

DELEGATED APPLICATION REPORT

Address: 11 Cawsam Gardens, Reading

Application No: 172056/VARIAT

Proposal: Variation of conditions 2 (materials) and 3 (approved plans) of planning permission 170305 (two storey extension) to increase the depth of the first floor rear extension.

Applicant: P Harding

Date received (valid from): 22/11/17

Target Decision date: Originally 17/01/18. Extension of time agreed until 24/01/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

1.1 The application relates to a semi-detached house located in Cawsam Gardens, a cul-de-sac off Chiltern Road. The properties in the vicinity are similar in terms of design and architectural composition, although many have been extended in a variety of ways.

2. The Proposal & procedural background

- i. The applicant is seeking to vary conditions 2 (matching materials) and 3 (approved plans) of planning permission 170305, which granted the erection of a two storey side and rear extension.
- ii. More specifically, it is seeking to increase the depth of the rear extension at first floor level (serving bedrooms 3 and 4 as shown on the proposed plans - described as master and bedroom 3 on the already approved plan) by c. 1.2m (from 3m to 4.2m), to align with the depth of the ground floor rear extension at this point. There is no change in the depth of the rear extension at first floor level in the area closest the adjoining property No. 12. Furthermore, the applicant is seeking for the materials condition to be altered for explicit reference to the materials stated on the proposed plan to be secured.
- iii. 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

i. 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. Consultations

i. The Transport officer and Ecology consultant have no objections to the proposals.

5. Plans Considered

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

300- P.01 Rev A, as received 17/11/17

This will supersede the following plans referenced on permission 170305:

Location plan
Block plan
Existing & proposed ground floor plans: Cawsam Garden 1
Existing & Proposed first floor plans: Cawsam Garden 2
Existing & Front proposed elevation: Cawsam Garden 3
Existing & proposed left elevation: Cawsam Garden 4
Existing & proposed rear elevation: Cawsam Garden 5

6. Relevant Planning History

170305 - Proposed two storey extension. Approved 08/05/17.

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 change to the depth of the first floor extension (at the area shown away from No. 12) is appropriate in itself and within the context of the originally approved scheme. From a design perspective the proposed extension will not be readily visible from the public realm (owing to the nature of Cawsaw Gardens and the position of the property/proposed works) and there are a variety of additions in the area. The increased depth at first floor level is set off the boundary with the neighbouring No. 12, meaning there would not be a significant additional loss of amenity (over and above the permitted scheme) from these works. The Transport and Ecology officers also content with the proposed (but already implemented) 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 conditions 2 and 3.

In line with the NPPG, all of the original conditions (as part of 151537) 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 170305) was granted (on 08/05/2017).

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.

2. The materials to be used in the construction of the external surfaces of the development shall match those used on the existing building unless where otherwise stated on the approved plan.

Reason: in the interests of ensuring that the new development appears in keeping with the existing building and the character of the surrounding area, in line with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM9 of the Sites and Detailed Policies Document 2012 (Altered 2015).

3. The development hereby permitted shall not be carried out other than in accordance with the following drawing:

300- P.01 Rev A, as received 17/11/17

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

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.