

Planning Statement

Change of use of basement storage rooms to provide 2 x 1 bed flats including retention of lightwell to rear and associated internal and external alterations (amended proposal)

34 Eldon Terrace
Reading
RG1 4DX

May 2020

Prepared by Richard Elder
BA (hons) Town Planning
Dip Urban Planning
Dip Urban Design

1. Introduction

- 1.1 On 10th October 2017, Spence Architects submitted a planning application to Reading Borough Council. Planning permission was sought for the change of use of basement storage rooms to provide 2 x 1 bed flats including retention of lightwell to rear and associated internal and external alterations (as built).
- 1.2 The works have been completed and both flats fully fitted out with kitchens and bathrooms to a very high standard and specification. A Building Control certificate of completion was issued on 18th September 2017.
- 1.3 The initial planning application was validated by the Council on 13th October 2017 and given the reference number 171772.
- 1.4 The Council refused planning permission under officers' delegated powers by notice dated 1st February 2018. The reasons for refusal stated:

1. The basement flats which have been completed suffer from poor natural light levels with little or no direct sunlight penetration and poor ambient daylighting. Furthermore, the flats do not enjoy a satisfactory level of outlook, with the bedrooms and living areas looking straight out onto overbored, deep lightwell areas. For these reasons, the way the development has been undertaken will have a significant detrimental impact on the living environment of any new occupants by failing to provide a suitable level of internal amenity conducive to a C3 dwelling, contrary to Policy DM4 (Safeguarding Amenity) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015).

2. The flats have been provided with patio areas, but these are basement areas surrounded on all sides by tall walls. These areas are not suitable as sitting-out areas, nor would they allow many other activities associated with a private functional amenity space as they have been situated within an overbored, deep lightwell area, deprived of suitable access to sunlight or daylight. The areas provided therefore do not provide for the required functions and produce a development which does not reflect the character/quality of such spaces in the vicinity and are therefore considered to be contrary to Policy DM10 (Private and Communal Outdoor Space) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015). Further, the inclusion of these amenity spaces below the (remaining) ground floor units results in an unacceptable reduction in visual amenity/disturbance, through lack of privacy/overlooking and noise penetration between these patio areas and the living rooms of the ground floor flats, contrary to Policy DM4 (Safeguarding Amenity) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015).

3. The development has presented a large blank, tarmac parking area with no suitable quality of hard and soft landscaping to the front of the building and within this area is also a poor-quality bin storage area and uncovered poor-quality external cycle storage. The frontal arrangement, as built and as proposed to be retained, fails to provide suitable servicing or a suitable setting

to the building and is considered to be harmful to views within the Eldon Square Conservation Area, contrary to policies CS7 (Design and the Public Realm), CS24 (Car/Cycle Parking), CS33 (Protection and Enhancement of the Historic Environment), CS38 (Trees, Hedges and Woodlands) of the Reading Borough LDF: Core Strategy (2008, as amended 2015) and the Council's SPD, 'Revised Parking Standards and Design' (2011).

2. Site and Location

- 2.1 The site is located on the south side of Eldon Terrace within the Eldon Square Conservation Area and is situated just outside the Reading Central Area. The site is currently occupied by a 2 storey building in use as residential flats with habitable accommodation within the roof space and basement floors. A residents parking area is located to the rear of the site accessed from Eldon Road via an access road to the west side of the building.
- 2.2 Bounding the site to the south/rear is a 4 storey Grade II listed building at no.79 London Road converted to 6 self-contained flats with a 2 storey rear extension over basement and ground floors providing 2no. self-contained flats granted permission in November 2004.
- 2.3 To the east side of the site is a building used for The Polish Club with a large parking area to the rear and to the west side is a detached residential house.
- 2.4 The flats above the basement on the ground, first and second floors are currently occupied and in use.

3. Relevant Site History

- 3.1 04/00344/FUL & 04/00379/LBC – Permission was granted for the conversion of 79 London Road from offices to 4 self-contained flats, demolition of existing hall to the rear of the premises and its replacement with a two storey extension to provide 2 further self-contained flats, demolition of the car wash facility at 34 Eldon Terrace and its replacement with a 2 storey block of 4 flats, access and car parking, re-instatement of front boundary wall to 79 London Road, rationalisation of car parking, extensive landscaping and amenity space.
- 3.2 06/01380/FUL – Permission was granted on 02/07/2008 for a similar development for demolition of the existing building and erection of a 2 storey building with accommodation to form 4 x 1-beds flats and 2 x 2-bed flats and associated cycle stores, bin stores and disabled access.
- 3.3 11/00784/EXT - The time limit for implementation of this development was subsequently extended. Granted 25/08/2011.

- 3.4 152160 - Application for a non-material amendment following a grant of planning permission (04/00344/FUL): non-linking of annexe to 79 London Road and external materials to be stucco render, not brick. Approved 25/02/2016.
- 3.5 171772 - Change of use of basement storage rooms to provide 2 x 1 bed flats including retention of lightwell to rear and associated internal and external alterations (as built). Refused 01/02/2018.
- 3.6 APP/E0345/W/183208163 – Subsequent appeal dismissed 18/12/2018

4. The Development Plan and Other Material Considerations

- 4.1 The Reading Borough Local Plan adopted November 2019 has replaced the Reading Core Strategy (January 2008, altered January 2015) and the Sites and Detailed Policies Document (October 2012, altered January 2015) used to determine the previous applications. However, the previous Development Framework constitutes a material consideration in this instance.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise. Other material considerations include statements of national planning policy set out in the NPPF.
- 4.3 The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. The Government indicates that this has three dimensions:
- An economic role to contribute to building a strong, responsive and competitive economy. This requires sufficient land of the right type to be available in the right places and the right time to support growth and innovation
 - A social role to support strong, vibrant and healthy communities by ensuring a supply of housing to meet present and future need and by creating a high quality built environment
 - An environmental role that contributes to protecting and enhancing the natural, built and historic environment.
- 4.4 The pursuit of sustainable development involves seeking positive improvements in the quality of the built, natural and historic environments and to people's quality of life.
- 4.5 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. LPAs should positively seek opportunities to meet the development needs of their area. Developments according with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.6 Supporting the three dimensions to achieving sustainable development, the NPPF sets out 12 core land-use planning principles:

- Planning should be plan-led and plans should be kept up to date and provide a framework so that planning decisions can be made with a high degree of predictability and efficiency;
- Planning should find ways to enhance and improve the places in which people live their lives;
- It should proactively drive and support sustainable economic development to deliver the homes, business and industrial units and thriving local places the country needs;
- It should always seek high quality design and a good standard of amenity for existing and future occupiers;
- Planning should promote the vitality of urban areas taking account of differing roles and characters of different areas;
- The transition to a low-carbon future should be supported encouraging the re-use of existing resources and the use of renewable resources;
- The natural environment should be conserved and enhanced and land allocations in plans should prefer land of a lesser environmental value;
- Planning should encourage the effective reuse of brownfield land
- Mixed use development should be encouraged and multiple benefits encouraged from the use of land in urban and rural areas
- Conserve heritage assets in a manner appropriate to their significance
- Focus significant development in locations which are or can be made sustainable;
- Deliver sufficient community and cultural facilities and services to meet local needs.

Building a strong, competitive economy

4.7 The NPPF expresses the Government's strong support to securing economic growth in order to create jobs and prosperity (para 18 refers). The planning system should do everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. LPAs should identify priority areas for economic regeneration and environmental enhancement. Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being re-used for employment. Applications for alternative uses should be treated on their merits having regard for market signals (para 22 refers).

Delivering a wide choice of quality homes

4.8 LPAs are required to identify (and annually update) specific deliverable sites to provide 5 years worth of housing with a 5% buffer. Further, land should be identified for years 6-10. Guidance on housing density should reflect local circumstances. The NPPF states clearly that housing applications should be

considered in the context of the presumption in favour of sustainable development (para 49 refers). If a 5 year supply cannot be demonstrated, then the housing policies will be considered out of date. Affordable housing policies should be sufficiently flexible to take account of changing market conditions over time. Planning applications for a change of use to C3 from B use classes should normally be approved provided there are no strong economic reasons why such development would be inappropriate (para 51 refers).

Requiring good design

- 4.9 Great importance is attached to good design and it is a key aspect of sustainable development. Developments should function well; establish a strong sense of place; optimise the capacity of the site; respond to local character and history while not preventing or discouraging appropriate innovation; create safe and accessible environments; and be visually attractive as a result of good architecture. Design policies should avoid unnecessary prescription and should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it is proper to promote or reinforce local distinctiveness. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area (para 63 refers).

Decision Taking

- 4.10 The NPPF expects LPAs to take a positive approach to decision-taking in a way that fosters the delivery of sustainable development. They should look for solutions rather than problems and applications for sustainable development should be approved where possible. LPAs are expected to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paras 186 & 187 refer).
- 4.11 The NPPF is a material consideration in planning decisions. In determining planning applications, LPAs should apply the presumption in favour of sustainable development (para 197 refers).

5. Proposed Development

- 5.1 The development involves the retrospective conversion of the basement area of the building to provide 2 x 1 bedroom self-contained flats served by lightwells to the front and rear. The reason for the application is to address the reasons for refusal of application 171772 and the Planning Inspector's reasons for dismissal set out in their report.
- 5.2 The flats are currently accessed via the existing front entrance door to the building and each individually accessed from the internal lobby. Each flat has a gross internal floor area of 57sqm and both have an identical layout.



Existing front lightwells

- 5.3 The front lightwells measure 1.29m in depth and serve the bedrooms to the flats. The bedrooms are served by a fully glazed access door into the lightwell.
- 5.4 The rear lightwells each measure 3.3m in depth to the main rear elevation and 4.28m wide and serve the kitchen/dining/living rooms accessed via glazed doors set within the centre of the splayed bay windows. The top of the lightwells are detailed with stone parapet coping and surrounded by black painted metal railings to match the existing.



Existing rear lightwells to rear elevation

- 5.5 It is proposed to amend the front and rear lightwells to remove the 0.4 metre high parapet walls and railings surrounding the front and rear lightwells and replace with a low profile coping stone and a reinforced glazed balustrade to increase the levels of sunlight and daylight within the flats and to improve the outlook from the rear living area windows.
- 5.6 In addition, due to the internal basement ceiling height within the flats measuring 2.845 metres high, it is proposed to raise the height of the existing windows and doors to the rearbay windows by 0.6 metres and raise the internal floor height to the rear living room area accordingly to significantly improve the outlook from the flats. The internal ground level to the front and rear lightwells would also be raised by approximately 0.6 metres to tally with the external door thresholds and internal floor level.



Existing rear car parking area

6. Addressing the Reasons for Refusal

Reasons for Refusal 1

- 6.1 *1. The basement flats which have been completed suffer from poor natural light levels with little or no direct sunlight penetration and poor ambient daylighting. Furthermore, the flats do not enjoy a satisfactory level of outlook, with the bedrooms and living areas looking straight out onto overbeared, deep lightwell areas. For these reasons, the way the development has been undertaken will have a significant detrimental impact on the living environment of any new occupants by failing to provide a suitable level of internal amenity conducive to a C3 dwelling, contrary to Policy DM4 (Safeguarding Amenity) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015).*

Sunlight and Daylight Considerations

- 6.2 The rear of 34 Eldon Terrace, where the living accommodation within the flats are located, faces directly south and thus receives more than sufficient periods of sunlight particularly in the late morning to late afternoon/early evening and significantly more during the spring and summer months when the sun is highest in the sky.
- 6.3 The planning officer on his site visit considered the levels of daylight within the flats to be exceptionally poor. The Inspector in her report considered that *“despite being south facing, the enclosing nature of the tall retaining walls restricts direct sunlight to the internal living space. I saw at my morning visit that*

despite the basement being painted a light colour internally, artificial lighting was illuminated and it appeared to me that this is necessary to reduce the gloominess of the internal living environment. Whilst the basement flats may experience some sunlight during those months when the sun is high in the sky, the living environments will be extremely gloomy throughout much of the year as a consequence of poor levels of natural light."

- 6.4 The day of the appeal site visit was a grey and overcast morning in mid-December and thus was not an average representative of light levels that would be achieved within the flats during a year. The Inspector on her site visit did not ask for the internal ceiling lights to be turned off to assess the level of daylight entering the flats and thus could not have made a proper assessment of daylight.
- 6.5 In response and to address this, an Internal Average Daylight Study accompanies the application which takes the proposed amendments to the basement windows and doors and removal of the surrounding lightwell parapets into consideration and concludes that the kitchen/dining/living rooms would meet and exceed the minimum internal daylight requirements in accordance with the BRE Guidelines.
- 6.6 It has been accepted by previous planning applications for the site that provision of 2 bedroom maisonettes with bedrooms solely within the basement area to be acceptable with living accommodation provided over the ground and first floors as levels of daylight to bedrooms or outlook from bedroom windows are not as significant considerations as that of primary living areas. As such, it is considered that the provision of the bedrooms to the front of the building served by the front lightwells are appropriate in this instance and the impact on residential amenity within these rooms is not considered to be significantly adverse.

Outlook

- 6.7 Reason for refusal 1 states that the flats do not enjoy a satisfactory level of outlook with the bedrooms and living accommodation looking straight out into deep lightwell areas.
- 6.8 As set out above, it has already been established from previous applications that the provision of bedrooms within the basement are appropriate.
- 6.9 The Residential Conversions Supplementary Planning Document November 2013 states flats within basements should have an acceptable outlook. *"An acceptable outlook is one that, for example, provides residents with a view of a garden area and/ or the sky and is not restricted to narrow light wells and associated retaining walls."*
- 6.10 The amended proposal includes the raising of the internal floor level of the rear living rooms and lightwell patio level by 0.6m together with the removal of the surrounding parapet measuring 0.4 metres. This will result in a 1 metre reduction on the dominance of the lightwell walls and will provide a significantly

better outlook and a clear view of the sky would be achieved from the bay windows to each flat as required by the Residential Conversions SPD 2013. As set out below, it would provide an outlook that would be typical of basement flats.

- 6.11 As set out in the appellant's appeal statement for application 171772, planning application (ref.111073) was submitted for the extension and conversion of the former public house at 84 Watlington Street, (the former County Arms Public House, situated approximately 400 metres from the application site within the western edge of the Eldon Square Conservation Area) to create 1 x studio, 6 x 1-bed flats (2 of which are rear basement flats) 3 x 2-bed flats. The application was refused on 27th April 2011 for reasons of poor design, excessive scale and massing and failure to provide a completed legal agreement to secure affordable housing. The proposed development was allowed at appeal on 7th November 2011.
- 6.12 A subsequent application (ref.160944) for variation of condition 2 (approved drawings) following grant of planning permission was received on 19th May 2016 for the addition of a 1 bedroom basement flat to the front of the building. The proposed flat would be located entirely below ground and contained no windows to habitable rooms except for a single narrow glazed roof section to the front forecourt providing light from above to the living area and adjacent bedroom. The case officer in his report at paragraph 6.5 assessed the acceptability of the living conditions as follows:
- "The additional basement flat proposed is of a size and layout that would provide future occupants with sufficient daylight and outlook with a glazed roof section and lightwell to the dining/living room and bedroom at the front with non-habitable parts (kitchen and bathroom) to the rear. The outlook towards the sky would be restricted but nonetheless typical of basement flats in conversions and is constrained by the need to retain the façade of the original building. A satisfactory level of privacy for its occupants as for those of the ground floor flat directly above should though also be provided by the 1m high balustrade to the street."*
- 6.13 The application was approved on 15th February 2017. Please see copy of the case officer's report and approved plans at Appendix 1 as submitted with the appeal statement.
- 6.14 The additional flat approved at no.84 Watlington Street did not provide any conventional windows or direct access to private external amenity space/external lightwell. The outlook provided was of a restricted view of the sky through a glazed roof section but was considered to be "typical of basement conversions". As such, it was considered that the quality of the accommodation provided was acceptable and in accordance with the Local Plan Policies and supplementary planning guidance.
- 6.15 The appellants appeal statement provided examples of basement flats at 79 London Road and 84 Watlington Street. The Inspector in her report states that *"The Council has explained that there was a balance between conservation of*

these buildings and the provision of housing. Whilst the appellant contends that the historic significance did not form a determining factor I have not been provided with the full details of either of these particular cases. Therefore, I am unable to determine what similarities those schemes would have to the case before me."

- 6.16 Full details of the planning application at 84 Watlington Road to include officer's delegated report and planning drawings were provided within the appendix to the appellants appeal statement. The case officer's report for this application does not address any balance between conservation of the building and provision of housing. It is clear that the Inspector did not refer to the appellant's appendix. The appellant sought Barrister's advice on challenging the appeal decision on the various flaws contained within the Inspector's report but our Barrister advised that it would be difficult to prove that the Inspector did not view the details set out in the appendix or that she made any significant technical errors to justify a challenge at the High Court.

Reason For Refusal 2

- 6.17 *2. The flats have been provided with patio areas, but these are basement areas surrounded on all sides by tall walls. These areas are not suitable as sitting-out areas, nor would they allow many other activities associated with a private functional amenity space as they have been situated within an overbeared, deep lightwell area, deprived of suitable access to sunlight or daylight. The areas provided therefore do not provide for the required functions and produce a development which does not reflect the character/quality of such spaces in the vicinity and are therefore considered to be contrary to Policy DM10 (Private and Communal Outdoor Space) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015). Further, the inclusion of these amenity spaces below the (remaining) ground floor units results in an unacceptable reduction in visual amenity/disturbance, through lack of privacy/overlooking and noise penetration between these patio areas and the living rooms of the ground floor flats, contrary to Policy DM4 (Safeguarding Amenity) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015).*
- 6.18 Reason for refusal 2 states that the basement lightwells are not suitable areas for sitting out as they are surrounded on all sides by tall walls and do not provide for the required functions.
- 6.19 The Planning Inspector in her report states that *"the outdoor space could accommodate a small table and chairs and there would be space for other items, such as a BBQ, some potted plants, clothes drying facilities and storage space. I consider that the space would not significantly conflict with Policy DM10 of the LDF in relation to the provision of functional outdoor space."*
- 6.20 The Planning Inspector goes on to say that *"The Council also comments in regard to overlooking and noise penetration between the patio areas and the*

living rooms of the ground floor flats above but I do not consider that the Council has clearly explained its concerns in respect of these matters.”

- 6.21 The increase in the ground levels of the lightwells by 0.6 metres and removal of the 0.4 metre high parapet walls surrounding the lightwells will significantly improve the quality of the external amenity space and reduce the dominance of the surrounding lightwell walls and would provide a useable, south facing amenity area for future residents. It is considered that this reason for refusal would be adequately addressed by this proposal.

Reason For Refusal 3

- 6.22 *3. The development has presented a large blank, tarmac parking area with no suitable quality of hard and soft landscaping to the front of the building and within this area is also a poor-quality bin storage area and uncovered poor-quality external cycle storage. The frontal arrangement, as built and as proposed to be retained, fails to provide suitable servicing or a suitable setting to the building and is considered to be harmful to views within the Eldon Square Conservation Area, contrary to policies CS7 (Design and the Public Realm), CS24 (Car/Cycle Parking), CS33 (Protection and Enhancement of the Historic Environment), CS38 (Trees, Hedges and Woodlands) of the Reading Borough LDF: Core Strategy (2008, as amended 2015) and the Council's SPD, 'Revised Parking Standards and Design' (2011).*
- 6.23 As set out in the Planning Appeal Statement, reason for refusal 3 is not relevant to the development subject to the planning application but is instead a compliance issue with the approved details for conditions 8, 9 and 11 of planning permission 04/00344/FUL discharged in application 160720/APPCON dated 19 July 2016.
- 6.24 The description of development of application 171772 was for 'the change of use of basement storage rooms to provide 2 x 1 bed flats including retention of lightwell to rear and associated internal and external alterations (as built)'. No reference is made to landscaping or any alterations to the front or rear landscaping of the site. The applicant is not the freeholder of the site and has no control over the use of the land or maintenance thereof within the curtilage of the site, other than that which is in his control which is the basement area and front and rear lightwell areas. The submitted proposed site plan shows the approved landscaping, bin store and cycle store locations as per approved plan 1522-PL-351 Rev E of application 160720/APPCON.

7 Conclusion

- 7.1 The amended proposals address the reasons for refusal of application 171772 and the reasons set out in the Inspectors Report for the dismissed appeal.
- 7.2 The amendments to the lightwells, raising of the windows and doors, raising of the internal floor levels to the rear kitchen/dining/living rooms and raising of the

external ground level to the lightwells would provide result in a significant improvement in the levels of sunlight and daylight within the flats and a much improved outlook from each flat.

- 7.3 For the reasons outlined above, it is considered that the proposed amendments sufficiently address the reasons for refusal and that planning permission should be granted.