

DELEGATED APPLICATION REPORT

SITE ADDRESS: 48 Watlington Street, Reading

APPLICATION NUMBER: 181012/FUL

PROPOSAL: Part single- part two-storey rear extension and conversion of enlarged existing HMO to form a six-person HMO above a self-contained basement flat.

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal and Planning Policy Context

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). In this regard, 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). The Council's adopted Supplementary Planning Guidance and Supplementary Planning Documents are also material planning considerations.

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

National Planning Policy Framework (NPPF)

Section 6. Delivering a sufficient supply of homes

Reading Borough LDF: Core Strategy (2008)

CS5 (Inclusive Access)

CS7 (Design and the Public Realm)

CS24 (Car/Cycle Parking)

CS33 (Protection and Enhancement of the Historic Environment)

CS34 (Pollution and Water Resources)

Reading Borough LDF: Sites and Detailed Policies Document (2012)

SD1 (Presumption in Favour of Sustainable Development)

DM4 (Safeguarding Amenity)

DM9 (House Extensions and Ancillary Accommodation)

DM12 (Access, Traffic and Highway-Related Matters)

Draft emerging local plan: policies at draft stage, not considered to be pertinent to this determination.

SPD/SPG

A Design Guide to House Extensions SPG

Affordable Housing SPD

Revised Parking Standards and Design SPD

Residential Conversions SPD

CONSULTATION RESPONSES

Letters were sent to:

Watlington Street: 46, 50 (all flats), 52, Polish Catholic Church

No responses received.

RBC Transport Strategy: no objections, subject to conditions

RBC Environmental Protection: no objections, subject to conditions

RBC EHOs: no response

RBC Valuers: not consulted (no viability statement)

RELEVANT PLANNING HISTORY

162349/FUL Two-storey rear extension and conversion of enlarged existing HMO to form a 6-person HMO above a self-contained basement flat. REFUSED 31/3/2017.

170975/FUL Part single- part two-storey rear extension and conversion of enlarged existing HMO to form a six-person HMO above a self-contained basement flat. REFUSED 6/10/2017. Appeal dismissed on 1/6/2018, although it should be noted that the sole reason for dismissal of the appeal was on the matter of non-completion of a s106 legal agreement in relation to affordable housing. The appeal is an important material consideration to the current planning application.

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT (pro-active approach to the application)

Application lodged following previous appeal notice resolving Council's concerns where an affordable housing statement is agreed. Agent has been advised that application likely to be considered favourably, providing that affordable housing matters are addressed. The agent has reviewed the draft conditions for approval and has agreed to pre-commencement conditions. The agent commented on the conditions and informative relating to parking permits, suggesting the site currently has access to 2 parking permits, and seeks a condition that does not remove this entitlement. Following communications with the Councils parking team, it is determined that the condition should remain unchanged.

APPRAISAL

The application site is a three storeys plus basement townhouse on Watlington Street, in central Reading and sited within the Eldon Square Conservation Area. The proposal is to keep the C4 HMO within a building which is extended at ground floor level and below, the extended basement would be converted into a separate two-bed flat.

Although not creating a HMO in this case, the Council's SPD and policy on conversions has been used as a guide to the suitability of the proposal, as well as other directly applicable planning policies.

This is the re-submission of an earlier application in 2017, refused in October 2017. The issues raised in the previous refusal have been pursued by way of appeal, and

the inspector resolved to address Council's concerns with a recommendation that would have led to approval if an affordable housing contribution were included.

(i) Design of the extension

The thought of the rear extension has come from the erection of the two-storey rear extension next door at No. 46 and the bulk of the extension has been reduced from the previously refused application scheme. Overbearing to No. 50's basement has been reduced to a satisfactory level by the depth and the cut-out at ground floor level. The extension is the same as that considered by the appeal Inspector to be suitable.

(ii) Basement unit layout

The inspector previously acknowledged that the layout of this area would not be unduly narrow or convoluted. It would serve the function of food preparation and consumption, and relaxation for its residents. The HMO would, as a whole, provide a good standard of living accommodation.

The inspector concluded that all the main living rooms in the basement flat would have windows that provide natural light. The rear facing rooms would benefit from patio doors opening out to a good sized private garden, providing a quality external amenity space. The existing ceiling heights would also be raised, improving the overall sense of space at ground floor level.

Parts of the main living area of the basement flat would be remote from the windows serving this room. However, a 'suntube' would provide some natural light to these areas. A daylight and sunlight report, submitted with the previously proposed layout, demonstrates that the main living area would achieve an average daylight factor of 2% within living areas and 3.3% for the bedroom closest to Watlington Street. The minimum standards for daylight are met in this instance.

The outlook to the proposed front bedroom would remain limited due to its proximity to the front light well, and any car that may be parked on the driveway above. However, this room would be used as a bedroom. Whilst no technical calculation on daylight has been provided for this room, the inspector concluded that, the levels of natural light and outlook provided by the window would be adequate, given the use of the room.

The affordable housing statement says the maximum occupancy of the development would be 9 persons. On the basis that a C4 HMO cannot have more than 6 people, this means that 3 persons should be able to be accommodated in the basement flat. The proposed rooms meet the minimum standards outlined in the Residential Conversions Supplementary Planning Document (SPD).

The proposal incorporates raising the ground floor structure to improve the overall height of the basement flat to 2.345m. As this improvement could in reality, not be carried out, as it is an expensive and intrusive adaptation, it is considered appropriate to incorporate a condition to ensure the works are undertaken.

(iii) C4 HMO layout

Externally, the inspector agreed that the bulk of the extension is suitable, however, the external staircase will be constructed within a recessed portion to the rear between the two-storey element for access from HMO to the private amenity space. It is considered that the recessed rear stairs would not unduly affect the view from the rear of the terrace including from The Grove.

Although the staircase is located adjacent to the living areas of the basement flat, it was considered by the Inspector that the use will be intermittent and would not significantly compromise the living environment of occupants of the basement flat.

Communal areas: at present, all of the basement area is used for this C4. This is darkish but reasonable in terms of its area. Presently, the occupants can escape up to their own HMO room for more daylight and outlook, so overall, the amenity they enjoy is pretty reasonable. The accompanying sunlight and daylight report identifies the minimum standards for light into the basement living space is achieved by the development, as such it is considered that the basement flat occupants will be afforded the ability to reasonably use the space.

The communal living areas of the HMO would be reduced as a result of the development and will have three (3) doors opening onto the space. One of the doorways opening to the communal areas would be for the residential plant equipment as this space would be infrequently used, it is unlikely that this will impact on the usability of the communal living area. The Inspector has found the layout to be suitable for its intended purpose. No conflict with Policy DM8 is identified.

(iv) Parking/servicing

As was the case with the previous application, it is likely that the short car parking space to the front of the property would remain (it's what happens at the other similar properties in this row), hence the concern about the overbearing/overshadowing and lack of outlook to the frontal bedroom, now proposed as a habitable room. As noted previously, the use of the front bedroom predominantly being for sleeping would provide an acceptable level of amenity despite its proximity to the parking area.

The cycle parking arrangement for both the HMO and the basement flat are undesirable by Council check. Due to the particular constraints of the property it is considered appropriate in this limited instance to allow the provision of the cycle parking space for the basement flat in an underground store, and the provision of cycle parking to the rear of the HMO resulting in the need to convey bicycles through the dwelling.

(v) Affordable housing

The current application, as before, involves significant new extension works for the specific purpose of adding a further residential flat. In accordance with the application of the Council's policies and SPD on affordable housing contribution is required.

The applicant has provided two independent valuations to support the proposed s106 agreement for an affordable housing contribution in accordance with Council

Policy. In accordance with Council's adopted Affordable Housing supplementary planning document (SPD) (adopted July 9th 2013) the applicant has calculated an affordable housing contribution of 10% for the proposed increase in dwellings.

Calculations:

1 additional flat (1 bedroom basement flat)

Valuations:

Adams Estates

£174,950

WhiteKnights

£180,000

GDV (based on average of two valuations) :

= £177,475

10% affordable housing element:

= £17,748

RSL purchase at 50%

= £8,873.75

Residual commuted sum

= £8,873.75 = 5% GDV

As per Council's adopted SPD it is recommended that a s106 agreement be drafted to secure a contribution of £8,873.75 toward affordable housing within the borough. The applicant has confirmed his acceptance of the agreement.

Equalities Act

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Other issues:

Air quality: not considered to be suitable for an air quality system, due to nature of the area and only one new unit.

CIL:

The application is not CIL liable.

Conclusion

The proposed development would provide satisfactory living conditions for future occupants of both the HMO and the basement flat. Furthermore, it would be acceptable in terms of its effect on the character and appearance of the area.

Overall, the previous scheme was considered to be appropriate by the Inspector in the previous appeal (ref: 3189394) with the only outstanding matter of the proposal being the submission of an affordable housing statement. As the proposal has been deemed to be generally in accordance with Reading Borough Councils Policies and Development Plan, provided compliance with DM6 (affordable housing), by the Inspector it is considered appropriate to approve the development.

RECOMMENDATION

Grant planning permission subject to conditions and s106 legal agreement to secure a contribution towards affordable housing.

Need to have prior approval of any pre-commencement type conditions.

Conditions of approval:

1. The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

drawing 1183/3 Rev. A which were received by the Local Planning Authority on 11 June 2018

drawing 1183/5 Rev. A which were received by the Local Planning Authority on 8 June 2018

drawing 1183/2 Rev. D which were received by the Local Planning Authority on 8 June 2018

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

3. * No development, including any demolition, shall take place until a detailed scheme for raising the ceiling height in the proposed basement flat and the installation of a 'suntube' (as identified on the approved plans, (Drawing no. 1183/2/d) received on 11 June 2018 in Condition 2 above) has been submitted to the Local Planning Authority for approval.

The scheme shall include:

- Demolition plans and sections;
- Structural detail;
- Construction methodology, including drawings and sections

Reason: To ensure an adequate level of residential amenity for future occupants in accordance with Policy DM4.

4. Prior to occupation of the basement flat, the ceiling height will be raised and the 'suntube' provided in accordance with the approved scheme

Reason: To ensure an adequate level of residential amenity for future occupants in accordance with Policy DM4.

5. 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 ensuring that the new development appears in keeping with the existing building in accordance with Policy CS7 and Policy CS33

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

6. (a) The basement flat shall not be occupied until a plan has been submitted to and been approved in writing by the Local Planning Authority to show how bicycle parking facilities can be provided on site.

(b) No building or use hereby permitted shall be occupied or the use commenced until the bicycle parking facility for that building or use has been completed as shown on the approved plan.

(c) Thereafter the bicycle parking facility shall be kept free of obstruction and available for the approved use at all times.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with the Local Planning Authority's approved transport policies CS23 and CS24.

7. The basement flat shall not be occupied until the bin storage facility shown on the approved plans has been provided and the bin storage facility shall be retained thereafter for use by occupiers of the dwelling/building at all times.

Reason: in the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CS7.

8. No residential unit shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified on this Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 and Policy DM12.

9. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential units for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential units.

Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 and Policy DM12.

10. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policy DM4

11. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

Reason: In the interests of air quality, the amenity of neighbours, and to promote more sustainable approaches to waste management in accordance with Policies CS34 and CS2.

Informatives:

1. No pre-application discussions took place before the submission of this planning application, following refusal of previous application ref. 162349/FUL.
2. The Local Planning Authority has been positive and proactive in dealing with the planning application by advising on matters to make the proposal acceptable and dealing with the application in a timely manner.
3. These works will also require separate approval under the Building Regulations. Please contact the RBC Building Control Service for further advice on (0118) 937 2449.
4. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
5. Your attention is drawn to the various conditions above where these are pre-commencement conditions or conditions “precedent” and require the terms of the condition to be satisfied before development commences. If development commences in contravention of those conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.
6. Charging for appcons
7. This planning permission gives no authorisation other than under the Planning Acts. Other permissions and consents may be required
8. We commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments. You are reminded that the construction (and demolition) of the development will be subject to environmental health law and you are referred to www.reading.gov.uk/environmentandplanning/pollution/planningconsultations for information.
9. The Council's Highways section should be contacted at 2-4 Darwin Close, Reading, RG2 0RB, telephone: 0118 937 2138, to agree the access closure / footway reinstatement details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 week's notice to obtain details of underground services on the applicants` behalf.
10. The occupiers of the residential units will not be entitled to an on-street car parking permit in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers

of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Core Strategy Policy CS24 and Sites and Detailed Policies document Policy DM12. The site is located close to local facilities, with frequent public transport services on nearby roads. Conditions 12 and 13 above place a requirement that the Council be notified of postal addresses of the residential units before occupation and that the occupiers/transferees to be informed of the prohibition on entitlement to a car parking permit.

11. Any works affecting the highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should be made aware that compliance with this document is mandatory and licences to work on the highway will only be issued if the requirements contained within it are met. A copy can be obtained at <http://www.reading.gov.uk/ltp/General.asp?id=5X9452-A782F664> (within the Transport Strategy area of the Transport Section on the Reading Borough Web Site).

12. A section 106 Agreement has been completed for this development. A full copy of the S106 Legal Agreement is available on the Public Register of Planning Applications held by Reading Borough Council."48

13. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non-negotiable. It generally applies to developments which result in at least one dwelling or 100 sq m of new floorspace. For this approved development the CIL status is as follows:

CIL Status	
Nil Charge	
Chargeable	
Not applicable development	✓

If chargeable you will be sent a CIL Liability Notice with the calculated amount soon. CIL becomes payable on commencement of the development or by instalments.

For more information go to:

http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf