

DELEGATED PLANNING APPLICATION REPORT

Ward: Norcot

App Ref: 230798/VAR

Address: 3 Cockney Hill, Tilehurst, Reading, RG30 4HF

Proposals: Proposed single storey side and rear extension and two storey rear extension, without complying with condition 2 of planning permission 220825 (amended description).

Case Officer: Marcie Rejwerska

Date received (valid from): 12 June 2023 **Target Decision date:** 21 August 2023 (ext.)

1. SITE DESCRIPTION

The application site comprises a two-storey detached dwelling on Cockney Hill in Tilehurst. The property is set back from the road by way of a paved driveway and has a large outbuilding at the rear side of the host dwelling which is thought to have been converted from a garage under permitted development. The surrounding area is residential, comprised of detached properties in varying character. The property is not listed nor in a conservation area. There is a protected Scots Pine Tree (TPO 3/04) in the rear garden of the neighbouring no. 5 Cockney Hill.

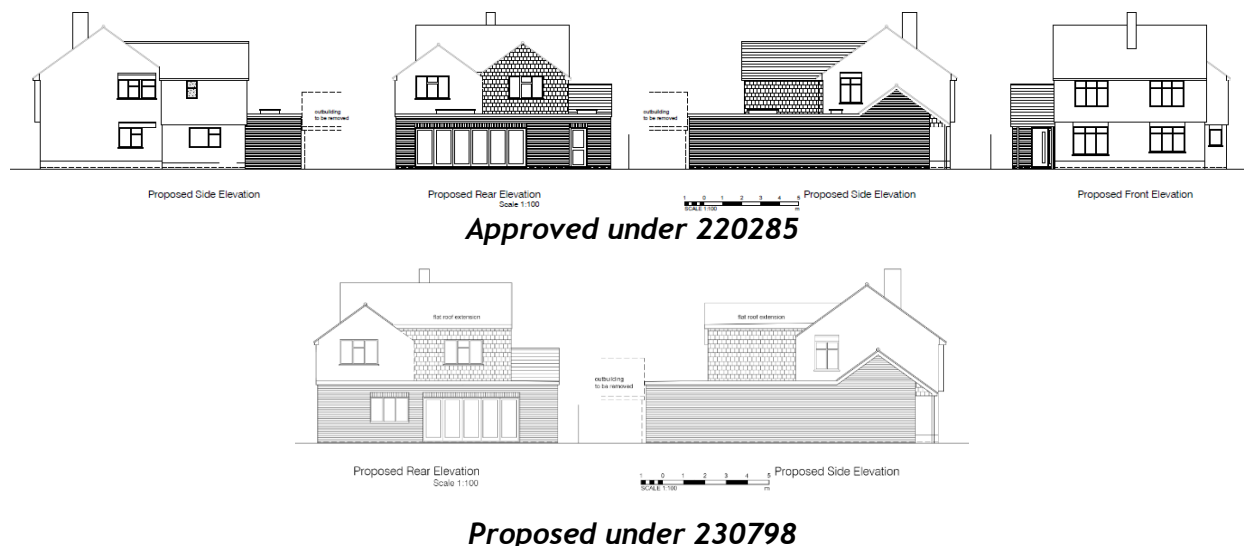


Location of the application site. Image taken from Google Maps on 17 August 2023.

2. PROPOSAL AND SUPPORTING INFORMATION

The applicant is seeking to vary condition 2 (approved plans) of planning permission 220825, which granted the erection of a single storey rear extension and a two storey rear extension. More specifically, the proposal includes alteration of the roof form to the two storey rear extension, from a front gable with a pitched roof to a flat roof.

It is also important to note that a non-material amendment was agreed under planning permission 221910 for the relocation of external doors and windows on the ground floor of the proposed rear extension. The proposed variation of condition 2 of planning permission 220825 includes the changes approved under this NMA in terms of the alternate fenestration layout.



Plans considered:

Planning Statement, received on 24 July 2023

3.CH.MP02 Rev.E Proposed plans and elevations, dated May 2022, received 12 June 2023

3. RELEVANT PLANNING HISTORY

220825 - Single Storey Side and Rear plus Two Storey Rear Extension - Application permitted on 2/11/2021

221910 - Minor amendment of planning permission 220825 for ground floor alterations to rear and side elevation including addition of external door and window and relocation of proposed external door. (description amended) - Agreed on 06/02/2023

4. CONSULTATIONS

The following addresses were consulted by letter.

1 Cockney Hill, Tilehurst, Reading, RG30 4HF
5 Cockney Hill, Tilehurst, Reading, RG30 4HF
8 Usk Road, Tilehurst, Reading, RG30 4HG
10 Usk Road, Tilehurst, Reading, RG30 4HG

No letters of representation received.

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. LEGAL AND PLANNING POLICY CONTEXT

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, "any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

National Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN14: TREES, HEDGES AND WOODLAND

H9: HOUSE EXTENSIONS AND ANCILLARY ACCOMMODATION

SPD

APPRAISAL

Character and appearance

No changes are proposed to the layout of the proposed extensions which are in the same location. The proposed new roof form is not considered to be at odds with the character of the main dwelling. Similarly, the new roof form will apply to the rear extension and will therefore not be visible from Cockney Hill. There is, therefore, no risk of harm to the wider street scene. The fenestration layout at the rear ground floor level was approved under NMA ref. 221910 and is reflected in the proposed plans; the layout is still considered acceptable and not a material amendment from the original proposal. The proposed tree protection remains the same as previously approved.

The proposal is therefore considered acceptable in terms of scale and design.

Amenity

The alterations proposed do not affect the scale, size or layout of the previously approved development, and as such there are no concerns with regards to impact on amenity.

Conclusion

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission can be granted. Advice contained in the Government's Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have been discharged. Accordingly, the recommendation is to grant the variation to the existing planning permission subject to all conditions previously attached to planning permission 220825 with an amendment to condition 2 (approved plans).

RECOMMENDATION

GRANT VARIATION OF CONDITION 2

Subject to the following conditions (additions in bold, removed plans in strikethrough):

1. The development hereby permitted shall begin no later than three years from the **date of planning permission 220825 issued 26/10/2022.**

REASON: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

3.CH.MP02 Rev.E Proposed plans and elevations, dated May 2022, received 12 June 2023

REASON: For the avoidance of doubt and to ensure the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 and H9 of the Reading Borough Local Plan 2019.

4. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out at all times in accordance with the Arboricultural Report and Method Statement / Tree Protection Plan prepared by Atworth Arboriculture Ltd. dated 04/10/2022. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

5. The existing outbuilding shall be entirely removed from the site prior to commencement of any work relating to the construction of the development hereby approved.

REASON: To comply with approved plans and prevent overdevelopment of the site in accordance with Policy CC7 and H9 of the Reading Borough Local Plan (2019).

6. The roof area of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 and H9 of the Reading Borough Local Plan 2019.