



PLANNING ENFORCEMENT EXPEDIENCY

APPLICATION REFERENCE :	190120
SITE ADDRESS :	72 Cholmeley Road, Reading, RG1 3NB
ENFORCEMENT REFERENCE:	E19008
DATE OF REFERRAL :	
TARGET DATE :	21 February 2019

BACKGROUND:

The application site is a two storey, brick, mid-terrace property, with a two storey rear gable.

This case concerns a complaint that an unauthorised single storey rear extension and an unauthorised dormer extension have been built at the above property.

A certificate of lawfulness (170787) has been granted for a rear dormer at the property. However, what has been built does not qualify as permitted development as it has been finished in white plastic cladding rather than a material which is similar in appearance to the existing property (the drawing referenced in the certificate of lawfulness refers to slate tiles being used on the exterior of the development). The dormer is also not set back 0.20m from the eaves. Of note however, it is very similar in appearance to the dormer at No.70 Cholmeley Road next door. Building Control records indicate that this neighbouring dormer was completed in 2006.

Prior approval (170790) has also been granted for:

Rear extensions measuring 4.2m & 3.9m in depth, with a maximum height of 2.9m & 3.0m, and 3m in height to eaves level.'

Aside from a development matching the description being practically impossible to build, of the two extensions, the one attached to the outrigger is actually 5.70m in depth whilst the other is a maximum of 3.35m in height. The eaves for both however are well below 3.00m in height.

Relevant Planning History

170787 - Proposed rear dormer extension - Permitted Development

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170790 - Rear extensions measuring 4.2m & 3.9m in depth, with a maximum height of 2.9m & 3.0m, and 3m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England)

Order 2015 - Prior approval not required

PLANNING POLICY:

Reading Borough Local Development Framework Core Strategy (2008)

CS7: Design and the Public Realm

Sites and Detailed Policies Document (2012)

DM4: Safeguarding Amenity

DM9: House Extensions and Ancillary Accommodation

DM10: Private and Communal Outdoor Space

ASSESSMENT:

Rear dormer

The rear dormer extension was permitted under a Certificate of Lawfulness application (170787) is not made with exterior materials of a similar appearance to those used in the construction of the exterior of the original dwelling. As such the extension does not fall within permitted development rights and would be considered development requiring planning permission.

However, the extension does not constitute the only dormer in the terrace row as the adjoining neighbour, no. 70 Cholmeley Road also has a rear dormer that is made from white plastic cladding. Although the white cladding used on the exterior of the dormer offers stark contrast to the grey tiles of both the original roof and the neighbouring roofs, it is not visible from the street and therefore is not considered a visually prominent feature and as such is not considered to significantly harm the character of the street or visual amenities of the area. Therefore in this instance, these works do not infringe Policy CS7 (Core Strategy 2008, 2015).

The dormer is also not set back from the existing eaves of the main dwelling by (at minimum 0.2m), as required in Schedule 2, Part 1, Class B, B2 (bb) of the General Permitted Development (England) Order (2015). However, as the dormer is not visible from the street scene, it is not considered harmful.

Rear extensions

Prior approval (under application reference 170790) has been granted for two rear extensions measuring 4.2m & 3.9m in depth, with a maximum height of 2.9m & 3.0m, and 3m in height to eaves level.'

Under application 170790, notice was given that the prior approval of the LPA was not required for a rear extension in accordance with the information provided. Neighbouring owners and occupiers were

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notified of the proposed extension, providing a period of 21 days for representations to be made. No representations were received and as such, a prior approval was not required under the terms of the 2015 order. The notification confirmed that the extension must be carried out in accordance with the information provided to the LPA.

Householder planning permission would not be granted for the single storey rear extension as constructed when assessed in relation to the Council's adopted policies. In this instance the breach relates only to the prior approval application and the information provided in terms of the proposed measurements of the extensions; adopted policies were not taken in to consideration under the original application (170790). However given that the extensions do not comply with the measurements approved by the LPA under application 170790, the extensions constructed are not permitted under the prior approval application. As such, they are unlawful and so the Council's policies can now be considered to make a further assessment of this breach of planning control.

When assessed against policy, the rear and side extensions cause a significant detrimental impact to the living environment of the adjoining neighbouring properties at 70 and 74 Cholmeley Road. Due to its depth and proximity to the shared boundary the extension is unneighbourly with associated overbearing effect on this neighbour. As such, the development is contrary to DM4: Safeguarding Amenity of the Sites and Detailed Policies Document (2012). In addition, the proposed extensions would result in the reduction of amenity space to an unacceptable degree. The garden space before the extensions were built measured approximately 53 square metres and as a result of the extensions (as approved), would reduce this number to approximately 37 square metres. However given that the extensions do not comply with the measurements approved, the actual garden space remaining would now be less than 37 square metres. This results in this property having the smallest rear garden plot when compared to properties in the immediate vicinity which conflicts with Policy DM10: Private and Communal Outdoor Space of the Sites and Detailed Policies Document (2012).

CONCLUSION/ REASON(S):

It is considered expedient to take enforcement action against the unauthorised extension for the following reason:

The rear and side extensions cause a significant detrimental impact to the living environment of the adjoining neighbouring properties at no. 70 & no. 74 Cholmeley Road due to their depth and proximity, which are considered to be unneighbourly and overbearing. In addition, the development reduces the amount of private amenity space to an unacceptable degree. The development is therefore contrary to DM4: Safeguarding Amenity, Policy DM9: House Extensions and Ancillary Accommodation and DM10: Private and Communal Space of the Sites and Detailed Policies Document (2012, altered 2015).

The owner is required to reduce the height and depth of the extensions to 4.2m (depth) and 3m (height) to accord with the information provided to the LPA under application 170790 within 2 months of the notice being served.

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