

H\TEW\FWA327\Design&AccessStatement02



TEWd&m

TEW DESIGN & MANAGEMENT
PROFESSIONAL PRACTITIONERS IN ARCHITECTURE
PLANNERS • PROJECT MANAGERS • DESIGN CONSULTANTS
e m a i l : a d m i n @ t e w d e s i g n . c o . u k

K E E P S
OLDINGS HILL
WOODLANDS
S t M A R Y
HUNGERFORD
R G 1 7 7 S R

TEL: 07810-227967

137 Waverley Road READING
RG30 2QD
for Messrs Lika & Panchal

Retrospective Application to
Regularise the Existing Two
Tlats

DESIGN & ACCESS STATEMENT

137 Waverley Road, READING, RG30 2QD

DESIGN & ACCESS STATEMENT

Contents

- 1.0 Background
- 2.0 Immune from Enforcement
- 3.0 HMO Classification
- 4.0 The Application
- 5.0 CIL

1 Background

- 1.1 The applicants acquired the property towards the end of 2015 and at that time there were two flats located within it.
- 1.2 At the ground floor entrance to the flats there were two call buttons one for each of the flats.
- 1.3 Within the building there were two bathrooms and two kitchens one for each of the flats.
- 1.4 On the ground floor of the building there was a very large kitchen and towards the rear of the bedroom of the flat there was a bathroom.
- 1.5 On the first floor there was a kitchen towards

the rear of the flat and located centrally there was a bathroom.

- 1.6 A check of the local authority website did not show any planning history relating to the property but given that most local authorities still do not list such information prior to 2000 this was not felt to be significant as it was clear that the flats predated that year.
- 1.7 A subsequent enquiry to the rating department of the local authority confirmed that council tax had been collected for each of the two flats by the local authority since 1997.
- 1.8 The neighbouring property, 139 Waverley Road, mirrors the subject property and is divided into three flats, but with the addition of a mansard roof upon the rear part of the property.
- 1.9 The two existing flats within 137 were in a relatively poor state of repair and were not laid out in a manner which complies with current planning policy in that similar room uses were not located above each other.
- 1.10 The property also fell short of compliance with various other current statutory and planning

policy requirements.

1.11 Tew Design were asked to design a scheme of refurbishment for the existing two flats on the ground and first floor together with the preparation of a planning application for the division of the top flat into two with the addition of a mansard roof to the same style as number 139.

1.12 Eight weeks after the submission of that planning application the LPA contacted TEW Design to state that the application was not valid and had not been registered.

1.13 the applicants and TEW Design join in their absolute condemnation of the LPA for this appalling delay.

1.14 It will be understood that TEW Design had contacted the LPA on several occasions only to be told that the application has not been allotted to an officer, but there was no mention of the lack of registration.

1.15 The first communication received by TEW Design from the LPA was from a part time contract employee of the LPA who questioned the validity of the application as a result of the lack of any permission for the existing two flats.

1.16 Tew Design objected most strongly to the unacceptable delay in the handling of the matter by the LPA without even the courtesy of any note to suggest that they were short staffed or that there would be any likelihood that the application would not be determined within its statutory eight week period.

1.17 In addition TEW Design also pointed out that whilst the existing flats may not have the benefit of any permission they were immune from enforcement in that they had been used legitimately and without objection from the LPA since 1997 and over that entire period the local authority had collected council tax.

1.18 Regardless of the planning status of the other two flats therefore the application covering the creation of the third was valid and the stance of the LPA was unnecessary and unreasonable.

1.19 The LPA made it clear that they wished to receive an application to regularise the use of the existing flats before they would entertain the already submitted application for the third flat.

1.20 It will be seen that the LPA is now inserting large delays in the resolution of this matter and to justify their position are listing a

raft of other matters which, whilst relevant have been handled separately by the applicants and their agent.

1.21 The LPA have stated in their last email that they believe the applicants should submit an application for a Certificate of Lawful Development for the two extant flats and state that a period of use of four years will give rise to the validity of such an application.

1.22 It is our understanding that a period of four years continuous use may give rise to immunity from enforcement but a period ten years is required for the issue of an LDC.

1.23 The issue of seemingly incorrect advice from the LPA is not encouraging.

1.24 As has already been made clear the property has only been in the ownership of the applicants for a very short period of time and they lack any information regarding the previous tenancies within the building.

1.25 In the lack of that knowledge it is felt that an application for an LDC is inappropriate as such an application also relies solely upon the actual facts of the use and its continuous use.

1.26 The LPA, within its rating department for

example, has rather more comprehensive records and are in a rather better position to know of any gaps in the use. Gaps indeed which would invalidate the application.

1.27 An application is therefore being lodged to regularise the existing uses within the property.

1.28 The application only concerns itself with the uses prevailing and the internal layout as it existed prior to the commencement of the current works of refurbishment of the established and immune ground floor flat.

1.29 The address data base utilised by the Planning Portal recognises the existence of two flats at this address.

2.0 Immune from Enforcement

2.1 The existing use of the building as two flats, as we have demonstrated, is immune from enforcement by the local authority

2.2 Works of improvement within a permitted use do not require planning permission.

2.3 It is our understanding that where those works also seek to alter the building to comply with current local planning policy that the LPA

might have a wish to assist in their provision, but this does not appear to apply to Reading Borough Council who appear to have the alternative wish to further burden their already overworked planning staff, add to the cost of those altruistic entrepreneurs who are attempting to assist in the provision of housing and generally obstruct beneficial commerce within the local economy.

- 2.4 As we have already demonstrated the existing two flats have been in use for a period of eighteen years which, if continuous use could be proven, would certainly give rise to the use being lawful.

3.0 HMO Classification

- 3.1 The LPA has also suggested that the property might be a house in multiple occupation, but this is not backed up by either the layout of the property, the division and use of the rooms within it or the availability of locks on each of the internal doors.
- 3.2 The history of council tax payments accepted by the local authority also runs counter to this alleged use.
- 3.3 The reliance upon the existence of an HMO by the LPA cannot be used as an excuse to delay

the registration of the previous application.

- 3.4 Time is of the essence to the applicants and this current regularisation application is being lodged with a wish to arrest any further delays by the LPA.
- 3.5 Consideration will be given to the subsequent lodging of an appeal for the non-determination of the previous application, but is only delayed to enable the swift lodging of the current application.

4 The Application

- 2.1 This application seeks to regularise the existing two flats and does not therefore concern itself with any the internal or external alterations which have previously been included within the earlier application to generate the third flat.
- 2.2 The application does not therefore concern itself with compliance with current planning policy as that is also covered within the earlier application.

5 CIL

- 5.1 Prior to the division of the property in 1997 the premises were one family house and

therefore in a C3 use.

- 5.2 The division of the property is 1997 whether lawful or permitted did not and will not give rise to the application of any CIL.
- 5.3 The owners of the property have not sought any HMO use of the property, and the LPA have not imposed any HMO use and therefore the property has failed to become a sui generis use.
- 5.4 The division of properties to provide an additional flat or flats does not give rise to any CIL requirement and this is further confirmed in the Charging Schedule of the LPA.

TEW Design
February 2016

(A327) 137 Waverley Road, READING, RG30 2QD
for Messrs Lika & Panchal,
Retrospective application to regularise the existing two flats

DESIGN & ACCESS STATEMENT

Page 7

TEWd&m

TEW DESIGN & MANAGEMENT
PROFESSIONAL PRACTITIONERS IN ARCHITECTURE
PLANNERS PROJECT MANAGERS DESIGN CONSULTANTS
C o n t i n u a t i o n

The Site

