

DELEGATED APPLICATION REPORT - Application No: 171346/HOU

Address: 138 Upper Woodcote Road

Proposal: 2 storey side extension and single storey rear extension. New pitched roof to ground and first floor rear extension. Removal of first floor bay window to front and new pitched roof added to ground floor bay.

Resubmission of 170682.

Case officer: Richard Eatough

Relevant Planning History:

170682: Alterations and extensions to dwelling to include 2 storey side extension and single storey rear extension with further first floor rear extension and new pitched roof. Removal of first floor bay window to front and new pitched roof added to ground floor bay.

WITHDRAWN 15/6/2017.

Consultation Responses:

RBC Transport Strategy: sufficient parking space, no objections

RBC Ecologist: no response, but advised bat survey required on previous application.

Additionally, a site notice has been displayed and letters were sent to:

136a and 140 Upper Woodcote Road

1 Woodcote Way

12 Knowle Close

No letters of representation received.

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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, 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 National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008)

CS7 Design and the Public Realm

CS24 Car/Cycle Parking

CS36 Biodiversity and Geology

Sites and Detailed Policies Document - (Adopted October 2012)

DM4 Safeguarding Amenity

DM9 House Extensions and Ancillary Accommodation

Supplementary Planning Guidance/Documents

SPG - A Design Guide to House Extensions

Appraisal Checklist

DM9 states: An extension to a house will be acceptable where it:

- A. Respects the character of the house in terms of scale, location, materials and design;

To assess this, the following has been considered - would the proposal:

- detract from the appearance of the original building through the use of ill-matching materials and by not fitting in with the design, scale and proportions of the original building; YES. There are various issues, but most obvious are the length of the transverse ridgeline, the mis-matching roof angles and the overall bulk of the proposal.
- reduce the amount of usable amenity space for the property to an unacceptable degree; NO
- require the loss of trees in the garden or put significant trees at risk; NO

- B. Respects the character and pattern of neighbouring properties and the street as a whole in terms of scale, location, materials and design, and any important existing building line; Respects neighbour's amenities and does not present a large blank façade to public areas.

To assess this, the following has been considered - would the proposal:

- significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties; NO, although perhaps just about subtends a 45 degree light angle to the first floor front dormer at 136a, given that window has a good southerly outlook, this infringement is not so harmful as to warrant a reason for refusal of the application.
- invade the privacy of neighbouring properties through overlooking from windows or balconies; NO.

- detract from the character of neighbouring properties through siting, excessive bulk, ill-matching materials or inconsistent design; YES. Siting is unacceptable, for reasons set out below.
- detract from the appearance of the street or area by using ill-matched materials, glazing and detailing; NO, but detracts from street due to siting.

DM4: Safeguarding Amenity states an extension to a house will be acceptable where it will not cause a significant detrimental impact to the living environment of existing or new residential properties.

To assess this, the following has been considered - would the proposal cause a significant detrimental impact to the living environment of existing or new residential properties in terms of:

- Privacy and overlooking; **NO**
- Access to sunlight and daylight; **NO**
- Visual dominance and overbearing effects of a development; **NO**
- Noise and disturbance; **NO**
- Artificial lighting; **NO**
- Vibration; **NO**
- Dust and fume; **NO**
- Smell; **NO**

Therefore, harm in terms of Policy DM4 has been assessed and there has been found to be no conflict with this policy.

Policy CS7

There are considered to be conflicts in terms of Policy CS7 and this is because the impact of the proposal would be most severely felt in the streetscene. Because 136a is sited so far back, having a deep and large massing of the proposal will appear as an overbearing mass on the boundary and this will be completely exposed to the street. The proposal is clearly insensitive to the specific context and the applicant's agent has not reacted to consistent advice to enter pre-application discussions to produce a suitable design. Unfortunately, the design is still considered to be some way away from what officers feel could be approvable on this slightly unusual site.

Parking

Complies with Policy CS24 and the Parking and Design SPD.

Ecology

It is not known why the applicant decided to re-submit an application when the clear response from the previous case officer was that a bat survey was required. For information, the previous response of the Council's Ecologist (in summary) was:

Before this application can be determined the applicant will need to submit a bat survey to the council.

Bats and their shelters (roosts) are protected under domestic and EU law

It is illegal to deliberately or recklessly disturb or obstruct access to any bat roost or to disturb a bat using such a place without first obtaining the relevant licence from Natural England.

When dealing with cases where a European protected species may be affected, a planning authority is a competent authority within the meaning of the Habitats Regulations, and therefore has a statutory duty under regulation to have regard to the requirements of the Habitats Directive in the exercise of its functions. Paragraph 99 of the government guidance on Biodiversity in the planning system¹ (which has not revoked by the NPPF) states that:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

In addition to statutory obligations Reading Borough Council has planning policies to protect biodiversity.

The building has the potential to support roosting bats: it is a large house, located close to optimal bat foraging habitat, is likely to have a number of features potentially suitable for use by roosting bats and there are records of bats nearby. The proposed development which involves demolition of the building, could impact upon a bat roost if it were present. As such a survey undertaken by an appropriately qualified surveyor (i.e. a member of the Institute of Ecology and Environmental Management and or a Licensed Bat Worker) is required to determine the presence or otherwise of bats. A list of qualified ecologists can be found at: <http://www.cieem.net/members-directory/search>

A bat survey is normally undertaken in two stages, firstly an initial building inspection (or a preliminary roost assessment) whereby the inside and outside of the building is thoroughly searched for bats and signs of bats, this survey can be undertaken at any time of year. If the applicant's surveyors were to find no signs of bats and few features such as cracks and crevices in which bats could roost then further surveys would not be required, however if bats were found or the building has potential to support roosting bats, further emergence and or dawn surveys, undertaken during the bat active season (i.e. between May and the end of August/ sub optimally till mid-October) would be required in order to confirm the presence or absence of bats.

In summary, the applicant has not submitted sufficient information for the council to determine whether or not protected species (a material consideration) will be affected by the proposed development. We would not be able to determine this application until this information had been provided and I would object to the proposals on the grounds that insufficient information has been provided to the planning authority.

¹ Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System

If the applicant wishes to address this issue, an ecological consultant should be commissioned to undertake a bat survey of the buildings and submit a report of their findings, the report will in the first instance give an assessment of the bat roost potential of the buildings.

This work was not undertaken between the withdrawal of the former application and the submission of the new one and the LPA cannot positively determine this application in the absence of this information. The applicant's agent is well versed in RBC's requirements. The application as submitted, conflicts with adopted Policy CS36, however, were a suitable study to be submitted, via a licensed ecologist, the LPA confirms that reason for refusal 2 would fall away.

RECOMMENDATION:

Refuse, for the following reasons:

The two storey side and rear element would fail to appear subservient to the main property or the streetscene, principally due to the excessive width, mass and length of exposed flank wall which would be presented to views from the south-east. Due to the location and design of the proposal relative to 136a, it would produce a largely blank façade (side flank wall) and overbearing presence towards the neighbouring property and a discordant addition to the streetscene, with a loss of visual gapping between the properties. As such, the proposal would fail to respond positively to its local context or respect the pattern/specific siting of the neighbouring property, contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy (2008, amended 2015), Policy DM9 (House Extensions and Ancillary Accommodation) of the Reading Borough LDF Sites and Detailed Policies Document (2012, amended 2015) and the Council's Supplementary Planning Guidance, 'A Design Guide to House Extensions' (2003).

The proposal involves significant works to the roof of the application property. The building has the potential to support roosting bats: it is a large house, located close to optimal bat foraging habitat and is thus likely to have a number of features potentially suitable for use by roosting bats. There are records of bats nearby and there is therefore a likelihood of disturbing a bat roost. The failure to assess this risk to this protected species via a bat survey is therefore contrary to Policy CS36 (Biodiversity and Geology) of the Reading Borough LDF Core Strategy (2008, amended 2015).