

R001: RESPONSE TO L.A. STATEMENT OF CASE

2 TILEHURST ROAD SM3 8PB

(NOVEMBER 2022)



0.00 INTRODUCTION

0.01 This document attempts to respond sequentially to the Local Authorities Statement of case which is predicated on 6 reasons for refusal

1.00 PRINCIPLE OF DEVELOPMENT

1.01 It is thought that the "Principle of Development" is the keystone of this appeal and that all other planning disagreements seem to follow on subordinately or serve as a proxy for this primary misalignment in outlook between Appellant and Local Authority.

1.02 The Appeal Statement A001 has made the case that the Design Proposal should be perceived as a positive intervention and achieves a number of objectives that set out to deliver 3 bedroom family housing while providing architectural remediation and relational accord with the existing urban fabric.

1.03 The Local Authority take an opposing view that interprets the Design Proposal as a highly visible intervention that violates an idealised Linear Block that has a strong sense of uniform character created by long gardens and expansive views across the unbroken open space between opposing blocks.

1.04 However this is simply not the nature of the existing context; which "after the fact" is categorically not a Linear Block by virtue of the collective buildings that exist on Tilehurst Road (and additionally Fromondes Road and Fieldsend Road if the block is to be considered as a whole).

1.05 Taking the existing built facts into consideration, the design proposal can be essentially interpreted as a modest infill and corner Infill to a Perimeter Block whose appearance in the public domain is highly jarring due to the lack of balance between the architectural massing on Tilehurst Road and the poor architectural quality and character of the existing host building.

1.06 The gaps and separation that remain between built forms associated with the design proposal are generous when the context is interpreted as a Perimeter Block and additionally the spacing, size and the arrangement of built forms (and plot form) is characteristic of this particular part of Tilehurst Road (although not of a generic Linear Block Model).

1.07 While the new dwelling is located on a corner site it is not overly prominent in the local area due to being screened on the most part by the building lines of Malden and Tilehurst Road; and where the development can be seen as a whole (cumulatively) in the public domain it is thought that such views improve the character of the area whilst retaining a sense of open space and separation that is becoming of an attractive Perimeter Block arrangement.

1.08 Cases of "infill development" in the immediate area to 123 Malden Road and 4 Tilehurst Road were cited and it is acknowledged that these approvals are from a different regime and that additionally planning proceeds on a case by case basis.

1.09 However it also put forward that the current regime is on the most part a reformatting of pre-existing ideas rather than a revolution in approach and this interpretation would be supported by the persistence through time of SPD4 and SPD14 which define a large part of the Local Authorities' outlook towards planning and amenity for minor and householder developments.

2.00 DESIGN OF EXTENSIONS TO EXISTING DWELLING

- 2.01 Bearing in mind the poor character of the existing building it is difficult to perceive the proposed alterations as a source of material harm. The profile is already subordinate and with this in mind it is natural from a material stand point that the "integral approach" of SPD4 has been adopted. The wider aspect of the dwelling as altered is also thought to improve the aesthetics of the existing building within the street scene.
- 2.02 The Large Front Dormer has been replaced by a series of smaller dormers (with a similar area of glazing) that decreases its' negative visual impact. These proposed dormers are within the immediate locus of the existing large dormer and are an alteration and remediation of an existing material site condition rather than a new introduction of uncharacteristic features to the street scene.

3.00 DESIGN OF NEW DWELLING

- 3.01 The local Authorities comments here focus mostly on the pre-existing boundary fence. This is materially part of the existing context and not a new or uncharacteristic feature. The appeal statement attempted to argue that raising this fence to 2m would not be particularly harmful; or that as an alternative the privacy of the garden could be secured by evergreen screening that would be regulated in the limit by the high hedges provision of the Antisocial Behaviour Act 2003.

4.00 IMPACT ON NEIGHBOUR AMENITY

126 Malden Road: Outlook and Sense of Enclosure

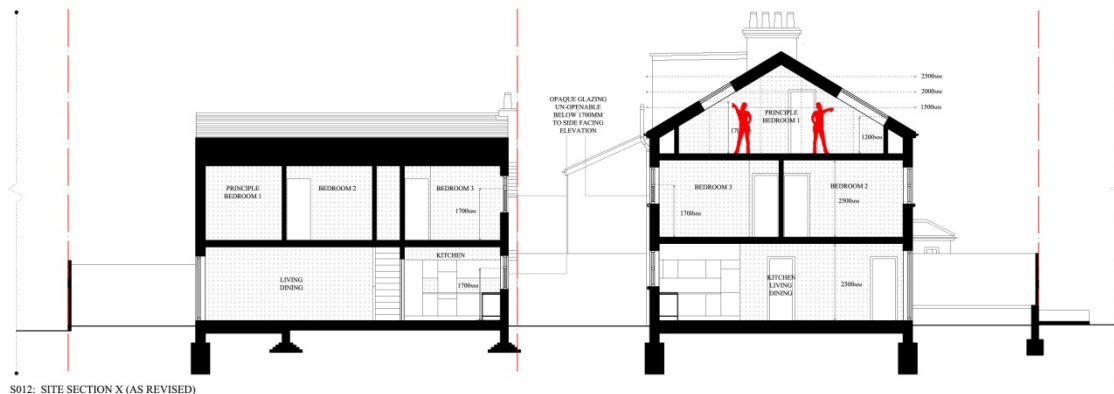
- 4.01 The impact (cumulatively) of the Development Proposal on neighbour amenity to 126 Malden has been considered carefully and in detail in the appeal statement A001 and visualised in the auxiliary documents A002-A006.
- 4.02 All that can be added at this stage is that the way one perceives this impact is inevitably coloured by whether one considers the site "after the fact" as a Perimeter Block with generous and spacious gaps; or whether one considers the site "in the ideal" as a Linear Block in a state of aberration whose natural views and vantage points have been lost to the unnatural imposition of all built forms both existing and proposed along this particular stretch of Tilehurst Road.
- 4.03 In all events from an absolute stand point the outlook and clear space available is both sufficient and conducive to a high standard of residential amenity that would be similar to the amenity available to 2 Kingsdown Road as impacted upon by 4-6 Tilehurst Road (and inevitably most other properties that might occupy the end of terrace location in a Perimeter Block Model).
- 4.04 Since the development context is not a Linear Block and will never be a Linear Block unless all the buildings on this part of Tilehurst Road (2-6) are demolished it is unnatural to expect the end of terrace house on a Perimeter Block to have the same Amenity Values associated with the end of terrace on a Linear Block. So while relatively the amount of clear space has been reduced slightly when one occupies the garden this does not inevitably mean that the high standard has been achieved to reduce the amenity values to such a degree that the impact is materially significant or unacceptable.

4 Tilehurst Road: Separation and Privacy

- 4.06 The Local Authority have again raised concerns about the separation distance of 15m between the proposed extension to 2 Tilehurst and the opposing extension to 4 Tilehurst Road.
- 4.07 While separation distances are stated as guidelines rather than absolute policy, SPD4 does make reference to two stated figures of 20m and 14m respectively. The context of the design proposal relates to two side facing buildings which would have one window each aligned at an angle of roughly 10 degrees to the perpendicular and it was thought that in this case it would be the figure of 14m which would be relevant "between side facing elevations" rather than the figure of 20m which was assumed to relate to adequate separation between opposing Linear Blocks (whether in the street scene or "back to back").
- 4.08 The Local Authority have also suggested that the perceived issue raised can be overcome by a condition that specifies an un-opening and obscurely glazed window to the proposed two storey extension; and have additionally suggested that the onus of providing outlook would not necessarily be required by the specifications of material policy relating to householder development and that if outlook was required then it could be provided by a permitted roof light to the upper frontal slope.
- 4.09 While the Appellant would certainly prefer not to adopt Compliance Condition 4 in Appendix B this would perhaps depend on whether a potentially concessionary approach can be appreciated for this window despite the primary disagreement on the principle of development.
- 4.10 Additionally bearing in mind that a window already exists in this particular location and the existing separation distance is already below the first stated figure of 20m following on from approved Application A2017/77966 it would lend weight to the concept that (in this particular case of singular buildings set side to side at an angle) either concession or the second stated figure of 14m would be applicable. Again it is argued that the material context that led to the approval of Application A2017/77966 has not significantly changed with the advent of either the Local Plan 2018 or the London Plan 2021.
- 4.10 The unreferenced 7m rule of thumb raised in A001 was derived from a limiting value specified for two storey extensions within the GPDO (A.1.h.ii); whereby the underpinning planning judgement is that a 2 storey extension 7m from the curtilage boundary of an opposing property would construct a scenario that is both unobtrusive in the limit and additionally easy to screen with soft vegetation.
- 4.11 While the GPDO as fallback in this case is not applicable in "form", the result for 4 Tilehurst (due to the additional separation provided by the private access road) is in terms of "content" analogous. And although not part of local policy either, the GPDO is qualitatively part of the matrix of planning thought at large that influences and establishes normative ideas of what constitutes acceptable development (manifest in guidelines that are comparable across local plans and establishing what might be referred to as "thumb rules"). In such a manner when one sees the specification of 14m separation distance set out in SPD4 it would not be beyond the realm of possibility to suggest that this figure was derived in the first instance by taking 7m on each side of a boundary fence and adding them together. Concurrently, despite the recognition that this line of thought is somewhat speculative, it is a case in point that there is evergreen vegetation springing up at the border of 4 Tilehurst Road that when grown out would further secure both privacy and separation.

5.00 PROVISION OF INTERNAL AND EXTERNAL AMENITY

5.01 It is not agreed that the 4 roof light windows in the proposed "room in roof" would fail to provide an adequate standard of outlook. Additionally there is no material provision in Local or Regional Policy that would attempt to regulate the parameters of acceptable outlook beyond the capacity to provide daylight and outward views of either the sky or the surrounding built environment.



5.02 In relation to the external amenity spaces it is understood that "private choice" is not a material planning condition but merely that the materially flexible standards of the Local Plan in a delimited urban context can deliver an extended catalogue of choices to the market.

5.03 The external spaces provided relate well to the surrounding visible plot areas within the SRQ Perimeter Block arrangement and are acceptable for almost all domestic intents and purposes such as sitting around a table to eat, drying clothes or providing adequate play space for younger children.

5.04 The plot sizes are smaller than typical of a Linear Block arrangement, but once again the development proposal is not located within a Linear Block. While there is a linear Block arrangement opposite to the line of buildings on this part of Tilehurst road this block form is located outside of the "urban" SRQ area and is thought to have materially different development parameters.

6.00 OVERSPILL PARKING

6.01 It is welcomed that the Local Authority are minded to withdraw this reason for refusal. Although bearing in mind the lack of frontages on this stretch of Tilehurst Road and the minimal overspill of 1 car space it would have been preferable to achieve this concession on reasonable assumption from the outset.

7.00 OVERVIEW

7.01 The proposal delivers valuable 3 bedroom family housing while enhancing the character of the local area. There are no material planning concerns that suggest that the proposal is not in accord with the development plan.

7.02 While it is considered that the Local Authority have not been concessionary, in particular where flexibility is materially built in to the development plan it is hoped that this appeal can be allowed on balance and the positive aspects of the proposal can be implemented.