

## **DELEGATED APPLICATION REPORT - Application No. 191693/VAR**

**Address:** 170 St Peters Avenue, Caversham, Reading  
**Proposal:** Application for removal or variation of condition 3 following grant of planning permission. (181170)  
**Case officer:** James Schofield

### **Site Description and Surrounding Area:**

The application site is located on the east side of St Peters Avenue, to the north and south of Nos. 168 and 172 St Peters Avenue respectively. Adjacent sites are detached dwellings.

### **Proposal:**

The proposal is seeking to vary condition 3 (approved plans) of planning permission 181170 to reduce the overall depth, scale and change elements of the design. The original wording of the condition was:

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

001 - Proposal 03  
As received: 25/07/2018

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

Original permission 181170, saw consent granted for "Part single, part two-storey rear extension and associated works.

### **Plans Considered:**

Plans submitted for original permission 181170;

Drawing No. 001 - Existing

Drawing No. 001 - Proposal 03

Received 25/07/2018

Plans submitted for this application to vary condition 3;

Drawing No. 01 - Proposed

Received 22/10/2019

### **Relevant Planning History:**

181170/HOU - Part single, part two-storey rear extension and associated works.

APPROVED 14/9/2018

### **Consultation Responses:**

Neighbours at 168 St Peters Avenue, 172 St Peters Avenue, 95 Woodcote Road and 97 Woodcote Road were consulted. No comments were received.

**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**

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered 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".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance

Reading Borough Local Plan (adopted 2019)

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

H9: House Extensions and Ancillary Accommodation

EN12: Biodiversity and the Green Network

SPG/SPD

A Design Guide to House Extensions SPG

**APPRAISAL**

Principle of development:

The principal of development at the site was established with the granting of 181170/HOU.

This application seeks the variation of Condition 3 in order to allow for the substitution of plans and materials of the development. As such, this application is assessed with regard to the impacts of the revisions.

Since the determination of the previous application, there have been changes to the relevant Local Plan policies relating to this type of development. The Reading Borough Local Plan (adopted 2019) adopts a very similar approach to extensions and modifications of existing dwellings. And the development site remains to the rear of the dwelling out of sight of the street and outside of any designated conservation or ecological areas. The proposed development remains broadly similar - but scaled back slightly. Therefore the principle of development remains acceptable.

### Design consideration

The proposed amendments to the originally approved application would reduce the overall depth of the rear extension and alter the design - however the design remains acceptable and accords with Policies CC7 and H9 of Reading Borough Local Plan (2019).

The potential for adverse impacts on neighbouring amenity remains equal to lesser than that of the original permission. As such this application is deemed to accord with Policy CC8.

Part 'b' of Policy EN12 indicates that all development sites should not result in a net loss of biodiversity or geodiversity, and should provide a net gain for biodiversity wherever possible through new tree planting, wildlife friendly landscaping and other ecological enhancements. These aims are supported by Policy H9 which states that an extension will only be acceptable where it does not result in the loss of biodiversity within gardens. The site does not benefit from any protected trees or identified Green Links. It is considered that there is no harm to biodiversity. The amended development is considered to accord with the biodiversity considerations of Policy H9. The development is not considered to contribute to the aspirations of Policy EN12 part 'b' as it does not seek to provide a net gain for biodiversity despite capacity to do so.

### **Conclusion**

On the basis of the above, and in light of any other material planning considerations, the proposal is considered to be in accordance with the development plan. Advice contained in the Government's Planning Practice Guidance (PPG) makes it clear that 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 been discharged. Accordingly, the recommendation is to grant the variation to the existing planning permission subject to all conditions previously attached to planning permission 181170 with an amendment to condition 3 (approved plans).

## RECOMMENDATION:

Grant variation of condition 3, as follows (additions in **bold**, removed plans in ~~strike through~~):

1. The development hereby permitted shall begin no later than three years from the date of planning permission 181170 issued 14/09/2018.

REASON: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 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 of the Reading Borough Local Plan 2019.

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

~~001 – Proposal 03~~

~~As received: 25/07/2018~~

Drawing No. 01 - Proposed

Received 22/10/2019

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

4. 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) no windows shall at any time be placed in the the north side elevation of the building or extension hereby permitted without the grant of a separate 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 of the Reading Borough Local Plan 2019.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM4