

DELEGATED APPLICATION REPORT - Application 210127

Address: 27 Newcastle Road

Proposal: Erection of single storey rear extension and rear dormer window to create an 8 person HMO (sui generis).

Case officer: Nathalie Weekes

Site Description and Surrounding Area

The application site is a three storey semi-detached property with original decorative brickwork and features and a long back garden. The property is currently in C3 Residential use. The surrounding area is predominantly residential with Cintra park to the rear.

The property is not in an article 4 area or a conservation area and it is not a listed building.

Due to extenuating circumstances a site visit could not be conducted and the agent submitted photos of the site for consideration.



Proposal

The proposal is for a single storey rear extension by extending the existing rear elevations by approximately 8.64m in length, 2.2m in width and 2.7m in depth. The height would be the same as the existing rear elevation measuring approximately, 2.8m to the eaves.

Amended plans were received on 11 May with an amended internal layout reversing the layout of the ground floor with the addition of an additional side exit door into the shared alleyway between 25 and 27 Newcastle Road and the removal of a bedroom with no outlook and only an obscure glazed window. The number of bedrooms on the first floor was increased from 3 to 4. A proposed attic roof extension was removed as it did not conform to Reading design policy guidance. An additional window was proposed in the existing front roof gable elevation.

The application form states the materials will consist of brick and slate roof tiles to match the existing property.

Plans

648/010 Existing floor plans

648/005 Existing site plan

648/020 Existing elevations

648/001 Site location plan

CIL

As received 26 January 2021

649/400 Proposed cycle Storage general area

As received 12 April 2021

648/050 Rev A Proposed site plan

648/200 Rev A Proposed elevations

As received 10 May 2021

648/100 Rev A Proposed floor plans

As received 11 May 2021

Relevant Planning History

None

Consultation Responses

The neighbouring properties at 25 and 29 Newcastle Road were notified and a site notice was displayed for the requisite period from 21 February 2021. No letters of representation were received.

RBC Environmental Protection - No objections subject to conditions relating to provision for adequate bin storage due to local rat infestations and an informative relating to noise and disturbance during construction.

Recommended Informative

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site.

Condition - Details of bin stores

No development hereby permitted shall be first occupied until details of refuse and recycling bin stores have been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to prevent pests and vermin accessing the bin store(s). The approved bin storage, including pest and vermin control measures, shall be provided in accordance with the approved details prior to first occupation of any permitted development and shall not be used for any purpose other than bin storage at all times thereafter.

RBC HMO Team - No comments received.

Planning enforcement team - There is nothing in the enforcement files relating to the above property.

RBC Transport Team - No objections to the proposal, subject to conditions and informatives relating to access and parking layout to amended drawings illustrating modified access and to covered cycle storage provided.

Transport Development Control

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading. Typically this zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone.

The plans submitted indicate the development will consist of 7 Bedrooms (8 person HMO). In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 0.25 parking spaces per bedroom. This equates to a total of 2 car parking spaces for the development.

There are no transport objections to this application as the property will widen the driveway to provide parking for 2 vehicles at the front of the site as indicated on the Proposed Site Plan Drawing no. 648/050 (extract below). However, in order to facilitate the proposed parking layout, the access will need to be modified which has not been illustrated. Therefore, appropriate conditions are required to ensure that full details of the vehicle access serving the development are submitted. It should be noted that all costs associated with such work to be charged to the vehicle crossing applicant.

The proposed cycle storage general arrangement plan is acceptable and should be dealt with by way of a condition.

No Bin storage has been illustrated on the plans. However, it is indicated that bin collection will be collected by a private company. In principle, this is acceptable but we require further information to ensure that the refuse and recycling is not left on the footway for collection. This can be covered by condition.

Conditions and informatives recommended:

- DC1 VEHICLE PARKING (AS SPECIFIED)
- DC4 VEHICULAR ACCESS (TO BE APPROVED)
- HM3 HMO REFUSE AND RECYCLING (TO BE SUBMITTED)
- DC5 DC5 CYCLE PARKING (AS SPECIFIED)
- IF3 Highways
- I29 Access construction

Communication with the agent

The applicant was advised of concerns on the original design and layout on 14 April and was informed on 19 April that the application was subject to refusal. No response was received from the agent to extend the target date to discuss satisfactory amendments or to request withdrawing the application. The agent provided an example of an appeal decision in favour of an HMO and the planning permission granted at 29 Newcastle Road in support of the application.

In the appeal example APP/U3935/W/20/3250935 the appeal decision states that the property was already in use as a 6 bedroom HMO with the proposal facilitating enlarged rooms. It is my opinion that the conversion to an 8 Bedroom HMO from a 6 bedroom HMO could be considered to have a much reduced impact rather than the change in use from a house in C3 residential use to 8 person HMO. In addition the windows in the appeal property appear to provide an outlook from each room. The proposed extension in the appeal did not propose to build up close to the property boundary as is the case in planning application 210127 for 27 Newcastle Road. The application was also not considered under Reading planning policy and SPD.

The adjacent house at 29 Newcastle Road was previously a student let property and has been extended by 247.82m of net additional gross internal floorspace to become a 9 person, 9 Bedroom HMO with a pleasant side outlook onto allotments with 2 communal space areas, a plant room, a laundry room and 9 bedrooms for 9 occupants. The property was previously a 5 bedroom student let property.

Amended plans were received on 10/11 May which were accepted for review. Additional plans were submitted from the agent on 25 May with provisional mark-ups and further amendments on 7 June 2021. The agent requested that the final set of plans were considered however the changes did not overcome previous concerns raised by the case officer and were a substantial material change from the original description proposing two storey rear extension element. As such the Local authority declined to accept these plans which would be required to be subject to a new planning application. Additional time, discussions with the agent and attempts to achieve a suitable compromise has been sought however it was not possible to reach a solution due to the confines of size, design and outlook of the original dwelling. The agent was given the opportunity to withdraw but responded with a preference for a decision notice with the option to appeal. The local authority has determined their recommendation based on the last set of plans that were accepted on 10 and 11 May 2021.

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.

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) - among them the 'presumption in favour of sustainable development'.

The following local and national planning policy and guidance is relevant to these applications:

National Planning Policy Framework

Part 6 - Delivering a wide choice of high quality homes

Reading local plan 2019

Policy CC1 - Presumption in Favour of Sustainable Development

Policy CC2 - Sustainable Design and Construction

Policy CC3 - Adaption to Climate Change

Policy CC5 - Waste Minimisation and Storage

Policy CC6 - Accessibility and the Intensity of Development

Policy CC7 - Design and the Public Realm

Policy CC8 - Safeguarding Amenity

Policy EN12 - Biodiversity and the Green Network

Policy H8 - Residential Conversions

Policy H9 - House Extensions and Ancillary Accommodation

Policy H10 - Private and Communal Outdoor Space

Policy TR3 - Access, Traffic and Highway-Related Matters

Policy TR5 - Car and Cycle Parking and Electric Vehicle Charging

Supplementary Planning Guidance - A Design Guide to House Extensions (2003)

Revised Parking Standards and Design - Supplementary Planning Document (2011)

Residential Conversions - Supplementary Planning Document (2013)

Other

Houses in multiple occupation - Management pack September 2018

Technical housing standards - nationally described space standard

Legal context

Reading Borough Council made an Article 4 Direction in May 2012, which came into force on 16th May 2013, which removes permitted development rights to convert from a dwellinghouse (C3 use) to a house in multiple occupation (C4 - small HMO for 3-6 unrelated persons sharing at least one basic amenity) in parts of Redlands, Katesgrove and Park Wards. The application site is not within the Article 4 Direction Area.

Appraisal

The main issues are considered to be:

- a) Principle of development for C4 sui generis
- b) Design
- c) Over - intensification

- d) Amenity of future residents and those of existing neighbouring properties
- e) Effect on car/ cycle parking

Along with the adopted local planning policies this assessment has mainly been based on the Adopted Residential Conversions SPD (2013). Section A of the SPD, deals with the 'General Assessment of all Conversions' (i.e. from C3 dwellinghouses to flats or HMOs (both small C4 use and sui generis HMOs). Section B specifically covers the assessment of applications for HMOs within the area covered by the Article 4 Direction. This application has been considered against section A. The SPD sets out 26 no. checklist items; the relevant ones of these are used to form the basis of the assessment within this report.

(a) Principle of development for C4 sui generis

The site is not located within an Article 4 area however both adjacent houses at 25 and 29 Newcastle Road are both HMOs. 25 Newcastle Road is a 6 person HMO whilst 29 Newcastle Road is a 9 person sui generis HMO.

Though it is acknowledged that residential conversions have an important role to play in housing supply, they can either individually or cumulatively have a harmful impact through unduly diluting mixed and sustainable areas.

In this instance an additional sui generis HMO would be considered an intensification of use in the vicinity and would be over the tipping point if it was located in an Article 4 area. There are 17 houses of which 4 houses (including 27 Newcastle Road) would be 29.4% of residential properties within a 50m radius which is in excess of the target threshold of under 25% as defined in Reading Borough Council's adopted Residential Conversions Supplementary Planning Document (2013) and Policy H8 of the Reading Borough Local Plan (2019).

HMOs within 50 metres

No	Road	HMO occupants
13	Newcastle Road	5
19	Newcastle Road	6
25	Newcastle Road	6
29	Newcastle Road	9

HMOs further than 50 metres

50	Newcastle Road	5
233	Newcastle Road	5

A smaller HMO would have a reduced impact on the character of the area. In principle a sui generis HMO is not considered appropriate due to over intensification. Each planning application should be considered on its own merits. The only sui generis HMO in the vicinity was enlarged significantly to provide an adequate design with sufficient space, layout and outlook for future residents. An increased number of HMOs in Newcastle Road will result in a change of character of the area.

The proposal of this change of use into an additional HMO use would further exacerbate the harm identified and importantly further reduce the opportunity for the Council to achieve a balanced or appropriate mix of dwellings in the area. The change from a C3 use to a sui generis use is not considered comparable to a change in use from an existing 6 person HMO

to an 8 person C4 use, especially when surrounded on either side by existing HMO accommodation.

In summary, an additional C4 sui generis HMO would not contribute to achieving an appropriately mixed and sustainable community and is considered to have a detrimental impact on the physical character of the area. It is therefore considered to be contrary to Sites and Detailed Policies Policy DM8: Residential Conversions, and the adopted Residential Conversions SPD.

(b) Design

The rear extension will not be visible from within the public realm and is set back from 25 Newcastle Road. The addition of a window in the second floor front elevation will result in the loss of an original architectural feature. The front elevations of 27 and 29 Newcastle Road are different with an existing window at 29 Newcastle Road. A proposed window would be considered acceptable however the agent would need to confirm that the materials would match the host dwelling.

A larger sui generis HMO would require some rooms to be a larger size to enable double occupancy, however the contrived layout and design is not considered to provide adequate living standards for future occupants.

(c) Over - intensification

The original property traditionally contained 4 bedrooms and the existing dwelling measures more than 120 sqm. It therefore would meet the size requirement for such a conversion in accordance with Policy H8 of the Reading local plan.

Although the property is an appropriate size for conversion into an HMO, the proposed layout and design of the property is considered contrived to fit into the available space and is not considered to provide suitable internal amenity for future residents (H2, CC8, H8).

(d) Amenity of future residents and those of existing neighbouring properties

The Residential Conversions SPD sets out a number of checklist items which provide further detail related to adopted policies CC8, H8, H9 and H10 of the Sites and Detailed Policies Document.

Room Sizes - The SPD identifies minimum internal floorspace standards (Appendix 1) as 6.5sqm for a single bedroom and 7sqm for a kitchen. Although the minimum floor areas have been achieved, the proposed design and layout of the bedrooms is contrived. Policy H2 states that any room designated as a bedroom should comply with the criteria from the national space standards. Future HMO residents would spend the majority of their time in bedrooms used as both main private living space and bedroom. Post Covid there has been a change in living and working environments with an increase in remote working and a greater emphasis on life at home. In this instance there are unusual room shapes and the width of bedroom 3 is less than 2.15m in width. Due to its shape, the bedroom is considered to be substandard in design layout as the technical housing standards are suitable for application across all tenures, and provision should meet the social objective (8 B NPPF) and to achieve well designed places (12, NPPF). The bedroom provision is therefore considered unsuitable.

Communal Space - Policy H8 stipulates that there should be a standard of one communal room for every 4-6 bedrooms. There is a lounge and large kitchen, which are considered acceptable for a small HMO but for a sui generis HMO additional provision should be provided. Policy states depending on the size of the bedroom, however, bedrooms 3, 4, 5 and 6 are considered to be small sized due to the design layout and in this instance there is insufficient communal space provided. It should not be assumed that the communal space would not be used by tenants at the same time as it is designed to be a communal space amenity.

Amenity Space - There is a good sized rear garden in accordance with Policy H10 of the Sites and Detailed Policies.

External windows - All habitable rooms benefit from external windows.

Access to sunlight/daylight - This is acceptable for proposed residents.

Layout/Stacking of Rooms - The Council's SPD seeks to avoid layouts which locate living rooms, bathrooms and kitchens, next to, above, or below, proposed or neighbouring bedrooms. The layout fails to achieve an adequate stacking of bathrooms between the first and second floors, with 2 bedrooms located above the living room.

Sound Insulation - Policy H8 refers to sound insulation between proposed and neighbouring units. This would only be a building regulations requirement where independent units were being created (Self-contained flats). The agent has confirmed that soundproofing walls, floors and ceilings are proposed as much as possible.

Privacy and Overlooking - Bedrooms 1 and 2 are situated to the rear of the ground floor with the proposed bin store and cycle store to the rear of bedroom 1. There is potential for overlooking and loss of privacy due to the outlook of the bedrooms onto the communal garden amenity.

Noise and disturbance: In terms of noise and disturbance there is no evidence to suggest that an HMO for up to six individuals would create significantly greater levels of noise than a fully occupied 4 bedroom family house (assuming bedrooms only at first and second floor). However, even if there were a greater level of noise and disturbance caused through residential use, it is not considered to be so significant as to warrant refusal on this basis.

The proposed additional side door proposed in the shared alleyway adjacent to 25 Newcastle Road is likely to result in disturbance for the residents of 25 Newcastle Road due to increased usage next to neighbouring side windows.

Bin storage: Further information would be required regarding bin storage. There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas e.g. flats and hotels there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste, requiring a condition. Bins are proposed to be stored to the rear of the property next to the rear of bedroom 1.

(e) Effect car/cycle parking provision

The parking standard would require 0.25 spaces per bedroom, which would equate to 2 spaces. There is no objection to the proposed parking and cycle plans subject to condition and informative.

RECOMMENDATION:

REFUSE

Reasons:

- 1) The proposal has a detrimental impact on future occupants of over intensification of the property and the proposal does not outweigh the significant harm that would result in conversion to an 8 person sui generis HMO which lacks sufficient communal areas and overall size.

The conversion of this property to an 8 person, 7 bedroom sui generis HMO has a detrimental effect on the character of the area by exacerbating the number of HMOs in the area and further reducing the number of single dwelling houses available for occupation. This use has a detrimental impact on the physical character and appearance of the area and does not contribute to achieving an appropriately mixed and sustainable community. For this reason, the conversion is contrary to Policy H8 of the Reading Borough Local Plan (2019) and the Residential Conversions SPD (2013).

- 2) The proposal has failed to demonstrate that the proposed development with additional windows facing towards 25 Newcastle Road would not result in an unneighbourly impact and cause overlooking of the side windows and garden of the adjacent property at 25 Newcastle Road. It has also failed to demonstrate the detrimental impact on outlook and access to daylight for bedrooms 2, 3, 7, the kitchen and communal area, on the impact of noise from the proposed layout on Bedroom 3 and on useable space in bedroom 7 due to reduced head height for the proposed intensified use of the property as an 8 person, 7 bedroom sui generis HMO. As such the proposal is contrary to Policy CC8 Safeguarding Amenity of the Reading local plan 2019.

Informatives:

Refused Plans

Positive and proactive