

APP/E0345/W/24/3354019

Appeal by Mr R Smith

Site Address: 98 Conisboro Avenue, Caversham, Reading, Berkshire, RG4 7JF

Dear Lauren Fongauffier

In response to your letter dated 18 December 2024, the appellant would like to make the following final comments in response to the Council's Appeal statement:

Paragraph 6.2 states: "While there are other similar tandem developments in the immediate vicinity, no. 100 Conisboro Avenue, for example, sits on a much larger plot which allows the host and additional dwelling at the rear to have a much more comfortable layout. On the other hand, no. 169 Kidmore Road at the rear of the application site is similar to the proposal, with a relatively smaller rear garden, putting the dwelling closer to the rear boundary with the application site, contributing to the conflicts resulting from the refused proposal. The fact that similar development has occurred in the past does not necessarily justify it being repeated."

Paragraph 6.3 states: "The Appellant disputes the LPA's assertion that the proposed dwelling would compete with the host property. This concern is not in relation to the height or massing of the refused development, but the layout of it relative to the host property. The dwelling would have a relatively smaller and contrived outdoor amenity space, with the plot dominated by built form, resulting in an overdevelopment of garden space."

The appellant advises that Paragraph 135 (c) of the NPPF 2024 states that planning decisions should ensure development are sympathetic to local character or history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The appellant has carefully considered the scale of the proposed dwelling prior to submission with an assessment of surrounding floor areas to ensure that the proposed dwelling would respect the surrounding scale of development with total floor area at Number 100 Conisboro Avenue being 333m² and Number 169 Kidmore Road being 313m².

The scale of the garden areas of the retained and proposed dwellings would be comparable to others within the nearby vicinity.

As set out in paragraph 3.1 of the appellants appeal statement, 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

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this part of Caversham Heights in accordance with the aims of the NPPF (2024) and Policies H11 and CC7 of the Reading Borough Local Plan 2019.

Paragraph 6.7 states: “The Appellant’s illustration is existing separation distances is not considered an accurate representation of the existing relationship between these properties, as the most negatively impacted properties will be nos.7-11 Morecambe Avenue and 169 Kidmore Road, which currently benefit from a separation distance, when measured from rear elevation to rear elevation, in excess of 50m. A reduction to a separation distance below half of that existing (measuring 22m at most) is a stark change in terms of the existing privacy characteristics of the area, which will appear overbearing and imposing on those properties. The LPA therefore maintain this reason for refusal.

As set out in paragraph 4.3 of the Appellants statement “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.

Second paragraph 6.7 states: “The third reason for refusal relates to the likelihood of there being poor natural daylight/sunlight to the ground floor bedroom. The Appellant has submitted proposed revisions to the scheme to resolve this concern. However, no daylight and sunlight assessment has been submitted, either at application or appeal stage, to support the Appellant’s claim that the bedroom would have sufficient access to natural light. As such, the reason for refusal is maintained by the LPA.

As set out in paragraph 5.3 of the appellants statement 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.

Paragraph 6.9 states: “Despite this, the submitted calculations show a biodiversity net loss on site, which does not accord with Policy EN12 of the Reading LP, which requires no net loss on all sites, where possible. Considering the overdevelopment of the site and excessive footprint, it would stand to reason that a reduction in the footprint could alleviate the resultant biodiversity net loss on site.

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As set out in paragraph 6.3 of the appellant's statement the appellant has secured 0.17 units on an adjoining NCA (Adjoining Other Neutral Grassland units) which has been secured by way of deposit payment to ensure compliance with the requirements of Policies EN12 and EN14 of the Reading Borough Local Plan 2019. A copy of the letter confirming that the off-site mitigation is attached as Appendix 1.

Paragraph 6.11 states: "The Appellant engaged the LPA before lodging the appeal to agree the heads of terms and the Appellant and the LPA are now working on a legal agreement to overcome this reason for refusal. At the time of writing this statement, a draft of the legal agreement has been completed. If this is agreed within the timescale as set out within the Appeals Procedures, then this reason for refusal falls away, providing the Inspector decides to allow the appeal.

The appellant has been working with the Council throughout the appeal process to seal the agreements. The appellant is currently overseas and the Council have confirmed that "As the applicants are abroad and cannot physically sign the agreements, we will prepare a formal letter to PINS to explain the wording of the s106 agreement is agreed."

The appellant is due to return to the UK at the end of January 2024 to enable the agreement to be sealed and this refusal reason will therefore fall away.

With regard to Appendix 1, suggested conditions, the appellant accepts all but condition 7 which is considered unnecessary given that a tree survey and arboricultural method statement were submitted with the application. The appellant considers a compliance condition would be more appropriate.

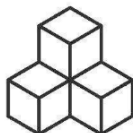
Yours faithfully

Nicola Taplin BA Hons Dip TP MRTPI.

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APPENDIX 1



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Reading Borough Council
Planning
Reading Borough Council Civic Offices
Bridge Street
Reading
RG1 2LU

23rd December 2024

RE: Letter of reservation for Mr R J N Smith

Dear Sir / Madam,

98 Conisboro Avenue Caversham Reading (RG4 7JF) Application Reference: PL/24/0054

We write to confirm the reservation by Mr R J N Smith of a total of 0.17 (onsite we will deliver x1.33 the area due to the spatial risk multiplier) BNG Units from one of our Habitat Banks in the adjoining NCA of Upper Thames Clay Vales.

Our units in Upper Thames Clay Vales, are already registered with Natural England & DEFRA and can be found on the BNG Register ref BGS-020524001. These have an existing "host" S106 in place.

This notification confirms that Medium Distinctiveness - Other Neutral Grassland Biodiversity Net Gain Units have hereby been allocated to the Habitat Bank, a deposit has been paid, and subject to completion payment we will retire these units from the register and provide a Biodiversity Gain Plan and corresponding unique reference number as confirmation of their purchase.

Should you have any questions about the off-site delivery of biodiversity units for this development, please do not hesitate to contact our Habitat Specialist: Belinda Mason - bindi@biodiversity-units.uk

Yours sincerely,

Ian Hambleton
Director
Biodiversity Units UK Ltd

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