

Ward: Peppard

Appeal No: APP/E0345/W/16/3153661

Planning Ref: 151893

Site: 17 St Barnabas Road Emmer Green

Proposal: New 4 bed dwelling to the rear garden of No. 17 St Barnabas Road, incorporating access off Surley Row and landscaping

Decision level: Delegated

Method: Written representations

Decision: Appeal dismissed

Date Determined: 2nd December 2016

Inspector: H Porter

1 BACKGROUND

1.1 The appeal site relates to land to the rear of no. 17 St Barnabas Road, an existing residential dwelling located on the west side of St Barnabas Road

1.2 The application was refused for a total of 3 reasons on 21/04/2016:

- 1- The plot to building ratio, footprint of the dwelling, separation to boundaries and bulk and mass of the proposed dwelling is such that the proposal is considered to appear cramped within the site and fail to reflect the built coverage and character of similar properties in the surrounding area and is considered contrary to Policy DM11 of the Sites and Detailed Policies Document (2012, altered 2015) and Policy CS7 of the LDF Core Strategy (2008, altered 2015).
- 2- The open nature of the site is such that the first floor rear/side bedroom windows to the proposed dwelling would provide clear views to the rear amenity spaces of the host dwelling (no. 17) and no. 19 St Barnabas Road resulting in an unacceptable loss of privacy and overlooking, harmful to the amenities of these neighbouring occupiers, contrary to Policies DM4 and DM11 of the Sites and Detailed Policies Document (2012, altered 2015).
- 3- In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to policy CS9 (Infrastructure, Services, Resources and Amenities) of the Reading Borough LDF Core Strategy 2008 (Altered 2015), policies DM3 (Infrastructure Planning) and DM6 (Affordable Housing) of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015), and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

2 SUMMARY OF DECISION

2.1 The main issues the Inspector considered for the appeal were:

- The character and appearance of the area;
- The living conditions of the prospective occupiers of the dwelling and those of surrounding occupiers.
- Affordable Housing

Character and appearance

2.2 The Inspector's decision recognises that the wider area is made up of a mix of dwelling sizes/types but that the significant character of the immediate context of the appeal site is large detached dwellings set within substantial garden plots.

2.3 The Inspector concurred with the Council that the introduction of a large dwelling on a relatively small plot would result in an uncomfortable and cramped addition which would erode the sense of spaciousness arising from large undeveloped rear gardens and is a positive characteristic of the locality. As such the proposal would fail to respect the existing pattern of development resulting in harm to the character and appearance of the area.

Living conditions

2.4 The Inspector concurred with the Council that due to the shallow nature of the proposed rear amenity space there would be significant overlooking from first floor windows to neighbouring gardens, whilst also adding that there would be overlooking to the amenity space of the proposed dwelling from the first floor windows of existing surrounding properties.

Affordable Housing

2.5 As an application for an additional dwelling the proposal would be required to provide an affordable housing contribution in order to comply with Policy DM6 of the Council Sites and Detailed Policies Document 2012, 2015. However, the Court of Appeal's judgement on 13 May 2016 which gave legal effect to the Written Ministerial Statement (WMS) of 28 November 2014, outlined that contributions should not be sought from developments of 10 or less units. The Inspector stated that significant weight is attached to this WMS.

2.6 The Council submitted substantial evidence with its appeal statement to indicate that specific local circumstances within the Borough justify a lower threshold for affordable housing contributions, as an exception to national policy.

2.7 In considering the appeal the Inspector stated that *'in balancing the importance of avoiding disproportionate burdens on the developer, in pursuance of encouraging more house building, against the specific affordable housing needs in Reading, rising market values, and the significant contribution towards the delivery of affordable housing in the Borough that small sites make, I find the extent of the Council's evidence to be compelling'*.

2.8 The Inspector also went on to say, concurring with the Council's position, that *"In light of this, while the case in hand would be an exception to national policy, I consider there to be local circumstances that indicate the proposal should be determined in line with the development plan. A means of securing a contribution towards affordable housing would therefore, in my judgement, be justifiably sought in this instance. As the proposal fails to make an adequate provision for affordable housing, the development would also run contrary to Policy DM6 of the Sites and Detailed Policies Document and the Supplementary Planning Document."*

Head of Planning, Development & Regulatory Services Comment:

This provides a very important precedent for future decisions where Policy DM6 is relevant and gives authority to the Council's stated position as agreed by the Strategic Environment Planning and Transport Committee in July 2016. Committee should also note that the appeal decision has been referred to the Planning Inspectorate in relation to another 3 outstanding appeals and to applicants for proposals where Policy DM6 is relevant.

Block Plan



Case Officer: Matt Burns