

DELEGATED APPLICATION REPORT

Address: 2 London Court, East Street

Application No: 181015 / FUL

Proposal: New dormer window in roof on rear elevation (retrospective)

Applicant: Colony Architects

Date received (valid from): 12/06/2018

Target Decision date: Originally 07/08/2018; extension of time agreed until 07/09/18.

Case officer: Tom French

1. Site description and Surrounding Area

London Court is a narrow, mews-court style purpose-built office development, that has now been converted to a residential use (see Relevant Planning History below), between London Street and East Street, to the south of The Oracle shopping centre and the IDR.

1-4 London Court is located within Market Place / London Street Conservation Area. Although not listed (unlike nearby buildings to the south-west, west and north-west - buildings fronting London Street) they are all identified as being buildings of townscape merit (as are those immediately to the west of the site).

The main Grade II Listed Buildings adjacent to the proposed site are:

- 33 London Street (Former Everyman Theatre)
- 35 London Street
- 37 and 39 London Street
- 41 London Street

The site is also located within the Reading Central Area Action Plan.

It is located within the borough air quality management area (AQMA).

London Court is within an identified area of potential contaminated land.

2. The Proposal

Retrospective planning permission is sought to regularise a dormer extension that was built between March and June 2018 in the rear (north) roof slope of the building.

The box style dormer has a flat roof, a width of 3m and a height of 1.65m. The dormer is set back 1.4m from the eaves and 0.5m down from the ridge (measured vertically). The dormer includes a large rear facing window.

3. Consultation

Neighbours consultation:

No.s 1 & 3 London Court, East Street and 43A London Street have been notified of the application and a site notice has also been displayed at the site from the 20th June 2018. No responses have been received.

4. Plans and Documents Considered

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

Drawing No.:

- 336-02-00 - Site Location Plan
- 336-02-01 - Block and Roof Plan As Existing
- 336-02-02 - Block and Roof Plan As Proposed
- 336-303-00 - Second Floor Plans
- 336-303-01 - Elevations
- 336-303-02 - Sections

As received: 11/06/2018

5. Relevant Planning History

171060 - OPA - Change of use of Building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 1 x 1 bed and 1 x 2bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). - Prior Approval Notification - Approval

There is a current application (Application Number 181133) to discharge condition 3 (noise assessment) of the prior approval.

Similar office prior approvals to residential have previously been granted at the other London Court units (No. 1 - Ref 140995; No. 3 - Ref 160157; No. 4 - Ref 141668). Council tax records suggest that No's 1, 3 and 4 are all in residential use.

Nearby site appeal decision: 170019 / APP/E0345/W/17/3190317 - Former Private Car Park, East Street, Reading - New purpose built student accommodation (PBSA) (Use Class Sui Generis) comprising 116 units across a mix of studios/premium studios/club and 1 bedroom apartments with shared communal, recreational and living facilities and all associated car parking, landscaping, access and ancillary works. Refused by RBC 07/06/17; Allowed on appeal 10/08/18.

6. 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.

7. 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) and ‘*Sites and Detailed Policies Document*’ 2012 (Altered 2015).

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 a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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:

8. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework;
National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm
CS33 Protection and Enhancement of the Historic Environment

Sites and Detailed Policies Document 2012 (Altered 2015)

DM4 Safeguarding Amenity
DM9 House Extensions and Ancillary Accommodation

Reading Central Area Action Plan 2009

RC5 Design in the Centre

9. Appraisal

The main issues to be considered are:

- Impact on the host dwelling and surrounding area
- Impact on the setting of listed buildings and the conservation area
- Impact on neighbouring amenity

Impact on the host dwelling and surrounding area

Given the location of the application site, the rear dormer is highly visible from a variety of public vantage points, most significantly from various points along East Street.

The front (south) elevation of the application property includes a distinctive high level dormer, protruding almost two storeys, that appears like an element of a warehouse or beach hut. In contrast, the only incursions into the rear (north) elevation roof slope are various roof lights that are modest in terms of scale and impact. As such, the unbroken and not significantly altered roof scape is a feature of value to the building as a whole. It is therefore considered that by protruding from the otherwise uninterrupted roof is harmful to the character of the host building in terms of design and scale, in addition to a in-principle concern relating to its location; it is not high quality design that maintains and enhances the character and appearance of this area of Reading.

There is no existing predominance of dormer extensions in the locality, although it is acknowledged that there are some limited examples to the east, on East Street (outside the conservation area) and to the west on buildings fronting London Street. Within the general vicinity, dormers are not an established feature and therefore the principle of a dormer extension on this highly visible roof slope is not considered appropriate. The introduction of the constructed dormer is considered out of place and wholly out of character within the context of 1-4 London Court, specifically with regards to the jarring bulk and massing set against an otherwise unbroken roof slope - aside from the far more modest and indistinguishable roof lights. The construction of the dormer is considered to explicitly illustrate the harmful nature of its existence on the building and, in turn, the character of the surrounding area. As such the dormer is not considered to respect the character and pattern of the surrounding area in terms of scale, location or design. The dormer does not respond positively to the local context or respect the form of area local to the development site.

The dormer does not accord with Policies CS7, DM9 or RC5.

Impact on the setting of listed buildings and the conservations area

The application site is located within Market Place / London Street conservation area. Although not listed, as many nearby buildings are, the application property is identified as a building of townscape merit (as are those immediately to the west of 1 - 4 London Court). The main Grade II listed buildings adjacent to the application site are:

- 33 London Street (Former Everyman Theatre)
- 35 London Street
- 37 and 39 London Street
- 41 London Street

As outlined above the dormer is not considered to respect the character of the host dwelling or the surrounding area, this includes the nearby listed buildings. As such, the dormer is considered to have a harmful impact on the setting of nearby listed buildings which front onto London Street (as identified above) and the buildings of townscape merit immediately to the west of London Court. The local authority has a statutory duty to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess under Section 66(1) and 'with respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area under Section 72(1) of the Planning (Listed Building and Conservation Area Act) 1990.

Since the front elevations of the London Street Listed Buildings are directly connected to the rear of the buildings by historic alley ways, these spaces are linked and have an effect on their appreciation and significance as heritage assets. As stated in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2016, p16) back elevations can be important, as can side views from alleys and yards. The dormer detracts from the setting and views of the rear of the listed buildings, by distracting the eye away from the listed buildings themselves.

Policy CS33 states that 'In making decisions on development proposals in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that particular area. As such, new development in Conservation Areas will be expected to make a contribution to the area by respecting and enhancing its architectural and visual qualities'. As detailed above there is no predominance of dormers in this location and the bulk and massing of the constructed dormer projecting from an otherwise unbroken roof scape is to the detriment of the host building and wider surrounding area. It is therefore concluded that the dormer is to the detriment of the character and appearance of the area and cannot be considered to preserve, enhance or make a positive contribution to the quality of the townscape within the conservation area.

For the above reasons the dormer does not accord with Policy CS33.

It is acknowledged that the applicant has referenced a recent appeal decision at East Street (see planning history section above for details), stipulating that "This is quite a significant change to the character of the area and massively reduces the openness and ability to view the dormer" and that "the recent appeal decision in front of the site makes some strong statements on the conservation area and the limited impact that development on the East Street side will have on the CA. On this basis we feel that important findings in the appeal are being ignored".

In response, it is acknowledged that this appeal decision has allowed a significant development close to the site. However, it is also noted that this allowed on appeal scheme may or may not be implemented, thereby potentially downplaying the argument that this "massively reduces the openness and ability to view the dormer" as the applicant suggests. Furthermore, the application site is identified as a building of townscape merit

in the CAA, which is a very different context to a former car park (which was the case in the appeal). Therefore, although its visibility may reduce should the appeal proposal be implemented, in itself (when considered within the more immediate context of the host building - 1-4 London Court) the proposal remains unacceptable, as already outlined above. In the planning balance of the allowed on appeal proposal the Inspector identified minor harm to the setting of listed buildings but considered the planning benefits outweighed this. In this case there is considered to be harm to the setting of listed buildings but with little planning benefits (see more explicitly in the neighbouring amenity section below). In short, the nearby appeal decision is not considered to alter the concerns raised with this proposal, nor the overall conclusion. Moreover, each application needs to be judged on its own merits and this has been undertaken in this instance.

Impact on neighbouring amenity

The dormer that is the subject of this application does not have any adverse effects on the amenity or living environment of the neighbouring or nearby properties. The dormer accords with Policy DM4. The proposal would also improve the quality of accommodation for current and future occupiers.

In applying a planning balance, the merits of the scheme (solely considered to be improving the quality of accommodation for current and future occupiers) are not considered to outweigh the harmful impacts identified above. Therefore, the proposal is not able to be supported and is instead refused planning permission.

10. Recommendation

REFUSE planning permission

The dormer roof extension, owing to its location, bulk and massing, is detrimental to the character and appearance of the host building (1-4 London Court), wider Market Place / London Street Conservation Area and harmful to the setting of nearby listed buildings, contrary to Policies CS7 and CS33 of the Reading Borough Council Local Development Framework Core Strategy 2008 (Altered 2015) and policy RC5 of the Reading Borough Council Local Development Framework Reading Central Area Action Plan 2009.

Informatives

1. The decision relates to the following drawings:

Drawing No.:

- 336-02-00 - Site Location Plan
- 336-02-01 - Block and Roof Plan As Existing
- 336-02-02 - Block and Roof Plan As Proposed
- 336-303-00 - Second Floor Plans
- 336-303-01 - Elevations
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2. The decision to refuse permission follows the positive and proactive consideration of the application, including outlining the issues of concern with the applicant prior to a decision being issued.
3. In light of this refused application, the dormer applied for is unauthorised at the site. As such, the applicant is advised that this matter will now be further investigated by the Council's Planning Enforcement Team.