

Application No's: 172205/FUL and 172206/LBC

Address: 18 Russell Street, Reading

Proposal: Erection of two-storey rear extension to accommodate a 1 bedroom flat

Case officer: Ethne Humphreys

Site Description and Surrounding Area:

The application site is a mid-terrace Grade II listed building located on the western side of Russell Street. It serves 4 one-bed flats at over basement, ground, first and second floor levels.

The listing description is as follows:

‘RUSSELL STREET 1. 5128 (West Side) Nos 6 to 22 (even) SU 7073 12/228 II GV 2. Early-mid C19. 2 storeys, attic and basement. Red brick with stucco plat band and 3 white brick courses below eaves. Slate roof. Each pair of houses stepped down from No 22 except No 6. Ridge chimneys. 2 dormers each (Nos 20 and 22, 1 each), mostly casements. 2 bay houses, glazing bar sash windows, arched with marginal glazing on ground floor. Round headed recess to right for deep set 6 panel door with patterned fanlight. Nos 6-14 (even) have channelled stucco surrounds. No 16 a modern glazed door.’

It is in the Russell Street/Castle Hill Conservation Area and an air quality management area. The surrounding area is residential in nature, with Russell Street characterised by flat conversions.

Proposal:

This is an application for planning permission and listed building consent for a two storey rear extension to serve a 1 x bed flat.

It is also proposed to remove the basement window and reposition it to align with the windows above and to replace the remaining windows on the rear elevation with new box sash windows to match the original.

The proposed brick and slate material would match those of the main dwelling.

Plans Submitted:

The agent supplied the following plans and documents:

Drawing No: Location Plan PL 01

Drawing No: Existing Elevations PL 04

Received 11th December 2017

Drawing No: Existing Plans PL 03

Received 22nd February 2018

Drawing No: Proposed Site Plan PL 05

Drawing No: Proposed Plans PL 06

Received 13th March 2018

Drawing No: Proposed Elevations PL 07

Drawing No: 3D Images PL 08

Received 28th March 2018

Supporting Statement

Received 11th December 2018

Relevant Planning History:

920213 Change of use to 4 self-contained flats. Removal of fire escape and demolition of two storey rear extension. Creation of stair- well at front elevation. Removal of staircase to basement. Permitted

920467 Change of use from 7 bedsit units to four self-contained flats. Permitted

Consultation Response:

The RBC Heritage Officer: Objection to the original plans:

The loss of the stair window to the rear of the property from the proposed two storey extension as this is a feature of special architectural interest. This would not be considered acceptable in relation to the statutory provisions of Section 66(1) the determination of applications affecting the Listed Building, Section 66(1) requires that:

‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

Further to revised plans: Objection

Tree Officer: No objection.

Transport Officer: No objection subject to conditions and informatives.

CAAC: No comments received.

Public consultation:

19 nearby occupiers were formally consulted. A site notice was erected and a press notice was published. No neighbour letters of representation have been received.

Summary of discussions with applicant/agent:

The agent was advised of concerns relating to the loss of an original arched window on the rear elevation and the overbearing impact of the proposed extension in terms of neighbour amenity. Revised plans were received to try and overcome the issues raised; whilst the plans kept the arched window, the revised design was considered to be contrived and harmful to the character of the listed building. The proposals were still considered to cause harm in terms of neighbour amenity. It was further considered that the proposed flat failed to provide a suitable quality of residential accommodation. Therefore, the revised plans were not considered satisfactory and the agent was revised that the application was still attracting a refusal. The agent opted to receive the decision notice on the basis of the revised plans.

No formal pre-application advice was sought prior to the submission of this application.

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 and Legal Context

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the listed building or its setting or any features of special interest which it possesses.

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), 'Reading Central Area Action Plan' 2009 and 'Sites and Detailed Policies Document' 2012 (Altered 2015).

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Historic England Good Practice Guide Note Number 2: managing significance in decision-taking

Reading Borough Local Development Framework Core Strategy (2008) (Altered 2015) Policies:

CS7: Design and the Public Realm

CS14: Provision of Housing

CS15: Location, Accessibility, Density and Housing Mix

CS20: Implementation of the Reading Transport Strategy

CS24: Car / Cycle Parking

CS34: Pollution and Water Resources

CS33: Protection and Enhancement of the Historic Environment

CS38: Trees, Hedges and Woodland

Sites and Detailed Policies Document (2012) (Altered 2015)

DM4: Safeguarding Amenity

DM5: Housing Mix

DM6: Affordable Housing

DM9: House Extensions and Ancillary Accommodation

DM10: Private and Communal Outdoor Space

DM12: Access, Traffic and Highway Related Matters

Other relevant documentation

Russell Street/Castle Hill Conservation Area Appraisal (2004)

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

Supplementary Planning Document - Revised Parking Standards and Design (2011)

Appraisal

Design, impact on the host property, historic character and appearance of the listed building and conservation area

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CS33 states that the character and integrity of listed buildings will be preserved, and the Council will seek to enhance the settings of listed buildings wherever appropriate, by ensuring that new development in their vicinity is sympathetic.

There are examples of two storey rear extensions along this part of Russell Street and a suitably designed rear extension is acceptable in principle. To facilitate the proposal, the plans originally proposed the removal of an original arched window at first floor. This window is a feature of special architectural interest and its loss would diminish the integrity of this listed building.

In this respect, the agent stated that whilst this window would be lost to accommodate the extension, there would be major improvements to the appearance of the rear of the building overall, and more, that the loss of the window would be outweighed by the improvements which would restore and enhance the rear of the building. The proposal to replace the basement window and reposition to be in line with the windows above, and the replacement of all windows with box sash timber windows to match the original, is, in itself, considered acceptable. However, these elements were not considered to mitigate the effect of losing the arched window.

With regards to the above, the agent was advised that the removal of this window would be unacceptable and revised plans were received showing the window to be retained. Whilst the retention of this window is appropriate, as discussed above, the redesign of the proposed extension would result in the extension obscuring views of this window, diminishing its special architectural interest. Further to this, the redesign of the extension, with the flat roof projection between parapet walls, is considered contrived in appearance and would fail to relate well to the existing building; indeed, the proposal would have an awkward visual relationship to the main building, with an unrelated roof, which would detract from and impinge upon the setting of this listed building. At a depth of approximately 6m from the rear wall, this is considered to be an overly deep projection, which, combined with the design, is considered to be an overly incongruous and unsympathetic addition.

Given the above, the proposal, would be harmful to the character of the listed building, would neither preserve nor enhance the character or appearance of the conservation area and would therefore fail to protect the significance of these designated heritage asset.

The Planning (Listed Buildings and Conservation Areas Act) 1990 and the NPPF create a strong presumption against the grant of planning permission for development which will harm designated heritage assets, requiring particularly strong countervailing factors to be identified before this presumption can be treated as overridden. It is noted that the Supporting Statement submitted with the applications makes no reference to either Policy CS7 (Design in the Public Realm) or CS33 (Protection and Enhancement of the Historic Environment) and indeed makes reference to an outdated policy. Whilst not a reason for refusal, it is somewhat surprising that regard has not been had to current policies, especially in the context of the building being listed and within a conservation area.

It is considered that the scale of any extension to a Listed Building has to be tempered to the scale of the original building and respect elements of architectural and historic interest. Indeed, whilst there is no objection to a suitably design rear extension, this should not be to the detriment of the architectural and historic integrity of the listed building and its setting.

The proposed development, due to its detailed design and appearance, would result in an incongruous and unsympathetic rear extension failing to integrate well with the host building and detrimental to the integrity and setting of the listed building within the conservation area. The development would fail to preserve or enhance the special architectural character and appearance of these heritage assets. This would be contrary to Policies CS7 (Design and the Public Realm) and CS33 (Protection and Enhancement of the Historic Environment) of the Core Strategy 2008 (altered 2015), Policy DM9 (House Extensions and Ancillary Accommodation) of the Sites and Detailed Policies Document 2012 (altered 2015) and the National Planning Policy Framework 2012.

Amenity of future occupiers

The proposed quality of residential accommodation is considered to be poor. The proposed living/kitchen area does not appear to meet the Technical housing standards - nationally described space standards. For clarity, RBC has not formally adopted these National Standards, but refers to them for guidance. Nonetheless, they are a good indication of the poor quality living space being presented, which would be unacceptably small and harmfully cramped due to the actual useable space. The proposals require the introduction of a spiral staircase to save space; however, given the size and layout, the future occupier could feel hemmed-in and overly confined with limited circulation space. There would be little storage for all but bare essentials; the occupier's quality of life would be harmfully constrained. Thus, the proposal would provide unacceptably small and harmfully cramped living conditions for its occupier.

Both the ground and first floor would be served by a single west-facing window which would provide the only sources of natural light. This is likely to result in dark and gloomy living conditions for future occupiers as light penetration in the west facing elevation is unlikely to be significant until the latter part of the day and less so in the autumn and winter months.

Furthermore, compared to the units in the existing building, the proposed one bedroom flat would be significantly smaller. Whilst in isolation the bedroom might be acceptable, in combination with the living area, the overall accommodation would be unacceptable and would result in a unit of poorer quality than the original property. Although minimum internal space standards for dwellings are not specified in the National Planning Policy Framework (the Framework), there would be conflict with its core planning principle relating to a good standard of amenity being provided for all existing and future occupants of land and buildings.

As such, the proposal would be contrary to Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015). It would also be contrary to the NPPF which aims to always seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land buildings.

Impact on neighbouring amenity

The neighbouring properties potentially affected by the proposals are No's 16 and 20 Russell Street, located to the north and south of the property respectively, and the occupiers of the exiting flats to No.18.

In relation to No.16, this property has the benefit of two storey extension adjacent the common boundary. Whilst the proposed extension would project past this, there are no windows on the rear elevation, the roof would be hipped away to minimise the impact and the height of the eaves would be similar to that at No.16. As such it is not considered to result in any material loss of light or overbearing impact. No windows are proposed on the north facing flank elevation and as such there would be no material loss of privacy.

In relation to No.20, whilst visible, it would not breach a 45 degree line to the nearest habitable room window. The roof would be hipped away to minimise the impact and given the distance from the extension to the common boundary it is not considered to result in any material loss of light or overbearing impact. No first floor windows are proposed on the south facing flank elevation and as such there would be no material loss of privacy.

In relation to No.18 itself, given its position on the rear elevation the extension is not considered to result in any material loss of amenity to the occupiers of the second floor flat. In relation to the first floor, the extension would be visible from the bedroom window on the rear elevation.

Whilst there may be some infringement on the light to this window, given the position of the extension and that the roof would be hipped away, it is not considered to result in any significant material loss of light or overbearing impact.

Notwithstanding the above, there are, however, concerns that the proposed extension would result in a significant material overbearing impact to the bedrooms of the basement and ground floor flats. Both bedrooms are served by one window each on this rear elevation. The proposed extension would project approximately 6m past these windows and would clearly breach a 45 degree line to both windows. The agent considers that the basement bedroom would not lose light as the extension does not 'get in the way of' the sun, and has submitted a revised block plan showing the curve of the sun's direction. Whilst this is noted, in respect of its proximity, depth and height the extension is considered to cause a detrimental impact to the living environment of both the ground and first floor flats in terms of dominance and overbearing impact. As such, the proposal is contrary to Policy DM4 of the Sites and Detailed Policies Document (2012) and the Council's Supplementary Planning Guidance - A Design Guide to House Extensions (2003).

Impact on Parking/Highways

This proposal will increase the number of existing units at No.18 Russell Street from 4 x 1 bed flats to 5 x 1 bed flats.

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading. Typically this zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. It is also part of the Russell Street/Castle Hill conservation area.

Plans submitted illustrate that there are 3 off road parking spaces at the rear of the development accessed via a shared access point from Franklin Street. The planning statement refers to improvements to the rear parking area to define the 3 car parking spaces, it is therefore assumed this is existing provision for the 4 flats and no new off road parking is to be provided for the new unit.

The Council's Supplementary Planning Document: *Revised Parking Standards and Design* (SPD) requires 1 parking space for each dwelling, therefore a total of 5 spaces would be required for this development; the provision therefore falls short of the standard.

The site is located within a Residents Permit Parking Zone 08R where there is significant pressure for on-street parking. Whilst the site is accessible to good public transport links and

local shops, the shortfall in residential parking should not be accommodated on the surrounding roads where there is already significant demand for on-street parking. Therefore, the parking conditions and informative should be applied to prevent any future occupants of the new flat from obtaining a resident or visitor parking permits for the surrounding residential streets where parking is under considerable pressure. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area. In view of this, a parking provision below the required standard is considered acceptable.

In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces per flat. These facilities should be provided within a secure covered store. This has not been illustrated on plans, but could be secured by way of a suitably worded condition.

Although not illustrated it is assumed that the bin storage and collection area will be the same as provided by the existing 4 dwellings; However this should be illustrated on revised plans and the Councils waste /refuse team should be contacted to ensure the correct capacity of bins are provided for the development. Should the application have otherwise been considered acceptable then revised plans would have been requested showing bin/storage provision.

Given the scale and location of the development a Construction Method Statement will be required.

Transport does not have any objections to this application subject to conditions and informatives.

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.

This planning application does not relate to the conversion of an existing property and would require a sizeable two storey extension to accommodate the proposed 1 bedroom flat. Therefore, the application would need to accord with the requirements of Policy DM6 and make an appropriate contribution towards off-site housing provision. The applicant has agreed to enter into a legal agreement to secure a financial contribution; however, as the proposal is not considered acceptable in other planning terms, the Council has not pursued the S106 legal agreement to secure the financial affordable housing provision. Given the application is being refused for a separate reason, the absence of a section 106 legal agreement or unilateral undertaking to secure the required financial contribution is considered to represent a further reason for refusal. An informative will specify that this reason for refusal could be overcome, in the context of an acceptable scheme in all other respects, by entering into an s106 or unilateral undertaking.

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 have been attached to any planning permission (not applicable given the proposal is recommended for refusal) to advise the applicant of their responsibilities in this respect, given it is likely that the proposals would be CIL liable.

RECOMMENDATION

Refuse Full Planning and Listed Building Consent

Reasons for refusal:

172205/FUL

1. The proposed development, due to its detailed design and appearance, would result in an incongruous and unsympathetic rear extension failing to integrate well with the host building and detrimental to the integrity and setting of the listed building within the conservation area. The development would fail to preserve or enhance the special architectural character and appearance of these heritage assets. This would be contrary to Policies CS7 (Design and the Public Realm) and CS33 (Protection and Enhancement of the Historic Environment) of the Core Strategy 2008 (altered 2015), Policy DM9 (House Extensions and Ancillary Accommodation) of the Sites and Detailed Policies Document 2012 (altered 2015) and the National Planning Policy Framework 2012.
2. The proposed development, due to its proximity, depth and height, is considered to result in a detrimental impact to the living environment of both the ground and first floor flats of the existing building in terms of dominance and overbearing impact. This would be contrary to Policy DM4 (Safeguarding Amenity) of the Sites and Detailed Policies Document 2012 (altered 2015), the Council's Supplementary Planning Guidance - A Design Guide to House Extensions (2003) and the National Planning Policy Framework 2012.
3. The proposed development is considered to provide an unacceptable standard of accommodation due to its unsatisfactory internal space, resulting in a cramped appearance, which, combined with poor light levels will adversely impact upon the level of amenity and quality of living accommodation which future occupants should reasonably expect to enjoy. This would be contrary to Policy DM4 (Safeguarding Amenity) of the Sites and Detailed Policies Document 2012 (altered 2015) and the National Planning Policy Framework 2012.
4. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to Policy DM6 (Affordable Housing) of the Sites and Detailed Policies Document 2012 (altered 2015) and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

Informatives

1. This application was assessed on the basis of the following plans and documents:

Drawing No: Location Plan PL 01

Received 11th December 2017

Drawing No: Proposed Site Plan PL 05

Drawing No: Proposed Plans PL 06

Received 13th March 2018

Drawing No: Proposed Elevations PL 07

Drawing No: 3D Images PL 08

Received 28th March 2018

Supporting Statement

Received 11th December 2018

2. The Local Planning Authority has been positive and proactive in dealing with the application by advising of the issues and concerns with the application. However, the applicant chose not to withdraw the application, hence the issuing of these refusal notices within the agreed time period. Use of the Council's pre-application advice service can avoid the need to refuse planning permission. This scheme was not subject to pre-application planning advice.
3. Without prejudice to any future application or appeal, the applicant is advised that reason for refusal 4 (affordable housing) could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.
4. The applicant is advised that the refused scheme, had it been able to be approved, would have been likely to have been a CIL (Community Infrastructure Levy) liable development.

172206/LBC

1. The proposed development, due to its detailed design and appearance, would result in an incongruous and unsympathetic rear extension failing to integrate well with the host building and detrimental to the integrity and setting of the listed building within the conservation area. The development would fail to preserve or enhance the special architectural character and appearance of these heritage assets. This would be contrary to Policy CS33 (Protection and Enhancement of the Historic Environment) of the Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012.

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