

DELEGATED APPLICATION REPORT**Target Date:** 1/3/2019 (EoT)**Application No:** 181846**Address:** 35 Dover Street

Proposal: Proposal for first floor extension to form a 2-bed flat to replace the existing balustrade/parapet wall, shed and entrance cupola, together with associated revisions to landscaping and access.

Case Officer: James Overall**Site Description and Surrounding Area**

The application property is currently accessed via the roof from Dover Street.

To the East of the application site is a Grade II listed building (94 and 96, Wolseley Street). To the South of the property is St. Saviours Church. Whilst this is not listed, it does have architectural merit, and as such the proposal should be carefully considered as to the impacts upon this property. Directly to the West of the property is a terrace of properties known as "Church Terrace". The end property closest to the site (No. 8) is less than 8 metres from the proposed development and has side facing windows looking directly at the property.

Proposal

The proposed scheme is to erect a further storey to the existing property for the purposes of creating a second dwelling in the form of a two bedroom flat.

Plans Considered

The agent supplied the following:

Plan Type	Drawing Number	Date Received
Design and Access Statement	2661 002P3	Received 25 Oct-18
Site Location Plan	2661 010P2	Received 25 Oct-18
Existing Plans	2661 013P4	Received 25 Oct-18
Existing Elevations	2661 014P3	Received 25 Oct-18
Proposed plans/Block Plan	2661 015P7	Received 25 Oct-18
Proposed Elevations	2661 016P3	Received 25 Oct-18
Proposed Sections	2661 018P3	Received 25 Oct-18
Landscape Plan	18311 001	Received 25 Oct-18
Landscape Section AA	18311 004	Received 25 Oct-18
Landscape Section BB	18311 003	Received 25 Oct-18
Air Quality Assessment	2661 - 013	Received 28 Nov-18

Relevant Planning History

83/TP/898 - Erection of detached house with parking area - Approved. 16 December 1983

Consultation Responses

Neighbouring owners and occupiers at the following properties were consulted by letter:

- Dover Street - 33, 33a, 33b, 33c, 36
- Wolseley Street - 90, 92, 94, 96, 100, 102
- Church Terrace - 7, 8
- Berkeley Avenue - St. Saviours Church

In addition to this, a site notice was displayed.

One letter of support was received on 17th December 2018, which states:

"The plans for the renovation look great. I have often thought the building in its current state looks unfinished, so I think this will really improve the aesthetics of this end of our street. I am hugely in favour of maximizing use of the available space we have in our towns, and building upwards in this way is a simple and effective way to do so".

Transport

The Transport department was consulted on 6th November 2018. Their comments received on 23rd November are as follows:

"This application consists of the creation of a 2 x 2 bedroom flats from the existing single storey ho[u]se.

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core and extends to walking distances of 2 kilometres from the centre of Reading. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. In accordance with the adopted Parking SPD, the development would be required to provide a total of 2 parking spaces. Submitted plans illustrate 2 parking spaces on an existing area of hardstanding. This conforms to the Councils current standards and is therefore deemed acceptable.

The site is located within a Residents Permit Parking Zone 09R where there is significant pressure for on-street parking. Therefore it is likely that future occupants of the new flats will be able to obtain resident or visitor permits. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces for each flat, which should be in a conveniently located, lockable, covered store. Plans illustrate cycle storage under the stairs however details of the type of storage have not been provided. This can be dealt with by way of condition.

Plans indicate that the existing dwelling stored refuse bins on the public highway and the Design and Access statement states that this will continue. The new flat will be provided with an onsite storage area adjacent to the parking area, which is deemed acceptable,

however it would be preferable for the bins for both flats to be located off the public highway and within the confinements of the property's boundary this should be located no further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods and should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings to avoid the stationing of service vehicles on the carriageway for excessive periods. Revised plans are required; however this can be dealt with by way of condition.

Given the site is located at the end of a cul de sac and the on street restrictions in place a CMS is required for this development.

Transport do not have any objections to this application subject to...conditions and informatives...".

Relevant Planning Policy and Guidance

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

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough LDF Core Strategy (RCS) (Adopted January 2008 - amended 2015)

- CS1 (Sustainable Construction and Design)
- CS2 (Waste Minimisation)
- CS4 (Accessibility and the Intensity of Development)
- CS5 (Inclusive Access)
- CS7 (Design and the Public Realm)
- CS9 (Infrastructure, Services, Resources & Amenities)
- CS14 (Provision of Housing)
- CS15 (Location, Accessibility, Density and Housing Mix)
- CS24 (Car/Cycle Parking)
- CS33 (Protection and Enhancement of the Historic Environment)
- CS38 (Trees, Hedges and Woodlands)

Sites and Detailed Policies Document (2012)

- SD1 (Presumption in Favour of Sustainable Development)
- DM1 (Adaptation to Climate Change)
- DM3 (Infrastructure Planning)
- DM4 (Safeguarding Amenity)
- DM6 (Affordable Housing)
- DM10 (Private and Communal Outdoor Space)
- DM11 (Development of Private Residential Garden Land)
- DM12 (Access, Traffic and Highway-Related Matters)

Supplementary Planning Guidance

The Council's 'Revised Sustainable Design & Construction SPD' (July 2011)

The Council's 'Parking Standards and Design' SPD (Oct 2011)

The Council's 'Revised SPD on Planning Obligations under Section 106 of the Town and Country Planning Act 1990' (2013)

The Council's 'Affordable Housing' SPD (2013)

Appraisal

Principle of Development

The proposed dwelling will sit above an existing dwelling, and as such there will not be an increase in the footprint of the building as a result of this application. The surrounding area consists of dwellinghouses, listed buildings and a church. Although there will not be an increase in footprint, there will be the erection of access steps, and an increase in bulk.

The existing building has minimal architectural merit, but is somewhat hidden due to the fact that the highest point is the same level as the main road. The proposed development will take on a more contemporary design, but will also increase the bulk of the building, increasing the presence it has within the local vicinity.

There are two listed buildings directly to the east of the site and St. Saviours Church directly to the south. St. Saviours Church is not listed locally or nationally; however, it does contribute to the character of the area and contains architectural merit.

Therefore when assessing this application, the key points which should be focussed upon are:

- The developments impact upon the character and appearance of the surrounding area and the street scene.
- The developments impact upon heritage assets.
- The developments impact upon neighbouring amenity.
- The developments impact upon transport.

Character and Appearance

Policy CS7 relates to 'Design and the Public Realm'. It states, "*All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form, including:*

- *Layout: urban structure and urban grain;*
- *Landscape;*
- *Density and mix;*
- *Scale: height and massing; and*
- *Architectural detail and materials".*

The existing parapet wall forms the main bulk of the roof of the property and is 1.25 metres lower than the main street level. The roof of the existing property has a conservatory and a shed. The conservatory is the main access to the property. The tip of this conservatory is level with the main street, and the ridge of the shed is 0.08 metres lower than this.

The proposed development seeks permission to add an additional storey to the current building, and will remove the existing shed and conservatory to do so. It is noted that this shed does not appear to have planning permission. The roof height of the proposed development will be 1.1 metres higher than the main street level, and therefore 2.35 metres higher than the existing parapet wall. Solar panels facing south will add an additional 0.15 metres to this height. Therefore when viewed, the property will be growing an additional 2.5 metres.

Dover Street

The terraced dwellings which line Dover Street frame the view along the road and draw the eye to St. Saviours Church which can be clearly viewed, and which is considered to add a characterful end-stop to the street scene. Although St. Saviours Church is not locally listed, it does have architectural merit and views of it should be retained in order to improve the aesthetics of the surrounding area. The proposed development, will obstruct views of the church walls and windows, leaving only the roof slope visible. It is considered that obscuring the church in this way the proposed development would have a visually intrusive and detrimental impact upon the character of the street scene.

Lower Field Road

Lower Field Road runs to the West of the application site. As existing there is a reasonable amount of screening from trees along this road, however glimpses of the Church of St. Giles' steeple can be seen through the trees along Lower Field Road. The Church of St. Giles is a Grade II listed building and its steeple adds significant character to the area.

Further to this, the existing trees along this road are not protected and could be removed, or could die, which would open up the views of the site and the Church. Their long term retention is beyond the control of the applicant and cannot be relied upon. If this proposal were permitted, the views of the Church of St. Giles would be significantly reduced and the application property would become significantly more overbearing in the local vicinity.

St. Saviours Church

In terms of the setting of St. Saviours church it is apparent that the building sits at significantly lower level than the application site and arguably susceptible to harm from excessively large structures upslope. Whilst there is already a tall building behind the application site, this is considered to be far enough away that it does not have an overbearing presence when looking up from St. Saviours Church. However, the application property is significantly closer to St. Saviours Church, and this closer distance and proposal to raise the height of the property is considered to cause detrimental harm as a result of becoming significantly more overbearing upon St. Saviours Church.

Garnet Street

The element of Garnet Street where the application site can be viewed from has relatively low levels of traffic due to being a dead end. However it does have a stepped pavement (due to its slope), and from this, you are able to view a small section of the application property. In its existing state, the property is barely noticeable, however with the proposed addition, the application site will become more visible from Garden Street, and this is considered to not have any visual benefit to the character of the surrounding area. It may not be as detrimental as other previously mentioned issues; however development should look to enhance character (as per Policy CS7), which this is considered to not do.

Balance in regards to the impact upon character of the area

A letter of representation stated that the existing building looks unfinished and this proposal will really improve the aesthetics of this end of our street. It also mentioned that building upwards is a simple and effective way of developing plots.

Whilst there is no disagreement that building upwards is a simple and effective way of finding space for new developments, and national policy supports this as a general approach; it does not necessarily mean that all plots have the capability for adding additional storey's, as it is important to protect the amenity of neighbouring properties as well as ensure that development does not have a detrimental harm upon the character of the area.

In this case, as discussed above, it is clear that this development will have a detrimental impact upon the character of the area; and although the existing development does not have much architectural merit, the proposed development is also considered to not be an improvement on this. The existing building is relatively well hidden in its current form, and the proposal seeks to increase the form and massing, which will result in a detrimental impact upon the character of the street scene and surrounding area. This is therefore believed to be a strong reason for refusal.

Therefore it is considered that the proposal does not comply with Policy CS7 as the development will have a detrimental impact upon the surrounding area rather than maintaining and enhancing it.

Impacts upon Neighbouring Amenity

Policy DM4 of the Sites and Detailed Policies Document relates to safeguarding amenity and it states, *"Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:*

- *Privacy and overlooking;*
- *Access to sunlight and daylight;*
- *Visual dominance and overbearing effects of a development;*
- *Noise and disturbance;*
- *Artificial lighting;*
- *Vibration;*
- *Dust and fumes;*
- *Smell; or*
- *Crime and safety.*

The position of habitable rooms, windows and outdoor living spaces will be particularly important. A back-to-back distance of 20 metres between dwellings is usually appropriate, although the circumstances on individual sites may enable dwellings to be closer without a detrimental effect on privacy".

The proposed development has attempted to overcome potential overlooking issues with some proposed side windows protruding out from the property, with the direct side facing window being obscured, and a window in the front and rear of the protrusion being transparent. Whilst an odd design, it is considered that there are not any direct overlooking issues as part of this application.

A number of windows on the property are proposed to be obscured glazed, and these are in close proximity of neighbouring properties and these neighbours have clear glazing

facing out onto the proposal. Whilst there are no direct overlooking concerns, there is concern that a harmful perception of overlooking would result. With such close proximity to neighbouring properties (~11.5 metres North to No.33 and 33A Dover Street; and ~8 metres West to No.8 Church Terrace), obscured glazing will not prevent the perception of overlooking. For instance, movement and shapes would still be noticeable on the other side of the glazing. This is reiterated in Policy DM4, which seeks a back-to-back distance of 20 metres between dwellings, although this is usually between transparent glazed windows. It is therefore considered that smaller distances are acceptable in cases where obscured glazing faces obscured glazing; however, in this case the proposal will create a situation of transparent glazing facing obscured glazing, and therefore although there would be some potential to accept a distance under 20 metres, the existing distances are considered too close; which will result in the perception of overlooking. As such the proposed scheme is considered to not comply with Policy DM4.

In addition to the perception of overlooking, the additional bulk proposed within this application is considered to have a detrimental impact upon the outlook of the neighbouring properties (especially 33A Dover Street and No.8 Church Terrace). As such the proposed scheme does not comply with Policy DM4.

Impacts upon Heritage Assets

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Policy CS33 of the RCS states, *“Historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where appropriate enhanced.”*

This will include: -

- *Listed Buildings;*
- *Conservation Areas;*
- *Other features with local or national designation, such as sites and features of archaeological importance, and historic parks and gardens.*

Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located.”

94 and 96 Wolseley Street

The application site is not located within a conservation area; however, it is located directly West of a Grade II listed building (94 and 96, Wolseley Street). The listing description for this states:

- *“II Pair of C18 houses.*
- *Originally one five bay house.*
- *Stuccoed brick with tiled roof and end chimneys.*
- *Glazing bar sash windows (removed from No 96) segmental headed flush-framed to No 94.*

- *Doorways set close together/*
 - *No 94 is six panel with lozenge overlight.*
 - *No 96 plain late C19 door with slim rectangular overlight.”*

Although the listing description focuses on the frontages of the properties there appears to be less heritage significance associated with the rear façade. The harmful design of the proposal will have some impact but the harm is considered to be less than substantial.

Transport Impacts

The comments received from the Transport department (can be viewed above in the “Consultation Response” section) state that there are no transport objections to the application subject to conditions and informatives; as additional plans and a CMS will be required to ensure transport issues can be overcome. Whilst some of the proposed conditions are ‘pre-commencement’ conditions, which now have to be agreed by the agent/applicant; since the application will be refused on other planning grounds, it is not considered necessary to agree these conditions.

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 submitted Design & Access Statement mentions “*Affordable housing is proposed to be dealt with off-site, via S.106 contributions*” (although it is noted that this is under the “*pre-application advice*” subheading). Therefore it is considered that the applicant has agreed to enter into a legal agreement to secure a financial contribution if planning were to be granted. 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.

Given the application is being refused for a separate reason, the absence of a section 106 legal agreement or unilateral undertaking to secure the required financial contribution is considered to represent a further reason for refusal; although it is noted that after having mentioned this to the agent, a single valuation was provided; even after it was specifically stated that a minimum of two would be required in the event of a positive scheme. An informative will specify that this reason for refusal could be overcome, in the context of an acceptable scheme in all other respects, by entering into an s106 or unilateral undertaking.

Equality Act 2010

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010.

Policy CS5 of the Core Strategy relates to Inclusive Access. It states, *“All buildings should be located, sited and designed to provide suitable access to, into and within, its facilities, for all potential users, including disabled people, so that they can use them safely and easily”*.

Whilst the existing property requires the use of steps to access, the new proposal will create an additional dwellinghouse which will also require the use of steps. The existing dwelling was approved in 1983 before this Policy was brought in, and considering the proposed scheme will make the current situation no better, it is considered that the scheme does not comply with Policy CS5.

Planning Balance and Conclusion

The proposal is considered to not be compliant with Policies set out within the Local Development Framework, due to scale, massing, design, and impacts upon neighbouring amenity. The benefits of the proposal in terms of provision of housing do not outweigh the harm identified. As such the application is recommended for refusal.

RECOMMENDATION

Application Refused