

DELEGATED APPLICATION REPORT - Application No. 181638/FUL

Address: 9 Elsley Road, Reading

Proposal: Erection of two-storey dwelling with integral garage

Case Officer: Ethne Humphreys

Determination Date: Originally 14/12/2018; EOT agreed until 23/04/2019

Site Description and Surrounding Area:

The application relates to land to the north east of No.9 Elsley Road. It is a corner plot location on the south east side of Elsley Road next to the junction with Clevedon Road. The site currently serves the garden to No.9 Elsley Road. No.9 Elsley Road itself is a large detached property set at a slightly higher level than the land in question.

The surrounding area is characterised by fairly low density residential development consisting predominantly of large dwellings set within large plots with dwelling scales ranging from bungalows to two-storey dwellings of differing designs.

Proposal: The application seeks planning permission for the erection of a two storey dwelling with integral garage. A new access is proposed from Elsley Road, approximately 30m from the corner with Clevedon Road. There would be 4 parking spaces, with indoor cycle storage. The dwelling would be constructed out of facing brick to match existing.

Plans Considered:

Drawing No: Ground Floor Plan 1446.03B

Drawing No: First Floor Plan 1446.04A

Drawing No: Proposed Elevations 1446.05A

Drawing No: Proposed Elevations 1446.06A

Received 6th December 2018

Drawing No: Proposed Street Elevations 1446.07B

Received 11th December 2018

Drawing No: Site Plan 1446.02E

Received 8th January 2019

Relevant Planning History:

None.

Consultation Responses:

Natural Environment: No objection subject to conditions to require submission and implementation of a landscape plan/scheme.

Transport: Further to revised plans/information, no objection subject to conditions.

Neighbouring properties along Elsley Road and Clevedon Road were consulted and site notice was displayed.

One neighbour letter received, concerned with:

- Height of roof/visibility
- Loss of privacy to both properties

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT

The agent was advised of comments from the Transport Team in relation to visibility splays and the Natural Environment Team in respect of tree protection. Revised plans were received addressing the comments raised.

Formal pre-application advice was sought prior to the submission of this application, which considered that a scheme of this scale would likely be acceptable subject to design.

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.

Relevant Planning Policy and 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. 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).

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

Reading Borough LDF Core Strategy (Adopted January 2008, updated 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 and Amenities
- CS14 Provision of Housing
- CS15 Location, Accessibility, Density and Housing Mix
- CS16 Affordable Housing
- CS20 Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS34 Pollution and Water Resources
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodlands

Sites and Detailed Policies Document - (Adopted October 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 Gardens
- DM12 Access, Traffic and Highway-Related Matters

DM18 Tree Planting

Supplementary Planning Guidance

Revised Sustainable Design and Construction SPD adopted July 2011

Revised Parking Standards and Design SPD adopted October 2011

Affordable Housing SPD adopted July 2013

Section 106 Planning Obligations SPD 2013

Appraisal

The main issues to be considered are:

- Principle of Development
- Design, Impact on Street Scene and Character of the Area
- Impact on Neighbouring Amenity
- Amenity of Future Occupiers
- Impact on Natural Environment
- Impact on Archaeology
- Impact on Parking/Highways
- Sustainability
- Affordable Housing
- CIL

The principle of the development

The NPPF states that LPAs should “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”. The NPPF definition of ‘previously developed land’ excludes private residential gardens.

Therefore, it is clear that the priority for development should be on previously developed land, in particular vacant and derelict sites and buildings. However, that does not mean that the development of private residential garden land is unacceptable in principle, rather that previously developed land should be the first choice for housing development.

The Council’s LDF SDPD Policy DM11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage of private residential gardens will be acceptable where:

- a) It makes a positive contribution to the character of the area;
- b) The site is of an adequate size to accommodate the development;
- c) The proposal has a suitable access;
- d) The proposal would not lead to an unacceptable tandem development;
- e) The design minimises the exposure of existing private boundaries to public areas;
- f) It does not cause detrimental impact on residential amenities;
- g) The emphasis is on the provision of family housing;
- h) There is no adverse impact on biodiversity, and
- i) The proposal does not prejudice the development of a wider area.

Therefore, while the proposed site is not 'previously developed land', the principle of redevelopment is considered acceptable providing the criteria outlined in Policies are met, discussed below.

Design, Impact on Street Scene and Character of the Area

The proposed dwelling would be sited forward of No.9 Elsey Road. However, would not be forward of the majority of the building line along this part of Elsey Road, including No.1 Elsey Road on the opposite corner junction with Clevedon Road. Whilst the dwelling would be forward of the building line of Clevedon Road, this would mostly be in respect of the single storey garage element and not considered unacceptable given the distance of at least 12m to No.33 Clevedon Road which helps to downplay its impact.

The character of the surrounding properties along this part of Elsey Road is mostly of large, two storey detached houses of varying designs. The proposed front gable feature would be somewhat bulky in appearance, and the overall footprint would be large. However, it would have a similar eaves height to No.9 Elsey Road, whilst set at a lower level which would help to minimise the impact. Given the separation to the side boundaries, combined with the single storey elements, hipped roofs and the siting of the dwelling within the plot it is considered to suitably accommodate the dwelling without giving a feeling of being cramped or overdeveloped. Furthermore, the amenity space to the proposed dwelling is considered sufficient in size and is not considered out of keeping with the rear amenity space to surrounding properties.

To ensure suitable quality of materials it is considered reasonable and appropriate to secure further details (and samples) of the proposed materials by way of a suitable worded condition. With this condition secured and in light of the above, it is considered that the

proposals would not adversely harm the character of the surrounding streetscape or give rise to an overly dominant or incongruous addition to the street scene such to warrant a refusal.

Policies DM10, DM11 and CS7.

Impact on Neighbouring Amenity

Looking at the impact on No.9 Elsey Road itself, no first floor windows are proposed on the flank elevation facing this property and as such there would be no material loss of privacy to the actual dwelling of No.9. Similarly, any views of the remaining garden space to No.9 would be at an oblique angle and not unacceptable.

The proposed dwelling would be sited to the north west of No.9, at a distance of approximately 3.5m to the common boundary and 6m to No.9 itself. Whilst visible, the roof would be hipped away to minimise the impact, Given this and the distance, combined with the change in site levels wherein the proposed dwelling would be sited lower than No.9 by at least 1m, the proposals are not considered to result in any significant material loss of light or overbearing impact.

In relation to No.33 Clevedon Road, 3 first floor windows are proposed on the flank elevation facing this property, one across the front of the site and two towards the flank elevation of No.33. There is a first floor side window on the flank elevation (dormer window) of No.33, which appears to be obscurely glazed. Given the distance of approximately 16m and 20m from the windows to the dormer window of No.33 itself, it is not considered that there would be any significant loss of privacy or overlooking to the occupiers of this property. Similarly, projecting forward of No.33, given the distance, there would be no material loss of light or overbearing impact.

Concern has been raised that the proposed dwelling would result in a loss of privacy/overlooking to No.8 The Beeches, located to the west of the site. Any views towards No.8 would be at an oblique angle and at a distance of at least 25m. Given this, and the intervening Elsey Road itself, the proposals are not considered to result in any significant loss of privacy or overlooking.

In general terms it is noted that the proposed dwelling could be subject to significant further extensions and alterations under subsequent permitted development rights, which could negatively impact on the amenity of nearby occupiers. In order to manage this, it is

considered necessary and reasonable to secure a condition to remove permitted development rights under Classes A (alterations), B (roof additions) and E (outbuildings). In addition, a further condition is required in respect of protecting the amenity of neighbours during the construction period. A construction method statement will therefore be secured via condition and is required from a highway safety perspective too. As such in overall terms, considering all nearby residential occupiers, no significantly harmful amenity impacts would occur, subject to conditions.

Policies DM4 and DM11.

Amenity of Future Occupiers

It is considered that the proposals would provide an overall good standard of accommodation for future occupiers of the dwellings. All rooms are considered to be of a suitable size, providing suitable outlook, natural lighting and ventilation. Furthermore, the proposed garden space would be commensurate to the size of the dwelling and in keeping with the character of the surrounding area.

Policies DM4, DM10 and DM11.

Impact on Natural Environment

The main boundary hedging (in parts double hedges) is an important landscape feature, in keeping with the character of the area and reflected by a well-clipped hedge of a similar size on the opposite side of Elsey Road. The proposed retention of the hedges and surrounding smaller trees would enhance the site and help the property to blend well into the established, verdant street scene. During the course of the application the temporary tree protection plan was revised to extend the temporary fencing to protect retained trees to the rear of the dwelling and also the boundary hedging as an important landscape feature. Further to this, no objection subject to conditions.

Policies CS36, CS38

Impact on Parking/Highways

The site is located in Zone 3, Secondary Core Area of the adopted Parking Standards and Design SPD. In accordance with the adopted SPD, the development would be required to provide a parking provision of 2 spaces per 4 bedroom dwelling. Garage parking is proposed as well as additional parking on an area of hard standing for a further 2 cars; cycle storage is

also illustrated within the garage area, in accordance with the Council's current standards and deemed acceptable.

A new access is proposed to serve the new dwelling from Elsley Road which would require alterations to the grass verge within the public highway. There is a lamp column situated in close proximity to the proposed access site and any costs related to the relocation of the lamp column would be met by the applicant. The Council's Highways section will need to be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway - to be attached as an informative. Revised plans were received illustrating the position of the lamp column in relation to the proposed access, as well as visibility splays of 2.4m x 43m illustrated on plans. Further to revised plans, no objection subject to conditions and informatives.

Policies CS23, CS24 and DM12.

Sustainability

The submitted Design and Access Statement and Energy and Resource Statement highlights a number of sustainability principles adopted for the proposed development considered to be in line with policy CS1 and the Revised Sustainable Design and Construction SPD (July 2011).

The appropriate level of sustainable construction would be secured the appropriate building regulations requirements.

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.

The proposal seeks to create a new dwelling and therefore a contribution towards off-site affordable housing provision is required as part of the application in accordance with policies CS9 of the Core Strategy, DM6 of the Reading Borough SDPD and the Affordable Housing SPD under Section 106 of the Town and Country Planning Act 1990. The applicant has agreed to provide the required contribution towards affordable housing of £41,875 which would be secured by way of a Section 106 agreement.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the appropriate CIL Additional Information Form. An informative would be attached to the decision notice to advise the applicant of their responsibilities in this respect. Based on the information provided, this is estimated to amount to £53,503.81 (361m2 additional x £120 per m2 x 2019 indexation).

Other Issues

In relation to planning conditions, in line with section 100ZA(5) of the Town and Country Planning Act (as amended), which came into force on 01/10/18, discussions have been undertaken with the applicant regarding pre-commencement conditions. The applicant has formally agreed to the recommended pre-commencement conditions via return email on 28/01/2019.

Conclusion

It is considered that the proposal, following the submission of additional/revised information and the conclusion of affordable housing discussions, is acceptable for the reasons set out in this report.

RECOMMENDATION:

GRANT PLANNING PERMISSION, subject to completed S106 Legal Agreement in relation to Affordable Housing, and conditions