

DELEGATED APPLICATION REPORT

Address: 28 Clonmel Close

Application No: 190113/HOU

Proposal: Two-storey side extension and single-storey rear extension

Applicant: Ms Milena Kotwa and Mr Pierluigi Stanzione

Date received (valid from): 09/08/2019

Target Decision date: 04/10/2019

Agreed Extension of Time: 25/10/2019

Case officer: Tom French

1. Site description and Surrounding Area

The application site is a two storey semi-detached dwelling located on the northern side of Clonmel Close, a residential cul-de-sac which comprises small blocks of terraced properties. The property was constructed as part of a large scheme comprising 77 dwellings which was permitted under application 99/00209/FUL. The application site is one of a small number of properties within Clonmel Close that benefits from a garage.

The property is not listed, nor in conservation area, however it is located within Flood Zone 3.

2. The Proposal

The proposal is for the first floor side extension over the existing garage and a single storey rear extension:

First floor side extension:

This will have an eaves height of 2m and a maximum height of 5m. The extension will have a maximum width of 5.8m (at roof level), however it will not extend wider than the existing garage below (which measures a width of 3m). The extension will be set back from the existing garage by approximately 0.5m and as such the garage is proposed to have a small mono-pitched roof to accommodate this setting back at first floor level. The proposed roof form is in keeping with that which already exists on the garage (open gable) and will continue at the same level as the adjoining neighbour's roof.

Materials are to match the existing (walls and roof) although no details have been provided to establish if any windows are to match the existing.

Single storey rear extension

The proposed single storey flat roof rear extension will measure a depth of 3.7m and a width of 7m. The extension will comprise a flat roof (height is 2.9m) and also include two roof lights.

Brickwork is to match the existing and the flat roof is to be GRP (glass reinforced plastic). No details have been provided to established if any windows/ doors would also match the existing.

3. Consultation

External Consultation

The following addresses were formally consulted via letter on 29/01/19:

20, 22, 24, 26 and 30 Clonmel Close

Two letters of representations have been received. These raised objections based on the following (*officer response is noted in italics*):

- The extension being built to the boundary (with no.24) as this would cause disruption to the use of the garden at no.24 and raises concerns regarding the safety of children playing in close proximity to a building site. Also having construction on the boundary will require removal of fences and open a secure garden up to the outside world - *Disruption caused during the building process is not a material planning consideration and as such cannot inform upon the determination of this application.*
- A gate being added to the rear of the garden of the application site raises security concerns - *It is likely that the gate shown on the submitted plan 12/3/a could be inserted without planning permission through the utilisation of permitted development rights. As such it is not considered reasonable that this should form a reason for refusal of this application.*
- The proposed extension would completely change the outlook of the garden of no.24 - *See appraisal below*
- Due to the depth and height, the proposed single storey rear extension would adversely impact upon the daylight to the main living area of no.30 - *See appraisal below*
- The single storey rear extension would also appear visually dominant and have an overbearing effect when viewed from no.30 - *See appraisal below*
- The proposed rear extension (being to the south of no.30) would affect the use and enjoyment if the outside terrace area at no.30 - *See appraisal below*
- The proposed single storey extension would unacceptably impact on the residential amenity of the neighbouring property - *See appraisal below*

Internal Consultation

No internal consultees were consulted on this application

4. Plans and Documents Considered

The Council, in reaching its recommendation, has taken into consideration the following plans & documents:

- 1246 / 1 - Plans as Existing
- 1246 / 3 / a - Block Plan
- 1246 / 12 - Proposals
- Location Plan
- Flood map for planning, Reference: 1246

- Flood Risk Assessment in respect of constructing a residential extension at 28 Clonmel Close, Caversham, Reading, Berkshire RG4 5BF

As received: 09/08/2019

The following plan was also submitted to show the proposal at the time of refused / dismissed at appeal proposal 190113:

- 1246 / 2 - Proposals

5. Relevant Planning History

99/00209/FUL - Demolition and removal of all engineering buildings and erection of 77 dwellings on site - Application Permitted

190113 - HOU - First floor side extension and single storey rear extension (amended description) - Application Refused

Appeal Ref: APP/E0345/D/19/3226412 - Appeal Dismissed 07/06/19

6. 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.

7. Relevant Planning 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 comprises the Reading Local Development Framework 'Core Strategy' 2008 (Altered 2015) and 'Sites and Detailed Policies Document' 2012 (Altered 2015). In addition, the New Reading Borough Local Plan is at an advanced stage. The Inspector's report into the Proposed Modifications has now been received and the new local plan is proposed to be adopted by the Council on 4 November 2019. Accordingly, it is taken into account as part of the determination of this application too.

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) (Core Strategy and Sites and Detailed Policies Document) 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

8. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework;
National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm
CS35 Flooding

Sites and Detailed Policies Document 2012 (Altered 2015)

DM4 Safeguarding Amenity
DM9 House Extensions and Ancillary Accommodation
DM10 Private and Communal Outdoor Space

Other guidance

Supplementary Planning Guidance - A Design Guide to House Extensions (2003)

Reading Borough Submission Draft Local Plan March 2018 & Main Modifications June 2019

CC7: Design and the Public Realm
CC8: Safeguarding Amenity
EN18: Flooding and Sustainable Drainage System
H9: House Extensions and Ancillary Accommodation
H10: Private and Communal Outdoor Space

9. Appraisal

The primary considerations in the assessment of this application are considered to be:

- Design, impact on the host dwelling, character of the area and street scene
- Impact on neighbouring amenity
- Flooding

The proposals are also considered within the context of refused / dismissed at appeal proposal 190113.

Design, impact on the host dwelling, character of the area and street scene

First floor side extension

Of the two elements of the proposal, only the first floor extension over the existing garage will be visible from the street scene. In terms of its design, it is not considered that the first floor extension would be considered detrimental to the prevailing street scene. Properties on Clonmel Close are primarily located in small terraces; in this instance, no. 28 is situated alongside 4 other properties where the roof design is not continuous across all 5 properties. The application property and its adjoining neighbour have an intersecting gable and hipped roof which is also replicated further along with nos. 34 and 36. In the middle, no. 32 has a roof with a lower ridge height to separate these two intersecting gable and hipped roofs either side. Therefore there is an element of symmetry in terms of the roof forms of these properties. However the application site is the only property on this terrace to have a garage, and therefore this element somewhat breaks this symmetry.

The roof form of the proposed first floor side extension will extend to the same height as the roof of the adjacent neighbour, and will be open gable when viewed from the south elevation. Although this will alter the roof pattern that exists on the terrace, it is not considered that this would cause detrimental impact when viewed from the street. If not extended to the same height, it is considered that it would have the potential to cause too many varying and unequal roof forms. In addition, as the materials proposed are to match the existing property, this will result in the extension appearing in keeping with the existing property and the terrace more generally. The proposed fenestration pattern on the front elevation is also in line with the existing.

Single storey rear extension

The proposed single storey extension will not be visible from the street. Materials are to match the existing property and therefore this element of the proposal is also not considered to cause detrimental impact to the appearance or character of the host dwelling.

It is also noted that the refused / dismissed at appeal proposal 190113 was not resisted on design grounds. In dismissing the appeal the Inspector did not comment on design matters (thereby implying that this matter was not a main issue or contentious in itself).

As such, the proposal complies with policies CS7 (Core Strategy 2008, altered 2015) and CC7 (Reading Borough Submission Draft Local Plan March 2018 & Main Modifications June 2019).

Impact on neighbouring amenity

Application 190113 was refused for the following reasons:

1. The first floor side extension over the existing garage would cause a significant detrimental impact to the living environment of neighbouring

properties, in particular 24 Clonmel Close, in terms of visual dominance and overbearing effects which is contrary to Policy DM4 of the Adopted Sites and Detailed Policies Document 2012 (altered 2015).

2. The single storey rear extension would be excessive in depth when assessed in relation to the size of the rear garden plot and would have a resulting detrimental effect with regard to the overall private amenity space, contrary to policies DM9 and DM10 of the Sites and Detailed Policies Document 2012 (altered 2015).
3. Drawing no.1246/1(1:100 Proposals) does not accurately depict the proposed single storey in relation to the adjoining neighbour at 30 Clonmel Close. As such, the local planning authority is unable to assess the single storey rear extension correctly in relation to the adjoining neighbour. Therefore, a full assessment of the impact the single storey element of the proposal would have on this neighbouring property could not be made in relation to DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).'

Considering the first reason for refusal initially (within the context of ascertaining whether the current proposal sufficiently overcomes the previous concerns) the Inspector (see Relevant Planning History above) found that the proposed side extension would be visually dominant and have an unreasonable impact on the living conditions of the occupants of 24 Clonmel Close with regards to loss of outlook and light. As such, the first reason for refusal was upheld and the appeal was dismissed.

A consideration therefore is the degree to which the previous reasons for refusal have been addressed. The current proposal has sought to lessen the impact of the development with respect to no.24 by reducing the depth of the first floor element of the proposed side extension (by 2metres). Whilst the amended scheme represents an improvement to the previously refused proposal, the reduction in the built form along the boundary is not considered sufficient to mitigate the detrimental impact upon the amenity of the occupiers of no.24 that was identified at the time of application 190113 (and subsequent appeal).

The Inspector's report stated (paragraph 7) "The proposed two storey extension would result in an increase in the height and depth of built form on this boundary such that the whole rear boundary of No.24 would abut the two-storey side extension."

Paragraph 8 continues "I find that the increase in height and depth of no.28's side elevation as a result of the two-storey side extension will have an adversely dominant and overbearing impact when seen from No.24. Furthermore, despite the fact that the garden at No.24 is north facing, there would be a small decrease in the amount of light received by the rear of this property. In my view, the outlook from No.24's rear windows and rear garden will be unreasonably affected."

The Inspector concludes at paragraph 11 “the proposed side extension will be visually dominant and have an unreasonable impact on the living conditions of the occupants of 24 Clonmel Close with regards to loss of outlook and light.”

Whilst the current scheme has been reduced in depth at first floor level by 2m, ultimately it is considered that this relatively modest decrease does not go far enough to address the previous concerns raised by both the Council and Inspector; instead, albeit acknowledged to be slightly less than previous, it is considered that the two storey side extension would continue to be visually dominant and have an unreasonable impact on the living conditions of the occupants of 24 Clonmel Close with regards to loss of outlook and light. More specifically, when compared with the existing context, the height and depth (covering the majority of the width of the small garden at 24 Clonmel Close), would be adversely dominant and overbearing with the outlook from the rear windows and rear garden (which is reasonably modest in depth) being unreasonably affected.

More specifically, it is also noted that the proposed side extension would still have a maximum height equal to that of the host dwelling and as such is a bulky form of development that includes a significant increase in high level massing. The 2m reduction in depth at first floor level is not sufficient to mitigate the harmful impact of the substantial built form on the boundary that is proposed.

Furthermore, considering the application on its own merits, irrespective of the previous application, the proposal is considered unacceptable due to the detrimental impact upon the living environment of the occupiers of no.24 in terms of visual dominance, overbearing and loss of light. It is considered that the extent of built form along the common boundary with no.24, the height of the proposed side extension combined with the short distance between the proposal and habitable rooms at no.24 are sufficiently harmful to the amenity of no.24 to warrant the refusal of this application.

It is noted that the previously proposed window in the side elevation of the proposed extension has been removed and hence loss of privacy does not form a specific area of concern in this proposal.

Other neighbouring properties that are potentially affected by the proposed development are 22, 26 & 30 Clonmel Close. Each of these is discussed in turn below.

22 Clonmel Close

The proposed extension would protrude across the almost the entire rear garden of no.22. However, to the rear of no.22 the proposal would be single storey and set off the common boundary by 1m. As such it would not have a significant detrimental impact in terms of loss of light or overbearing effects.

26 Clonmel Close

Under half of the rear garden at this property will face onto the proposed two storey side extension. However, in this instance the garden benefits from an openness created due to facing the driveway of no.28/the road. As such it is considered that whilst the proposed development would be visible from the rear of no.26, it would not have a significant detrimental impact on the living environment of the current or future occupiers of no.16 for this relationship to form a reason for the refusal of this application.

30 Clonmel Close

The two storey side element proposed is to the south of the application property and as such would not impact upon the amenity of no.30. The proposed rear extension would abut the common boundary with no.30. However, the proposed extension would be single storey and project 3.7m from the existing rear elevation of the host dwelling (less than the 4m recommended as normally permissible in the Supplementary Planning Guidance - A Design Guide to House Extensions 2003). As such the proposal is not considered to cause undue harm to the living environment or amenity of the occupiers of no.30.

It is noted that no side facing windows or a terrace are proposed. As such, the proposal would not have a significant detrimental impact in terms of loss of light or overlooking. Had this application been supported, a condition would have been recommended to prevent the flat roof being used as a terrace (without permission having first been sought and granted) to protect the amenity of No's 30 and 22 in particular.

In applying a planning balance, the merits of the scheme (solely considered to be improving the quality of accommodation for current and future occupiers) are not considered to outweigh the harmful impacts upon the neighbouring amenity with relation to no.24 identified above. Therefore, the proposal is not able to be supported and is instead refused planning permission. Moreover, the revised proposal (in the context of the previously refused and dismissed at appeal scheme) has not sufficiently addressed the previous concerns raised.

The proposal is contrary to Policy DM4.

As such, the proposal is contrary to policies DM4 (Core Strategy 2008, altered 2015) and CC8 (Reading Borough Submission Draft Local Plan March 2018 & Main Modifications June 2019).

Cumulative impact of the development

Although discussed individually, it is necessary to consider all elements of the proposal, how they relate to each other and the cumulative impact of the various elements of the proposal. At the time of application 190113 officers also had concerns relating to the depth of the proposed rear extension in relation to the scale of the rear garden and the resulting impact upon the character of the area and remaining usable amenity space. The Inspector however considered that the proposal would not constitute overdevelopment and reduce the amount of garden

space to such an extent that it would adversely affect the living conditions of current and future residents. As such the size of amenity space and the resulting impact upon the character of the area and occupiers of the host dwelling will not form a reason for the refusal of this application.

10. Other Issues

Flooding

The application site is located within Flood Zone 3 and thus a flood risk assessment was submitted as part of this application. It is stated that as part of the development the location of electrical cable routes and outlets above the anticipated flood level, plus an additional 300mm to allow for future climate change, can be included as part of the works. In light of the scope of the works the level of information submitted is considered sufficient to demonstrate that policies CS35 and EN18 are complied with. Had the proposals been able to be supported at officer level, a compliance condition would have secured the measures indicated to be implemented.

Community Infrastructure Levy

The proposal would not be liable for the Community Infrastructure Levy (CIL).

11. Recommendation

REFUSE planning permission for the following reason:

The first floor side extension over the existing garage would cause a significant detrimental impact to the living environment of neighbouring properties, in particular 24 Clonmel Close, in terms of visual dominance and overbearing effects which is contrary to Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012 (altered 2015) and Policy CC8 of the Reading Borough Submission Draft Local Plan March 2018 & Main Modifications June 2019.

Informatives

1. The Council, in reaching its recommendation, has taken into consideration the following plans & documents:

- 1246 / 1 - Plans as Existing
- 1246 / 3 / a - Block Plan
- 1246 / 12 - Proposals
- Location Plan
- Flood map for planning, Reference: 1246
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2. The local planning authority has worked positively and proactively within the statutory timeframe to notify the applicant that if not withdrawn or amended, the application would be refused. The applicant did not wish to withdraw the application.

3. This planning application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of planning permission. Please see the following link to the Council's pre- application service here:

http://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_Nov_2016.pdf