

DELEGATED APPLICATION REPORT

Application No: 210656/FUL

Address: 31-33 Hilltop Road

Proposal: First floor rear extension to no. 31. Single storey front extension and two storey rear and side extension to no.33

Applicant: Graham Waterhouse, Candace Sharples, Keith Wiggins, Deborah Wiggins

Agreed Target Decision date: 30/07/21

Case officer: Connie Davis

1. Site description and Surrounding Area

The application site relates to a pair of semi-detached properties located on the northern side of Hilltop Road. The properties are of similar architectural style with pitched roofs and front bay windows.

The surrounding area is residential with similar style of property.

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

2. The Proposal

Planning permission is sought for extensions to both nos. 31 and no. 33. The properties are two separate family dwellings.

No. 31

This property has an existing two storey rear extension currently expanding approx. half the width of the main house. A further first-floor rear extension is proposed to create a levelled rear elevation. It would have a depth of 3.6m and would extend to the same height as the existing extension (6.3m). It would mirror the pitched roof formation of the existing extension, resulting in a double pitch.

No. 33

The property is proposed to be extended at the rear by 3.6m in depth and would also be of the same design (ie. double pitch) to match no. 31. An existing rear conservatory would be demolished to make room for the extension. It is also proposed to extend at the side of this property by a width of 1.2m at both ground and first floor. The side element would be set down from the ridge of the main house by over 1m.

In addition, a front extension is also proposed that would measure 1m in depth.

The extensions would mean the properties are extended to the same depth at ground and first floor level. Materials are proposed to match the existing dwellings.

3. Consultation

Internal Consultees

Ecology - No Objection

Natural Environment - Objection

Transport - Objection as further clarification required on parking arrangements

External Consultation

The following addresses were formally consulted via letter on 12/05/21:

29 and 35 Hilltop Road
26 and 28 Carlton Road

A site notice was displayed at the site between 12th May 2021 - 2nd June 2021.

No comments have been received from members of the public.

4. Plans and Documents Considered

Drawing:

20-1999/000 Rev A - Site Location Plan Block Plan
20-1999/100 Rev A - As Existing
20-1999/101 Rev A - As Proposed Plans and Elevations Site Plan
Planning Statement
Application Form

Received 28th April 2021

20-1999/001 - Site Plan

Received 9th June 2021

Preliminary Ecological Appraisal (Bats) at 31-33 Hilltop Road carried out by Urban Tree Experts dated 1st July 2021. Report ref. BP/PEA-21/28.06

Received 2nd July 2021

5. Relevant Planning History

At no. 31

040857 - Erection of a two storey rear/side extension and a single storey side/front extension to dwelling - Application Permitted

At no. 33

191822 - Proposed part two part single storey side and rear extension - Application Permitted

6. 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.

7. Discussion with applicant/ agent

The agent was contacted to discuss Transport and Ecology consultee comments.

8. Relevant Planning 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. The Development Plan for Reading relevant to the application site comprises the Reading Local Plan (2019).

The '*National Planning Policy framework*' ('NPPF') 2021 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the 'NPPF', the greater the weight that may be given). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National Level

National Planning Policy Framework 2019;
National Planning Policy Guidance;
Community Infrastructure Levy Regulations 2010

Local Level - Reading Borough Local Plan (2019)

CC2 Sustainable Design and Construction
CC7 Design and the Public Realm
CC8 Safeguarding Amenity
EN12 Biodiversity and the Green Network
EN14 Trees, Hedges and Woodland

TR3 Traffic, Access and Highway-Related Matters
H9 House Extensions and Ancillary Accommodation

Supplementary Guidance

Reading Borough Council 'Design Guide to House Extensions' (2021)

10. Appraisal

a) Principle of Development

The LPA does not have resistance to the principle of extending a residential dwelling/s which is within the curtilage of the application site, subject to the proposal being satisfactory in terms of material planning considerations as will be such as in terms of design, amenity and the natural environment, as will be discussed. It is acknowledged that this proposal involves the extension to two residential dwellings rather than a single dwelling; this will also be discussed later in the report in terms of how such a scheme has been assessed in terms of implementation.

b) Design and impact of the proposal on the surrounding area

Policy CC7 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'*

Policy H9 states that extensions will be acceptable where they respect the appearance of the main house in terms of scale, location, materials and design.

The proposed extensions are to match the existing properties in terms of materials and general roof form. To the rear, the properties would have a symmetrical double gable, continuing the one existing pitched roof at no.31. General form and scale are considered acceptable in relation to the proportion of the houses.



The proposed development would not be visible from the front elevation of no. 31 as the extension to this property is concentrated to the rear of the site. At no. 33, the front and narrow side extension would be visible.

By virtue of their modest scale and suitably selected matching materials, the proposal would not be considered to disrupt the balanced appearance of the pair of semis or appear substantially harmful in terms of the wider road. Properties in the vicinity have been extended, particularly at the side, with various set-backs and finishes. There is also some variation in terms of frontages of properties (i.e. porches), and so the proposed front extension would not be considered to detract from the general appearance of the host dwelling or neighbouring properties.

The proposal is therefore considered acceptable in terms of Policies CC7 and H9 of the Reading Borough Local Plan (2019).

c) Impact on neighbouring amenity

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*

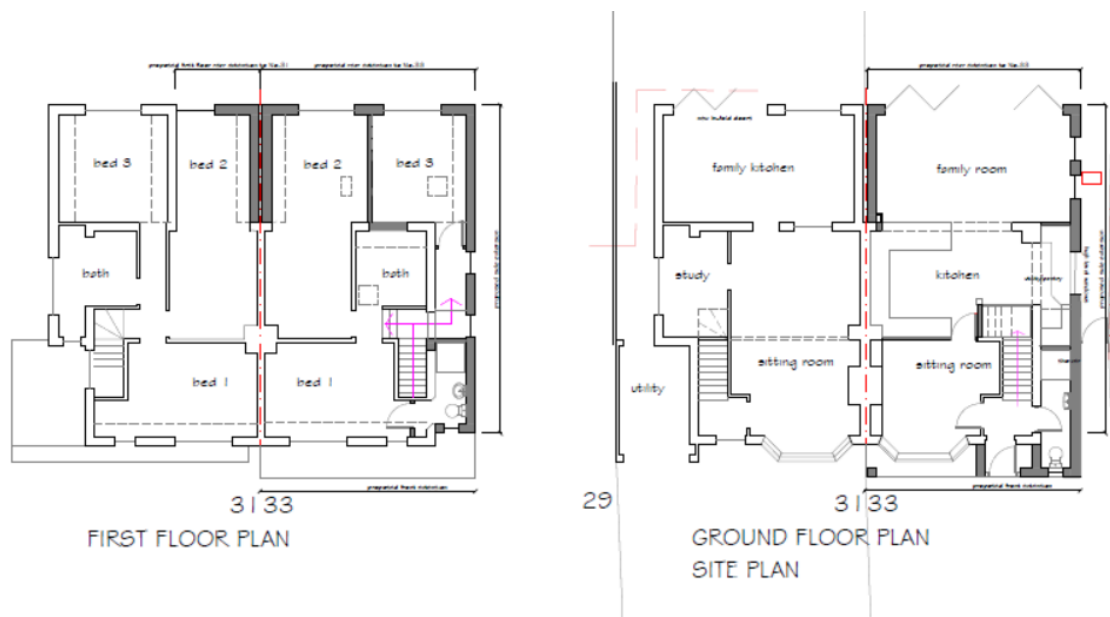
- *Wind, where the proposals involve new development of more than 8 storeys.*

Whilst this planning application proposes to extend both dwellings, the impact on each property does need to be considered as they are two separate planning units. Given that both nos. 31 and 33 are proposing an extension to the same depth, impact each property as a result of development at the other would be minimal in terms of loss of light and privacy should both be implemented.

However, the prospect of the development being partially completed with one property extended and the other not also needs to be considered. In particular how partial implementation would affect either property, especially should circumstances prevent either applicant from extending their property.

Should no. 33 build out their extensions and no. 31 not, it is acknowledged that no. 31's bedroom 2 window (bedroom 2) would have reduced access to light due to being enclosed by the neighbouring extension, and an extension already in place on the property (see floor plans below). Whilst a line of 45 degrees would be breached due to the extension of no. 33 being built out, the situation has also arose due to no. 31 already having a two storey rear extension reducing light to this window. The window would nevertheless still receive some natural light and would not be considered harmful enough to warrant refusal of the application given the context (i.e. the property already has an extension impacting this window and considering that the owner of this property has submitted the application with intent to build out the proposal).

Alternatively, should no. 31 build out their extension and no. 33 not, the first floor bedroom windows of no. 33 would still be considered to receive adequate natural light with 45 degree light angle lines just being maintained. The situation at ground floor would be unaltered and so no additional impact at this level would arise.



To the west of the application site is no. 29 Hilltop Road with no. 31 being the adjacent neighbour. Given that no. 31 has already been extended on the side of this neighbour (two storey rear extension), the proposed first floor addition would not create a further level of harm in terms of overlooking and loss of light. The extension would not extend past the rear elevation of the existing extension. No. 33 would also not extend past the existing rear building line. As a result, due to the existing first floor extension at no. 31, this would effectively shield the further development from no. 29.

To the east of the sites is no. 35 Hilltop Road with no. 33 being the adjacent neighbour. No. 35 is set further back from the highway than the application site. As such, the extensions would not protrude beyond the neighbouring rear elevation. The neighbouring property has no side facing windows that would be affected by the proposal.

As such, the proposal is considered acceptable in relation to Policy CC8 of the Reading Borough Local Plan (2019) with all relevant neighbours and scenarios having been considered.

d) Natural Environment Matters (Tress and Ecology)

Upon consultation with RBC Ecology, it was established a bat survey was required to be carried out at the properties due to works affecting the roofs which could be suitable for bats. The site is also surrounded by habitat of moderate suitability for use by commuting and foraging bats including large, connected gardens with trees neighbouring the property, Mapledurham Golf Course/Farthingworth Green located just 330m to the north of the site. To the east of the application site is Hemdean Bottom, a Local Wildlife Site. Moreover, there are records of bats roosting nearby.

A bat survey was provided and reviewed and it was concluded that bats are unlikely to be affected by the proposals and no further surveys were necessary. As

such, the proposal is considered acceptable in terms of Policy EN12 of the Reading Borough Local Plan (2019).

With regards to trees, the Natural Environment Officer provided the following response (with planning officer response comments in bold underneath):

This proposal relates to 2 sites (no. 31 and no. 33) but the lack of significant existing vegetation and proposed provisions for no. 31 means the bulk of the natural environment comments will relate to no. 33.

No. 33 presents some lawn and low hedge vegetation on the frontage (and along the frontage boundary with no. 31) and ample vegetation in the rear garden, including trees and again a hedge lining the boundary with no. 31. One of the trees seems to be within falling distance, or at least within 15m, of the rear extension, which according to our validation checklist must be plotted on a plan in relation to the proposed development or any construction site operations relating to it (materials storage, construction site works, access, etc.). This basic tree survey has not been provided and we are unable to issue decisive comments without it.

I suggest the applicant produces a tree survey plotting all tree, hedge or shrub vegetation within 15m of the proposed development, a landscape plan indicating retained, to be removed and proposed planting (if applicable) and, if any of the existing trees/shrubs (crown, trunk, RPAs) are overlapping any part of the proposed development, a further Arboricultural Impact Assessment and a Method Statement demonstrating lack of harm to retained vegetation. If any vegetation must be removed to enable development, we expect provisions for replacement planting in ratio of 2:1 ideally - 1:1 would also be acceptable as the site is located in one of the highest canopy cover wards.

Officer comment: No. 33 now has a hardstanding frontage. It is assumed old images of the site were being reviewed. It should be noted that a recently approved application at the site (see planning history) did not raise objection to the application on tree grounds. Whilst this tree may be within 15m of the proposed development, it is understood this tree could be removed at any time (as it is not protected_ and therefore a proportionate and pragmatic assessment is required. It is considered that the requirement of a tree survey, for what is essentially a householder planning application, is considered excessive and unreasonable in this instance given this information was not required previously.

Given that all of the above will be provided, ultimately, we will also request that a temporary construction exclusion zone is defined on the frontage of no. 33 to protect the frontage soft landscape from unintended damage during construction phase.

Officer comment: As noted above, the frontage of no. 33 is now hardstanding so the above is not relevant.

As the tree survey and, if necessary, AIA and AMS have not been provided, this application fails to demonstrate lack of harm to existing vegetation therefore it is not supported in terms of trees and landscaping. The above documentation should be provided if the applicant wishes I revisit this assessment.

Officer comment: See above.

On the basis of the modest proposal, the conclusions reached under previous applications, and the amount of soft landscaping on site being less than the Natural Environment Officer was aware of, Officers consider the proposal is on balance considered acceptable in terms of trees without the requirement of additional information such as tree surveys. The proposal is therefore not considered harmful enough to warrant refusal under Policy EN14 of the Reading Borough Local Plan (2019).

e) Transport Matters

Transport Officers provided the following comments on the proposal: The proposed side extension will result of the loss of parking along the side of the property as well as a reduction in the space at the front of the property as a result of the front extension.

The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. Typically these areas are within 400m of a Reading Buses high frequency 'Premier Route', which provides high quality bus routes to and from Reading town centre and other local centre facilities. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 2 parking spaces.

Plans have not been submitted illustrating two off road parking spaces on the front drive of each dwelling which would conform with the Councils current standards Revised plans are required illustrating the parking layout and the existing and proposed accesses, if any of the accesses to be adjusted or a new one introduced, a license will be required from the Highways department. It should also be noted that there is telegraph pole outside the property which should be illustrated on the plan.



No. 33 showing gravel driveway

As development would be concentrated to the rear of the site at no. 31, it is not considered reasonable or necessary to require a plan show parking provision as it will not altered. A revised plan was provided for no. 33 given the front and side

extensions. However, due to the extension's modest sizes at the front of the property, parking provision would remain unaltered. Again, Officers are under the impression that an outdated image of the site was being reviewed which does not show the expansive front hard surfacing for vehicles to park and manoeuvre.

Given that parking provision will not change for either property, it was not considered necessary to have the location of the telegraph pole indicated.

As such, Officers consider the proposal acceptable from a Transport perspective given that sufficient parking is provided on site which has been clarified on the proposed site plan. As a result, re-consultation with Transport Officers was not considered necessary in light of the above and the proposal deemed acceptable in terms of Policy TR3 of the Reading Borough Local Plan (2019).

Other Matters

a) Implementing planning permission which relates to two planning units

The below discusses the development's implementation and the possible risk of only one property undertaking the construction of their extension without the other, and whether this could and should be controlled.

The submitted location plan shows the red line covering both plots respectively; therefore, the development proposals are considered as a whole despite relating to separate dwelling houses within separate ownership. Therefore, in the event of approval, either occupier would benefit from the opportunity to commence development within the standard 3 year time limit. Like any other planning permission or domestic extension benefiting from consent, commencement can occur at any time within this period and in any order.

It is understood that the LPA's ordinary approach to applications relating to extensions to two properties, either submitted simultaneously by two neighbours, or submitted together under one application (as in this case) is to require both neighbours to enter a S106 legal agreement to ensure development commences and completes simultaneously at both addresses. This is to minimise the risk of one property's extension being completed without the other which could cause adverse effect on neighbouring amenity to the property which remains un-extended. This also protects both properties should one site never pursue the development. Adequate justification for this approach (i.e. taking into account policy and guidance) has not been provided in previous decisions; only a brief description of why it is considered necessary, as noted above.

Officers have now reviewed this approach in light of this current proposal with reference to national level policy and guidance. In order for planning obligations (like S106s) to be attached to planning permissions, they should meet the relevant tests stipulated in regulation 122 of the Community Structure Levy Regulations 2010 and paragraph 004 of the NPPG (ref. Reference ID: 23b-004-20190901) which are outlined below:

- (a)necessary to make the development acceptable in planning terms;
- (b)directly related to the development; and
- (c)fairly and reasonably related in scale and kind to the development.

The NPPG (paragraph 003 - Reference ID: 23b-003-20190901) also makes clear that Planning obligations, in the form of section 106 agreements and section 278 agreements, should only be used where *'it is not possible to address unacceptable impacts through a planning condition'*.

As such, a first resort must be the inclusion of a planning condition rather than a legal obligation to deal with this matter of controlling implementation. Therefore, it is prudent to assess if this matter could be dealt with via condition before making a complete assessment on whether the matter could be dealt with via a planning obligation.

In order to impose a condition on a planning permission, conditions must meet the 6 tests according to Paragraph 55 of the NPPF and paragraph 003 of the NPPG (Reference ID: 21a-003-20190723):

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

According to paragraph 005 of the NPPG (Reference ID: 21a-005-20190723):

"Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness".

and

"Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development".

Therefore, a condition requiring the owners of both properties to build out their extensions in their entirety is unreasonable and therefore cannot be secured via condition.

Like any development upon commencement, there is no guarantee that it will actually be completed for such reasons as insufficient funding or changes in home ownership etc. In which case, the construction of one element may occur

independently of another. In the unlikely event of this happening, the development may remain partially complete. In this event, as both land owners have collaborated on this development and are both aware of their respective obligations, neither neighbour would be prejudiced, nor would any future landowner (who would be made aware of any extant planning permission upon purchase). Either current or future land owner would retain the right to commence construction of their part of the development at any point in the future should part implementation occur.

It would therefore be unreasonable and unenforceable for a Local Planning Authority to require compulsory completion of the development and unnecessary to enforce any form of dual commencement through a planning condition or legal obligation. As noted in paragraph 005 of the NPPG, a condition of this nature would not be necessary as it would require more than is needed to deal with the problem it is designed to solve, and so therefore a legal agreement covering this same issue would also not meet the test of being 'necessary'. As such, it is considered this is sufficient justification for the LPA to reach a new conclusion in this instance.

Furthermore, as noted in the 'neighbouring amenity' section of this report, the impact on each neighbour should the other not pursue their element of the development would not be considered to result in substantial harm to warrant refusal. This is further minimised due to the application being submitted by all owners who are all aware of the potential risks of the situation. Therefore, no party is considered prejudiced in this process.

b) Ownership

As all owners of nos. 31 and 33 are the applicant, certificate A has been signed as collectively they own all the land within the red line location plan. As such, no notice is required to be served on the adjoining property and all landowners are aware of the proposal.

c) CIL

The proposal involves the creation of less than 100 sqm of additional floor space and so would not be liable for CIL.

11. Recommendation

GRANT permission subject to the following conditions:

Conditions

1. The development hereby permitted shall begin within three years from the date of this planning permission.

REASON to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

20-1999/000 Rev A - Site Location Plan Block Plan

20-1999/101 Rev A - As Proposed Plans and Elevations Site Plan

Received 28th April 2021

20-1999/001 - Site Plan

Received 9th June 2021

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

3. Materials to match existing dwellings

Informatives

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

2. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

3. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

4. Encroachment

5. The local planning authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed extended timescale for the decision to be issued.