

DELEGATED APPLICATION REPORT

Agreed Extension of time to: 23/12/20

Application No: 182254/FUL

Address: Land at Venetia Close

Proposal: Retrospective application for the erection of a 4 bedroom two storey detached house at land off Venetia Close, pursuant to APP/E0345/W/16/3143453 with altered boundary, access arrangements and dwelling design

Case Officer: Anthony Scholes

1. Site Description and Surrounding Area

The application site is a piece of land to the rear of 49 Kiln Road and to the side of 28 Venetia Close in Emmer Green. The site was originally the rear garden of No. 49, but over time has been reduced via sales to other plots (rear garden extensions from properties in Jefferson Close).

2. Proposal

The applicant seeks retrospective permission for the erection of a 4-bedroom two-storey detached dwelling.

3. Internal Consultations

RBC Transport Development Control

No objections subject to conditions.

Environmental protection - Ecology

No objections subject to conditions.

Environmental protection - Trees

No objections subject to conditions.

4. Plans and documents received

The following plans and documents have been received and considered:

- Application forms;
- Drawing No: 290-20-11 - Ground & first floor plans;
- Drawing No: 290-03-20 - REM Ground and first floor plan
- Drawing No: 290-04-21 - Proposed elevations
- Drawing No: 290-05-00 - REM elevations
- Drawing No: 290-02-11 - Proposed landscaping plan (superseded)
- Drawing No: 290-02-10 - Proposed block plan
- Drawing No: 290-02-00 - Site location plan
- CIL Form
- Affordable housing statement
As received 3 January 2019
- Drawing No: 290-02-10 Rev 1 - Proposed block plan
As received 21 June 2019

5. External Consultees

Neighbours

Consultation letters were sent to adjoining properties, and a site notice was displayed on site.

The submissions are summarised as below:

- Incorrect address given;
- Concerns over access arrangements;
- Concerns over as built materials;
- Concerns over foul water connection

6. Relevant Planning History

141882/OUT: Outline application for the erection of a 4 bedroom two storey detached house (access and layout). REFUSED 7/12/15. APPEAL ALLOWED 23/6/16.

170120/REM: Reserved matters application (to consider Appearance, Landscaping and Scale) for the erection of a 4-bedroom two storey detached house, pursuant to outline planning permission ref. 141882 (allowed on appeal on 23/06/16 Ref APP/E0345/W/16/3143453). RESERVED MATTERS APPROVAL 20/3/2017.

171150/APC : Application for approval of details reserved by condition. (170120) CONDITIONS DISCHARGED 27/10/2017

181332/FUL - proposed two storey front extension providing porch and bedroom extension to dwelling as per reserved matters application ref. 170120 RETURNED 6/9/2018

7. Clarification of proposal

Although the permission 141882 was approved and reserved matters and discharge of conditions applications approved the permission was never implemented as the proposal differed significantly to that originally approved (the plans shown as “existing”). As such, the current application is considered on its own merits and has been assessed against the up to date policies.

8. 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.

9. 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. The Development Plan for Reading relevant to the application site is the Reading Borough Local Plan (2019).

The ‘National Planning Policy framework’ (‘NPPF’) 2019 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) (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).

10. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2019;

National Planning Policy Guidance 2014 onwards;

Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction

CC3: Adaptation to Climate Change
CC5: Waste Minimisation and Storage
CC6: Accessibility and the Intensity of Development
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
CC9: Securing Infrastructure
EN10: Access to Open Space
EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
EN15: Air Quality
EN16: Pollution and Water Resources
H1: Provision of Housing
H2: Density and Mix
H3: Affordable Housing
H5: Standards for New Housing
H8: Residential Conversions
H10: Private and Communal Outdoor Space
H11: Development of Private Residential Gardens
TR1: Achieving the Transport Strategy
TR3: Access, Traffic and Highway-Related Matters
TR5: Car and Cycle Parking and Electric Vehicle Charging

Supplementary planning documents

Affordable housing (2013)
Revised parking standards and design (2011)
Planning obligations under section 106 (2015)
Sustainable design and construction (2019)

11. Appraisal

The main issues are considered to be:

- Principle of development
- Design considerations
- Amenity
- Landscaping and natural environment
- Transport matters
- Affordable Housing
- CIL

Principle of development

The NPPF states that LPAs should “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”. The NPPF definition of ‘previously developed land’ excludes private residential gardens.

Therefore, it is clear that the priority for development should be on previously developed land, in particular vacant and derelict sites and buildings. However, that does not mean that the development of private residential garden land is unacceptable in principle, rather than previously developed land should be the first choice for housing development.

The Council’s LDF SPD Policy H11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage or the former curtilage of private residential gardens will be acceptable where it meets a number of design criteria.

The NPPF (2019) section 68(c) states that: LPAs should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

Therefore, the principle of the redevelopment of the site for further residential development could be acceptable subject to the above criteria and other material planning considerations.

Design considerations

Policy CC7 states that: “all development must be of a high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located”. This includes aspects such as: layout/urban grain and urban structure; landscape; density and mix; scale: height and massing; and architectural details and material. Policy H11 goes on to state that: “development of private residential gardens will be acceptable where ... The proposal makes a positive contribution to the character of the area in terms of:

- The relationship of the existing built form and spaces around buildings within the surrounding area;
- A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and existing pattern of openings and boundary treatments on the site frontage;
- Providing appropriate hard and soft landscaping, particularly at site boundaries. This includes features such as the variety of trees, hardstanding/lawns and hedges, etc;
- Compatibility with the general building height within the surrounding area;
- The materials and elevational detail. These should be high quality, and where appropriate distinctive and/ or complementary;
- The arrangement of doors, windows and other principal architectural features and their rhythm between buildings.

The proposal is over land with no frontage to Venetia Close, meaning that any proposal over the site would be unable to address any public highway. This does not however preclude the development from being able to respect, and respond to the layout and urban structure of the locality. The building line within Venetia Close is not uniform, with a staggered setback to front gardens. The plot on which the proposal is set is, excluding the access way, is of a similar size and depth to that of the surrounding dwellings. The depth of the dwelling, setbacks from boundaries, and site coverage is comparable to the existing dwellings within the locality and would therefore be considered to respect the relationship between built form and space around dwellings in accordance with Policy CC7.

The design of the building includes two front facing gable end walls, with part brick facing, and part linear board panelling. Although not a consistent design for the area, the location of the site at the end of the cul-de-sac, and being setback from the frontage of the adjoining pair of semi-detached dwellings means the impact on the appearance of the area is minimal, and as such is acceptable in this instance.

Amenity

Policy CC8 and H11 require development to not impact negatively on the amenity of adjoining residents, or proposed residents. The proposal has been proposed with the main outlook/view facing to the front and rear of the plot which would represent a similar back to back orientation as is common along Venetia Close. The dwelling is ~42m from the back windows of dwellings on Kiln road. The relationship between the back gardens and habitable rooms of adjoining dwelling would not be significantly detrimental to the

privacy of occupants, or the privacy of future residents within the proposal. The proposal is not considered not to have a negative impact on the privacy of future residents of the proposed dwelling. As such, the proposal is considered appropriate in this regard.

The scheme provides suitable room sizes, outlook, ventilation and daylighting for future occupiers.

In light of the above considerations for the principle of the development, and design for the subject site, although the development would not address or relate to the street, the NPPF requirements give great weight to the provision of windfall sites within the settlement boundary. The design, scale, and layout of the site within the context of the area are generally acceptable, and therefore, on balance the proposals harm would not outweigh the benefit of supplying additional family housing, being of acceptable design and complying with all other policies considered materially with this application.

Sustainability

The original permission allowed on appeal was determined within the policies of the previous Core Strategy and Sites and Detailed Policies Document namely Policy CS1 and DM1. The policy requirements required at that time would have been demonstrated through complying with Building Regulations (Part G - water and Part L- energy). As the retrospective changes to the scheme that was originally approved, sought under this permission, are relatively minor, it is considered acceptable that no further sustainability requirements are sought.

Landscaping and natural environment

The site includes a TPO tree, a Silver Birch on site is subject to 30/02, the previously approved reserved matters application included conditions which required a AMS and landscaping plan which responded to and protected the TPO tree. The driveway construction has since been completed, and a condition will ensure landscaping is completed as approved within 12 months of this permission.

Transport matters

Two letters of representation have raised concerns over the acceptability of this access. The previously allowed appeal decision deemed the access suitable. However, since this appeal, a private matter regarding the right for adjoining residents to park cars on the applicant's land was granted. The access as previously approved was therefore not possible. As such, a small portion of land was acquired from an adjoining property to allow for access to the application site, and has been demonstrated to be suitable by provision of tracking diagrams. The new access requires a widening and repair to the dropped kerb, as such a condition requiring access to be constructed as approved within 12 months of approval will be attached.

Affordable housing

The proposed development would create 1 no. additional dwelling. As per Policy H3 a s106 agreement should be secured for a contribution of 10% of the gross development value (GDV) of the development (5% when discounting the amount a registered provider would pay). The applicant has submitted two independent valuations, and in discussion with the Council's valuation team, a commuted sum of £25,000 had been agreed.

However, the completion of the S106 legal agreement has not been completed within the specified timeframe given.

As such, the proposal is not complaint with Policies CC9 and H3 of the Reading Borough Local Plan (2019).

CIL

The proposal seeks to create 1 new residential dwelling and as such is liable for the Community Infrastructure Levy.

12. Conclusion

Whilst the scheme was considered acceptable in many regards, subject to conditions, in the absence of a legal agreement securing an affordable housing contribution, the proposal is contrary to Policy H3 of the Reading Borough Local Plan (2019).

13. Recommendation

REFSUE PERMISSION for the following reasons:

1. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to policies CC9 and H3 of the Reading Borough Local Plan (2019) and the Council's Adopted Affordable Housing Supplementary Planning Document (2013).

Informatives

1. Refused plans
2. Positive and Proactive