

DELEGATED APPLICATION REPORT

Ward: Caversham Heights Ward

App Ref: PL/24/0655 Removal/variation of conditions

Address: 196 Upper Woodcote Road, Caversham, Reading RG4 7JU

Proposal: Proposed first floor lift. Two storey rear, single storey front extensions and internal alterations without complying with Condition 2 (Approved Plans) of planning permission 230041

Applicant: Mr & Mrs Ghabachi

Received date: 21/05/2024

Target Decision date: 10/12/2024

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site comprised a detached bungalow on the south-eastern side of Upper Woodcote Road in Caversham Heights. The site is currently under development, which was granted permission in 2023. The property is set back from the road and largely obscured by mature trees within the site.



Aerial view of the site. Image taken from Google Maps on 02/12/2024. Annotation is indicative for reference only.

2. PROPOSAL AND SUPPORTING INFORMATION

The application is seeking to vary condition 2 (approved plans) of planning permission PL/23/0041, which granted permission for an upward extension two-storey rear, single storey front extensions, and internal alterations. More specifically, the proposal comprises infill of the permitted porch, a marginal reduction at the rear elevation, addition of 2x side elevation windows and 2x rooflights, and internal alterations to the layout.



Left: Proposed ground floor layout. Stars indicate more significant changes to the layout. Right: Approved ground floor layout.

2.1. Information Submitted:

Planning Statement, received 15 October 2024

22118.S.PP-04 Rev C Proposed Ground Floor Plan, dated December 2022, received 21 May 2024

22118.S.PP-05 Rev C Proposed First Floor Plan, dated December 2022, received 21 May 2024

22118.S.PP-07 Rev D Proposed Elevations, dated December 2024, received 3 December 2024

3. RELEVANT PLANNING HISTORY

PL/04/1356 - Single storey rear extension with pitched roof. Application permitted on 12/07/2004

PL/23/0041 – Proposed first floor lift. Two storey rear, single storey front extensions and internal alterations. Application permitted on 18/07/2023

PL/23/1573 – Application for approval of details reserved by conditions 6 (CMS) and 7 (Archaeology) (amended description). Conditions discharged on 04/06/2024

4. CONSULTATIONS

All adjacent neighbours were consulted via letter. No letters of representation were received.

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)
TR3 (Access Traffic and Highway-related Matters)
TR5 (Car and Cycle Parking)
EN14 (Trees, Hedges and Woodlands)

SPD

Design Guide to House Extensions SPD 2021
Revised Parking Standards and Design SPD 2011

6. APPRAISAL

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 changes are considered marginal, without significant impact on the character of the approved design. The approved design of the porch included a recess which is proposed to be infilled, and a rooflight added to the mono-pitch porch roof. A single large rooflight is proposed on the flat roof at the top of the dwelling. The approved internal layout comprised a bedroom on the ground floor which is to be removed and incorporated into the large open plan living room, and as such the internal layout has been altered and one small side elevation window proposed. On the first floor, the internal layout has been revised to relocate the ensuite, which is now proposed to have a side elevation window. At the rear, part of the extension has been set back, which improves the overall appearance of the rear extension and is, therefore, considered acceptable.

Policy CC8 requires all development to not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties.

Three new windows are proposed on the side elevation, one on the ground floor and the second on the first floor directly above. The ground floor window will be a secondary living room window, while the first-floor window will serve an ensuite bathroom. It is not considered that this will result in any risk of harm either to the occupants or nearby residents in terms of overlooking or loss of privacy. Three new rooflights are also proposed on the roof and these are also considered acceptable.

7. CONCLUSION

The proposal has been assessed in line with national and locally adopted policies as above and is considered in accordance with those policies, in the context of the original substantive permission ref PL/23/0041.

8. RECOMMENDATION

GRANT VARIATION

Recommended Conditions:

1. The development hereby permitted shall begin no later than three years from the date of planning permission PL/23/0041 issued on 18 July 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 and 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:

22118.S.PP-04 Rev C Proposed Ground Floor Plan, dated December 2022, received 21 May 2024

22118.S.PP-05 Rev C Proposed First Floor Plan, dated December 2022, received 21 May 2024

22118.S.PP-07 Rev D Proposed Elevations, dated December 2024, received 3 December 2024

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 responds positively to the local context and character in accordance with Policy CC7 and H9 of the Reading Borough Local Plan 2019.

4. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the phasing as outlined in the Arboricultural Report and Method Statement / Tree Protection Plan prepared by Harrison Arboriculture dated 29 June 2023. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

5. [VARIED] 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 first floor rear and first floor side elevation en-suite windows 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.

6. The measures within the approved Construction Method Statement under application ref PL/23/1573 shall be adhered to throughout the whole of the construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

7. [CONDITION DELETED] As no longer required.