

Application No: 180526/VAR

Address: Crombies Oak, Lowfield Road, Caversham

Proposal: Variation of condition 3 (approved plans) of planning permission 171791 dated 07/12/17 (Demolition of existing dwelling and construction of replacement 4-bed dwelling) namely to incorporate an integral garage

Case officer: Ethne Humphreys

Site Description and Surrounding Area:

The application site is located on the south side of Lowfield Road, close to the junction with Peppard Road. The existing site consists of a detached bungalow and there is a tall and dense hedge to the front of the site which presently screens much of the site from the road. The surrounding properties along Lowfield Road are very uniform in appearance being of two storey with gable roofs and tile hanging at first floor level, such as that adjacent to the east of the site at No's 6 and 5 Lowfield Road. The adjacent property to the west is also a bungalow but fronts Peppard Road (No.178). Further to the south along Peppard Road are a number of larger detached dwellings.

The Proposal & Procedural Background

This is an application for variation of condition 3 (approved plans) of planning permission 171791 dated 07/12/17 (Demolition of existing dwelling and construction of replacement 4-bed dwelling) namely to incorporate an integral garage.

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 regarding the planning application were sent to neighbouring properties and no neighbour letters of representation have been received.

The applicant returned a form specifying that a site notice had been displayed at the site from 18/04/18.

Internal / External Consultations

Highways: No objection.

Relevant history

171791 Demolition of existing dwelling and construction of replacement 4-bed dwelling. Permitted 07/12/2018

170649 Demolition of existing dwelling and construction of replacement 4-bed dwelling. Refused 22/06/2017

Plans Considered:

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

Drawing No: Proposed Block and Location Plans 3412/ 200C

Drawing No: Proposed Dwelling 3412/201D

Drawing No: Proposed Site Plan 3412/202C

Drawing No: Proposed Street Scenes 3412/204A

Drawing No: Existing and Proposed Areas - CIL 3412/207A

Received 22nd March 2018

Summary of discussions with applicant/agent:

The agent was advised that the proposed change is considered to go beyond the scope of a 'minor material amendment' in that the scale and nature of the proposal would result in a development which is substantially different to that which has been approved. The agent confirmed that they wished to receive the decision notice with a view to appealing.

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

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)

Appraisal

This application seeks an amendment to the approved planning permission 171791 to incorporate an integral garage.

The dimensions of the proposed garage conform to the Council's current parking standards for a single garage and the Council's Highways Officer has confirmed that there is no objection to the proposal from a transport/highways perspective.

Notwithstanding the above, the proposed change is considered to go beyond the scope of a 'minor material amendment' in that the scale and nature of the proposal would result in a development which is considered to be substantially different to that which has been approved.

Further to this, and directly linked to the above, earlier application 170649 was refused for the following reason:

"The siting and scale of the proposal would create a cramped and contrived form of development, resulting in an overdevelopment of the site and which would appear poorly integrated within the Lowfield Road frontage. As such, the proposed development would be harmful to and out of keeping with the character of the surrounding area, contrary to Policy CS7 (Design and the Public Realm) of the Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012."

The removal of the garage element in the subsequently approved 171791 allowed for a significant reduction in the overall width of the dwelling, a greater gap to both side boundaries and afforded an overall more spacious feel about the dwelling. The proposed introduction (effectively a re-introduction) of the garage element under this application, albeit on the western side of the boundary (rather than the eastern side under 170649) is considered to significantly increase the width of the dwelling, and significantly reduces the separation distance to the western and thus removing the aforementioned spacious feel. The

proposal would increase the built form along this part of the road, detracting from the spacious character derived from the scale of the houses that are of 2 storeys, with substantial gaps between them.

The existing house has a notably bigger frontage than those existing across the street scene and the proposal would near on extend across its maximum width. The existing frontage comprises a single storey dwelling and is embedded within the street scene. The proposed two storey dwelling, in combination with the proposed siting and width of the property, would result in a contrived dwelling which is of a scale out of character with the area and the street scene. It is considered that the enlargement of the existing bungalow such as that proposed would make it appear cramped within its plot: the cumulative impact of the additional bulk and mass, combined with the overall width, would create a large, wide fronted dwelling which would be perceptibly larger than the adjacent dwellings, resulting in an incongruous form of development detrimental to the character and appearance of the area and street scene in general.

Further to this, it is considered that due to the scale and form of the garage, it would be out of keeping with the character of the dwelling, appearing as a somewhat incongruous feature within the context of the permitted dwelling approved by 171791. More specifically, the height of the garage is almost to the eaves of the main dwelling, with the steepness of the pitch adding significant bulk, making the height appear almost at two storeys for a single storey structure; in this regard it is considered that a far more modestly pitched roof form could serve the same purpose internally without causing the design concerns raised.

Contrary to Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

Aside from this design based concern the other elements of the proposals are considered appropriate, in line with the appraisal at the time of permission 171791.

Overall conclusion

The proposal is considered to be outside the terms of Section 73 of the Town and Country Planning Act 1990 (as amended) as the proposed change is considered to go beyond the scope of a 'minor material amendment' in that the scale and nature of the proposal would result in a development which is substantially different to that which has been approved. Moreover, due to its scale and form, the proposal would create a cramped and contrived form of development,

resulting in an overdevelopment of the site and which would appear poorly integrated within the Lowfield Road frontage. As such, the proposed development would be harmful to and out of keeping with the character of the surrounding area, contrary to Policy CS7 (Design and the Public Realm) of the Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012.

RECOMMENDATION:

REFUSE

The proposal is considered to be outside the terms of Section 73 of the Town and Country Planning Act 1990 (as amended) as the proposed change is considered to go beyond the scope of a 'minor material amendment' in that the scale and nature of the proposal would result in a development which is substantially different to that which has been approved. Moreover, due to its scale and form, the proposal would create a cramped and contrived form of development, resulting in an overdevelopment of the site and which would appear poorly integrated within the Lowfield Road frontage. As such, the proposed development would be harmful to and out of keeping with the character of the surrounding area, contrary to Policy CS7 (Design and the Public Realm) of the Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012.

Informatives

This decision was issued on the basis of the following plans:

Drawing No: Proposed Block and Location Plans 3412/ 200C

Drawing No: Proposed Dwelling 3412/201D

Drawing No: Proposed Site Plan 3412/202C

Drawing No: Proposed Street Scenes 3412/204A

Drawing No: Existing and Proposed Areas - CIL 3412/207A

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The Local Planning Authority has been positive and proactive in dealing with this application by undertaking dialogue and consultation on this application in order to see if the application was supportable, but ultimately, it is not. The applicant has not agreed to withdraw the application, hence the issuing of this decision notice.