

DELEGATED REPORT

Application No. 211069/FUL

Site Address: 6 Malthouse Lane, Reading

Proposal: Change of use from offices to 1 x C3 dwellinghouse with front elevation change to incorporate a new window

Applicant: Mr H Kang

Agreed Target Date: 10/09/21

Case Officer: Connie Davis

Site Description

Malthouse Lane links residential Charles Street with Chatham Street a main arterial route within the town. Malthouse Lane contains a mix of uses, however due to more recent development, for example at the junction with Chatham Street, its prevailing character is no longer commercial. The site is located within the Regional Centre as defined within Policy RL1 of the Reading Borough Local Plan.

The site not Listed, nor in a Conservation Area, however it is within an Air Quality Management Area.

Proposal

The proposal is for the conversion of the existing building, described as an office, to a two storey, two-bedroom dwellinghouse. In addition, a minor external alteration is proposed, namely the removal of the existing shutter and the installation of a window. Materials (windows) would match those of the existing property.

Plans/Documents Submitted

Application Form

Planning Statement

CIL Form

21/213/09 - Site Plans

21/213/01 Rev A - Existing Plans

21/213/02 - Existing Elevations

21/213/01 - Proposed Plans

21/213/02 - Proposed Elevations

Received 28th June 2021

Relevant planning history

201263/OPA - Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 2 (1 bed) flats. Prior Notification under Class), Part 3 pf Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application Withdrawn

200787/OPA - Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 2 (1 bed) flats. Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application Closed

200260/RPA - Change of use of ground and first floors from Class A1 (shop) to C3 (dwellinghouses) to comprise of 2 x 1 bed flats. Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - Application Withdrawn

191899/CLP - Certificate of Lawfulness for proposed change of use from office to residential, with internal partitions and new door and window from an existing opening - Application Refused

Discussions with applicant/agent

The agent was advised of the concerns relating to this proposal (in an email sent 01/09/21); namely that the proposal would result in a loss of privacy for neighbouring properties, and would represent a poor standard of accommodation due to no amenity space being provided on site.

The agent was advised that if not withdrawn, the application would be recommended for refusal. The agent advised that he would not withdraw the application.

Consultations

Internal Consultees

Transport - No objections

Environmental Health - No response received

Public Consultation

The following addresses were formally consulted via letter on 08/07/21:

4 Malthouse Lane
27, 29, 31 Charles Street

In addition, a site notice was displayed between 22nd July - 12th August 2021

No representations have been received.

Planning policies

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Reading Borough Council Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction

CC3: Adaption to Climate Change
CC5: Waste Minimisation and Storage
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
CC9: Securing Infrastructure
H1: Provision of Housing
H2: Density and Mix
H3: Affordable Housing
H5: Standards for New Housing
H8: Residential Conversions
H10: Private and Communal Outdoor Space
TR3: Access, Traffic and Highway-Related Matters
TR5: Car and Cycle Parking and Electric Vehicle Charging
EN16: Pollution and Water Resources
RL1: Network and Hierarchy of Centres

Supplementary Planning Guidance/Documents

Revised Parking Standards and Design (2011)
Revised Sustainable Design and Construction (2011)
Planning Obligations Under S106, April (2015)
Affordable Housing Supplementary Planning Document (2021)

Appraisal

The main issues to be considered are:

- a) Principle of development
- b) Design and impact on the street scene
- c) Residential amenity of proposed and existing neighbouring residents
- d) Transport matters
- e) Environmental Protection Matters
- f) Sustainability
- g) Affordable Housing, S106 and CIL obligations

a) Principle of development

The [NPPF](#) states that LPAs should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”. The NPPF definition of ‘previously developed land’ excludes private residential gardens in built up areas.

Therefore, it is clear that the priority for development should be on previously developed land. It is considered that the conversion of the existing commercial premises to a dwelling would be an efficient use of space in pure land use terms as residential conversions have an important role to play in housing land supply in Reading. The creation of a new dwelling would contribute to housing provision within the Borough and so would accord with Policy H1 of the Reading Borough Local Plan (2019).

As such, in pure land use terms, the proposal represents an efficient use of land to provide additional residential accommodation in the borough. However, the acceptability of the scheme is also dependent on the dwelling being of a suitable size, providing suitable amenity space, it not resulting in adverse impacts to neighbours, suitable parking provision etc. These matters will be discussed within the report.

b) Design and impact on the street scene

Policy CC7 (Design and the Public Realm) states: *All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located.*

Very modest external alterations are proposed. The existing front garage/ shutter to existing storage space is to be replaced with a upvc window. The window would be in keeping with the style and materials of the existing windows. Whilst the low-level plastic panel beneath the window is not considered to represent a particularly high quality finish, there is not considered strong resistance to the proposed external alterations in design terms, nor would it be detrimental to the varied street scene. Therefore the proposal acceptable in relation to Policy CC7 of the Reading Borough Local Plan (2019).

c) Residential Amenity of Proposed and Existing Neighbouring Residents

Policy CC8 requires developments to not “*cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties..*” including “...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;...”. At the same time, ensuring that new development creates a quality living environment for potential future occupiers is also required.

Proposed Residents

Policy H5 identifies standards for new housing including internal space requirements for new residential developments in the borough. However, as noted in Policy H5 paragraph 4.4.41 it recognises that ‘*there is a distinction between what counts as adequate internal space within the centre of Reading and elsewhere*’. As such, nationally prescribed space standards can be a little more flexibly applied to town centre accommodation. That being said, the proposed dwelling complies with national space standards for a two-bedroom, two-storey dwelling.

All habitable rooms will be served by windows; however the living room and bedroom would have side windows facing onto a brick wall of the adjacent warehouse. As such, there will be greater reliance on the front and rear facing windows for access to natural light and outlook. However, this comes with concerns over a loss of privacy particularly at ground floor level, as will be discussed later in the report.

As well as the property being of a suitable size for future occupiers and having suitable access to natural light and outlook, Policy H10 seeks to secure that new development has

adequate outdoor amenity space. Within paragraph 4.4.80 in the supplementary text to Policy H10 it states that *‘Access to private or communal outdoor space can make a vital contribution to a high quality of life. In addition to providing opportunities for outdoor living and enjoyment, amenity space serves functional requirements, such as refuse storage and clothes drying’*. This has been heightened during the Covid-19 pandemic where access to outdoor space has been a valuable. Outdoor amenity space also helps to separate the home environment (the indoor and outdoor); the home environment which is heavily utilised by individuals for work and pleasure since the pandemic.

Whilst it is acknowledged Policy H10 identifies that flats in central Reading may not be able to provide/ need to provide the same amount of amenity space as other dwellings within the borough, the proposed dwelling in question is to be a two-storey house. Flats are an exception as it states that generally, flats will not attract families, however a two storey dwellinghouse may alter the proposed occupiers of the property, potentially making it a more family orientated type of accommodation. As a minimum, Policy H10 states that outdoor space should be provided for basic facilities like clothes drying. Another example would be for cycle storage; as can be seen on the proposed floor plans, cycle storage is to be placed inside the provide living room due to no outdoor amenity space to provide such facilities which is cosndiered a poor solution.

Policy H10 goes onto state that *‘The design of outdoor areas will respect the size and character of other similar spaces in the vicinity’*; properties in the vicinity, such as those houses on Charles Street in the immediate area is characterised by houses with gardens. As such, this proposed house would be an anomaly within the vicinity.

The absence of a form of private, outdoor amenity space is considered uncharacteristic compared to dwellinghouses in the vicinity. There is no overriding justification as to why this site is exceptional and would not have to meet policy with regards to provide amenity space. This is exacerbated by the fact the property would be a two-storey dwelling rather than flats, and therefore could be utilised by a family that would reasonable require some form of outdoor, private, amenity space. As a result, the proposed development fails to provide an acceptable quality of living accommodation for future occupants contrary to Policy CC8 of the Reading Borough Local Plan (2019).

Existing occupiers

The occupiers most potentially affected by the development are nos. 27, 29 and 31 Charles Street, but also potentially properties further east on Charles Street (odd numbers below no. 27) as will be discussed below. In addition, no. 4 Malthouse Lane to the south and no. 1 Malthouse Lane, across the road to the west.

There are no extensions to the building and so the impact of additional built form is not relevant.

3 and 4 Malthouse Lane

No. 3 Malthouse Lane is located opposite the application site, across Malthouse Lane, with a separation distance of just over 9m. The proposed new front window would face onto this site, however, given the separation distance and no. 3 being a commercial property, the new front window would not result in a loss of privacy or result in overlooking to residential accommodation a substantially harmful degree.

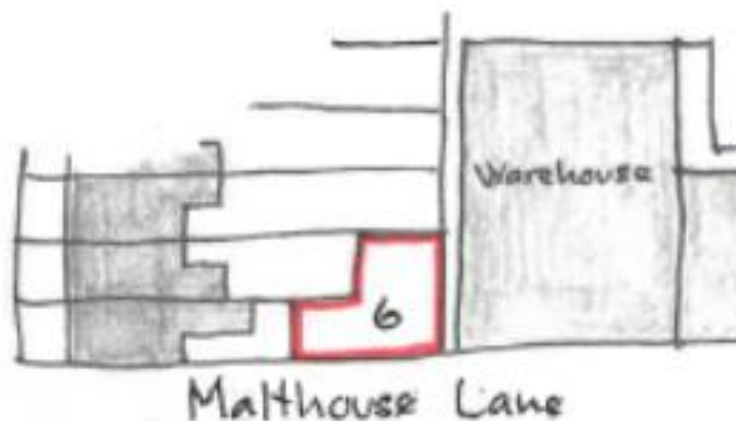
No. 4 Malthouse Lane is a commercial warehouse rather than a residential use. No windows on the warehouse would be compromised as a result of the change of use, but in any case amenity concerns are generally not applied to spaces that are not residential.

Properties on Charles Street, facing East

Given the nature and close juxtaposition of properties generally in this high density terraced area, a degree of overlooking from bedrooms to gardens/patios is to be expected, and is in context to the area already attainable.

There are no side windows proposed facing nos 29 and 31 Charles Street, as such they would not be considered to be harmfully impacted by the change of use.

However, in this case the application site's rear elevation forms the side boundary of no. 27 Charles Street's garden, as can be seen in the block plan below.



As such, the application site's rear windows will be on the boundary on no. 27 with uninterrupted views. In theory, the occupiers of no. 27 could sit in their garden in front of the proposed living room's rear facing windows. As such, this relationship considered too close to maintain an adequate level of privacy for both neighbours, along with the occupier of the proposed dwelling, as it would be a closer relationship than existing residential properties.

In addition, due to the proposed living room and bedroom having side windows that would face onto a brick wall (giving no light or outlook), the other windows serving these spaces will be heavily relied upon for these functions. Whilst the living area would have a front facing window as a result of the elevational changes, the bedroom's primary source of light and outlook for occupiers will be through the rear facing window overlooking rear gardens

on Charles Street. Whilst some degree of overlooking is present amongst the existing dwellings on Charles Street, due to the orientation of the application site (at right angle), it means that there would be long, uninterrupted views across multiple gardens and as such there is risk the relationship would create a prolonged and unacceptable degree of overlooking into neighbouring rear gardens.

Whilst the rear windows in question already exist, the current use of the site is for commercial space which is less intense, sensitive and continuous than residential development. As such, it would be considered to result in heightened privacy concerns than the existing situation. As such, the proposal is considered contrary to Policy CC8 of the Reading Borough Local Plan (2019) on the basis that privacy would be compromised for both existing and future residents due to overlooking from rear windows.

d) Transport Matters

The site is located just outside the Reading Town Centre. It falls within the Zone 2, the primary core. This zone directly surrounds the Central Core and extends to walking distances of 2 kilometres from the centre of Reading. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone and other local centre facilities.

In accordance with the adopted Parking Standards and Design SPD, the development would require 1 parking space for the proposed 2 bed C3 dwelling, however it would appear that no off road parking is associated with this property. Given the sites close proximity to the town centre and good transport links a car free development can be considered for this development.

Malthouse Lane and the surrounding road network all have parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect flow of traffic on the classified road network. Under the Borough's current parking standards, this proposal would generate additional pressure for parking in the area: therefore if this application is approved there should be an assumption that any future occupants of the proposed dwelling will not be issued with resident or visitor parking permit, this will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area. In accordance with the Council's Parking Standards and Design SPD the dwelling should be provided with 2, secure cycle storage spaces. Submitted Proposed Plan illustrates cycle storage for 1 in the living room, which is not an ideal location, however as this is a single dwelling it can be accepted in this instance.

Proposed plans do not illustrate a bin storage area. Bin storage should not be further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods. Details of bin storage and collection are required.

In principle there are no objections to the application on Transport grounds in relation to policies TR3 and TR5 of the Reading Borough Local Plan. Should the proposal have been acceptable in other respects, a suitably worded condition requiring bin storage details to

be provided would have been attached. However, as discussed earlier in the report, due to the site not having any amenity space, it may be difficult for bin storage to have been incorporated to the scheme unless stored internally.

e) Environmental Protection Matters

The site is located next to a warehouse and the rear courtyard which is occupied by Chatham Street Motorworks. Given the business/ industrial use in close proximity to the site, it would have been considered necessary to ensure the future occupiers would not have been exposed to a harmful level of noise from these uses. Had the proposal been acceptable in other respects, a suitably worded pre-commencement condition requiring the submission of a noise assessment would have been attached in order to comply with Policy EN16 of the Reading Borough Local Plan (2019).

Given the site is for a single dwelling, it is not considered that noise generated from the proposed use would have an adverse impact on neighbours compared to the existing situation given the surrounding area comprises of dwellinghouses. As such, the proposal is considered acceptable from a noise perspective for neighbours in line with policies CC8 and EN16 of the Reading Borough Local Plan (2019).

f) Sustainability

Policy and CC2 of the Reading Borough Local Plan (2019) state that construction will be acceptable *‘where the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change’*.

Little demonstration has been made within the submission to accord with the requirements of Policy CC2. Within the submitted Planning Statement, it states that *‘there is very little that can be added by way of new innovations for sustainability’*. In accordance with Policy CC2, the conversion should meet the most up-to-date BREEAM ‘Excellent’ standards, where possible. In accordance with Policy CC3 the proposal should be designed to incorporate measures to adapt to climate change.

The LPA do not accept, without supporting evidence that little could be achieved in terms of sustainability. However, this is not considered basis to refuse the application. Rather, had the proposal been considered acceptable in other respects, pre-commencement conditions securing sustainability details in accordance with BREEAM would have been sought. Subject to these conditions, the proposal would have been acceptable in relation to Policies CC2 and CC3 of the Reading Borough Local Plan (2019).

g) Affordable Housing, S106 and Community Infrastructure Levy (CIL)

In accordance with Policy H3 of the Reading Borough Local Plan (2019) it states that *‘on sites of 1 - 4 dwellings, a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.’*

Development is exempt from an Affordable Housing contribution where the proposal is for the conversion of a dwelling to a self-contained flat where there is no new floor space. In this case, new floor space is proposed and so the development would require an Affordable Housing contribution.

The applicant stated in their Design Statement that they agreed in principle to enter into a legal agreement to secure a financial contribution. However, valuations have not been submitted. As the proposal is not considered acceptable in other planning terms, the Council has not pursued the S106 legal agreement to secure the financial affordable housing provision.

As such, the proposal is contrary to Policy H3 of the Reading Borough Local Plan (2019).

The proposal would be CIL liable as the development is the creation of a new dwelling. This is charged at and is charged at a rate of £156.71 per sqm.

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.

Conclusion

Due to the site's small size it means that any residential development would have an overly close relationship with existing occupiers, consequently resulting in a loss of privacy for both future occupiers of the site and existing residents on Charles Street. At ground floor level, no. 27 Charles Street's garden would be heavily overlooked due to the rear elevation forming the side boundary. At first floor level, uninterrupted views across multiple gardens would occur due to the orientation of the application site. Furthermore, due to the size of the site, no amenity space can be accommodated. There is no strong justification to allow a two-storey, potentially family dwelling, be without any amenity space, even for basic functions such as cycle storage. The benefit of the new dwelling in terms of its contribution towards the provision of housing stock in Reading is not considered to outweigh the identified shortcomings of the proposal.

Recommendation: REFUSE for the following reasons:

1. Due to its right-angled orientation to neighbouring properties and rear facing windows, the proposed dwelling would have uninterrupted views at ground and first floor views to the rear amenity spaces of properties in Charles Street, particularly no. 27 at ground floor level. As a result, the proposal would result in a loss of privacy for neighbouring properties and the occupiers of the proposed dwelling contrary to Policy CC8 of the Reading Borough Local Plan (2019)

2. The proposed development fails to provide provision of outdoor amenity space and as such will adversely impact upon the level of amenity and provide an unacceptable quality of living accommodation for future occupants. The absence of outdoor amenity space would also be uncharacteristic compared to houses in the vicinity which have rear amenity space. As such, the proposal is contrary to Policy CC8 and H10 of the Reading Borough Local Plan (2019)

3. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to Policy H3 of the Reading Borough Local Plan (2019) and the Council's Adopted Affordable Housing Supplementary Planning Document 2021

Informatives:

- 1) Refused plans
- 2) Pre-app advice
- 3) Positive and Proactive