

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

APPLICATION FOR FULL PLANNING PERMISSION

To: Mr Richard Elder
34 Talbot Terrace
Lewes
BN7 2DT

Application No: 200688
Application type: Full Planning Approval

Applicant: Rowe Property Investments Ltd

READING BOROUGH COUNCIL as Local Planning Authority **REFUSE** planning permission for the following development.

Proposal: Part retrospective change of use of basement storage rooms to provide 2 x 1 bed flats including retention of lightwell to rear and associated internal & external alterations

At: 34 Eldon Terrace Reading

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 9 September 2020



Head of Planning, Development
& Regulatory Services *RFE*

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Application No: 200688
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REASONS FOR REFUSAL

1. The basement flats as proposed to be altered by this application would continue to suffer from a poor level of outlook, with the bedrooms and living areas looking straight out onto overbeared, deep lightwell areas. Further, the changes proposed would not significantly overcome the present poor natural light levels which these basement flats receive, with little or no direct sunlight penetration and poor ambient daylighting. For these reasons, the way the development has been undertaken and proposed to be altered/retained has and will have a significant detrimental impact on the living environment of any occupants by failing to provide a suitable level of outlook and light levels conducive to a C3 dwelling, contrary to Policy CC8 (Safeguarding Amenity) of the Reading Borough Local (2019).
2. The retrospective proposal would introduce a higher floor level within the flats continuing to the rear amenity spaces within the lightwells. This proposed change, if implemented, would reduce accessibility to these higher areas and amenity spaces for mobility impaired people. This aspect of the proposal will therefore reduce accessibility for all to the amenity space*, contrary to policies CC7 (Design and the Public Realm) and H10 (Private and Communal Outdoor Space) of the Reading Borough Local Plan (2019).
- 3.3. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, either on- site, off-site elsewhere within the Borough or a suitable financial contribution, as appropriate, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to Policy CC9 (Securing Infrastructure) and Policy H3 (Affordable Housing) of the Reading Borough Local Plan (2019), and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

INFORMATIVES

1. The Local Planning Authority has been positive and proactive in dealing with this planning application by providing clear and consistent advice on this application. Notwithstanding advice to withdraw the application, the applicant has chosen not to do so, hence the issuing of this refusal of planning permission.

Date: 9 September 2020



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2. This planning application has been assessed against the following plans and documents:

- Location plan;
- Drawing No: 1522-PR-201 - Existing site plan;
- Drawing No: 1522-PR-301 - Proposed site plan
- Internal perspectives;
- Daylight Sunlight Assessment prepared by Base Energy and dated 11.02.2020;

As received 20 May 2020

- Drawing No: 1522-PR-221 Rev A - Elevations as built;
- Drawing No: 1522-PR-331 Rev C - Sections - proposed;
- Drawing No: 1522-PR-212 Rev A - First and second floor - as built;
- Drawing No: 1522-PR-321 Rev A - Elevations - proposed;
- Drawing No: 1522-PR-231 Rev 0 - Sections - as built;
- Drawing No: 1522-PR-311 Rev A - Basement and ground floor - proposed;
- Drawing No: 1522-PR-211 Rev A - Basement and ground floor - as built;
- Drawing No: 1522-PR-350 Rev A - Rear lightwell details;

As received 22 May 2020

- Affordable housing details;

As received 14 July 2020

Following review of the original plan, the applicant was advised by the officer to remove the internal raised floor, and submitted the following:

- Drawing No: 1522-PR-331 Rev D - Sections - proposed

As received 20 August 2020

3. The Local Planning Authority will, as appropriate, consider the expediency of enforcement action for any breaches of planning control.

4. This planning application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of planning permission. Please see the following link to the Council's pre-application service here:

https://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_October_2018.pdf

5. Notwithstanding reason for refusal 3, a suitable s106 agreement/unilateral undertaking which secures a contribution toward off-site affordable housing could overcome this reason for refusal.

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits:

If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.