

## DELEGATED APPLICATION REPORT

**Address:** 87 Balmore Drive, Reading

**Application No:** 240848/VARIAT

**Proposal:** Part single, part double storey side extension. [Application under s.73 - Variation of condition 2 (approved plans) of planning permission 231854 to include rooflight on eastern elevation ground floor roof above study].

**Target Decision date:** 28<sup>th</sup> August 2024

**Case officer:** Ethne Humphreys

### Site Description and Surrounding Area

The application site sits within Balmore Drive, a private residential road. The road is characterised by pairs of semi-detached 1930s properties of uniform design. Properties have a front bay window at ground and first floor level and are primarily finished in red-brick, although some do have pebbledash/ render at first floor level. Street trees line both sides of the road.

No. 87 is situated towards the top of Balmore Drive, near the junction with Peppard Road and is no different in terms of design to other properties on the road. However, the application site benefits from a wider plot than neighbouring properties in the immediate vicinity (although not as large in terms of depth). Due to this additional width, the site accommodates a detached double garage to the east.

The property is not listed, nor in a conservation area.

### The Proposal & procedural background

The applicant is seeking to vary condition 2 (approved plans) of planning permission 240848, which granted the erection of a part single, part double storey side extension. The application form notes that works have started.

More specifically, it is seeking to insert a rooflight on the eastern roof slope of the single storey side element approved. The rooflight is proposed to be obscurely glazed.

From a procedural perspective, relevant guidance from the NPPG is reproduced below:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity 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 already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 017 Reference ID: 17a-017-20140306

Is there a definition of 'minor material amendment'?

There is no statutory definition of a 'minor material amendment' but it is likely 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.

Annex A: summary comparison table

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions. Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place.

### **Public Consultation**

Neighbour Consultation

Neighbours have been consulted by letter; no responses have been received.

### **Consultations**

None.

### **Plans Considered**

The Council, in reaching its recommendation, has taken into consideration the following plans which will appear on the new decision notice:

Block Plan RG48NN.01 dated July 2024

Ground Floor Plan RG48NN.02 dated July 2024

First Floor Plan RG48NN.03 dated July 2024

Roof Plan RG48NN.04 dated July 2024

Elevations RG48NN.05 dated July 2024

Site Plan RG48NN.06 dated July 2024

### **Relevant Planning History**

231854/HOU - Part single, part double storey Side extension. Permitted, implemented.

210230/HOU - Erection of a two storey side extension and single storey rear extension (amended) - Permitted

200915 - Demolition of existing garage and erection of proposed new dwellinghouse and associated works - Application Withdrawn

020105 - Loft conversion with side dormer - Application Permitted

010739 - Loft conversion with side dormer - Application Refused

**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 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. The Development Plan for Reading relevant to the application site comprises the Reading Local Plan 2019.

As per the PPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2023 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Plan 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 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

**Relevant Policies**

The application has been assessed against the following policies:

**National**

National Planning Policy Framework 2023

National Planning Policy Guidance 2014 (onwards)

**Reading Borough Local Plan (2019)**

CC1: Presumption in Favour of Sustainable Development

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

H9: House Extensions and Ancillary Accommodation

**Supplementary Planning Guidance**

Supplementary Planning Guidance - A Design Guide to House Extensions (2021)

Sustainable Design and Construction Supplementary Planning Document (2019)

**Appraisal**

Given the nature of the proposed change, no overbearing effects would arise, and it is not considered to discernibly change the appearance of the extension. Due to the position of the rooflight within the roof slope, it is not considered to result in substantial views to No.8 Balmore Drive and it is proposed to be obscurely glazed which would be conditioned. As such, no harmful conflict is considered to arise with condition 4 which notes no new openings without grant of planning permission from the LPA.

Within the context of the extensions previously approved, the proposal is considered acceptable. Furthermore, in line with the NPPG, cumulatively the proposal can be considered to be ‘minor material amendments’, as due to its scale and nature it is not considered to result in a development which is substantially different from the one which was originally approved.

### **Recommendation**

Grant variation of condition 2.

In line with the NPPG, all of the original conditions (as part of 231854) are reproduced, with the altered worded conditions (bearing in mind the NPPG) incorporated.

1. Condition 1 of the original planning permission (3 years for implementation - Ref 231854/HOU) is no longer relevant, as the permission has already been implemented.

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

Location Plan 3915/100 dated October 2023

Block Plan RG48NN.01 dated July 2024

Ground Floor Plan RG48NN.02 dated July 2024

First Floor Plan RG48NN.03 dated July 2024

Roof Plan RG48NN.04 dated July 2024

Elevations RG48NN.05 dated July 2024

Site Plan RG48NN.06 dated July 2024

REASON: For the avoidance of doubt and to ensure that 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 responds positively to the local context and character in accordance with Policies H9 and CC7 of the Reading Borough Local Plan 2019.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows/doors/dormers/openings, other than those shown on the approved plans shall at any time be placed in the eastern (side) elevation of the extensions hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

5. Prior to first occupation/use of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall specify means of treatment for hard surfaced areas, means of enclosure including mammal gaps where appropriate, specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees and tree pit specifications where appropriate, and must include a maintenance programme detailing all operations to be carried

out in order to allow successful establishment of planting. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s) or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: In the interest of ensuring that the landscaping of the development enhances the appearance of the local environment and in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

6. Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement within Class A (enlargement, improvement or other alteration), or development within Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

REASON: Due to the scale of the proposal and the concern that further unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing, or harm the appearance of the main house and the area in general, and should therefore be controlled in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan 2019.

#### New Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed rooflight on the ground floor eastern roof slope shall not be openable below a height of 1.7 metres when measured from the floor level of the room within which it is. The window shall be glazed with obscure glass before first occupation of the development hereby approved and shall be maintained as such at all times thereafter.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 of the Reading Borough Local Plan 2019.