading Borough Local Plan 2019.

6.0 RESPONSE TO REFUSAL REASON 4 (Biodiversity & Trees)

- 6.1 The Council has raised concerns that incorrect and insufficient information has been submitted to demonstrate that the proposal would not lead to a biodiversity net loss, and that the existing vegetation including hedgerows and trees will not be harmed by the development, contrary to Policies EN12 and EN14 of the Reading Borough Local Plan 2019.
- 6.2 The appellant acknowledges that the application submission included a BNG Matrix which included errors. The appeal submission is accompanied by a revised BNG Matrix (attached as Appendix 2) which confirms there would be a of BNG -0.1678 units.
- 6.3 As set out in the officers delegated report there is a requirement to demonstrate that the development will not result in a net loss. As such, the appellant is in the process of securing 0.17 units on an adjoining NCA (Adjoining Other Neutral Grassland units) which will be secured by way of deposit through the appeal process to ensure compliance with the requirements of Policies EN12 and EN14 of the Reading Borough Local Plan 2019.

7.0 RESPONSE TO REFUSAL REASON 5 (Affordable Housing)

- 7.1 The final reason for refusal pertains an affordable housing contribution required by policies H3 and CC9 of the Local Plan. The appellants and the Council are working together on this legal agreement to overcome the reason for refusal which would result in the refusal reason falling away in the event of an allowed appeal.

8.0 CONCLUSION

- 8.1 For reasons set out in this statement it is considered that the appeal proposal adheres to relevant development plan policies, and gains further support from national guidance in the form of the Framework.
- 8.2 The appellant considers that the proposal is acceptable in design terms, respecting the established pattern of development within the immediate area, appearing subordinate in terms of its height, scale and massing, whilst retaining the important landscape features which contribute to the verdant character of this part of Caversham Heights in accordance with the aims of the NPPF (2023) and Policies H11 and CC7 of the Reading Borough Local Plan 2019.
- 8.3 The appellant considers that the appeal proposal maintains the well-established separation distances required to ensure that occupants of neighbouring residential dwellings would not suffer an unacceptable loss of light, outlook and privacy in accordance with the aims of Policies CC8 and H11 of the Reading Borough Local Plan 2019
- 8.4 With regard to the quality of amenity for the future occupants, the appellant considers that either with or without reliance of the submitted amended plan refs: 3902-201 G; 3902-202G; 3902-203G; 3902-204F and 3902-205F (attached as Appendix 1), the future occupants of the proposed dwelling would enjoy acceptable levels of light and outlook in accordance with the aims of Policy CC8 of the Reading Borough Local Plan 2019.
- 8.5 The appellant is able to demonstrate that the proposal would not result in a BNG net loss on site to ensure compliance with the requirements of Policies EN12 and EN14 of the Reading Borough Local Plan 2019.
- 8.6 Finally, a draft Section 106 Agreement has been provided in order to provide an affordable housing contribution in accordance with the LPAs policy and guidance.
- 8.7 For the reasons set out above the Appellant respectfully requests that this appeal be **allowed**.