

DELEGATED APPLICATION REPORT

Application No: 181103/VAR

Address: 219 Hartland Road, Reading

Proposal: Variation of condition 2 (approved plans) of planning permission 160822 dated 13/03/17 (Additional 3 bedroom 2 storey detached new dwelling on side of the existing house following demolition of existing detached garage and hip to gable conversion of existing dwelling) namely to re-site the dwelling, reposition porch and fenestration changes

Case officer: Ethne Humphreys

Target Date: Originally 07/09/2018; extension of time agreed until 20/12/2018

Site Description and Surrounding Area:

The application site comprises an existing semi-detached dwelling and linked garage located on the north side of Hartland Road, on the corner with Rowdell Drive. This corner plot is larger than many in the area and the surrounding area is predominantly residential.

The Proposal & Procedural Background

This is an application for variation of condition 2 (approved plans) of planning permission 160822 dated 13/03/17 (Additional 3 bedroom 2 storey detached new dwelling on side of the existing house following demolition of existing detached garage and hip to gable conversion of existing dwelling) namely to re-site the dwelling, reposition the porch and fenestration changes.

From a procedural perspective in terms of planning permissions, relevant guidance from the NPPG is reproduced below in respect of minor material amendments:

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.

Consultation

Neighbour Consultation

Notification letters were sent to neighbouring properties and a site notice was put up. One letter of objection received concerned with:

- Revised gaps between the existing dwelling and the new build, and the boundary and the new build would be too narrow, compromising on outside space.

Internal / External Consultations

Highways: No objection subject to conditions and informatives.

Trees: No objection subject to conditions and informatives.

Relevant history

160822 Additional 3 bedroom 2 storey detached new dwelling on side of the existing house following demolition of existing detached garage and hip to gable conversion of existing dwelling. Permitted 13/03/2017

152000 Conversion of an existing garage to an Annex. Garage flat roof to be replaced with pitched roof. All external materials to be matched with the existing dwelling. Permitted 08/02/2016

Plans Considered:

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

Drawing No: Existing Plans PL-01

Drawing No: Existing Elevations PL-03

Received 21st June 2018

Drawing No: Proposed Block Plan PL-05 Rev A

Drawing No: Proposed Plans PL-02 Rev A

Received 20th August 2018

Drawing No: Proposed Elevations PL-04 Rev B

Received 3rd September 2018

Summary of discussions with applicant/agent:

The agent was advised that the plans as originally submitted were unacceptable. Specifically, that the resultant gap between No.219 itself and the proposed re-sited dwelling was considered too narrow, resulting in a constrained form of development over and above that

approved under application 160822. Further to this, the diminished gap was also considered to result in an unacceptable overbearing impact to the occupiers of No.219 over and above that approved under application 160822. Whilst it would just breach a 45 degree line to the nearest habitable room window to No.219, which is not in itself considered unacceptable, its position considerably closer to the east flank elevation of No.219, which also features its entrance on this elevation, would be overly dominant.

Revised plans were received increasing the gap between No.219 and the proposed dwelling and repositioning the front porch to minimise the impact on the occupiers of No.219 Hartland Road.

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. 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).

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, RCAAP 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:

Reading Borough Local Development Framework Core Strategy, 2008 (amended 2015)

CS1 Sustainable Construction and Design

- CS7 Design and the Public Realm
- CS14 Housing Provision
- CS15 Location, Accessibility, Density and Housing Mix
- 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 Woodland

Sites and Detailed Policies Document, Oct 2012 (amended 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM4 Safeguarding Amenity
- DM5 Housing Mix
- 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
- DM19 Air Quality

RBC Supplementary Planning Documents

Revised Parking Standards and Design SPD (2011)

Supplementary Planning Document: Affordable Housing (July 2013)

Supplementary Planning Document: S106 Planning Obligations (March 2014)

Sustainable Design and Construction SPD (2011)

Appraisal

This application seeks an amendment to the approved planning permission 160822 to re-site the dwelling and reposition the front porch.

Design Considerations

Application 160822 approved the new dwelling a distance of 1.9m away from the east flank elevation of No.219 Hartland Road itself. Further to revised plans, the current application proposes a distance of 1.8m between the two dwellings. In street scene terms, the re-siting of the dwelling is not considered to be so discernible over and above that approved to result in any significant material adverse effect on the visual amenities of the wider area.

The revised plans also show the re-siting of the front porch to the new dwelling, located adjacent the boundary with Rodwell Drive, as opposed to its approved position immediately adjacent No.219 Hartland Road. Whilst the approved location would minimise the amount of built form adjacent Rodwell Drive, its re-position would replicate the entrance feature to No.219. Given its single storey nature and modest scale, it is not considered to be so overtly prominent over and above that approved to result in any significant material adverse effect on the visual amenities of the either the host dwelling or the wider area.

No objection to the fenestration changes in design/street scene terms.

Impact on Neighbour Amenity

The proposed dwelling would be sited 1m closer to No.219 Hartland Road than that approved. Whilst this would be noticed by the occupiers of this property, the repositioning of the porch feature would help to minimise the impact. Indeed, the entrance door to No.219 is located on the east flank elevation (of the front porch) and the repositioning of the porch further away would result in a better relationship between the two dwellings. Given this, the re-siting of the dwelling is not considered to result in any significant material loss of light or overbearing impact over and above that approved such to warrant a refusal on this basis.

A window is proposed on the ground floor west flank elevation facing No.219 Hartland Road; this would serve a bathroom and is proposed to be obscure glazed which could be secured by way of a suitably worded condition. As such, it is not considered to result in any significant material loss of privacy.

At first floor, a window has been omitted on the west flank elevation facing No.219 Hartland Road; no additional impact to the occupiers of this property.

A second first floor window is proposed on the east flank elevation; given that it would face across Rowdell Drive, this is not considered to result in any material loss of privacy over and above that approved under application 160822.

Quality of Residential Accommodation

To facilitate the changes, the internal layout has been revised. At ground floor, the windows along the east flank elevation have been omitted. Whilst this does reduce the amount of light to the kitchen/living areas, they would still be afforded light from the windows on the front and rear elevations of the dwelling. Given the relatively modest scale of these areas, this is, on balance considered sufficient.

At first floor, all habitable rooms would be of a regular shape, providing suitable outlook and natural lighting. Whilst slightly smaller in size than that approved, given the above, they are not considered to be so small so as to be detrimental to the amenities of the future occupiers of the dwelling. There would remain space on site for the adequate storage of waste and recycling bins and no change is proposed to the amount of garden space provided which has previously been considered acceptable.

Natural Environment

Whilst the revised plans would reduce the amount of space available for landscaping at the front of the site, there is still sufficient scope for landscaping and the Council's Tree Officer has no objection to the re-addition of landscaping conditions.

Parking/Highways

The revised plans do not change the access/parking arrangements approved under application 160822. The Transport Officer has no objection to the re-addition of access/conditions.

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 £4,683.82 (66.8m² of the proposed dwelling - 35m² of the existing garage = 31.8m² additional x £120 per m² x 2018 indexation (£147.29)).

Overall conclusion

It is considered in overall terms that the proposed changes are acceptable. 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.

Procedural point - Deed of variation to the s106 Legal Agreement

As per the NPPG advice, given that this application effectively grants a new permission at the site, it is considered necessary to secure a deed of variation to the s106 legal agreement secured as part of this application.

RECOMMENDATION:

Grant variation of condition 2 subject to the completion of a deed of variation s106 legal agreement.

In line with the NPPG, all of the original conditions (as part of 160822) are reproduced below in green, with the now proposed conditions (bearing in mind the NPPG and subsequent applications / approvals since this point in time - as per the relevant history section above) below in blue. Officer notes explaining the changes are detailed in red.

The development hereby permitted shall begin no later than three years from the date of the decision.

Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 160822) was granted (on 13/03/2017).

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.

The original permission has not yet been implemented, so this condition has been altered to specify that the applicant has 3 years from the original permission (rather than this minor material amendment) to implement the scheme.

This permission relates only to the following:

Amended Block and Site Plan No. PL-02 P3 received 1st August 2016

Amended Proposed Floor Plans No. PL-03 P2 received 31st May 2016

Proposed Elevation Plans No. PL-04 P1 and PL-05 P1 received 4th May 2016

Reason: to ensure the completion of the development in accordance with the approved plans and details.

The development hereby permitted shall not be carried out other than in accordance with the following drawings/documents;

Drawing No: Proposed Block Plan PL-05 Rev A

Drawing No: Proposed Plans PL-02 Rev A

Received 20th August 2018

Drawing No: Proposed Elevations PL-04 Rev B

Received 3rd September 2018

Reason: To clarify which plans have been approved and in the interests of proper planning.

This condition has been updated to reflect the plans submitted in this application.

The materials to be used in the construction of the external surfaces of the additional dwelling hereby permitted shall match those used in the existing dwelling at 219 Hartland Road building.

Reason: To ensure that the development remains in keeping with the dwellings on this part of Hartland Road.

CORE STRATEGY DOCUMENT (Adopted 2008 & Revised 2015)

Policy CS7 (Design and the Public Realm)

The materials to be used in the construction of the external surfaces of the additional dwelling hereby permitted shall match those used in the existing dwelling at 219 Hartland Road building.

Reason: To ensure that the development remains in keeping with the dwellings on this part of Hartland Road and in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

No change.

Access constructed before development (approved drawings).

No development of the site shall commence until the access(es) has/have been constructed in accordance with the approved drawing and in compliance with the requirements of the Local Planning Authority for work carried out within the public highway.

Reason: In the interests of road safety in accordance with Core Strategy Policy CS20 and Sites and Detailed Policies document Policy DM12.

Access constructed before development (approved drawings).

No development of the site shall commence until the access(es) has/have been constructed in accordance with the approved drawing and in compliance with the requirements of the Local Planning Authority for work carried out within the public highway.

Reason: In the interests of road safety and in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015).

No change.

Construction Management Statements

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:

- (A) The parking of vehicles and site operatives and visitors - to be shown on a Plan not less than 1.500.
- (B) Loading and unloading of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500
- (C) Storage of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500

- (D) The erection and maintenance of security hoarding / scaffolding if required.
- (E) Wheel washing facilities
- (F) Measures on site to control the deposition of dirt / mud on surrounding roads during construction.
- (G) Footpath Closures /Road Closures needed during construction
- (H) Traffic Management needed during construction.
- (I) Times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway).

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety in accordance with Core Strategy Policy CS20 and Sites and Detailed Policies document Policy DM12.

Construction Management Statements

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:

- (A) The parking of vehicles and site operatives and visitors - to be shown on a Plan not less than 1.500.
- (B) Loading and unloading of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500
- (C) Storage of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500
- (D) The erection and maintenance of security hoarding / scaffolding if required.
- (E) Wheel washing facilities
- (F) Measures on site to control the deposition of dirt / mud on surrounding roads during construction.
- (G) Footpath Closures /Road Closures needed during construction
- (H) Traffic Management needed during construction.
- (I) Times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway).

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety and in accordance with Policy CS20 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).

No change.

The first floor west side elevation windows shall be obscure glazed and non-opening to parts below 1.7m measured from the respective room's floor level.

Reason: To prevent the loss of privacy to adjoining properties. Sites and Detailed Policies Document DM4: Safeguarding Amenity

The first and ground floors west side elevation windows shall be obscure glazed and non-opening to parts below 1.7m measured from the respective room's floor level.

Reason: To prevent the loss of privacy to adjoining properties and in accordance with Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015).

This condition has been updated to reflect the plans submitted in this application.

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. Landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants and trees, to include large canopy, native and wildlife friendly species, and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities,
- Details of tree pits
- Implementation timetables
- Biodiversity enhancements, including integral bird nesting (e.g. swift bricks) on and around the new buildings
- Specifications for fencing demonstrating how hedgehogs and other wildlife will be able to continue to travel across the site (e.g. fences slightly raised above ground level)
- Permeable hard surfaces

Reason: To ensure the provision of amenity, and biodiversity enhancements, afforded by appropriate landscape design and to comply with Reading's Core Strategy and paragraphs 1, 99 and 109 of the NPPF

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. Landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants and trees, to include large canopy, native and wildlife friendly species, and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities,
- Details of tree pits
- Implementation timetables
- Biodiversity enhancements, including integral bird nesting (e.g. swift bricks) on and around the new buildings
- Specifications for fencing demonstrating how hedgehogs and other wildlife will be able to continue to travel across the site (e.g. fences slightly raised above ground level)
- Permeable hard surfaces

Reason: To ensure the provision of amenity, and biodiversity enhancements, afforded by appropriate landscape design and in accordance with Policies CS36 and CS38 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

No change.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity, and biodiversity enhancements, afforded by appropriate landscape design and to comply with Core Strategy Policy CS36, and paragraphs 1, 99 and 109 of the NPPF

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity, and biodiversity enhancements, afforded by appropriate landscape design and in accordance with Policies CS36 and CS38 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

No change.

Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling (hereby permitted) shall be carried out (and no building or enclosure shall be erected or installed within the curtilage of the dwelling without express planning permission from the local planning authority.

Reason: In the interests of the living conditions and amenities of the future occupants of the dwelling, neighbouring residential properties and to protect and maintain the character of the area.

Sites & Detailed Policies Document Policy DM9: House Extensions and Ancillary Accommodation

Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling (hereby permitted) shall be carried out (and no building or

enclosure shall be erected or installed within the curtilage of the dwelling without express planning permission from the local planning authority.

Reason: In the interests of the living conditions and amenities of the future occupants of the dwelling, neighbouring residential properties and to protect and maintain the character of the area and in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2008 (altered 2015).

No change.

Informatives

Original Permission

Terms and Conditions

Building Regulations

Damage to Highway

Works Affecting Highway

Encroachment

Construction and Demolition

CIL

S106

Positive and Proactive