

DELEGATED HOUSEHOLDER APPLICATION REPORT

Ward: Park

App Ref: 240521/VAR

Address: 1a Melrose Avenue, Reading, RG6 7BN

Proposals: Application for the proposed replacement of existing carport to side of property with new pitched roof, carport 2no new rooflights to main roof without complying with condition 2 of planning permission 230743 (amended description)

Case Officer: Marcie Rejwerska

Applicant: Paul Lapworth

Date received (valid from): 23 April 2024 **Target Decision date:** 18 June 2024

1. SITE DESCRIPTION

The application site is a two-storey semi-detached dwelling on the south side of Melrose Avenue. The property is set back from the road by way of a front garden and a paved driveway to the side. There is an existing car port at the side of the property; there is no formal planning history for this, however, the car port would fall under permitted development. The property is not listed nor in a conservation area.

2. PROPOSAL AND SUPPORTING INFORMATION

The applicant is seeking to vary condition 2 (approved plans) of planning permission 230743, which granted permission for an enclosed car garage to replace the existing car port. More specifically, the proposal includes amendments to the roof form and materials of the approved garage.

Plans considered:

Drawing No. 01 - Location and Site Plans, dated 8 May 2023

Drawing No. 03 Rev A - Floor Plans as Existing and Proposed, dated 10 October 2022

Drawing No. 04 Rev D - Elevations as Existing and Proposed, dated 27 March 2023

Received by the LPA on 23 April 2024

3. RELEVANT PLANNING HISTORY

230743 - Application for the proposed replacement of existing carport to side of property with new, pitched roof, car port. 2no new rooflights to main roof. - Application permitted

4. CONSULTATIONS

No internal consultation undertaken.

The following addresses were consulted by letter.

258 Wokingham Road, Reading, RG6 1JS

262 Wokingham Road, Reading, RG6 1JS

Flat 1, 260 Wokingham Road, Reading, RG6 1JS

Flat 2, 260 Wokingham Road, Reading, RG6 1JS

Flat 4, 260 Wokingham Road, Reading, RG6 1JS

Flat 3, 260 Wokingham Road, Reading, RG6 1JS

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.

5. LEGAL AND PLANNING POLICY CONTEXT

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered 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".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

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)
TR5 (Car and Cycle Parking)

SPD

A Design Guide to House Extensions SPG
Revised Parking Standards and Design SPD 2011

6. APPRAISAL

Character and Appearance

Policy H9 states that an extension to a house will be acceptable where it respects the character of the house in terms of scale, location, materials and design and 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. Policy CC7 also sets out relevant considerations for design.

The proposed roof form is a hipped roof with tiles to match the host dwelling. The approved timber cladding of the garage is unchanged. The proposed roof form and materials will complement the host dwelling and have a more sophisticated finish compared to the approved materials. As such, there are no objections to the proposed changes.

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.

- Privacy and overlooking;
 - No identified risk
- Overbearing effects;
 - No identified risk
- Sunlight and daylight;
 - No identified risk.

The proposal is not considered to cause any risk of harm to residential amenity of nearby residents nor the occupiers of the host dwelling.

7. CONCLUSION

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission can be granted. Advice contained in the Government's Planning Practice Guidance (PPG) makes it clear that 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 been discharged. Accordingly, the recommendation is to grant the variation to the existing planning permission subject to all conditions previously attached to planning permission 230743 with an amendment to condition 2 (approved plans).

8. RECOMMENDATION

GRANT VARIATION OF CONDITION 2

Recommended Conditions:

1. The development hereby permitted shall begin no later than three years from the date of planning permission 230743 issued on 24/07/2023.

REASON: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. [VARIED] The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

Drawing No. 03 Rev A - Floor Plans as Existing and Proposed, dated 10 October 2022

Drawing No. 04 Rev D - Elevations as Existing and Proposed, dated 27 March 2023

REASON: For the avoidance of doubt and to ensure the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. The materials to be used in the construction of the external surfaces of this development shall be as specified on the plans and/or application forms unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of visual amenity and ensuring the new development respond positively to the local context and character in accordance with Policy CC7 and H9 of the Reading Borough Local Plan 2019.