

DELEGATED APPLICATION REPORT

Ward: Park

App Ref: PL/24/0751 Lawful development: Proposed use

Address: 43 St Bartholomews Road, Reading RG1 3QA

Proposal: Lawful Development Certificate for a proposed change of use from C3 Residential to C4 HMO for 6 individuals. (amended)

Applicant: Mr Simon Brown

Received date: 11-06-2024

Target Decision date: 16-08-2024 (EXT)

Case Officer: Huimin Chen

INTRODUCTION

The application site is a two storey mid-terraced property. The property is not a listed building, nor is it located in a conservation area. It is also not in an area subject to any Article 4 restrictions.

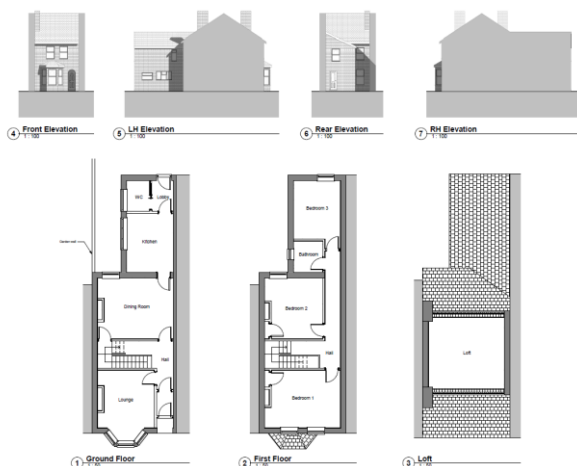
PROPOSAL AND SUPPORTING INFORMATION

This proposal is for a Certificate of Lawfulness for proposed conversion from C3 to C4 (6 individuals HMO). Bedroom 6 would be situated in the rear loft conversion, which was approved under permission 240016.

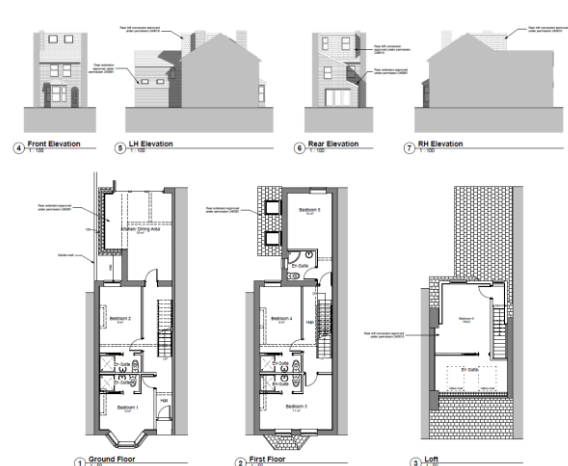
Plans and Documents Considered

- Drawing No. 2023-1164-205 – Existing and Proposed Block Plans
- Drawing No. 2023-1164-203 – Location Plan
- Drawing No. 2023-1164-204 Rev. A – Existing and Proposed Site Plans
- Drawing No. 101 – Existing Floor Plans and Elevations
Received 11 June 2024.
- Drawing No. 105B – Proposed Floor Plans and Elevations.
Received 7 August 2024.

Existing Floor Plans and Elevations:



Proposed Floor Plans and Elevations



RELEVANT PLANNING HISTORY

240016/CLP - Certificate of Lawfulness for proposed loft conversion, rear dormer window and 2 front roof lights. - Application Permitted

240081/HPA - Rear extension measuring 6m in depth, with a maximum height of 3.5m, and 2.7m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. - Application Permitted

CONSULTATIONS

No consultations are required for this application. Please refer to the Lawful Development Certificates section of The National Planning Policy Framework and relevant planning practice guidance as follows:

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application. (Paragraph: 008 Reference ID: 17c-008-20140306)

However, 5 objection letters of representation have been received as follows:

- | | | |
|------------------------|---|--------|
| • Member of the Public | 56 St Bartholomews Road | Object |
| • Member of the Public | 15 St Bartholomews Road | Object |
| • Member of the Public | 11 St Bartholomews Road, Reading, RG1 3QA | Object |
| • Member of the Public | 37 St. Bartholomews Road | Object |
| • Member of the Public | 44 St Bartholomews Road | Object |

The objections are related to the number of properties being converted in this way on St Bartholomew's Road, as well as concerns about overcrowding, and negative impacts on safety, noise, parking, street cleanliness, bins, water supply drainage, and strain on local services. The objections also mention the lack of maintenance of the structure and appearance of the application site, and the harm to community character.

Additionally, the objection letters request that the planning committee reject this application to preserve the quality of life for the current residents of St Bartholomew's Road and consider Article 4 Directions when evaluating this application, as a request to designate St Bartholomew's Road as an Article 4 area has been lodged with the council.

Planning Officer note: The application site is not a listed building, nor does it fall within a conservation area. It is not in an area subject to any Article 4 restrictions. The permitted development right has not been removed. Therefore, the proposal for change of use from C3 to C4 (small HMOs) would be permitted development and this Certificate of Lawfulness application has been submitted to establish the lawfulness of this change. There is no assessment required against policies, for example related to noise, parking etc, because a CLP is a legal determination only.

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

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders – Technical Guidance September 2019

ASSESSMENT UNDER CLASS L

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The following element of the proposals are considered under Class L:

- Proposed conversion from C3 to C4 (6 individuals HMO)

The proposed conversion must be assessed to ensure that it complies with the relevant conditions of Class L, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to 'Small/HMOs to dwellinghouses and vice versa'.

Development Permitted.

Development consisting of a change of use of a building

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule; **N/A**

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule; **Complies**

Development not permitted

Development is not permitted by Class L if it would result in the use:

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; **Complies** or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule; **Complies**

OVERALL RECOMMENDATION

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed conversion from C3 dwellinghouse to C4 (small HMO) use.

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class L Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the proposed operations would be lawful for planning purposes on the basis of the following:

- Drawing No. 2023-1164-205 – Existing and Proposed Block Plans received 11 June 2024
- Drawing No. 2023-1164-204 Rev. A – Existing and Proposed Site Plans received 11 June 2024
- Drawing No. 105B – Proposed Floor Plans and Elevations received 7 August 2024.

Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives

Building Regulations

Construction and Demolition

Encroachment and Party Wall Act

