

DELEGATED PLANNING APPLICATION REPORT

Ward: Caversham

App Ref: 231115/CLE

Address: Flat 5, 2 Bridge Street, Caversham, Reading, RG4 8AA

Proposals: Loft space used as x1 bedroom flat for more than 4 years

Case Officer: Marcie Rejwerska

Date received (valid from): 7 August 2023 Target Decision date: 2 October 2023

1. SITE DESCRIPTION

The application site comprises a flat within the loft space of 2 Bridge Street which consists of a restaurant on the ground floor and residential flats above. The immediate surrounding area is a mix of residential and commercial. The application site is not listed nor in a conservation area. The property is within an Article 4 Direction area preventing the conversion to or development for new dwellings, which is not considered to affect this application.



2 Bridge Street, Caversham as seen from Bridge Street. Image taken from Google Maps on 28.09.2023.

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks to demonstrate the existing use of the converted loft space within 2 Bridge Street, Caversham as 1x 1-bed flat, known as flat 5.

3. RELEVANT PLANNING HISTORY

890692 - Extension to existing premises to provide additional floorspace for the restaurant and gaming club. Change of use of two rooms on the first floor. - Application permitted

940457 - Renewal of planning permission 89/0691/FD for extension to existing premises to provide additional floorspace for the restaurant and gaming club. Change of use of two rooms on the first floor. - Application permitted

950162 - Demolition of 2 storey extension and replacement with new two storey extension for restaurant use. Change of use of residential room to office. - Application permitted

9600064 - Demolition of two storey extension and replacement with new two storey for restaurant use. Change of use of residential room to office. - Application withdrawn

990348 - Two storey rear extension to nightclub and restaurant - Application permitted

020629 - Application for a certificate of Lawful Existing Use for the use of the first and second floors as four residential flats. - Application permitted

070735 - Removal of dilapidated structure & replacement with new landing stage - Application withdrawn

080446 - Removal of dilapidated landing stage structure and erection of a replacement. - Application permitted

161654 - Internal and external alterations and roof conversion incorporating 4 dormer windows - Application permitted

4. LEGAL AND PLANNING POLICY CONTEXT

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and is so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not planning permission. The planning merits of use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), if a local planning authority has no evidence itself, nor any

from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability’.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

5. CONSULTATIONS

Reading Borough Council (RBC), Electoral Registration - Response received 16/08/2023

- No electors registered at Flat 5, 2 Bridge Street since 2014

RBC, Environmental Health - Response received 04/09/2023

- No comments to make.

RBC, Private Sector Housing - No response received.

RBC, Council Tax - Response received 01/09/2023

- We only have Flats 1-4 at 2 Bridge Street separately banded for Council Tax purposes.

RBC, Enforcement - Response received 26/09/2023

- There are no case records which deal with the loft conversion.

RBC, Legal Services - Response received 28/09/2023

- I find the evidence submitted is sufficiently precise and unambiguous to demonstrate on the balance of probability the use of the loft space as 1 bedroom flat has been continuous for a period of just over 4 years and accordingly recommend the Certificate of Lawfulness is granted.

6. SUBMITTED EVIDENCE

- PL-01 Location Plan, dated 2 September 2016, received 7 August 2023
- PL-02 Existing First Floor, dated 2 September 2016, received 7 August 2023
- BR-03 Second Floor and Loft, dated 7 September 2016, received 7 August 2023
- 78020879 Gary Bertin Electrical Contractor Domestic Electrical Installation Certificate, dated 5 May 2018, received 7 August 2023
- Section 52(3) of Building Act 1984 Notice of Cancellation by Persons Carrying Out Work, dated 12 August 2019, received 7 August 2023
- Statutory Declaration of Mr James Francis, dated 4 July 2023, received 7 August 2023
- Statutory Declaration of Mr Terry Holder, dated 4 July 2023, received 7 August 2023
- Assured Shorthold Tenancy Agreement relating to Flat 5, 2 Bridge Street, Caversham, Reading RG4 8AA, dated 6 April 2019, received 7 August 2023

7. ASSESSMENT

In order for a Certificate of Lawfulness to be granted, the applicant must demonstrate that the use of the loft space at 2 Bridge Street, Caversham as 1 x 1-bed flat began more than 4

years before the date of this application of 7 August 2023. The application form states that the use began on 1 April 2019.

With regards to internal consultee response; the Council Tax team have confirmed that Flat 5 is not banded as a property, while the existing Flats 1-4 below are banded separately.

The Enforcement team have confirmed that the loft conversion at 2 Bridge Street has not been investigated for any planning breaches.

Turning to the evidence submitted by the applicant to support the claims made within this application, the PPG makes the position clear on how the evidence submitted is to be considered. It says:

“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, **provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability**”

A tenancy agreement and statutory declarations both from the tenant and the landlord have been supplied which outline that the dwelling has been occupied by one tenant continuously since 6 April 2019. Additionally, a domestic electrical installation certificate has been submitted to demonstrate new complete electrical installation for Flat 5 was completed on 5 May 2018.

RBC Legal Services are in agreement that the evidence submitted by the applicant is sufficiently precise and unambiguous to demonstrate the balance of probability that the use of the loft space at 2 Bridge Street, Caversham has been continuous for a period of just over 4 years. The Council does not hold any contradictory evidence.

RECOMMENDATION

GRANT

The applicant has provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of the loft space at 2 Bridge Street, Caversham as 1 1-bed flat known as Flat 5, began more than 4 years ago and there is no evidence to suggest this use was changed or lost. It follows that there is sufficient justification to grant the certificate of lawfulness applied for by the applicant.

Informative

Positive and Proactive - Approval

