

DELEGATED APPLICATION REPORT

Address: 9 Surley Row

Application No: 182228/VARIAT

Proposal: Variation of condition 2 (approved plans) of planning permission 172096 (single storey front extension, single storey rear extension, proposed outbuilding in rear garden) to remove the link between the garage and main house.

Applicant: Mr & Mrs Evans

Date received (valid from): 18/12/2018

Target Decision date: 12/02/2019

Case officer: Tom French

1. Site Description and Surrounding Area

The application site comprises a detached single dwellinghouse located on the south-west side of Surley Row. The property was built following the granting of planning permission in 2011 (see relevant history section below). It includes relatively high brick boundary walls to the front and on the boundary with No's 13 & 15 to the north-west. The immediate surrounding area is predominantly residential, with a combination of similarly expansive detached houses (particularly to the south - largely set in generous grounds) and some terraced /semi-detached properties to the north (more densely located).

The application site building is not listed, but is located within Surley Row Conservation Area. The property is not explicitly referenced within the appraisal, but page 8 of the appraisal does note that "All buildings within the conservation area, whilst of varied design, recognise the character of the area in terms of scale and retain the essential linking feature of the area that is the high brick walls". No. 2 Surley Row (Fir Tree House), directly opposite the application site on the north-east side of Surley Row, is Grade II listed, as is White Cottage further to the north.

Although there are no TPO trees within the application site, there are a number of mature trees within the site, including a conifer and willow close to the existing shed in the rear garden. The conservation area appraisal specifies at p8 that trees generally are an important element of the character and quality of the area.

2. The Proposal & procedural background

The applicant is seeking to vary condition 2 (approved plans) of planning permission 172096, which granted the erection of a single storey front extension, single store rear extension and outbuilding in rear garden.

More specifically, it is sought to remove the link between the main house and the detached garage. There is no change proposed to the front extension or rear extension.

From a procedural perspective, relevant guidance from the NPPG is reproduced below:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 017 Reference ID: 17a-017-20140306

Is there a definition of ‘minor material amendment’?

There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Annex A: summary comparison table

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions. Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place.

3. Public Consultation

Neighbour Consultation

4 neighbours consulted by letter; no responses have been received. The applicant returned a form outlining that they erected a site notice; no responses have been received.

4. Internal Consultations

The Transport Officer and Natural Environment Officer have no objections to the proposals.

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following plans which will appear on the new decision notice:

3466/200 Rev J Proposed Floor Plan
3466/201 Rev K Proposed Elevations
3466/202 Rev E Proposed Shed Floor Plans and Elevations
3466/203 Rev K Proposed Site Plan
3466/205 Rev D Block Plan
3466/206 Rev A Location Plan
3466/207 Rev B Proposed Elevations With Context
3466/208 Rev B Proposed Section A-A & B-B
All received on 18/12/2018

This will supersede the following plans referenced on permission 172096:

3466/205 Rev B Block Plan
3466/203 Rev H Proposed Site Plan
3466/200 Rev H Proposed Floor Plan
3466/201 Rev J Proposed Elevations
3466/202 Rev E Proposed Shed Floor Plans and Elevations
3466/207 Rev A Proposed Elevations With Context
3466/208 Rev A Proposed Section A-A & B-B
All received on 08/02/2018

6. Relevant Planning History

101397 - Demolition of existing bungalow and erection of part two storey, part one and a half storey and part single storey replacement dwelling. Refused 15/10/10.

101632 - Demolition of existing bungalow and erection of part two storey, part one and a half storey and part single storey replacement dwelling. Refused 18/10/10:

111125 - Demolition of existing bungalow and erection of part two storey, part one and a half storey and part one storey replacement dwelling (re-submission of 10/01565/FUL). Granted 25/03/11.

111357 - Demolition of existing bungalow and erection of part two storey, part one and a half storey and part one storey replacement dwelling (re-submission of 10/01566/CON). Granted 25/03/11.

111465 - Discharge of conditions 3, 4, 6, 7 and 8 of planning permission 11/00045/FUL. Split Decision 17/02/12.

110571 - Discharge of condition 3 of planning consent 11/00046/CON. Not discharged 08/10/12.

121216 - Discharge of conditions 3, 4, 6, 7 and 8 of planning permission 11/00045/FUL. Split Decision 08/10/12.

172096 - Single storey front extension, single storey rear extension, proposed outbuilding in rear garden. Granted 28/02/2018

7. 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.

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

As per the NPPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2012 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:

9. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework

National Planning Policy Guidance

Reading Borough LDF Core Strategy (Adopted January 2008) (Altered 2015)

CS7 Design and the Public Realm

CS36 Biodiversity and Geology

CS38 Trees, Hedges and Woodlands

Sites and Detailed Policies Document - (Adopted October 2012) (Altered 2015)

DM4 Safeguarding Amenity

DM9 House Extensions and Ancillary Accommodation

Supplementary Planning Guidance/Documents

SPG - A Design Guide to House Extensions

10. Appraisal

It is considered that the proposed removal of the link between the garage and the main house is appropriate in itself and within the context of the originally approved scheme (application reference 172096).

The proposed alterations would represent a reduction in built form and would not be readily visible from the street scene along Surley Row to the front or Picton Way to the rear. The proposed alterations would not have a detrimental impact upon the amenity or living environment of neighbouring no.7 or 13 Surley Row (primarily owing to the alterations in question being a reduction to the permitted scheme).

The Transport and Natural Environment officers are also content with the proposed changes. Furthermore, in line with the NPPG, cumulatively the proposals can be considered to be ‘minor material amendments’, as both individually and collectively (by virtue of scale and/or nature considerations) they are considered to result in a development which is not substantially different from the one which was originally approved.

Recommendation

Grant variation of condition 2.

In line with the NPPG, all of the original conditions (as part of 172096) are reproduced, with the altered worded conditions (bearing in mind the NPPG) incorporated.

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 original permission (Reference 172096) was granted (on 28/02/2018).

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with section 91 of the Town & Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

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

3466/200 Rev J Proposed Floor Plan
3466/201 Rev K Proposed Elevations
3466/203 Rev K Proposed Site Plan
3466/205 Rev D Block Plan
3466/206 Rev A Location Plan
3466/207 Rev B Proposed Elevations With Context
3466/208 Rev B Proposed Section A-A & B-B
Received on 18/12/2018

3466/202 Rev E Proposed Shed Floor Plans and Elevations
Received on 08/02/2018

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

3. 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 unless where otherwise stated on the approved plans.

Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

Reason: in the interests of ensuring that the new development appears in keeping with the existing building in accordance with Policy CS7 of the Reading Borough LDF Core

Strategy 2008 (Altered 2015) and Policy DM9 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

4. The front extension or rear outbuilding hereby approved shall only be used for purposes incidental to the residential use of the single family dwellinghouse at No. 9 Surley Row and shall not be used as a separate independent Class C3 dwelling or Class B1 business unit.

Reason: To ensure that the future occupation of the front extension or rear outbuilding does not adversely affect the amenity of adjoining residential premises/immediate area by reason of noise, traffic congestion and excessive on-street parking and is not used for unauthorised purposes, in accordance with Policies CS10 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

5. No materials, soil, rubbish or vehicles shall be deposited or stored within the Root Protection Areas (as defined by BS5837:2012) of retained trees and no fires shall be lit, and no raising or lowering of ground levels shall take place within these areas. No drains, pits, ditches or trenches shall be dug in or run across these areas at any time before, during and after the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that retained trees are adequately protected, in the interests of the visual amenities of the locality, in accordance with Policies CS7 and CS38 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives:

1. These works will require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but 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.
3. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

4. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:
<http://www.communities.gov.uk/publications/planningandbuilding/partywall>
5. The decision to grant planning permission follows the positive and proactive consideration of the issues raised by this planning application and issuing the decision within the agreed time period.