

DELEGATED APPLICATION REPORT

Application No: 201511/FUL

Address: 10 Foxhays Road, Reading

Ward: Church

Proposal: Proposed new 5 bedroom dwelling adjacent to 10 Foxhays Road

Case officer: James Overall

1. Site Description and Surrounding Area

The application site consists of corner plot, 10 Foxhays Road. Number 10 is a semi-detached two-storey dwelling. To the rear, the application site adjoins 35 Holberton Road. The existing house at 10 Foxhays Road is not listed or in a conservation area.

Works started in 2017 to build the single storey rear extension (see HPA below) and a loft conversion with dormer with works completed by July 2020.



The aerial view below shows the site and confirms that a hip to gable change to the roof shape has also been implemented. It also shows how any boundary planting that existed in 2017 has largely been removed now.



note: the property is indicated as being no.18 on this photo but the image is of the application site.

2. Proposal

The proposal is for the subdivision of the site and erection of 1 x 5 bed detached dwelling (3 bedrooms and bathroom on 1st floor and 2 bedrooms and bathroom in roof space) to the side of 10 Foxhays Road, including new access, parking layout and landscaping.

Plans submitted:

Drawing no. KMH/SUR 01/1020 - received on 28 October 2020

This plan was amended in May 2021 - see below.

Community Infrastructure Levy

The proposal would be liable to pay the levy at the current rate if permission was to be granted.

3. Planning history

170356/HPA - A single storey extension, beyond the rear wall of a house, between 3m and 6m in depth, and up to 4m in height. Prior approval not required.
31/03/2017

171104/FUL - Subdivision of the site and erection of 1 x 3 bed detached dwelling to the side of 10 Foxhays Road, including new access, parking layout and landscaping. Application refused. 12 Jan 2018.

Reasons for refusal:

1. The introduction of an additional dwelling would result in inadequate functional rear garden amenity space being retained for the existing dwelling. The proposed development would therefore constitute overdevelopment of the site of detriment to the character of the area and appearance of the existing house as well as being harmful to the amenities of the current and future occupiers of the existing dwelling contrary to policies DM10, DM11 and the NPPF.

2. In the absence of a completed legal agreement to secure appropriate and necessary financial contributions towards Affordable Housing provision, the proposal fails to accord with the Council's LDF SDPD Policy DM6 (Affordable Housing) and 'Affordable Housing' SPD (2013).

4. Consultations

RBC Development Control Transport

Comments made in respect of Drawing no. KMH/SUR 01/1020 received on 19 May 2021.

The proposal consists of the development of 1 x 5 bedroom dwellings adjacent to the existing property, 10 Foxhays Road. As part of the proposed new development the existing property will lose the detached garage and the driveway parking area.

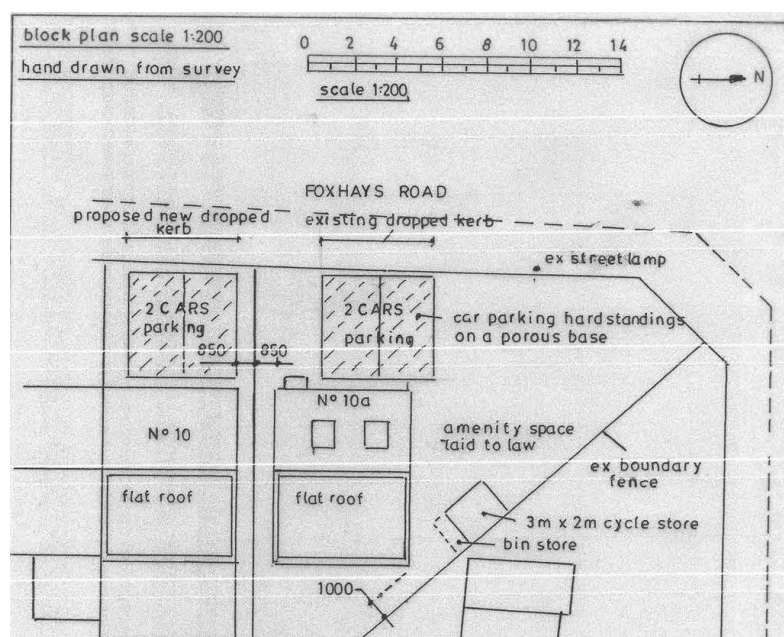
Policy TR5 of the Local Plan states "***Development should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport***". It is important that enough parking is provided so that there is not a knock-on effect on the safety and function of the highway through on-street parking.

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 new development would be required to provide parking provision of 2 no. parking spaces as well as retaining 2 no. parking spaces for no. 10; therefore, a total of 4 no. parking spaces would be required.

The proposed plans illustrate a total of 4 parking spaces which complies with the Council's adopted standards. A new dropped kerb will be introduced to the front of no.10, and 2 parking spaces will be allocated to the existing dwelling. It should be noted that all costs associated with such work to be charged to the vehicle crossing applicant.

The existing dropped kerb will serve the new dwelling and 2 parking spaces will be provided. The minimum distance of 10m from the junction is achieved without impacting the existing lamp column.



Water run-off from private property onto the public highway is not permitted. If gravel is to be used as a porous base for the car parking hardstanding, a non-gravel apron/strip is required across the entrance width/opening on the private property frontage to prevent the gravel from migrating onto the public highway.

The Council's Local Plan was adopted in November 2019 and this includes a requirement at Policy TR5 for each new house to be provided with an electric charging point. This will be secured by condition if the application is approved.

In accordance with the adopted Parking SPD, the development is required to provide a minimum of 2 cycle parking spaces for each C3 dwelling. This must be covered and secure. The cycle store has been relocated to the rear of the garden along with the bin store which is acceptable.

There are no further transport objections to this application subject to the conditions below.

Conditions & Informatives

C2	CONSTRUCTION METHOD STATEMENT (TO BE SUBMITTED)
DC1	VEHICLE PARKING (AS SPECIFIED)
DC3	VEHICULAR ACCESS (AS SPECIFIED)
DC5	CYCLE PARKING (AS SPECIFIED)
DC8	REFUSE AND RECYCLING (AS SPECIFIED)
DC24	EV CHARGING POINTS

RBC Natural Environment (Trees)

There are no tree and landscape objections to this application. I have some concerns about the parking areas proposed for the new and existing properties. However, such large areas of hard landscaping at the front of dwellings are not exceptional in the wider street scene and, as such, I have concluded that this concern would not be a reasonable objection to the application.

The private amenity space for the new dwelling will front onto the public highway however a high close-board fence or walls which might be desirable for seclusion but which block wider views into the site from the public highway would be out of keeping with the area and unlikely to be acceptable in this location.

Looking at the amended plan, received 19 May, there is no reference to vegetation at all - existing, retained, proposed. I don't think there is anything existing worth worrying about hence no landscape reason for refusal, especially as it's not in a low canopy cover ward where we would reasonably argue that landscape principles should be established. If it is going to be approved I would recommend condition L2 to agree the extent of hard landscaping on site and ensure sufficient soft landscaping to soften and screen the new development. The hard and soft landscaping detail will confirm the extent and materials for new parking areas (which would need to be constructed from a porous material).

Public consultations

Five letters objecting to the proposal were received from consulted neighbours. The letters objecting to the proposal highlighted the following:

- Overdevelopment
- Lack of parking
- Highway safety due to parked mini-buses
- Existing & proposed premises being run as HMO business
- Loss of privacy from overlooking
- Poorly drawn plans
- Previous application for 3 bed house refused - so now a 5 bed house proposed?

5. 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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The following local and national planning policy and guidance is relevant to this application:

National Planning Policy Framework - 2019

Reading Borough Local Plan 2019

- CC1 (Sustainable Construction and Design)
- CS7 (Design and the Public Realm)
- CC8 (Safeguarding Amenity)
- H1 (Provision of Housing)
- H2 (Density and Housing Mix)
- H3 (Affordable Housing)
- H5 (Standards for New Housing)
- H10 (Private and Communal Outdoor Space)
- H11 (Development of Private Residential Garden Land)
- TR3 (Access, Traffic & Highway Related Matters)
- TR5 (Car/Cycle Parking & Electric Vehicle Charging)

Local supplementary planning guidance:

SPD - Sustainable Design and Construction (2019)

SPD - Revised Parking Standards and Design SPD (2011)

SPD - Affordable Housing (2021)

6. Appraisal

Main Issues

- Principle of the development
- Design and appearance
- Residential amenity
- Transport issues
- Trees and landscaping
- Other Considerations

Principle of development

The principle of the development would need to be assessed in terms of the requirements of the National Planning Policy Framework (NPPF) paragraph 70 that seeks to ensure that policies are set out to resist inappropriate development of residential gardens. The NPPF states 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....in a way that makes as much use as possible of previously-developed or brownfield land” (paragraph 117).

The Local Plan supports the provision of additional dwellings to meet the requirement for additional dwellings per annum and Policy H2 refers to the appropriate mix of residential development. As such the principle of the proposed development could be acceptable subject to meeting other material planning policy considerations.

Annex 2: Glossary of the NPPF highlights that private residential gardens are excluded from the definition of previously developed land. This does not mean that

development of private residential garden land is unacceptable in principle but it does mean that previously developed land should be the first choice for housing development, i.e. development of private residential garden land has a lower priority. Policy H11 of the Council's Local Plan also establishes criteria against which applications for the development of private residential gardens need to be assessed whilst policy H10 seeks to ensure that adequate private and communal outdoor space is retained in terms of development proposals.

As described above, the application site is formed from the side garden to 10 Foxhays Road and therefore the proposal would involve the subdivision of the existing garden. The new plot would be of an adequate size but is constrained by its orientation and shape and this makes the accommodation of an additional dwelling as proposed subject to a number of problems.

In addition, the prior approval 170356/HPA as granted for a 3.7m deep single storey rear extension to the existing dwelling has been implemented and has reduced the rear garden area for no.10. With the further alterations (roof design changes and loft conversion) to facilitate the original 3 bedroom dwelling being provided with 5 bedrooms this makes it difficult to support an application that would result in this property losing more of its remaining garden due to concerns for the amenities of the occupiers of the existing house and concerns that no.10 would appear cramped as a result.

The proposed development is therefore not acceptable in principle as it would constitute the overdevelopment of the site and be detrimental to the character of the area as well as the amenities of the current and future occupiers of the existing dwelling contrary to policies H10 and H11 and the NPPF.

Design and appearance

Criterion 1 of H11 requires residential development of private gardens to make a positive contribution to the character of the area and lists ways in which it should do this. The policy requires that proposals are assessed in terms of the relationship of the proposal to the existing built form and spaces around buildings within the surrounding area. It also requires a layout that integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages etc. In addition, the development should accord with policy CC7 that seeks to ensure high design quality that maintains and enhances the character and appearance of the area in which it is located.

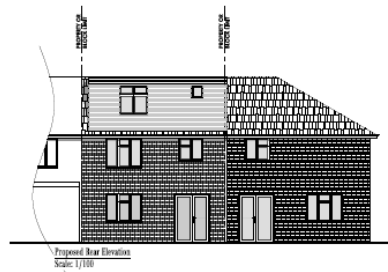
This part of Foxhays Road is characterised by semi-detached or terraced properties with common frontage building lines. The layout of the proposed detached dwelling retains the prevailing frontage building line and is close enough to no.10 to not look unusual by being detached and therefore is not considered to detract from the established pattern of development in the locality.

The proposed dwelling has been designed to replicate the appearance of 10 Foxhays Road as it currently appears with gable ended roof design and a large box dormer on the rear.



The Council's adopted Supplementary Planning Guidance advises against this style of dormer design as it can have an overbearing appearance. There is a concern that with the lack of a rear garden to provide setting for the new house, when seen from the many properties that will see it, the design will appear too large for the plot.

When previously refusing the proposed 3 bedroom house (application 171104) no concerns were raised with the appearance of the design or its impact on neighbours due to that proposal being significantly reduced in scale, with hipped roof and no box dormer, to that currently proposed:

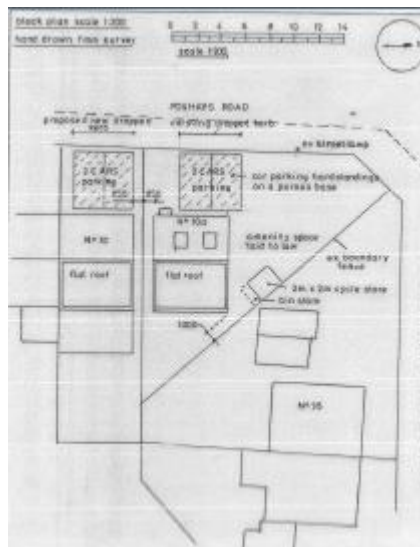


Elevation from 171104

It is concluded that the front elevation and location of the new house would be in keeping with other properties in the street. However, the design and appearance when seen from the rear from the three properties nearest to the site (see location plan above) and glimpses through from the street would not be acceptable and therefore would fail against Policy H11 and CC7.

Residential amenity

Policies CC8 and H11 seek to safeguard the amenities of existing and neighbouring properties. The boundary with adjoining No. 35 Holberton Road to the rear is just 1 metre distant at its closest. There is little opportunity to provide screening and even if there was it would not mitigate the loss of privacy and sense of being overlooked for either existing residents or future occupants of the new house with the gap between the first floor rear windows approx. 9 metres.



As such the proposed dwelling would result in a significant loss of privacy to the adjoining neighbours, primarily No. 35 but also No. 33 Holberton Road.

The layout and room sizes of the proposed dwelling however are appropriate (Policy H5).

Policy H10 seeks the provision of adequate *private* outdoor amenity space and as a guide for dwellings, the 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 floor area of the existing dwelling is more than double the size of the retained rear private outdoor amenity space. The outdoor amenity space for the new dwelling is at the side of the house with little scope for privacy, as referred to in the landscape comments above. The conclusion is that the available and proposed outdoor amenity space would be detrimental to the amenities of current and future occupiers of the existing dwelling and that proposed contrary to policies H10 and H11 and NPPF.

Transport Issues

The site is located in an area with good public transport links. In accordance with the adopted SPD, the development would need to make a parking provision of 2 spaces for the 5-bedroom dwelling with the existing dwelling retaining the same number of spaces to accord with policy. Amended plans were provided to illustrate the proposed parking spaces and access for both the existing and proposed dwellings with adequate space to the front driveways to accommodate the required parking spaces and a cycle store is shown. The Transport Officer has confirmed that had permission been granted appropriate conditions could have been used to require implementation and the provision of an electric vehicle charging point to comply with relevant policies.

Trees and landscaping

Whilst there are no protected trees on the site, the Council's Natural Environment Officer has assessed the proposal and highlighted that there is little scope for soft landscaping onsite to soften and enhance the development and raised a concern about boundary screening to provide seclusion to the side garden as being harmful to the appearance of the area. However, the conclusion was that there were no substantial landscape concerns that could not be met by planning conditions.

Sustainability

Policy CC1 and the Revised Sustainable Design and Construction SPD (2019) requires new development to comply with BREEAM conversion standards, and optional building regulations requirements. Conditions would be included to secure the appropriate level of sustainable construction if planning permission were to be granted.

S106 Financial Contributions to Affordable Housing

The Council's adopted Policy H3: Affordable Housing states *"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."* The applicant has indicated willingness to make a financial contribution but has not provided any information to base the calculation on - as explained in the Affordable Housing SPD. Therefore, the absence of a Section 106 legal agreement to secure the payment is a further reason for refusal for failure to meet policy H3.

Equalities Act

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. 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. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Other considerations

Representations

Concerns have been raised regarding the existing dwelling being run as a business and the noise and disturbance emanating from the 'existing business operations'. Officers will remind the applicant about running a business from home and that care is needed to protect residential amenities and character.

The concerns raised about privacy, appearance and overdevelopment are addressed in the officer comments above.

Recommendation

Refuse planning permission for the following reasons:

1. The proposed dwelling on part of the garden serving 10 Foxhays Road would result in inadequate functional rear garden amenity space being retained for the existing dwelling and inadequate private amenity space being provided for the new dwelling. This indicates that the proposed development would constitute overdevelopment of the site of detriment to the character of the area and appearance of the existing and proposed dwelling as well as being harmful to the amenities of the current and future occupiers of the existing and proposed dwelling contrary to policies CC8, H10 & H11 and the NPPF.

2. The size and position of the proposed house close to the garden boundary with No.35 Holberton Road would result in the building appearing overbearing on and overshadowing that neighbouring garden. Furthermore, the upper floor windows would cause overlooking of No.35 & 33's rear private garden area. The proposed house would therefore be to the detriment of the private amenity of these neighbouring properties and is therefore contrary to Policy CC8 (Safeguarding Amenity) of the Reading Borough Local Plan (2019).
3. The design and appearance of the proposed house, by virtue of being designed as a three storey dwelling when seen from the rear with inadequate landscape setting, would result in the proposed house appearing to be an overdevelopment of the available plot and incongruous in its context. The proposed house would therefore be contrary to Policy CC7 (Design and the Public Realm) of the Reading Borough Local Plan (2019).
4. In the absence of a completed legal agreement to secure appropriate and necessary financial contributions towards Affordable Housing provision, the proposal fails to accord with Policy H3 (Affordable Housing) of the Reading Borough Local Plan (2019) and 'Affordable Housing' SPD (2021).