

DELEGATED APPLICATION REPORT

Address: 35a St Peters Avenue

Application No: 181674 / HOU

Proposal: Proposed first floor front/side extension with open porch below

Applicant: Mr & Mrs Pinchen

Date received (valid from): 21/09/2018

Target Decision date: 16/11/2018

Agreed Extension of Time: 29/03/2019

Case officer: Tom French

1. Site description and Surrounding Area

The application site contains a two storey detached dwelling on the south side of St Peters Avenue. The application site include off road parking to the front of the property and a rear amenity area approximately 33m deep and 9m wide. To the side of the property is a private drive leading to three properties (Courtlands).

The surrounding area is predominantly residential with large detached dwelling of varying style and design, predominantly set in spacious grounds.

There is a TPO oak tree to the front of the property (see Natural Environment officer comments below for details).

The application building is not listed, nor is it within a conservation area.

2. The Proposal

Householder planning permission is sought for a first floor front and side extension. The proposed extension would have a pitched tiled roof and would form a new large gable along the side of the house. The extension would create an additional bedroom and there would be an open porch area below.

3. Consultation

External consultations:

Neighbours consultation:

No.s 33 St Peters Avenue, 'Chiltern Court' 37 St Peters Avenue, 10 & 11 Kelmscott Close have been notified of the application by letter. Furthermore, a site notice has also been displayed at the site from 13/10/18, as witnessed during the officer site visit.

No responses have been received.

Internal consultations:

Transport consultation:

The RBC Transport Development Control Advisor provided a consultation response with no objection to the proposal, as it will have no impact on the existing parking provisions for the site.

Natural Environment consultation:

The RBC Natural Environment Officer provided the following consultation response (which incorporates comments at the outset of the application and once arboricultural information was submitted in December 2018):

The Oak tree at the front of the property is protected by 'Area' Tree Preservation Order 16/18. This Area Order was made on a temporary basis until individual trees had been surveyed and more specific TPO(s) made. This survey has been completed which confirmed that the Oak tree in question is of sufficient merit to warrant inclusion in a replacement TPO and has potential for additional stem and canopy growth. The inspection of this tree identified no issues with its condition which would question its long term survival. Whilst not commenting on the condition of the tree, The Arboricultural Method Statement and Impact Assessment (AMS) from Atworth Arboriculture Ltd raised no concerns about the condition of the tree, only mentioning the presence of dead wood, which is normal for a tree of this age and species.

The proposed extension is at first floor level at the front of the property to create a bedroom and will effectively 'square off' the front of the house, which is currently stepped back on the north corner in front of the main entrance.

There are a number of factors which should be taken into account when considering the design of a proposal, in relation to constraints posed by trees. With reference to 5.2.3 of BS 5837:2012, these include:

- The presence of a TPO, conservation area or other regulatory protection
- Potential incompatibilities between the layout and trees proposed for retention
- The working space and access space needed for construction of the proposed development
- The effect that construction requirements might have on the amenity value of trees, both on and near the site, including the effects of pruning to facilitate access and working space
- The potential end use of the space adjacent to retained trees

5.3.1. of BS 5837 states that the default position should be that structures are located outside the Root Protection Areas (RPAs) of trees to be retained. As has been acknowledged in the AMS, all of the work is within the RPA of the protected Oak tree. In accordance with the recommendations in BS5837, a technical solution to overcome the concerns relating to foundations within the RPA has been provided in that the extension can be supported by cantilevers off the existing structure and no foundations or ground works are required. Whilst this addresses the concern over direct damage to the tree, Officers are still concerned that that extension will result in detrimental pruning of the tree both to allow for construction and further pressure to prune in the future due to the proximity of the tree to the extension, if built.

5.3.4 (d) advises that, in relation to future pressure, 'the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for removal of the trees. Buildings and other structures should be sited allowing adequate space for the tree's natural development, with due consideration given to its predicted height and canopy spread'

The proposed higher elevations at the front of the property will inevitably come into conflict with the tree's canopy and put pressure on the Council to allow the tree to be reduced or cut back in the future. A reduction of the canopy to give 2m clearance to property, as is usually permitted for trees near to dwellings, would result in a heavy reduction of this tree to the detriment of its health and amenity value. Some of the branches are mature epicormic growth, which is the tree's response to stress and improves the resilience of the tree in maturity to environmental pressures. Cutting the branches is likely to impact on the tree's long term health and vitality. The application would also create a situation where the tree cannot create lower canopy growth which it will be inclined to do as it ages. Whilst permission for works considered to be detrimental could be refused due to the presence of the TPO, Officers have to be mindful of what is reasonable to create an appropriate relationship between the tree and adjacent property. Allowing living space closer to the tree therefore means work would have to be considered that is not currently required. Canopy reductions may also be required in order to facilitate the build for lifting operations and scaffolding.

The proposed extension will create two smaller bedrooms to this side of the house one of which are closer to the tree than existing. Although the current owner may be happy with the juxtaposition of the proposed accommodation in relation to the tree, future occupants may become anxious about having sleeping accommodation this close to the tree particularly if the new bedroom created by the proposals is used as child's bedroom. The resultant position of the building and accommodation in relation to the tree is not considered sustainable, would require the canopy to be reduced and is likely to cause anxiety for future occupants of the dwelling, putting pressure on the premature removal or reduction of this healthy tree of high amenity value.

For the reasons given above the application should be refused and I would suggest the following as suitable wording for the reason:

The proposed extension, by reason of its proximity to a mature Oak tree (protected by TPO 16/18), would create an unsustainable relationship between the tree and dwelling house, resulting in additional future pressure for premature removal or reduction of the tree, detrimental to its health and amenity, contrary to Policy CS38 (Trees, Hedges and Woodlands) of the Reading Borough Council LDF Core Strategy 2008 (amended 2015).

As you may know, 'pressure to prune in the future' has been used as a reason for refusal of planning applications in the past and accepted at appeal by PLNS. Whilst each planning applications / appeal is decided on its own merits, the principle of refusing planning permission on 'pressure' grounds has been established hence it is wholly appropriate to consider it for this application.

4. Plans and Documents Considered

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

Drawing No.:

- 180711-1 - Location Plan
- 180711-2 - Site Plan
- 180711-3 - Existing and Proposed Elevations
- 180711-4 - Existing Floor Plans
- 180711-5 - Proposed Floor Plans
- Site Photographs dated 27/07/18

As received: 21/09/2018

- Arboricultural Method Statement and Impact Assessment, 35a, St Peter's Avenue, Caversham, RG4 7DH by Atworth Arboricultural Ltd Ref AA/AMS+AIA-19.12.18

As received: 21/12/2018

5. Relevant Planning History

880266 - FUL - Two storey rear extension - Application Refused

940635 - FUL - Erection of two detached dwelling and one detached garage - Application Permitted

940852 - FUL - Demolish existing house. Erection of 3 detached houses and garages. RENEWAL - Application Permitted

970351 - FUL - Side and rear extensions plus garage - Application Permitted

010648 - FUL - Single storey rear extension to provide conservatory - Application Permitted

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).

The ‘*National Planning Policy framework*’ (‘*NPPF*’) 2019 (as revised) 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
CS38 Trees, Hedges and Woodlands

Sites and Detailed Policies Document 2012 (Altered 2015)

DM4 Safeguarding Amenity
DM9 House Extensions and Ancillary Accommodation
DM10 Amenity Space
DM12 Access, Traffic and Highway-related matters

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

9. Appraisal

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

The proposed extension would be to the front corner of the application property and as such would be visible from the street scene along St Peters Avenue. The proposal is for an extension at first floor level that would not project beyond the existing front elevation of the property or beyond the existing side elevation of the property. As such the existing spaciousness to the boundary would be retained and the proposal would not appear unduly cramped.

The proposed gabled form of the extension is considered to integrate with the existing gables along the side and front elevations of the existing dwelling. The proposed extension is considered to respect the character of the host dwelling in terms of design, scale and

materials. The proposal would have a pitched roof and be finished with materials to match existing. As such it is considered to integrate satisfactorily with the visual amenity of the host dwelling and surrounding area.

The host dwelling would retain sufficient amenity space to the rear elevation, which is considered adequate for a dwelling of this size and relative to the character of amenity spaces to surrounding dwellings.

The proposal would accord with Policies CS7, DM9 and DM10.

Impact on amenity

The neighbouring properties potentially affected by the proposed development are 33 St Peters Avenue and 37 St Peters Avenue, located to the east and west of the application property respectively.

The proposed development is to the front west corner of the application property and as such would not affect the amenity of no.33.

With respect to no.37, given the modest scale of the proposal, the large separation distance between the application property and no.37 and the significant natural screening; it is not considered that the proposal would have any significant detrimental impacts in terms of loss of light, overlooking, overbearing or privacy.

The proposal accords with Policy DM4.

Furthermore, it is noted that the proposal would improve the quality of accommodation for future occupiers by facilitating an additional bedroom within the residential unit.

Impacts on the TPO Tree

Detailed observations have been received from the Natural Environment officer, as detailed in full in the consultations section above. On this basis the proposal is contrary to Policy CS38.

Other Issues

Community Infrastructure Levy

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

10. Conclusion & Recommendation

It is evident from the appraisal that there are some planning merits (e.g. there are no design or amenity based concerns with the proposals) and some conflicts (impact on a TPO tree). When applying a critical planning balance it is considered that the harmful impacts, as identified in the appraisal/consultations section above, outweigh any benefits of the proposal.

Therefore, having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations weigh against the granting of planning permission. Accordingly, planning permission is recommended to be refused on the basis of the adverse impact on the TPO tree at the site.

Refuse planning permission.

The proposed extension, by reason of its proximity to a mature Oak tree (protected by TPO 16/18), would create an unsustainable relationship between the tree and dwelling house, resulting in additional future pressure for premature removal or reduction of the tree, detrimental to its health and amenity, contrary to Policy CS38 (Trees, Hedges and Woodlands) of the Reading Borough Council LDF Core Strategy 2008 (amended 2015).

Informatives

1. The decision relates to the following drawings:

Drawing No.:

- 180711-1 - Location Plan
- 180711-2 - Site Plan
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2. The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice.