

DELEGATED APPLICATION REPORT

App Ref: 211828/FUL & 211829/LBC (Joint Report)

Address: 25 Eldon Square, Reading

Proposal: Change of use from 2 flats to a single dwelling including internal alterations, alterations to fenestration and erection of single storey rear extension

Case Officer: Connie Davis

Target Decision Date (agreed extension of time): 04/02/22 (for both applications)

Site Description

The application site is a Grade II Listed two storey property located on the north-eastern side of Eldon Square. The property is located within the Eldon Road conservation area and is currently in use as two flats.

The listing of the building is as follows:

ELDON SQUARE 1. 5128 Nos 25 and 27 SU 7273 7/475 II GV 2. Circa 1840s. Pair. 2 storeys, attic and basement. Bath stone ashlar, ground floor channelled with band over. Flat eaves with plain brackets. Hipped slate roof with central ashlar chimney. 4 bay centre with 2 large later 4-light dormers and 4 arched glazing bar sash windows with moulded architraves to heads and flanking arched panels. On the ground floor: tall French casements with 2 tented verandah balconies with pierced stone parapets on stone brackets. Flanking set-back doorways which have shaped low relief pediments, No 25 as a glazed door and a 2 storey 2 window extension.

Proposal

Planning permission/ Listed Building Consent is sought for the following:

- Conversion of the existing two flats back to a single-family dwelling.
- Provision of a lower ground floor extension in the form of glazed box/conservatory.
- Replacement of existing lower ground front elevation casement windows with new hard wood single glazed sashes.
- Replacement of the modern metal and glass front door.
- Introduction of storage within the entrance hall.
- Reconfiguration of the main staircase at ground floor to reinstate the original alignment.
- Creation of a ground floor WC and introduction of a relocated lower ground floor sash window (displaced by the proposed extension) to serve this space.
- Minor changes to the plan form of the first floor to create a dressing area and storage within the master bedroom and bathroom within the rear room; and
- Minor changes to the modern layout within the attic (second) floor.

Information Submitted (for both applications):

1396_PREL Rev C - All elevations

Received 18th November 2021

1396-00EX EL - All elevations Existing

1396-00EX GA1 - Lower floor and Ground floor plan Existing

1396-00EX GA2 - First floor and Second floor plan Existing

1396-00EX GA3 - Roof plan, Site plan and Location Plan Existing

1396_PRGA1 Rev C - Lower floor and Ground floor plan
1396_PRGA2 Rev C - First floor and Second floor plan
1396_PRGA3 Rev C - Roof plan, Site Plan and Location plan
1396_PRSE1 - Master bedroom Sections
1396_PRSE2 Rev C - Storage Sections
Heritage Impact Assessment prepared by HCUK Group dated October 2021
Application Form
Supporting Letter
Design and Access Statement
CIL Form

Received 11th November 2021

Relevant planning history

It should be noted that no records have been found permitting the change of use from a single dwellinghouse to two flats. However, over the years, there have been various Listed Building Consent applications to each flat indicating the likely current lawful use of the building is two residential flats:

950585/LBC (Flat 1) - New glazing in front and rear dormers - Application Permitted

011268/LBC (Flat 2) - Opening up of basement area below staircase to upper flat to form new bedroom. New room to have sash window to rear elevation into shallow light - well. Existing internal staircase to be altered - Application Permitted

150339/LBC (Flat 1) - Removal of internal partition wall between dining room and kitchen (amended description) - Application Permitted

172117/LBC (Flat 1) - Take down existing kitchen and dining room ceiling and construct a new higher ceiling closer to the roof structure above. This work will be carried out in conjunction with approved permission 150339 to remove the partition wall separating the kitchen and dining room - Application Permitted

Consultation

Internal

Planning Policy - No response received

Transport - No objection subject to condition

Heritage Consultant - No response received

Conservation Area Advisory Committee (CAAC) - No comments received

Public

Adjoining neighbours were advised of the applications via letter sent on 22/11/21. In addition, a site notice for both application was erected. No comments have been received for either application.

Relevant planning policies and guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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”.

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Reading Borough Council Local Plan (2019)

H7	Protecting the Existing Housing Stock
CC8	Safeguarding Amenity
EN1	Protection and Enhancement of the Historic Environment
EN3	Enhancement of Conservation Areas
TR3	Traffic, Access and Highway-Related Matters

Appraisal

The main issues to be considered are:

- a) Principle of Development
- b) Residential Amenity of Existing and Future Occupiers
- c) Impact on the Listed Building/ Conservation Area
- d) Transport Matters
- e) Conclusion and submitting an application

a) Principle of Development

It is widely documented in planning law that it is unclear as to whether planning permission is required to amalgamate separate residential units to one unit. Ordinarily changes within the same use class do not require planning permission as it qualifies as Permitted Development. In this case, both a single dwellinghouse and flats are within the C3(a) category.

However, in the case of *London Borough of Richmond v Secretary of State for the Environment, Transport and the Regions and Richmond upon Thames Churches Housing Trust QBD 28 March 2000* the decision ruled that the "same use class" exception cannot be relied upon in residential amalgamation cases. As such, it needs to be considered if the amalgamation would be considered a material change of use.

In assessing whether the amalgamation would constitute a material change of use, local level planning policy is required to be considered. In Reading Borough's Local Plan, policy H7 states that *'Planning permission will not be granted for any loss of residential accommodation or land unless there are exceptional circumstances. Planning permission will not be granted for a net loss in the number of residential units or gross floor area.'* As such, it is considered that when assessing the proposal against this policy, the proposed amalgamation would require planning permission as it would result in the loss of residential accommodation and would therefore be a material change.

Nevertheless, as part of Policy H7 it does state: *'There may be exceptional circumstances where a loss of a limited amount of general residential would help to meet other key identified needs, for instance for a specific identified need for accommodation for vulnerable groups (see policy H6) or to reinstate a use more appropriate to the significance of a heritage asset, and this should be clearly demonstrated as part of any planning application'*. As part of this application, it is argued by the applicant that converting the building back to a single family dwelling would be most suitable and complementary in terms of the Listed Building. A heritage statement has been provided to justify this. The statement has been reviewed by the case officer. It concludes that:

The main component of the application is the reinstatement of the building (currently serving as two flats) back into its original use as a single family dwelling. In principle, this is a positive change reinstating the original function and domestic arrangements of the building, resulting in an enhancement to the asset's significance. There are a number of physical alterations proposed to the building to facilitate this reinstatement and these. In brief, these works would restore the original circulation and hierarchy of the building which would represent a further heritage benefit, enhancing the building's significance.

Officers are in agreement that the conversion to one single dwelling (the building's original state) would entail the building restoring to its original use and function. It should also be noted that no planning permission/ Listed Building consent was granted for the sub-division of the dwelling to two flats and therefore any works that were carried out were not fully assessed by the LPA and therefore impact on the heritage asset also not fully known. However this application will mean the LPA is able to exert control on the works that are carried out to ensure the interests of the historic asset are at the forefront of the decision.

As such, due to the demonstrated historic benefits of the proposal, an exceptional case can be supported to justify the loss of the dwelling. In this specific instance, the proposal is considered to have provided sufficient evidence and justification to deem it acceptable under Policy H7 of the Reading Borough Local Plan (2019).

b) Residential Amenity of Existing and Future Residents

Policy CC8 states that *‘Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:*

- *Privacy and overlooking;*
- *Access to sunlight and daylight;*
- *Visual dominance and overbearing effects of a development;*
- *Harm to outlook;*
- *Noise and disturbance;*
- *Artificial lighting;*
- *Vibration;*
- *Dust and fumes;*
- *Smell;*
- *Crime and safety; or*
- *Wind, where the proposals involve new development of more than 8 storeys.*

It is not considered that the proposed amalgamation would result in substantial harm to neighbours. The use would continue as residential and has the potential to de-intensify the use if the building is used as a single dwellinghouse, rather than two.

In terms of external works, the proposed rear extension would measure a depth of 4.5m. It would be set off the boundary by no. 27 Eldon Square by 1m. The neighbouring property has a large ground floor window also set off the boundary with the application site. Whilst the extension would be noticeable from the ground floor window, due to its reasonable depth, height and set-off from the boundary, the extension would not be considered to result in a loss of light or be visually dominant for the adjoining neighbor. The repositioning of the existing window would also not be considered to result in a loss of privacy for neighbours.

As such the proposal is considered acceptable in relation to Policy H8 of the Reading Borough Local Plan (2019).

c) Impact on the Listed Building/ Conservation Area

Internal alterations are required to amalgamate the units. Furthermore, a single storey rear extension is proposed. As discussed above, the extension is considered of a modest scale, and one that suitably integrates with the proportions of the Listed Building. The predominant use of glazing for the proposed extension ensures that the extension reads as an honestly modern and lightweight addition to the rear of the listed building.

Minor changes are proposed on the front elevation; the elevation that would be most visible and in public view from within the Conservation Area. More specifically, these entail the replacement of the entrance door with a hardwood timber door with upper glass panels, and basement windows to be replaced with painted hardwood sash windows. It is considered that these modifications are of small scale, and subject to detailing and material specifications (secured via condition), these would be acceptable in relation to the surrounding Conservation Area in line with Policies EN1 and EN3 of the Local Plan.

Internal works, such as the removal of partitions following the amalgamation of the two flats, are considered acceptable. Partitions are not original and so would be reinstating the internal configuration to its former state.

d) Transport Matters

There is no off-street parking associated with the property, the Council's residential parking scheme operates on the square and surrounding, therefore the property will be subject to the terms and conditions of the scheme. The demand for parking for the newly formed single dwelling is comparable to the existing 2 flats.

There are no Transport objections to this application given as the change of use would not have a material impact on the character of the traffic in the vicinity of the site and the extensive parking restrictions in place. However, given the site's location, a Construction Method Statement MS is recommended for the proposed works. Subject to condition, the proposal is considered acceptable in relation to Policy TR3 of the Reading Borough Local Plan (2019).

Recommendation:

GRANT 211828/FUL subject to the following conditions:

All pre-commencement conditions have been agreed with the applicant's agent

1. TL1
2. AP1
3. Materials to be submitted
4. CMS to be submitted

Informatives:

1. Terms
2. Building Control
3. Complaints about construction
4. Encroachment
5. Positive and Proactive
6. LBC required
7. Highways
8. Pre-commencement conditions

GRANT 211829/LBC subject to the following conditions:

1. TL1
2. AP1
3. Materials to be submitted

1. Terms
2. PP required
3. Building Control
4. Pre-commencement conditions
5. Positive and Proactive