



Appeal Decision

Site visit made on 10 February 2026

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Appeal Ref: 6001950

58 Bath Road, Reading, RG30 2AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Phillips against the decision of Reading Borough Council.
 - The application Ref is PL/25/0350.
 - The development proposed is erection of five detached four-bedroom dwellings and associated works, following demolition of existing detached bungalow.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr N Phillips against Reading Borough Council (RBC). This is the subject of a separate Decision.

Procedural Matters

Description

3. The above description is taken from the refusal notice as best identifying the development proposed.

Late Evidence

4. Certain written material was provided by the Appellant after the due dates for submission. This late material comprised a sunlight and daylight study and additional technical information on ecology and biodiversity, as well as representations concerning a draft Unilateral Undertaking (UU) to provide a financial contribution towards affordable housing.
5. Neither the sunlight study nor the additional ecological data was submitted for public consultation with the original application, whilst the draft UU was merely referenced in final comments, wherein procedural guidance is clear that no new evidence is acceptable. Moreover, to accord with established procedure for written appeals, any such planning obligation should be completed and submitted with the original application. In the interests of the requisite fairness and openness of the appeal process, none of this late material is taken into account in this decision.

Reasons for Refusal

6. There is some dispute in the written representations as to whether the Council agreed with the Appellant not to pursue its fifth and sixth reasons for refusal, respectively regarding biodiversity and affordable housing. Such dispute is not a matter for this appeal but, where evidence on these matters is properly before me, I take it into account.

Main Issues

7. Based upon the evidence properly for consideration in connection with this appeal, the main issues relate to the effects of the development on: the character and appearance of the locality in terms of its design, scale, layout and density; residential amenity; and biodiversity. It is also necessary to consider the matter of a financial contribution towards affordable housing.

Reasons

Character and Appearance

8. I find no objection to the inherent architectural design of the proposed dwellings or to the broad relationship the development would have with the surrounding area. The site is visually enclosed and separate from nearby, largely residential development; and the development density of the proposal does not appear to be unacceptably at odds with that of the wider area.
9. Clearly, the present open garden would be largely replaced by buildings and hard surfaces, with the dwellings having a frontal outlook to a central paved courtyard and parking area. However, there is potential for some landscaping around the shared courtyard, as well as grass and planting within the private gardens of the dwellings.
10. I find that the overall character and appearance of the proposed development to be acceptable and compliant with the requirements of Policy CC7 of the RBLP concerning design quality.

Residential Amenity

Existing Residents

11. With respect to existing residents at neighbouring properties, the Council raises concerns regarding privacy, dominance and natural lighting, with particular regard to No 17 Westcote Road, immediately north of the appeal site.
12. The rear of the proposed dwellings at Plots 3 to 5 would be over the guideline minimum 20m from the nearest part of the dwelling at No 17 and more than 12m from the tall, shared boundary wall, whilst some intervening vegetation would be likely to remain. Even so, there would be some potential for overlooking from the upper floors of the three-storey dwellings at Plots 3 to 5 that does not currently occur, giving rise to a degree of actual and perceived loss of privacy within the private rear and side garden of No 17.
13. This effect would be compounded by an impression of dominance by the new dwellings, replacing the present low-level bungalow. The taller proposed dwellings might also cause some overshadowing of the property to the north and there is no evidence to the appeal to quantify this.

14. I consider that these potential adverse effects place the proposed development into conflict with the provisions of RBLP Policies CC8 and H5 to protect residential amenity at neighbouring property.

Potential Occupiers

15. With respect to potential occupiers of the proposed dwellings, the Council raises concerns regarding overshadowing and the amount of private amenity space per proposed dwelling.
16. As with the neighbouring property to the north, there is potential for the rear gardens at Plots 3 to 5 to be overshadowed by the three-storey houses themselves, by blocking southern sun during much of the day. As for the size of the proposed gardens, these do not conform to the supporting text to Policy H10 of the RBLP, which suggests an area equal to the gross floor area of the dwelling.
17. However, Policy H10 itself specifies no minimum area of private amenity space and the gardens proposed, between 100sqm and over 200sqm in extent, would be well proportioned and do not seem ungenerous.
18. I consider that the rear gardens proposed would comply with the essential aim of Policy H10 that new dwellings should have functional private space, including greenspace, which respects the size and character of similar spaces in the vicinity.
19. Given it would be for prospective occupiers to assess for themselves the suitability of the gardens and their orientation relative to the sun, I find no substantive objection concerning the amenity of potential occupiers of the proposed dwellings.

Biodiversity

20. Aside from the existing single bungalow, the appeal site is laid mainly to grass with mature boundary walls and hedges and some trees creating a relatively tranquil enclave related to the wider green network. It stands to reason that this environment generally supports wildlife which would be significantly disrupted by the relatively dense built development proposed. It follows that this would, in turn, result in a reduction in the biodiversity of the appeal site and the wider area, requiring active mitigation measures.
21. Policy EN12 of the RBLP requires that development results in no net loss of biodiversity, whilst Policy H11 seeks a biodiversity net gain (BNG).
22. The original application included a BNG metric calculation which contained a range of discrepancies identified by the Council related to baseline tree values, habitat mapping, landscape planting details and hedgerow information. It appears that there would, in practice, be a net loss of trees and habitat area and hedgerow in any event. I agree that these discrepancies cast significant doubt on the validity of the BNG metric calculation, which was not resolved at the application stage.
23. There is no evidence properly before me in the appeal to demonstrate that no net loss of biodiversity, but the requisite net gain would result from the proposed development. In the circumstances, the appeal proposal must be regarded as non-compliant with RBLP Policies EN12 and H11. Furthermore, it follows that there is no evidence to demonstrate the mandatory 10% BNG.

24. This level of uncertainty precludes any prospect of this matter being resolved by way of a planning condition to require a pre-development ecological appraisal that would be needed to identify practical mitigation and biodiversity enhancement measures.

Affordable Housing

25. Policy H3 of the RBLP, supported by adopted supplementary advice, requires this proposed development of five dwellings to make a 20% contribution to affordable housing or a financial contribution equal to 10% of the gross development value.
26. It is clear from the written representations that the Appellant would be prepared to enter into a legal agreement by Unilateral Undertaking (UU) to provide such a sum but that detailed terms have not been agreed. Moreover, no such UU was completed and submitted with the original application, as required by established procedure.
27. In the absence of agreed terms and a completed UU, the agreement in principle by the Appellant to contribute the required funds for affordable housing can carry no weight in connection with this appeal.
28. In this regard, the appeal proposal must be regarded as non-compliant with RBLP Policy H3.

Planning Balance and Conclusion

29. There is no objection in principle to the replacement of the existing bungalow with an equivalent or larger number of family dwellings on the appeal site. If permitted, the proposed development would provide five modern, energy-efficient homes on a sustainably located urban site in the context of a shortfall in planned housing.
30. The tilted balance of the National Planning Policy Framework is engaged, due to the lack of a five-year Borough housing land supply. This requires approval to be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. That is having particular regard to policies to make effective use of land, secure well-designed places and provide affordable homes.
31. I have identified significant adverse impacts related to neighbouring residential amenity, BNG and affordable housing provision, with reference to the development plan policies cited above, which are in themselves consistent with national policy.
32. In my overall judgement, those adverse impacts would significantly and demonstrably outweigh the benefits the development would bring, in terms of the tilted balance.
33. I therefore conclude that this appeal should be dismissed.

B J Sims

INSPECTOR