

DELEGATED HOUSEHOLDER APPLICATION REPORT

Ward: Emmer Green

App Ref: 240286/HOU

Address: 12 St Benets Way, Emmer Green, Reading, RG4 8SZ

Proposals: Proposed single storey side extension to create extended garage and workshop.

Case Officer: Mr Gary Miles

Applicant: Mr & Mrs Stephen Naylor

Date received (valid from): 15 March 2024 **Target Decision date:** 10 May 2024

1. SITE DESCRIPTION

The application site is a two storey detached dwellinghouse located on St Benets Way in Emmer Green. The property has an integral single garage with an area of hardstanding to the front of the garage allowing parking for 1 vehicle and a narrow section of domestic land the width of a pedestrian gate, alongside the property, this narrow section of domestic land (from when the properties were constructed) abuts privately owned woodland, beyond the curtilage of the dwelling, which is subject to TPO.

Site visit date: 26th March 2024

Site visit photos:



Land at side of property used as additional parking.



Front of property with existing parking for 1 vehicle.



Property: front elevation.



Property: front elevation with side access.



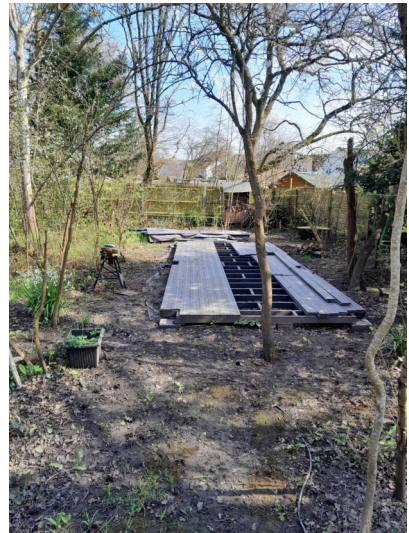
Side of property/north easterly elevation abutting TPO woodland.



Property: rear elevation.



TPO woodland adjacent to application site.



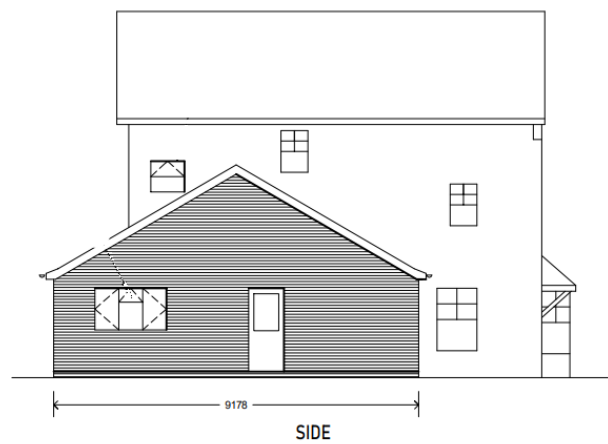
Unauthorised construction work in TPO woodland adjacent to application site.

2. PROPOSAL AND SUPPORTING INFORMATION

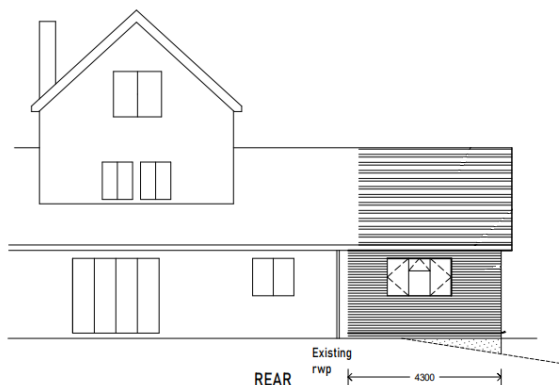
Proposed single storey side extension to create an additional garage and workshop. The roof pitch will follow and match that of the existing garage. New roller type garage door to the front elevation to match the existing garage door. New double glazed window for the workshop and double glazed side door for access in to the new garage. New obscure glazed window to the north easterly elevation at first floor level. Material will match those of the host property.



Proposed front (North Westerly) elevation



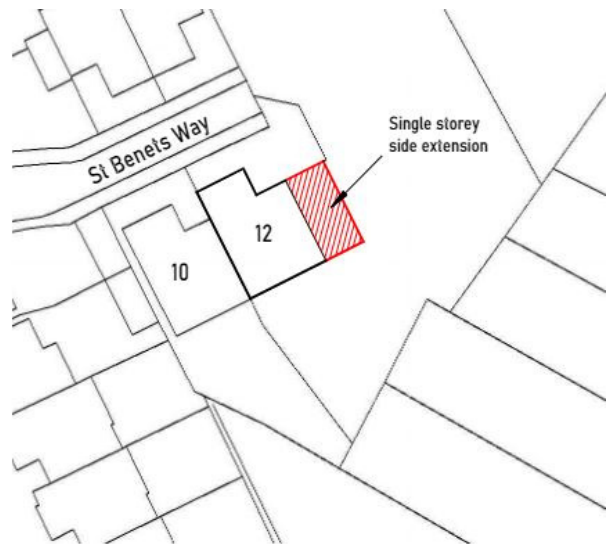
Proposed side (North Easterly) elevation



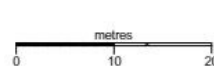
Proposed rear (South Easterly) elevation



LOCATION PLAN
Scale 1:1250



BLOCK PLAN
Scale 1:500



Plans & documents considered:

Application form dated 4th March 24

BS:5837 Arboricultural Report (Duckworths Arboriculture Ltd)-dated November 23

Tree Protection Plan (Duckworths Arboriculture Ltd)

Tree Constraints Plan (Duckworths Arboriculture Ltd)

Drawing no: NAYLOR-0823-01-Existing Ground Floor Plan

Drawing no: NAYLOR-0823-02-Existing Elevations

Drawing no: NAYLOR-0823-03-Proposed Ground Floor Plan

Drawing no: NAYLOR-0823-04-Proposed Elevations

Drawing no: NAYLOR-0823-05-Proposed Section A-A

Drawing no: NAYLOR-0823-06-Location Plan

Drawing no: NAYLOR-0823-07-Block Plan

Received by the Local Planning Authority on 5th March 2024

Land Registry Title Deeds & Plan

Received by the Local Planning Authority on 19th March 2024

3. RELEVANT PLANNING HISTORY

220188 - Works to a Tree subject to TPO - Permitted Feb 2022

231419 - Pre application advice for a single storey garage extension - Observations sent Nov 2023

4. CONSULTATIONS

Natural Environment (Trees)

Ecology

The following addresses were consulted by letter.

10 St Benets Way, Emmer Green, Reading, RG4 8SZ

255 Peppard Road, Emmer Green, Reading, RG4 8UB

257 Peppard Road, Emmer Green, Reading, RG4 8UB

No letters of representation have been 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.

5. LEGAL AND PLANNING POLICY CONTEXT

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

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC7 (Design and the Public Realm)

CC8 (Safeguarding Amenity)

H9 (House Extensions and Ancillary Accommodation)

EN12 (Biodiversity and the Green Network)

EN14 (Trees, Hedges and Woodlands)

SPG/SPD

A Design Guide to House Extensions SPG

6. APPRAISAL

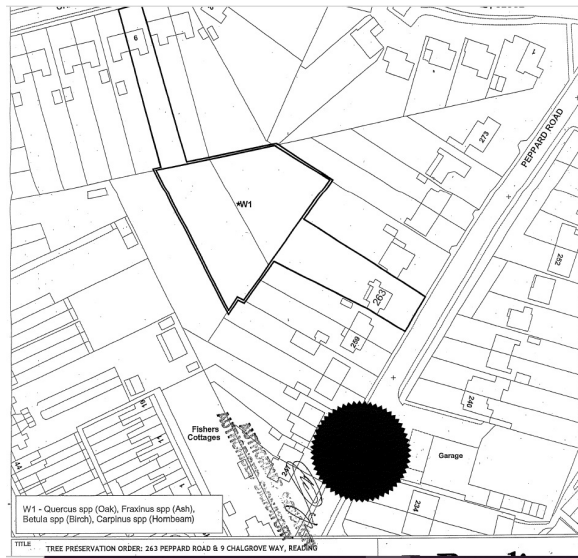
Principle

The proposal extends beyond the domestic curtilage of the existing dwelling into an area of woodland which does not currently form part of a domestic curtilage and has a woodland use, and in all probability is not Previously Developed Land. It is considered that the proposal involves a change of use of the land and is largely proposed on land which is currently Open Space. It is noted that works have taken place including moving the fence line and provision of hardstanding. These are not authorised.

Trees

As the proposal will be partly built on non-domestic land/woodland subject to TPO the natural environment officer was consulted. Below, summarises points raised:

The land adjacent to No. 12 has been subject to a Woodland TPO since 2006, the TPO protects all Oak, Ash, Birch & Hornbeam on site. A 'woodland' classification was chosen due to the nature of the land at the time, being outside of the 'managed' garden area of the properties and having a woodland nature, the extract below shows the area defined as Woodland TPO.



The applicant at No. 12 St Benets Way now owns this and submitted the relevant title deeds. Having consulted the natural environment officer they are aware of the purchase and discussed the TPO and tree removals with the applicant before and after the purchase took place over the last few years.

The natural environment officer confirms, the felling of one Birch tree in 2021, under the 'dead' exemption which was agreed. At that time, photographs provided show the original layout of the boundary fencing, i.e. there had been no encroachment into the woodland area for parking at that time:



Planning history shows the subsequent Birch was agreed for felling in February 2022 (app ref 220188), subject to replacement planting. The local authority have no record of the replacement planting having been carried out hence this is an outstanding legal requirement.

For information, the following photos from May 2009 obtained by the natural environment officer show the situation (tree cover and fence location) at that time:



It is noted from the photographs I obtained at the time of my site visit on 26th March, that a grass grid area for parking has been constructed within the defined woodland area of the TPO which doesn't have planning permission (the local planning authority has no planning history), and nor were these discussed with the Natural Environment Team to confirm an acceptable impact on the TPO, despite being within RPAs as should have been done. The plans & documents provided by the agent in support of this application BS:5837 Arboricultural Report (Duckworths Arboriculture Ltd) appendix 2.4 photo 1, appendix 2.6 photo 6, (Tree Protection Plan (Duckworths Arboriculture Ltd), Tree Constraints Plan (Duckworths Arboriculture Ltd), Drawing no: NAYLOR-0823-06-Location Plan, Drawing no: NAYLOR-0823-07-Block Plan, Drawing no: NAYLOR-0823-01-Existing Ground Floor Plan already show the grass grid area and extended side boundary forming part of the house curtilage (not the case when the houses were built), as opposed to being part of the woodland area.

The natural environment officer highlights the following: "the Arboricultural Report (including tree survey, AIA and AMS) from Duckworths Arboriculture Ltd dated November 2023: 2.5 & 3.4 confirms that 3 'c' category non-TPO Plum trees must be removed to facilitate the build (T010, T011 & T012 of the survey). 3 replacement Birch trees are proposed (this still leaves a net loss of two Birch with ref to the 2021/2022 felling, one of which is required under the TPO). It is also unclear why 3 Birch, i.e. 3 of the same species, have been proposed and I would welcome comment on that".

I note the intention to replace the current grass grid with a 'porous gravel filled grid' to create a more suitable load bearing surface. However, it should be noted that the creation of 'hard' surfacing within Root Protection Area's should be to a no-dig specification and of suitable load bearing capacity suitable for cars when implemented. The natural environment officer states

“the Arboricultural Report describes the no-dig surfacing, however it is not 100% clear what is proposed due to the use of the various terms used: ‘porous gravel-cell structure’, ‘gravel cellular confinement system’, cellular confinement system’ and ‘geotextile grid’. For clarity, a 100mm deep (as indicated) cellular confinement system would be required, filled with the angular no-fines aggregate (as specified), with another geotextile layer (not specified) prior to the final porous surfacing”.

The natural environment officer questions whether the principle of the development is acceptable. There has already been impingement into the woodland area specified in the TPO, further impingement will take place for the buildings themselves and there will be a ‘sterile’ zone around these where tree planting will not take place due to proximity issues. The development, on top of that already done without permissions, will therefore reduce the woodland area and thereby reduce potential canopy cover and habitat - note the designated green link running across the north boundary of the land.

The Natural Environment officer raises the question of setting an unwelcome precedent for further development within this area, both here and on similar sites in the borough; this development ‘creep’ being contrary to improving tree cover and biodiversity.

The proposal does not comply with policies EN14 and EN12 of the Reading Borough Local Plan 2019 and the aims of the adopted Tree Strategy, the proposal is therefore not supported by the natural environment officers.

Ecology

As the proposal will be partly built on non-domestic land/woodland subject to TPO which provides habitat for wildlife including Bats - the Ecology Officers were consulted. Below, summarises points raised:

The application site lies adjacent to an area of woodland to the east and is located on a Green Link as per policy EN12 of the Reading Borough Local Plan 2019.

The ecology officer states that the proposal will be erected within an area of broadleaved woodland which is a “priority habitat” as defined in the National Planning Policy Framework (NPPF) and is likely to host a range of protected and priority species.

The proposals will lead to the loss of the buffer zone of semi natural habitats around the woodland and subsequently increase the amount of built form adjacent to the woodland resulting in overshadowing of the woodland habitat, increased light spillage from windows and outside lights, an increase in activity and noise from the application site and an overall and unnecessary disturbance of wildlife. These effects will be cumulative and over time will lead to the degradation of the priority woodland habitat.

The development is contrary to policy EN12 - Biodiversity and the Green Network and policy EN14 - Trees, Hedges and Woodland of the Reading Borough Local Plan 2019.

The development will have an adverse effect on an area of broadleaved woodland which is a priority habitat as per the NPPF. The application site also forms part of a Green Link as per policy EN12 and the proposals will fragment this link and the wider green network.

The proposals will not maintain, protect, consolidate, extend or enhance the green network or protect the priority woodland habitat and is therefore contrary to national policy

paragraphs 185 and 186 of the NPPF and local policies EN12 and EN14 of the Reading Borough Local Plan 2019.

Ultimately the woodland would be damaged and for this reason the Council's Ecologist objects to the application.

Character and Appearance

The proposal involves the encroachment into an area of woodland and open space. Policy EN8 states that there will be a presumption in favour of retention of undesignated open space. Development should not result in the loss of or jeopardise use and enjoyment of undesignated open space. The policy also requires that the quality of existing open space should not be eroded by insensitive development on adjoining land.

It is considered that the proposal erodes both the amount of woodland and its visual amenity on land forming part of the open space itself (a change of use of the land) and on the small amount of land involved in the proposal which does fall within the domestic curtilage of no.12 on the land adjoining the open space. This encroachment into the woodland is harmful to the open undeveloped character of the woodland contrary to Policy EN8 and fails to maintain and enhance the character and appearance of the area in which it is located and fails to respond positively to its local context. This is contrary to Policy CC7 of the Reading Borough Local Plan 2019.

Residential Amenity

Policy H9 states that an extension will be acceptable where it does not result in an overbearing impact on neighbours. Policy H10 seeks to ensure that the amenity of gardens and other outdoor areas are not compromised. Policy CC8 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.

The proposed extension is not considered to harm neighbouring amenity in terms of harmful to privacy due to its single storey form, the proposal is not considered overbearing, nor would the proposal have a detrimental effect on sunlight or daylight for neighbouring properties. The proposal would usually be considered acceptable;

However, as per policy H10 (amenity of gardens and other outdoor areas should not be compromised) the issues surrounding the neighbouring woodland subject to TPO, the unauthorised use of woodland as domestic land for the purpose of the additional parking space at the front of the property, encroachment into protected woodland and the unauthorised structures located within the TPO woodland (noted at the time of my site visit on 26th March 2024) the proposal is contrary to policy CC8 of the Reading Borough Local Plan 2019 and therefore not supported by planning officers

7. CONCLUSION

The proposed development has been assessed as set out above and is considered to be unacceptable.

8. RECOMMENDATION

REFUSE