

DELEGATED APPLICATION REPORT

Address: 193 Kidmore Road

Application No: 201477/VAR

Proposal: Two storey side extension, single storey rear extension and rear dormer without complying with condition 3 (approved plans) of planning permission 200314, to increase the size of the single storey rear extension

Applicant: Mr & Mrs Kasozi

Date received (valid from): 09/11/20

Target Decision date: 06/01/21

Case officer: Connie Davis

1. Site Description and Surrounding Area

The application property is detached property located on the southern side of Kidmore Road. It is finished in brick at ground level and hanging tiles at first floor level. The site has an attached car port which is set back from the main house, and beyond this a garage. The application site and adjacent neighbour (no. 195) have roughly the same front building line.

The surrounding area is residential. Properties are of varying styles and designs and are a combination of semi-detached and detached. The immediate next door neighbour (no. 195) is the only property in the vicinity which is of the same design as the application site.

The application site is not listed, nor in a conservation area.

2. The Proposal & procedural background

The applicant is seeking to vary condition 3 (approved plans) planning permission 200314 which granted the addition of a two-storey side extension, single storey rear extension and rear dormer. The approved single storey rear extension is proposed to be increased in size by a depth of 0.5m. It would have a width of 2.5m which is the same width the single storey rear extension got approval for. Overall, the amount of floor space would be increased by approximately 1.6m². This alteration will create a levelled rear elevation at ground floor.

From a procedural perspective, relevant guidance from the NPPG is reproduced below:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 017 Reference ID: 17a-017-20140306

Is there a definition of 'minor material amendment'?

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Annex A: summary comparison table

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions. Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place.

3. Public Consultation

The following addresses were formally consulted via letter on 10/11/20:

191 & 195 Kidmore Road
61 & 63 Silverthorne Drive

In addition, a site notice was sent to the agent on 10/11/20.

No responses have been received.

4. Internal Consultations

No internal consultees were consulted on this application.

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following plans which will appear on the new decision notice:

19014-LO-001 - Location Plan
21520-04 - Proposed Elevations
21520-03 - Proposed Roof Plan
21520-02 - Proposed First Floor Plan
21520-01 - Proposed Ground Floor Plan

Received 21st October 2020

These will supersede the following plans:

19014-DD- 001 Rev A - Proposed Site Plan (block plan)
19014-DD-002 Rev A - Proposed Floor Plans
19014-DD-003 Rev A - Proposed Elevations
19014-DD-004 Rev A - Proposed Elevations
19014-DD-005 Rev A - Proposed Section

Received 22nd April 2020

6. Relevant Planning History

200314 - Two storey side extension, single storey rear extension and rear dormer - Application Permitted

020439 - Two storey rear extension - Application Permitted

7. 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.

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 Borough Local Plan (2019).

As per the NPPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2012 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 Reading Borough Local Plan (2019) 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

National Planning Policy Framework
National Planning Policy Guidance

Reading Borough Local Plan (2019)

CC7 Design and the Public Realm
CC8 Safeguarding Amenity
H9 House Extensions and Ancillary Accommodations
H10 Private and Communal Outdoor Space

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

10. Appraisal

Condition 3 states:

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

Drawing Nos:

19014-DD- 001 Rev A - Proposed Site Plan (block plan)
19014-DD-002 Rev A - Proposed Floor Plans
19014-DD-003 Rev A - Proposed Elevations
19014-DD-004 Rev A - Proposed Elevations
19014-DD-005 Rev A - Proposed Section

Received 22nd April 2020.

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.

As the development could be carried out in accordance with the above plans, any proposed changes to the scheme would require separate approval. This application seeks assess the appropriateness of the increase in size of the single-story rear elevation.

Design

The proposed increase in scale of the proposed rear extension is considered extremely modest. and will see the approved design increased in depth by 0.5m. The single storey extension's design will be unaltered; the approved flat roof will be extended.

As such, the proposal is considered acceptable in relation to Policies CC7 and H9 of the Reading Borough Local Plan (2019).

Impact on neighbours

The proposed increase in depth of the extension is not considered to cause adverse impact to either adjoining neighbour. The increased extension would be set off the boundary with no. 191 (to the south-east) by 2.5m and 3.5m with no. 195 (to the north-west). The proposed situation is

considered to have minimal additional impact on neighbours compared to what was previously approved.

As such, the proposal is considered acceptable in relation to Policy CC8 of the Reading Borough Local Plan (2019).

Impact on amenity space

The proposed enlarged extension will not reduce amenity space to a substantially harmful degree. As part of the previous assessment, it was considered that sufficient amenity space would still remain on site.

As such, the proposal is considered acceptable in relation to Policy H10 of the Reading Borough Local Plan (2019).

Recommendation

Grant variation of condition 3.

In line with the NPPG, all of the original conditions (as part of 200314) are reproduced, with the altered worded conditions incorporated.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the original permission (Reference 200314) was granted (on 30th April 2020)

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 and Policy H9 of the Reading Borough Local Plan 2019.

VARIED

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

Drawing Nos:

19014-LO-001 - Location Plan

21520-04 - Proposed Elevations

21520-03 - Proposed Roof Plan

21520-02 - Proposed First Floor Plan

21520-01 - Proposed Ground Floor Plan

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.

4. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 and H9 of the Reading Borough Local Plan 2019.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed three windows on the first floor side elevation (western - facing no.195) shall be top openable above 1.7m as a minimum when measured from the floor level of the respective rooms, and glazed with obscure glass before occupation of the development hereby approved and shall be permanently maintained as such.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

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. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:

www.communities.gov.uk/publications/planningandbuilding/partywall

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 prescribed target or agreed extended timescale for the decision to be issued.

6. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work

on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.