

DELEGATED APPLICATION REPORT

Application No: 172325/FUL

Address: 20 Chalgrove Way, Emmer Green, Reading

Proposal: Amended Description: Demolition of existing bungalow and replacement with 1x3 bed detached house and 2x4 bed houses as a semi detached house (revised layout and decrease in size of detached unit)

Case officer: Ethne Humphreys

Decision date: Originally 05/03/2018; Extension of time agreed with the applicant until 12/06/2018

Site Description and Surrounding Area:

The site relates to a detached bungalow on the northern side of Chalgrove Way. The surrounding character of the area is residential and the house forms part of a group of 4 single storey dwellings on the northern side of Chalgrove Way, with 10 x 2 storey semi-detached properties to the east and south of the site. A number of properties feature extensions and dormer window additions.

Proposal:

This is an application for 1x3 bed detached house and 2x4 bed houses as a semi detached house following demolition of existing bungalow.

The proposed materials would include facing brick and clay tiles to match existing properties, with painted timber windows and painted wood and aluminium doors.

It is proposed to provide off road parking within the front garden area and indicative landscaping is shown on the proposed plans.

Plans Considered:

Drawing No: Location Plan

Received 22nd December 2017

Drawing No: Proposed Street View A17001AL(0)8 Rev A

Drawing No: Proposed Elevations Single House A17001AL(0)7 Rev A

Drawing No: Proposed Elevations SW and NE - Semidetached Houses A17001AL(0)4

Drawing No: Proposed Elevations SE and NW - Semidetached Houses A17001AL(0)4

Drawing No: Proposed Plans - Semidetached Houses A17001AL(0)3

Drawing No: Proposed Block Plan A17001AL(0)2 Rev B

Drawing No: Proposed Plans - Single House A17001AL(0)6 Rev A

Received 16th March 2018

Relevant Planning History:

None.

Consultation Responses:

Highways Officer: No objection subject to conditions and informatives.

Ecologist: No objection subject to condition.

Tree Officer: No objection subject to conditions.

Numerous neighbour letters of representation received objecting to the proposals and raising the following concerns:

- Restrictive covenant on the land
- Overdevelopment of the site
- Pressure on parking/lack of garages
- Reduced outlook/view
- Loss of privacy/overlooking
- Loss of light
- Overbearing/dominant
- Small plot sizes/amenity space
- Water pressure/drainage
- Utility connections
- Construction damage to road
- Potential future loft conversion
- Safety of pedestrians using the road/access for blue light services
- Lack of consultation between applicant and neighbours
- Noise/disruption/pollution/chaos
- Flooding
- Site Notice

Summary of discussions with applicant/agent:

Pre-application advice was sought under 170630 for replacement of bungalow with 2x 4 bed houses (semi-detached) and 1x 4 bed house (detached).

The applicant was advised by email that the application was not acceptable as the proposals were not considered to overcome all the concerns raised at the pre-application advice stage, namely with regards to the character and pattern of development of the surrounding area, garden size and impact on neighbouring amenity. Officers advised that the context of the site is such that pair of semi-detached dwellings may be acceptable.

Revised plans were received swapping the position of the pair of semidetached properties with the detached dwelling adjacent 19 Chalgrove Way and also reducing the size of the detached dwelling. Whilst this was considered to satisfactorily reduce the impact on No.19 in terms of loss of and overbearing impact, the concerns relating to the overall pattern of development/character of the area and amenity space remained.

The applicant confirmed that they wished to receive the decision notice, with a view to appealing any such refusal.

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

The following local and national planning policy and guidance is relevant to this application:

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)

The main issues are:

- a) Principle
- b) Design, Impact on the Character of the Area and Street Scene
- c) Impact on Neighbour Amenity
- d) Amenity of Future Occupiers
- e) Transport Issues
- f) Ecology
- g) Natural Environment
- h) Sustainability
- i) Affordable Housing
- j) CIL

Appraisal

Principle

The NPPF states that LPAs should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high*

environmental value". The NPPF definition of 'previously developed land' excludes private residential gardens.

Therefore, it is clear that the priority for development should be on previously developed land, in particular vacant and derelict sites and buildings. However, that does not mean that the development of private residential garden land is unacceptable in principle, rather that previously developed land should be the first choice for housing development.

The Council's LDF SDPD Policy DM11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage of private residential gardens will be acceptable where:

- a) It makes a positive contribution to the character of the area;
- b) The site is of an adequate size to accommodate the development;
- c) The proposal has a suitable access;
- d) The proposal would not lead to an unacceptable tandem development;
- e) The design minimises the exposure of existing private boundaries to public areas;
- f) It does not cause detrimental impact on residential amenities;
- g) The emphasis is on the provision of family housing;
- h) There is no adverse impact on biodiversity, and
- i) The proposal does not prejudice the development of a wider area.

Therefore, while the proposed site is not 'previously developed land', the principle of redevelopment is considered acceptable providing the criteria outlined in Policies DM11 and CS15 are met.

The existing bungalow at the site is not considered to be of any particular architectural merit. The building is not listed, within a conservation area or locally listed. Within this context, there is no in-principle objection to the existing building being demolished, subject to the replacement dwelling being appropriate in all other respects (which is detailed further below). As such, there is no in-principle objection to the proposals, subject to all other matters (as discussed below) being satisfactory.

Design, Impact on the Character of the Area and Street Scene

The NPPF requires that development, including individual buildings, should achieve a high quality design (paragraph 57). Local plans should aim to ensure that developments ‘respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation’.

The Council’s LDF Core Strategy Policy CS7 states that “all development must be of high design quality that maintains and enhances the character and appearance of the area”.

Policy DM11 (Development of Private Residential Gardens) states that proposals for development within existing gardens should make a positive contribution to the character of the area and sets out criteria which must be met by such development. This contribution should be demonstrated by, inter alia:

- the relationship of the existing built form and spaces around buildings within the surrounding area
- a layout which integrates with the surrounding area with regard to the built-up coverage of each plot, building lines, rhythm of plot frontages, parking areas and existing pattern of openings and boundary treatments on the site frontage.
- The plot should be of an adequate size and dimension to accommodate the proposal in terms of, inter alia, setting and spacing around buildings, and amenity space.

Policy DM10 (Private and Communal Outdoor Space) of the SDPD states that the design of outdoor areas will respect the size and character of other similar spaces in the vicinity.

The Council’s pre-application advice response considered that three units in place of one, would result in harm to the character of the surrounding area and would not provide sufficient amenity space (in isolation and with regards to the character of the area). The three dwellings proposed were considered to represent an overdevelopment of the plot in this respect.

The current scheme remains for three units. Whilst the design itself of the proposed dwellings would not appear out of character in this context, incorporating architectural detailing that would pay regard to the dwellings in the wider area, the acceptable design of the dwellings is not considered to overcome the otherwise out of character nature of the development.

The existing site is wide, and deeper at the front than it is at the rear. This is not uncharacteristic of the plot sizes to the west of the site, which also feature single storey

dwelling. The two storey dwellings to the east, feature plots that, whilst not so wide, have the benefit of deeper rear gardens. In this respect, the plot sizes (and associated amenity spaces) are considered to be contributing factors to the overall character and layout of the area, in terms of the consistent plot sizes to built form.

In contrast, the proposals would give rise to a disparity in plot size between the existing and proposed development, with the 3 dwellings occupying much of the site. It is considered that the proposed development, due to the combination of units proposed and their two storey nature, in conjunction with the short rear gardens, would result in a cramped appearance and overdevelopment of the plot. This would result in a considerably more constrained form of development when compared to the remainder of the street scene. Consequently, the relationship between built form and spaces would be at odds with the established urban grain on this part of Chalgrove Way. As such, the proposed development in its current form would constitute overdevelopment of the site that would appear conspicuously out of place, and would be detrimental to the appearance and character of the area. It is acknowledged that the depth of the rear garden areas would be similar to the properties to the west of the site, however, these plots feature single storey dwellings and have significantly greater rear garden in terms of width.

Furthermore, the amount of garden space associated with the proposed dwellings would be significantly less than the surrounding houses; this, combined with the aforementioned cramped appearance, would be out of character with the pattern of development in this area. As such the proposals would cause harm to the appearance of the street scene by disrupting the present rhythm of plot sizes in relation to built form, with development that would be at odds with the more comfortable arrangement of dwellings within their plots and the predominant pattern of development within the area.

Whilst the proposed rear gardens would not be readily visible from the street scene, they are nevertheless considered to be of a depth that would not be in keeping with the character of the area. This would therefore be indicative of an overdevelopment of this plot. In these circumstances, the proposal would create a development that would fail to satisfactorily integrate with its context, and the overall pattern of development would be markedly different from that of the immediate surroundings, and at odds with the prevailing character of the area.

The shortage of housing nationally and the modest contribution the proposed development could make to the supply of dwellings is acknowledged. However, any benefits pertaining to the provision of housing are not considered to outweigh the harm to the character of the area.

Given the above, the proposed number of units and subdivision of the plot, would result in plot sizes which would not respond to local character in terms of size and are uncharacteristic of similar spaces in the vicinity. Moreover, the amount of garden space associated with the proposed dwellings would also be significantly less than the surrounding houses, further out of character with the pattern of development in this area. As such the proposals would result in overdevelopment of the plot, at odds with the established urban grain of this part of Chalgrove Way, failing to respect the existing patterns of development and would consequently be harmful to the character of the area. This would be contrary to Policies DM10 and DM11 of the Sites and Detailed Policies Document 2012 (altered 2015) and Policy CS7 of the Core Strategy 2008 (altered 2015). The proposal would also be contrary to paragraph 61 of the National Planning Policy Framework 2012 which states that planning decisions should address the integration of new development into the built environment.

Impact on Neighbour Amenity

Policy DM4 Safeguarding Amenity of the SDPD is concerned with preventing significant detrimental impact to the living environment of existing or new residential properties, including in terms of privacy and overlooking, loss of daylight and visual dominance, amongst other impacts.

It was considered at the pre-application advice stage that a two storey dwelling located forward of No.19 Chalgrove Way, located to the north east of the site, was likely to result in a visually dominant and overbearing impact. The plans originally submitted as part of this application, whilst not breaching a 45 degree line to the nearest habitable room window, were still considered to be overbearing to the occupiers of this property given its significant forward projection and distance to the common boundary. The revised plans show the proposed detached dwelling set slightly further away from the boundary and the roof would be hipped away to minimise the impact. Whilst visible, it is considered that there would be sufficient enough distance between the dwellings so as not to result in any significant material loss of light or overbearing impact. No windows are proposed on the flank elevation which would face towards the front of No.19 and as such there would be no material loss of privacy in this respect. There is a first floor side window on the flank elevation of No.19

facing across the rear of No.20. The first floor windows on the rear elevation would face down the applicant's rear garden and any views to this side window would be at an oblique angle and not considered to result in any significant material loss of privacy.

No.21 Chalgrove Way is a bungalow located to the south west of the site. The proposed pair of semi-detached dwellings would not project past the rear elevation of the bungalow and whilst it would be slightly forward of No.21, 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 to the common boundary and the bungalow itself, whilst visible, it is not considered to result in any significant material loss of light or overbearing impact to the occupiers of this property. A first floor window is proposed on the flank elevation facing the bungalow. This would serve a stairwell and could be conditioned to be obscure glazed. As such, it is not considered that there would be any material loss of privacy.

Concern has been raised that the proposals would result in a loss of light, privacy and overbearing impact to the dwellings to the north of the site at the Twin Oaks cu-de-sac, appearing visually dominant. It is acknowledged that due to the comparatively small rear garden to No.20, the increase from single storey to the two storey dwellings proposed would be visible to the occupiers of these properties (No's 14, 15 and 16). However, there would remain a distance of approximately 9.9m to the common boundary with these properties and at least 20m to the properties which are two storey dwellings themselves. This is not an unusual relationship and not considered to result in any significant material loss of light, privacy or overbearing impact to these properties.

Amenity of Future Occupiers

It is considered that the proposals would provide an overall good standard of accommodation throughout with regular shaped rooms providing suitable outlook, natural lighting and ventilation.

Concern was raised at the pre-application advice stage that the increase from 1 single storey dwelling to 3 two storey dwellings would be such that the remaining amenity space would be insufficient and out of keeping with the size of amenity spaces to two storey dwellings in the surrounding area. Whilst the existing plot size is generous, the existing bungalow appears to have little rear garden space with the majority of amenity space at the front serving a driveway. The rear garden size is not inconsistent with the gardens of the properties to the west; however, these plots also feature single storey dwellings. The two storey dwellings to

the east and south have the benefit of deeper rear gardens, this garden depth characteristic of the area in relation to dwellings of this size.

The revised plans show the footprint of the detached dwelling to have been reduced in scale. Paragraph 5.6.10, which is part of the supporting text to policy DM10: Private and Communal Outdoor Space sets out the minimum provisions for private outdoor space. The revised plans show the footprint of the detached dwelling to have been reduced in scale and the proposal meets the required standard in terms of its square metreage; however, Policy DM10 also requires that the design of outdoor areas respects the size and character of other similar spaces in the vicinity and in this respect the proposals would not comply given the deeper plots within the area which feature two storey dwellings.

Linked to the above concerns regarding overdevelopment of the site, it is considered that the amenity space afforded to the dwellings is indicative to the overdevelopment nature of the plot. As highlighted above, the subdivision of the plot to accommodate the 3 units would, due to the scale of the dwellings in relation to the plot sizes, result in uncharacteristically smaller rear gardens when compared to the prevailing gardens in the locality. The smaller gardens are considered to provide inadequate private garden amenity space to the proposed family units to the detriment of the future occupiers of the dwellings. This is contrary to Policy DM10 (Private and Communal Outdoor Space) of the Sites and Detailed Policies Document 2012 (altered 2015).

Transport Issues

Concern has been raised that the proposals would result in additional pressure on the limited on-road parking in Chalgrove Way.

The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. In accordance with the adopted SPD, the development would be required to provide off road parking provision of 2 spaces per dwelling.

The proposed block plan and the Design and Access statement illustrates off road parking for 2 vehicles for each dwelling. The block plan suggests that the existing 2 access points are to be retained for dwelling No1 and No3, with a new dropped crossing being introduced for Dwelling No 2; this is deemed acceptable however, will require alterations to the grass verge within the public highway, therefore, the Council's Highways section should be contacted to

agree the access construction details and to grant a licence before any work is carried out within the highway.

In accordance with the Council's Parking Standards and Design SPD, secure cycle storage for 2 cycles for each new dwelling should be provided. The Design and Access Statement states that this is to be provided in the form of a garden shed for each residential unit. This is deemed acceptable.

Bin storage has been illustrated on the proposed block plan in each front garden. This provision would be the same as other dwellings in the street and therefore is deemed acceptable.

The Council's Transport Officer does not have any objections to this proposal subject to vehicle parking spaces being provided in accordance with plans and the submission of a construction method statement. Should the application otherwise have been acceptable then these details would have been secured by way of suitably worded conditions.

Ecology

The bat survey report (Arbtech, September 2017) concludes that the works are unlikely to adversely affect roosting bats. Considering the site's proximity to other known roosts (there are records of at least 4 bat roosts within 500m of the site), as well as the good suitability of the surrounding habitat for use by foraging or commuting bats, it would be appropriate to create new roosting opportunities on the proposed buildings. This would be in line with the recommendations made in the bat survey report, as well as paragraphs 109 and 118 of the NPPF. The Council's Ecologist has confirmed that there is no objection to the proposals subject to the installation of bat boxes and should the application otherwise have been acceptable then these details would have been secured by way of suitably worded condition.

Natural Environment

In addition to landscaping indicated on the plans provided there are also existing trees to be retained. The Council's Tree Officer has confirmed that there is no objection to the proposals subject to submission of an Arboricultural Method Statement, Tree Protection Plan details and further information regarding details of both hard and soft landscaping. Should the application otherwise have been acceptable then these details would have been secured by way of suitably worded conditions.

Sustainability

The Design and Access Statement highlights that the proposed scheme will conform to Building Regulations, Document Part L; refers to bird boxes for each dwelling and refers to cycle storage for each dwelling. Notwithstanding, the appropriate level of sustainable construction would be secured the appropriate building regulations requirements.

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 in light of the above an affordable housing contribution is required for 2 of the 3 units proposed in line with Policy DM6 (1 of the 3 proposed units would be classified as a replacement dwelling for the existing bungalow, leaving a requirement for a contribution on the net increase of 2 residential unit at the site). In line with Policy DM6, applications for 1-4 residential dwellings shall provide a financial contribution, equivalent of 10% of the housing.

The applicant originally agreed to enter into a legal agreement to secure a financial contribution towards affordable housing provision. However, upon confirmation that the application was to be refused, the applicant confirmed that they would not enter into a S106 legal agreement but that they would provide a unilateral undertaking at the appeal stage.

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 be attached to the decision notice to advise the applicant of their responsibilities in this respect.

Other Matters Raised in Representation

- All material planning considerations considered in the above report.
- Any restrictive covenants are not a material planning consideration and would be a separate civil matter between the parties concerned.
- Concern was raised regarding the impact upon views. Whilst consideration is given to the impact upon amenity in terms of loss of light or overbearing impact the loss of a view is not a material planning consideration.
- Drainage would be dealt with as part of a Building Regulations application.
- Concern has been raised over potential future changes to the plans to include accommodation with the roof space. If permission was granted and material changes were made to the scheme the applicants would need to apply for permission to these changes; these would then be assessed on their own merits.
- Whilst the Council would encourage applicant's to discuss proposals with neighbours, there is no mechanism to require them to do so.
- Land/property value is not a material planning consideration.
- While the concerns of the local residents in terms of the disruption including noise, light pollution and traffic implications that may be caused by the construction works

are noted, it is not the planning system's role to obstruct development on this basis. Inevitably, any construction works may lead to some temporary disruption. Ordinarily, the requirements of Environmental Health legislation will seek to limit any harm so far as reasonably practicable. The proposal is for a residential development and is unlikely to result in a significant increase in noise and pollution. Should the application have been recommended for approval a condition would have been attached requiring the need of a construction method statement to be provided prior to commencement of works to minimise any such disruption, as well as an hours condition.

- A site notice was put up by the planning officer. Where the notice is, without any fault or intention of the local planning authority removed before the period of 21 days the authority is to be treated as having complied with the requirements in this respect. A second site notice was posted 29th March.
- Concern was raised about flooding; the site is not in an area identified as being at risk of flooding and the proposal is not considered to represent an unacceptable flood risk to future occupiers.
- The application would need to seek permission from utility providers to connect the development. Such consent/s would likely have to be subject to the capacity of the relevant systems. Maintenance related matters are for the statutory undertakers to resolve.

Conclusion

The proposal is unacceptable in terms of its impact on the character of the area and because of the absence of a completed legal agreement to secure financial contributions towards affordable housing in the Borough. The proposal is therefore contrary to policy and is recommended for refusal.

RECOMMENDATION:

REFUSE

The proposed number of units and subdivision of the plot, would result in plot sizes which would not respond to local character in terms of size and are uncharacteristic of similar spaces in the vicinity. Moreover, the amount of garden space associated with the proposed dwellings would also be significantly less than the surrounding houses, further out of character with the pattern of development in this area. As such the proposals would result in overdevelopment of the plot, at odds with the established urban grain of this part of

Chalgrove Way, failing to respect the existing patterns of development and would consequently be harmful to the character of the area. This would be contrary to Policies DM10 and DM11 of the Sites and Detailed Policies Document 2012 (altered 2015) and Policy CS7 of the Core Strategy 2008 (altered 2015).

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

The decision relates to the following drawings and documents:

Drawing No: Location Plan

Received 22nd December 2017

Drawing No: Proposed Block Plan A17001AL(0)2 Rev B

Drawing No: Proposed Street View A17001AL(0)8 Rev A

Drawing No: Proposed Elevations Single House A17001AL(0)7 Rev A

Drawing No: Proposed Elevations SW and NE - Semidetached Houses A17001AL(0)4

Drawing No: Proposed Elevations SE and NW - Semidetached Houses A17001AL(0)4

Drawing No: Proposed Plans - Semidetached Houses A17001AL(0)3

Drawing No: Proposed Plans - Single House A17001AL(0)6 Rev A

Received 16th March 2018

The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice within the statutory time period to determine the application by.

The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.

Without prejudice to any future application or appeal, the applicant is advised that reason for refusal 2 (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.