

DELEGATED APPLICATION REPORT

Target Date: 26/01/20178

Application No: 172017/FUL

Address: Land adjacent to 22 Quantock Avenue, Reading

Proposal: Proposed 2 bed single storey dwelling

Case officer: Ethne Humphreys

Site Description and Surrounding Area:

The application site is a large open corner plot providing visual amenity in the street scene located in a prominent position at the junction of Quantock Avenue and Montpelier Drive. The site was formally part of the garden area belonging to No.22 Quantock Avenue. The site is elevated above the level of Montpelier Drive and Quantock Avenue, and has a diseased Oak tree, which has been crowned and lopped, within the rear garden.

Proposal:

This is an application for a detached single storey dwelling on land to the side of No.22 Quantock Avenue, on the corner with Montpelier Drive.

The proposed materials would include yellow multi stock facing brickwork, marelly ludlow plus sand faced profiled interlocking concrete roof tiles, light oak finished entrance door and pvc windows. A 1.5m high timber panel fencing with 400mm trellis is proposed round the site.

Plans Considered:

Drawing No: Location Plan 17/038/05

Drawing No: Site Survey C189 17DWG

Received 13th November 2017

Drawing No: Proposed Site Layout Plan 17/038/01 Rev B

Drawing No: Proposed Street Scene Elevations 17/038/02 Rev B

Drawing No: Proposed Floor Plans and Elevations 17/038/03 Rev B

Drawing No: Block Plan 17/038/04 Rev B

Received 7th February 2017

Relevant Planning History:

141237/ FUL Erection of Bungalow and Garage - Refused - Appeal dismissed

10/01204/FUL - Erection of three bedroom detached house and garage (Resubmission of 09/02172/FUL) - Refused - Appeal dismissed

09/02172/FUL - Land Adjacent to 22 Quantock Avenue - Erection of a three bedroom detached house and garage - Withdrawn

08/00438/FUL - Demolition of garage and utility at 22 Quantock Avenue and erection of detached house and garage - Refused

06/00612/FUL - Two-storey side extension to No. 22 Quantock Avenue - Refused

15 Newton Avenue (Corner plot directly to south of application site)

10/01038/FUL - Erection of two-bedroom dwelling with car parking - Application Refused - Appeal dismissed

Consultation Responses:

Highways Officer: No objection subject to conditions and informatives.

Tree Officer: No objection subject to conditions and informatives.

Ecologist: No objection subject to condition.

Environmental Protection Officer: No objection subject to condition in relation to hours of work and no burning on site.

5 neighbour letters of representation received objecting to the proposals, raising the following concerns:

- Out of keeping with character and appearance of area
- Overbearing impact on No.1 Montpelier Drive
- Loss of privacy and overlooking of neighbouring properties
- Diminish spacious character
- Parking
- Suitability of landscaping
- Tree Preservation Order and replacement tree
- Previous applications

Summary of discussions with applicant/agent:

The agent was advised by email that the application was attracting a refusal as the proposals were not considered to overcome the concerns previously raised with regards to the erosion into the established character of the surrounding area. The agent confirmed by email 7th February that they wished to receive the decision notice on the basis of revised plans (changing the roof form of the side window bay), with a view to appeal any such refusal.

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

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

Reading Borough Local Development Framework Core Strategy, 2008 (amended 2015)

- CS1 Sustainable Construction and Design
- CS7 Design and the Public Realm
- CS14 Housing Provision
- CS15 Location, Accessibility, Density and Housing Mix
- CS20 Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS29 Provision of Open Space
- CS34 Pollution and Water Resources
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodland

Sites and Detailed Policies Document, Oct 2012 (amended 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM4 Safeguarding Amenity
- DM5 Housing Mix
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space

- DM18 Tree Planting
- DM12 Access, Traffic and Highway Related Matters
- DM19 Air Quality

RBC Supplementary Planning Documents

Revised Parking Standards and Design SPD (2011)

Supplementary Planning Document: Affordable Housing (July 2013)

Supplementary Planning Document: S106 Planning Obligations (March 2014)

The main issues are:

- a) Principle
- b) Design, Impact on the Character of the Area and Street Scene
- c) Impact on Neighbour Amenity
- d) Amenity of Future Occupiers
- e) Transport Issues
- f) Natural Environment
- g) Ecology
- h) Sustainability
- i) Affordable Housing
- j) CIL

Appraisal

Principle

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 that previously developed land should be the first choice for housing development.

The Council’s LDF SDPD Policy DM11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage of private residential gardens will be acceptable where:

- a) It makes a positive contribution to the character of the area;
- b) The site is of an adequate size to accommodate the development;
- c) The proposal has a suitable access;
- d) The proposal would not lead to an unacceptable tandem development;
- e) The design minimises the exposure of existing private boundaries to public areas;
- f) It does not cause detrimental impact on residential amenities;
- g) The emphasis is on the provision of family housing;
- h) There is no adverse impact on biodiversity, and
- i) The proposal does not prejudice the development of a wider area.

Therefore, while the proposed site is not 'previously developed land', the principle of redevelopment is considered acceptable providing the criteria outlined in Policies are met. As set out below, the proposal is not considered to have satisfactorily met these policies (discussed further below).

Design, Impact on the Character of the Area and Street Scene

The surrounding houses in the immediate area on Quantock Avenue, Montpelier Drive and Newton Avenue are semi-detached or terraced dwellings with a uniform design and appearance. These surrounding dwellings are all two storey, of a similar width and bulk, and have matching shallow pitched gable ended roofs with a single, consistent ridgeline. Furthermore these dwellings all have similar integral front garage/porch structures, matching fenestration. As such, the street scene has certain uniformity.

The Inspectors, when determining the appeals relating to 141237 and 10/01204/FUL identified a particularly characteristic open and spacious character at the junction of the two roads (Quantock and Montpelier) and determined that the open nature of the site contributes to this. The Inspector for application 10/01204/FUL, before even commenting on the design, stated that 'the presence of the new dwelling within the site would markedly diminish the spacious character...to the detriment of the street scene'. Similarly, the Inspector for application 141237 commented that the proposal would 'markedly intrude upon the openness which is a positive attribute at this spacious and prominent point.', and then continues to comment on the design. Indeed, the Inspector specifically comments that whilst the proposal would be seen as 'lower key' within the street scene (a single storey proposal) it would represent unsatisfactory development in visual amenity terms.

With regards the above, the current proposal is also single storey in nature. Although lower than the appeal schemes, it would remain readily visible from the street. This is due to the prominent corner position of the site, its elevated position relative to the road, and its intrusion into a distinct visual gap between 22 Quantock Avenue and 1 Montpelier Drive. It is noted that the design and layout of the current proposal is not only different that that previously refused, but that the proposed building also take more design cues from the surrounding properties to aid in responding better to the local context. However, the overall design, scale and width remains out of keeping with the design, scale and width of surrounding properties, with the resultant dwelling appearing as an anomaly within the street scene failing to integrate well with either the Quantock Road or Montpelier street scenes and out of keeping with the prevailing pattern of development.

The application site is a large vacant and open corner plot located in a prominent position at the junction of Quantock Avenue and Montpelier Drive. The site recognisably, and significantly, contributes to the character of the locality. There are examples of large open areas within the vicinity and the current spaciousness and openness surrounding the junction is a comparable and positive characteristic of this street scene, recognised by both appeal decisions.

The agent has commented that 'it is appreciated that the development would erode the open view between buildings...however, when considered in the context of the proposed open plan frontage, high quality landscaping including a semi-mature tree to the corner, and improved boundary treatment, this loss may be seen to be counter balanced by an enhancement of the immediate street scene and increased sense of openness at street level'. Whilst these comments are noted, the visual benefits arising from such landscaping are different to that of a building, especially if it is an uncharacteristic feature of the locality. In this respect, it is not considered that landscaping provision adequately mitigates the loss of the open corner. As noted above, the surrounding houses in the immediate area are two storey semi-detached or terraced dwellings. This distinctive character remains, regardless of the 'lower key' design and the proposed single storey detached dwelling is fundamentally at odds with the layout scale and form of the character of the area and prevailing pattern of development.

Paragraph 61 of the NPPF explains that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decision should address the connections between people and places and the integration of new development into the

natural, built and historic environment'. It is considered that the Council's assessment of the proposals addresses important aesthetic considerations and also goes further in assessing the integration of the proposed development into the built environment. This includes in terms of the wider layout of the estate and the impact on local distinctiveness. In this respect, due to the design and location, the proposed dwelling would be contrary to Policy DM11 that requires proposals to make 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 and also requires that the layout integrates with the surrounding area in terms of plot coverage.

It is recognised that the single storey design helps to soften the appearance of the dwelling. However the proposed single storey building, viewed in the context of the surrounding two storey dwellings, would appear completely at odds and out of keeping with the established form and pattern of development in the area. Its detached nature would make it an unusual feature in the immediate area, detracting from the consistent style of housing. Furthermore, given that the design of the proposal is out of context with the surrounding area, it is considered that the dwelling would neither maintain nor enhance the character of the area as required by Policy CS7 of the Core Strategy.

As noted in the above planning history, application 101250 15 Newton Avenue, directly opposite the application site, was refused and dismissed at appeal. This was for a detached single storey bungalow and the Planning Inspector dismissed the appeal on the grounds that the proposal would in the first instance be of a very contrasting design and appearance to that of the rest of the street, and secondly, the scheme due to its layout and unsympathetic design, would detract from the open aspect of the corner plot. It is considered pertinent that there have now been three recent applications dismissed at appeal for detached dwellings on these open corner plots which clearly emphasises the importance of these spacious junctions which significantly contribute to the character of the area.

Given the above, the site in question is not considered to satisfactorily accommodate the proposed dwelling in this location without significantly eroding the visual character of the area. In addition, due to its design, scale and form, the proposal would not be of a design in keeping with the surrounding properties. A standalone dwelling of the scale and form proposed (significant width and footprint alone, resulting in a more horizontal emphasis, would be overly conspicuous and prominent in terms of the scale of surrounding properties and pattern of development) is not considered to accord with the prevailing character of the

area. The proposal would be at odds with the established design character of the street identified by the Inspector.

The conclusions of the Inspectors carry a certain degree of weight. With regards to this, and with the current proposals considered on their merits, it is considered that the proposed development would cause significant harm to the visual amenities of the locality and would appear as an incongruous feature of the street scene. As such the proposals would be contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy 2008 (altered 2015), Policy DM11 (Development of Private Residential Gardens) of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015) and national policy contained within the NPPF 2012.

Impact on Neighbour Amenity

Applications 141237 and 100361 were refused as the proposals were considered to result in a detrimental overbearing impact to No.1 Montpelier Drive and its side garden area in particular, due to the scale and proximity to the common boundary.

The current proposals shows the proposed dwelling sited further away from the common boundary at a distance of 3.5m, with the roof pitch hipped away to minimise the impact (as opposed to the previously proposed gable end almost on the common boundary). No windows or rooflights are proposed in the roofslope facing this property and as such there would be no material loss of privacy. Whilst visible, given the distance to the common boundary, combined with the roof pitch and ridge height, it is not considered to result in any significant material loss of amenity in terms of loss of light or overbearing impact to warrant a refusal on this basis.

No concerns were previously raised in relation to No.22 Quantock Avenue to the north west; this is still considered to be the case. There are no windows on the flank elevation of No.22 and as such there would be no material loss of privacy. The proposed dwelling would not project past No.22 at the rear and whilst it would project forward of the front of the dwelling given the distance to the boundary and that it would not breach a 45 degree line to the nearest habitable room window, there would be no material loss of light or overbearing impact.

Amenity of Future Occupiers

It is considered that the proposals would provide an overall good standard of accommodation throughout with regular shaped rooms providing suitable outlook, natural lighting and ventilation.

The proximity of the proposed dwelling to the boundary with No.1 Montpelier Drive would leave little space for a back garden. However, an amenity area would be available to the side of the new dwelling and, in overall terms, the amount of garden land proposed would not be materially less than in many other properties in the site's vicinity. The proposed outdoor amenity space is very similar to that proposed previously, which the Appeal Inspector found to be acceptable. There are considered to be no material changes in circumstances since the appeal to suggest a different conclusion in this case.

Transport Issues

The proposed dwelling would utilise the existing dropped crossing which was previously for 22 Quantock Avenue which is not party to this application and has been provided with dedicated off street parking. The use of this retained dropped crossing is therefore deemed acceptable.

The proposed dwelling is to be provided with 2 car parking spaces, with one vehicle on the driveway and the other within a garage. The driveway is adequate in size to accommodate a car parking space but the garage is not illustrated as being the dimensions of 6m x 3m, a revised drawing should therefore be submitted illustrating the garage to be the specified dimension or the garage should be replaced with a car port.

The bin store is conveniently located at the front of the site which will provide easy access for refuse and recycling collection.

A cycle store/shed is located within the rear garden which is acceptable.

Additional comments:

Further to our conversation, I can confirm that the proposed carport dimension of 5m x 3m is acceptable and complies with our adopted Parking Standards.

Transport does not have any objections to this proposal subject to conditions and informatives.

Natural Environment

The site is subject to TPO 80/01 which protected a mature Oak (now felled). In view of public comment given on the tree issue on site, it may be helpful to clarify the situation. Consent was given to fell the Oak tree in 2004 on condition that a replacement tree was planted. Although the tree was substantially reduced (to the form shown in photos within the Application Statement), it was not felled until August 2015 hence the requirement for a replacement did not come into effect until then. A replacement Oak was planted in February 2017 but has unfortunately died. I have been in regular contact with the owner of the land regarding the felling, replacement and now further replacement. The owner is committed to planting a further replacement, but in any case, if it were necessary, formal enforcement of a new replacement is not considered expedient until the planning application has been decided. For information, if the application is refused, this would not preclude the replacement being planted in a location, such as that shown on current plans, whilst the outcome of any appeal (if made) was decided.

In terms of the proposal, the important factor in tree/landscape terms is that it allows the replacement Oak to be planted, which it does and the tree is shown on the Proposed Site Plan. Two further trees (both acceptable) have also been included along with other soft landscaping. There are no objections to the proposed scheme subject to conditions and informatives.

Ecology

The application site comprises an area of grassland / scrub bound by fencing on a residential road. It is proposed to construct a single-storey dwelling. The site is likely to be of limited value to wildlife; however, any vegetation clearance should be undertaken outside of the bird nesting season to avoid disturbing, harming or killing birds. As such, there are no objections on ecology grounds subject to condition.

Sustainability

The submitted Sustainable Design Statement highlights a number of sustainability principles adopted for the proposed development considered to be in line with policy CS1 and the Revised Sustainable Design and Construction SPD (July 2011).

The appropriate level of sustainable construction would be secured by the appropriate building regulations requirements.

Affordable Housing

West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal then quashed the decision of the High Court.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf).

Having considered its options, the Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

This planning application does not relate to the conversion of an existing property and therefore would need to accord with the requirements of Policy DM6 and make an appropriate financial affordable housing contribution. The applicant has agreed to enter into a legal agreement to secure a financial contribution of £12,500. However, no valuations have been submitted and this would have been required had the proposal been acceptable. As the proposal is not considered acceptable in other planning terms, the Council has not pursued the S106 legal agreement to secure the financial affordable housing provision.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the appropriate CIL Additional Information Form. An informative

would be attached to the decision notice to advise the applicant of their responsibilities in this respect.

Other Matters Raised in Representation

The material planning issues have been fully considered in the planning considerations above.

The motives of an applicant are not a material planning consideration and they can submit a new application despite previous refusals on the site. The Council does have power to decline to determine applications. However, in this case given the revised design this course of action was not considered to be appropriate.

RECOMMENDATION:

REFUSE

1. The proposed dwelling, by reason of its detached character and single-storey design, scale and form, would be distinctly at odds with the established design character of the street, resulting in a discordant effect within its setting. This effect would be particularly pronounced due to the prominent corner location, the elevated position relative to the road, and intrusion into a distinct visual gap between existing buildings.

Furthermore the proposal would markedly diminish the generally open nature of the site which contributes significantly to the distinctly spacious character at the junction of Quantock Avenue and Montpelier Drive.

For these reasons, the proposed dwelling would appear incongruous and out of keeping with its setting, with consequent harm to the character and appearance of the area. On this basis the proposal is contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy 2008 and Policy DM11 (Development of Private Residential Gardens) of the Reading Borough LDF Sites and Detailed Policies Document 2012 and the NPPF 2012.

2. 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 and the objective of creating mixed and balanced communities and as such is contrary to Policy DM6 (Affordable Housing) of the Reading Borough Sites and Detailed Policies Document 2012 (altered 2015), Affordable Housing Supplementary Planning Document (2013) and para. 50 of the NPPF 2012.

Informatives

The decision relates to the following drawings and documents:

Drawing No: Proposed Site Layout Plan 17/038/01 Rev B

Drawing No: Proposed Street Scene Elevations 17/038/02 Rev B

Drawing No: Proposed Floor Plans and Elevations 17/038/03 Rev B

Drawing No: Block Plan 17/038/04 Rev B

Received 7th February 2017

The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.

Refusal Reason 2 (Affordable Housing) can be overcome through securing an appropriate contribution towards the off-site provision of Affordable Housing by Section 106 legal agreement as part of a future application.

The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice within the agreed time period by which to determine the application.