

DELEGATED APPLICATION REPORT

App Ref: 210947/FUL

Address: 39-45 Whitley Wood Lane

Proposal: Erection of 2 x 3 Bed Houses (C3 use)

Case Officer: Connie Davis

Target Decision Date (agreed extension of time): 28/04/22

SITE DESCRIPTION AND SURROUNDING AREAS

The proposed site is located on existing residential garden land at the rear of properties 39, 41, 43 and 45 Whitley Wood Lane. The site is bounded on the north-east by 16 Byworth Close, which is a bungalow, and all other sides is residential gardens. Adjacent to the site's access is a public footpath.

The surrounding area is residential with Whitley Wood Lane comprising of a variety of property types; there is a mixture of detached/ semi-detached properties, and those that are two storey, chalet bungalows, and bungalows. Properties are finished in a mix of brick and render.

Byworth Close comprises of small terrace clusters and semi-detached dwellings; primarily finished in brick.

The site is not Listed, nor in a Conservation Area.





16 Byworth Close to the right, with the access gates to the application site on the left

PROPOSAL

Planning permission is sought for the erection of two detached dwellings. They would be chalet bungalows containing 3 bedrooms. In terms of design, the properties would have roofed with side facing dormers. They would be finished in brick and slate similar to properties in the vicinity.

Associated parking and landscaping is also proposed.

PLANS/ DOCUMENTS CONSIDERED

G91001 003_45B WHITLEY WOOD READING Rev D - Notes and Schedules

G91001 002_45B WHITLEY WOOD READING Rev B - Details Various

G91001 001_45B WHITLEY WOOD READING Rev D - Proposed Landscape Plan

Received 2nd September 2021

South House Proposed Floor Plans Revision 4

South House Proposed Elevation Revision 4

South House Cross Sections Revision 4

North House Proposed Floor Plans Revision 4

North House Proposed Elevation Revision 4

North House Cross Sections Revision 4

Preliminary Ecological Appraisal Report prepared by Elton Ecology dated 31st August 2021

Received 1st September 2021

Proposed Materials

Received 12th August 2021

Location Plan Version 3
Existing Site Plan Revision 3
Proposed Site Plan

Received 6th August 2021

Existing Site Plan

Received 18th July 2021

General Information in relation to planning application for 2 x 3 bed houses on land to the rear of 39-45 Whitley Wood Lane, RG2 8PN

Design and Access Statement

CIL Form

Application Form

Received 10th June 2021

PLANNING HISTORY

200900/REM - Approval of reserved matters relating to previously approved application 171243 - Appearance, landscaping and scale Reserved Matters Approved

171243/OUT - Outline application for the erection of a new detached dwelling at land to the rear of 45 Whitley Wood Lane with access off Byworth Close with all matters reserved apart from access and layout - Application Permitted

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT

Revised information was provided in response to Transport, Natural Environment and Ecology comments. Furthermore the window configuration at first floor of the southern house was amended to ensure no 47 Whitley Wood Lane retained sufficient privacy.

CONSULTATIONS

Internal

Transport - No objections, subject to conditions

Natural Environment - No objections, subject to conditions

Ecology - No objections, subject to conditions

External

The following addresses were consulted by letter on 22/06/21:

37, 39, 41, 43, 45, 45A, 45B, 47 Whitley Wood Lane

16 Byworth Close

51, 53 Greenfields Road

2 responses were received with the following summary representing the matters:

- Concerns that neighbouring land is being used for development. Want confirmation boundaries are secure (no 16 Byworth Close)

Officer comment: Amended plans were received showing no encroachment onto no. 16 Byworth Close

- Overlooking into rear property and garden of no. 47 Whitley Wood Lane

Officer comments: Amended plans were received in response to this comment. This will be discussed further in the report

RELEVANT PLANNING POLICY AND GUIDANCE

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) which states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.

For this Local Planning Authority the development plan is the Reading Borough Local Plan (November 2019). The relevant policies are:

CC1	Presumption in favour of sustainable development
CC2	Sustainable design and construction
CC3	Adaptation to climate change
CC5	Waste minimisation and storage
CC6	Accessibility and the intensity of development
CC7	Design and the public realm
CC8	Safeguarding amenity
CC9	Securing infrastructure
EN12	Biodiversity and the green network
EN14	Trees, hedges and woodlands
EN16	Pollution and water resources
H1	Provision of housing
H2	Density and mix
H3	Affordable housing
H5	Standards for new housing
H10	Private and communal outdoor space
H11	Development of private residential gardens

- TR1 Achieving the transport strategy
- TR3 Access, traffic and highway related matters
- TR5 Car and cycle parking and electric vehicle charging

Relevant Supplementary Planning Documents (SPD) are:

Affordable Housing (2021)
Revised Parking Standards and Design (2011)
Planning Obligations Under Section 106 (2015)
Sustainable Design and Construction (2019)

APPRAISAL

The main matters to be considered are:

- Principle of development
- Design and impact on the surrounding area
- Residential amenity for future and existing occupiers
- Private outdoor space
- Transport matters
- The Natural Environment
- Affordable Housing
- Other Matters
- Equalities impact

Principle of development

Paragraph 119 of the NPPF states that: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

The definition with the NPPF states that brownfield land (previously developed land) is defined as: “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The application site forms part of the rear gardens to 39,41, 43 and 45 Whitley Wood Lane. The proposal would therefore constitute development of rear garden land. The principle of the development would therefore need to be assessed in

terms of the requirements of the National Planning Policy Framework (NPPF) paragraph 71 that seeks to ensure that policies are set out to resist inappropriate development of residential gardens. Also, at local level, the Council's Local Plan (Policy H11) establishes a number of criteria against which applications for the development of private residential gardens need to be assessed.

Reading Borough Council's Local Plan (Policy H10) seeks to ensure that adequate private and communal outdoor space is retained in terms of development proposals. The properties on this part of Whitley Wood Lane are characterised by deep rear gardens. The overall length of the existing gardens are about 45m, and this subdivision set at 15m, will leave an overall development site depth of 30m. Policy H10 provides the following guidance for outdoor private amenity space:

"Houses: Useable private outdoor space should be no less than the gross floor area of the dwelling to which it relates (measured externally and including garage space)".

The gardens of the dwellings, with the exception of No.39 - are overgrown, unused and even fenced off from the main garden of the properties. The subdivision of the gardens is considered to result in plot sizes that are capable of accommodating and providing adequate garden amenity space to the existing dwellings as well as the proposed dwellings.

Policy H11, states that proposals should make a positive contribution to the character of the area, and the layout and scale should integrate with the surrounding area. Number 16 Byworth Close, a detached bungalow that adjoins the bottom end of the rear gardens, with access from Byworth Close, appears to be a rear garden development based on available historical maps. There are also associated outbuildings in this locality defining the built form of the area. As such the introduction of detached dwelling as proposed, with access from Byworth Close is considered acceptable in principle. Permission for dwellings on the site have already been accepted, confirming the suitability of residential development on the site.

The proposal will also contribute to the supply of housing in the area. The Reading Borough Local Plan (2019) sets a target of 15,847 homes over the period 2013 to 2036 (an average of 689 homes per annum) and so therefore accords with Policy H1 of the Reading Borough Local Plan (2019).

Design and impact on the surrounding area

Policy CC7, and H11 (as part of the development site includes areas previously used as residential gardens) seek to protect and enhance the character and appearance of the area, and require a *"high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located."*

Policy CC7 outlines a number of considerations to ensure development would protect and enhance the character and appearance of the area including:

- *Layout: urban structure and urban grain;*

- *Landscape;*
- *Density and mix;*
- *Scale: height and massing; and*
- *Architectural detail and materials*
- *Character - a place with its own identity and sense of place*
- *Continuity and enclosure*
- *Quality of the public realm and provision of green infrastructure and landscaping*
- *Ease of movement and permeability*
- *Legibility - clear image and easy to understand*
- *Adaptability - capable of adaptation over time*
- *Diversity - meets a wide range of needs.*
- *Respond positively to their local context and create or reinforce local character and distinctiveness, including protecting and enhancing the historic environment of the Borough and providing value to the public realm;*
- *Create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;*
- *Address the needs of all in society and are accessible, usable and easy to understand by them, including providing suitable access to, into and within, its facilities, for all potential users, including disabled people, so that they can use them safely and easily;*
- *Are visually attractive as a result of good high quality built forms and spaces, the inclusion of public art and appropriate materials and landscaping.*

Policy H11 includes a similar number of design comments which states: *“development that includes land within the former curtilage of private residential gardens will be acceptable where:*

- 1) *The proposal makes a positive contribution to the character of the area in terms of:*
 - *The relationship of the existing built form and spaces around buildings within the surrounding area;*
 - *A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and existing pattern of openings and boundary treatments on the site frontage;*
 - *Providing appropriate hard and soft landscaping, particularly at site boundaries. This includes features such as the variety of trees, hardstanding/lawns and hedges, etc;*
 - *Compatibility with the general building height within the surrounding area;*
 - *The materials and elevational detail. These should be high quality, and where appropriate distinctive and/ or complementary;*

- *The arrangement of doors, windows and other principal architectural features and their rhythm between buildings.*
- 2) *The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking;*
 - 3) *The proposal includes access, which meets appropriate highway standards;*
 - 4) *The proposal does not lead to tandem¹ development;*
 - 5) *The design and layout minimises exposure of existing private boundaries to public areas, and avoids the need for additional physical security measures;*
 - 6) *The proposal does not cause a significant detrimental impact to the amenity of adjacent and nearby occupants;*
 - 7) *The emphasis is on the provision of family-sized housing;*
 - 8) *The development provides biodiversity net gain wherever possible, and would not have an adverse impact on biodiversity in terms of the fragmentation of blocks of gardens, which as a unit or in association with adjacent green space are deemed to make an important contribution to biodiversity and contribute to the green network; and*
 - 9) *The proposal does not prejudice the satisfactory development of a wider area.”*

In addition, the NPPF (para. 130) states that developments should be “*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”

The proposed dwellings would not have a frontage to Whitley Wood lane or Byworth Close. This does not however preclude the development from being able to respect and respond to the layout and urban structure of the locality. Even though properties would not face either road, the site will still be connected and link to the wider close in terms of access (driveway will face the road). As such, the plot will not be totally isolated or inaccessible from a highway. Properties in the vicinity, such as no 33 Byworth Close, are also situated at an angle with the highway and as such the proposed orientation of the dwellings would not be considered detrimental to the appearance of the street scene given its rhythm and positioning of dwellings is varied.

Dwellings have been sensitively designed to incorporate features found on dwellings

in the surrounding area. Dwellings are proposed to have pitched roofs with pitched roof dormers. Materials would be in keeping with those found in the vicinity however further in depth detail is required before the dwellings are constructed so this will be secured via condition in line with Policy CC7 of the Reading Borough Local Plan (2019).

The proposal would result in a form of tandem development. Whilst there is no specific description of what constitutes ‘unacceptable tandem development’ within Policy H11, this is generally taken to be where existing and future residents will have poor amenity from disturbance or overlooking via the tandem arrangement. Further, the pattern of development is not uniform in this locality. Whilst unusual, the back-land arrangement in this location is not considered to make the scheme unacceptable in this instance, given the plot size and other positive identified characteristics of the scheme. As such, it is not considered that this tandem development is unacceptable as there would be insufficient harm to justify refusal on this basis.

Residential amenity for future and existing occupiers

Policy CC8 seeks to protect the amenity of surrounding occupiers whilst Policy EN16 seeks to ensure development is not harmful in terms of pollution.

Policy H5 includes a number of standards for new development. The proposed development would include the provision of 2 x 3-bed dwellings. All proposed dwellings would meet the adopted standards set out in H5, including room sizes. Whilst the windows of bedrooms 2 and 3 for both dwellings would be split (one window would serve both rooms), it is still considered they would provide an acceptable level of light and outlook to each individual room. Windows of the two dwellings have been positioned so as to not face onto one another in the interests of maintaining privacy.

The dwellings have also been designed so that windows at first floor level would not be facing onto the rear elevations of properties on Whitley Wood Lane (nos. 39-45) in the interest of retaining privacy. Windows facing onto no. 47 Whitley Wood Road would be obscure-glazed and would not serve a habitable space. It will be conditioned that this window is retained as obscure glazed and no further windows are to be installed on this elevation with separate planning permission from the Local Planning Authority. Facing north, two first floor windows would face onto the rear amenity space of no. 37 Whitley Wood Lane. These windows would serve habitable rooms (bedrooms). However, it is not considered that views from these windows would create prolonged and uninterrupted views due to the dwellings being chalet bungalows rather than full two storey dwellings and due to screening between plots. A condition would be attached preventing new windows being installed on the dwellings in the interest of neighbouring amenity. Furthermore, Class B permitted development rights, preventing the installation of dormers without planning permission, will be attached to protect the privacy of neighbours also.

The dwellings would be located approx. 15m away from the side elevation of 16 Byworth Close. This property is a bungalow, with an attached garage between the application site and the existing dwelling. It is considered that due to

the separation distance, the differing heights of the proposed and neighbouring dwellings, combined with windows of no. 16 not facing onto the application site, that this neighbour would not experience a substantially harmful loss of light or privacy. Whilst the proposal would result in vehicle movements on the boundary with this neighbour, due to the size of the residential scheme it is not considered that the proposal would result in a harmful level of noise disturbance in this respect.

The proposed development is considered to afford a good level of accommodation for future residents whilst protecting the amenity of existing residents in accordance with policy CC8 of the Reading Borough Local Plan (2019).

Private outdoor space

Policy H10 states that “dwellings to be provide with functional private open space ... that allows for suitable sitting-out areas, children’s play areas, home food production, green waste composting, refuse storage, general outdoor storage and drying space. Houses will be provided with private outdoor space whereas flats may be provided with communal outdoor space, balconies and/or roof gardens.

The design of outdoor areas will respect the size and character of other similar spaces in the vicinity, clearly identify whether they are private or communal spaces, ensure that they are appropriately related to main entrances, enhance safety and the perception of safety for future residents and the general public, and not be compromised by the relationship of other buildings which may be detrimental in terms of overlooking, overbearing or overshadowing.”

Although no specific criteria, the supporting text of the policy (4.4.87) states “*In the past, the Council has sought the following minimum provisions for private or communal outdoor space for each type of accommodation, and they provide a useful guide for proposals:*

(a) Houses: Useable private outdoor space should be no less than the gross floor area of the dwelling to which it relates (measured externally and including garage space).”

Each of the proposed gardens is considered acceptable for the purposes of H10 and similar in scale to some properties in the vicinity. However a condition will be attached removing Class A and E permitted development rights preventing the erection of unrestricted extensions and outbuildings to ensure the plots maintain a suitable level of amenity space.

Transport matters

The site is located on the C304 within Zone 3, Secondary Core Area, of the Council’s adopted Parking Standards and Design SPD. A public footpath runs adjacent to the proposed site access. The Transport department initially considered this was a mixed footpath for pedestrians and cyclists.

In accordance with the adopted SPD, the development would be required to provide

parking provision of 2 parking spaces for each dwelling. Cycle and electric vehicle charging points are also required.

A policy compliant level of car and cycle parking has been provided on site, in addition to the provision of electric vehicle charging points. A pre-commencement condition will be included requiring the submission of a Construction Method Statement. Plans confirm access to the site will remain as existing.

Transport Officers have confirmed that the existing street lamp will be situated far enough from the existing access so as not to cause issue. The Officer also confirmed that the footpath was not for the use of cyclists and so therefore no visibility assessment for cyclists was required.

Conditions will be attached in line with Policies TR3 and TR5 to ensure the proposal is policy compliant in terms of Transport and highways matters:

- Vehicle parking as specified
- Cycle parking as specified
- Electric vehicle charging points
- Construction Method statement (to be submitted)

The Natural Environment

Ecology

Following the submission of an Ecological survey, it concluded habitats were of negligible ecological value. Works would not be considered to harm birds or bats, but there is risk the works may adversely affect reptiles which are protected species. As such, conditions will be included to ensure wildlife is not affected by the development in line with Policy EN12 of the Reading Borough Local Plan (2019).

Trees

The site is located in the low canopy ward Whitley (~8% cover), which increases the importance of planting for any new development.

As per the Local Plan's EN14 policy, '*new developments shall make provision for tree retention and planting within the application site, particularly on the street frontage, or off-site in appropriate situations*' - which is also supported by **objective 4** ('*ensure that all wards have at least 12% canopy cover by 2030; and target priority areas for tree planting based on canopy cover [...] and ensure [...] planting on development sites considers these*') and **objective 11** ('*tree [...] planting within development sites will be in accordance with the aims of the Tree Strategy and Local Plan policies*') of our new Tree Strategy.

The site is considered sufficient to provide landscaping opportunities, and documentation was submitted to support this as part of the application. However, amendments were required to the submitted documents in order for the proposal to fully comply with landscaping principles. The applicant has confirmed they would

wish to deal with this as part of a pre-commencement condition rather than provide amended information at this stage. Therefore, subject to condition the proposal is considered acceptable in relation to Policy EN14 of the Reading Borough Local Plan (2019).

Affordable Housing

In accordance with Policy H3 (Affordable Housing) the proposed development, being for 2 additional dwellings units, would be liable for an off-site affordable housing contribution.

As outlined within the policy: *“In all cases where proposals fall short of the policy target as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution.”*

The applicant has agreed to provide a policy compliant level of affordable housing which equates to a financial contribution of £42,500.00. This is calculated based on 3 independent valuations of the development.

This will be secured via a S106 legal agreement in line with Policy H3 of the Reading Borough Local Plan (2019).

Other Matters

CIL

The proposed development would generate a CIL liability.

Sustainability

As above, policy H5 requires additional sustainability measures including EV charging points, a 19% dwelling emissions rate improvement, and an improved water efficiency level which will be secured by conditions.

Equalities Impact

When determining this application the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the 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.

CONCLUSION

Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting permission subject to conditions.

Recommendation: **GRANT** permission subject to the following conditions:

All pre-commencement conditions have been agreed by the applicant

- 1) Time Limit
- 2) Approved Plans
- 3) Materials to be approved
- 4) Landscaping details to be approved [**Pre-Commencement**]
- 5) Construction Method Statement to be approved [**Pre-Commencement**]
- 6) Vehicle Parking (As specified)
- 7) Cycle Parking (As specified)
- 8) EV Charging Points

10) [**Pre-commencement**] No development shall commence on site until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of a 'design stage' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.

REASON: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan (2019).

11) [**Pre-Occupation**] The development hereby permitted shall not be occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.

REASON: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan (2019).

12) Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or

any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

REASON: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main house and the area in general and should therefore be controlled in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan (2019).

13) All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

REASON: To ensure that wildlife is not adversely affected by the proposed development in line with Policy EN12 of the Reading Borough Local Plan (2019).

14) Site clearance is to be carried-out under the supervision of a suitably qualified ecologist (that is a member of CIEEM or an equivalent organisation) who will check features such as compost heaps, piles of debris for reptiles. If reptiles are found they are to be removed to a safe place way from the works and on completion of site clearance works a short closing-out letter detailing the methods implemented and whether any reptiles were found is to be submitted to the Local Planning Authority.

REASON: To ensure that wildlife is not adversely affected by the proposed development in line with Policy EN12 of the Reading Borough Local Plan (2019).

15) **[Pre-commencement]** Prior to the commencement of works, details of biodiversity enhancements, to include a minimum of four universal nest bricks built into the new buildings and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.

REASON: To incorporate biodiversity in and around developments in accordance with Policy EN12 of the Reading Borough Local Plan (2019).

16) No additional windows/ openings for either dwelling without separate approval from the Local Planning Authority

Informatives

Terms

Building Control

Complaints about Construction

Encroachment

Positive and Proactive

S106

Pre-commencement conditions

CIL