

DELEGATED PLANNING APPLICATION REPORT

Ward: Tilehurst

App Ref: 231362/VAR

Address: 30 Westwood Glen, Reading, RG31 5NW

Proposals: Continued use as two separate dwelling units without complying with Condition 1 following grant of planning permission 84/TP/262 and to modify the Deed of Variation to remain as two dwellings.

Case Officer: Nathalie Weekes

Date received (valid from): 8 May 2024 Target Decision date: 3 July 2024

1. INTRODUCTION AND BACKGROUND

The application site is a bungalow, operating in breach of a Section 52 which sub-divided into 2 dwelling units with shared access and amenity, located on Westwood Glen, with a large rear garden. Originally constructed circa 1950, described as a 4 bedroom bungalow, and later extended, the property is located within a predominantly residential area. Cook & Clark Christmas Trees Shop annually operates from the site in the weeks leading up to Christmas. The site also contains a partly-constructed mobile home/wooden building on the site.

It is not a listed building or located within a conservation area. The rear of the site is on the boundary with West Berkshire.

In 1985, the site was the subject of a Section 52 agreement whereby the main property was split into no's 30 & 30a for use as two separate dwellings. The S52 agreement required that once the 'persons' related to the S52 legal agreement were deceased, that the property should be returned to become 1 'single and undivided dwelling house'.

Since the S52 agreement was signed, the named occupiers have since died, however the two properties have not been re-amalgamated into one 'single and undivided dwelling house' therefore the property is currently in breach of the S52. Different family members are residing in the separate properties and wish to make the division permanent and to remove the S52 legal agreement's obligations. The S52 requires the reinstatement of separate doorways and for one kitchen to be removed.

Further planning permissions have been issued to extend the property to accommodate changes in the family. Additional development to provide an outside covered seating area in the front garden of 30 a Westwood Glen has also been added over 4 years ago, without planning permission.

PROPOSAL

Plans submitted show a 1x1 bedroom unit and 1x2 bedroom unit, with alterations sub dividing the original 4 bedroom bungalow into separate stand alone properties, with a separate pedestrian entrance to 30a, and parking proposed for 30a outside along Westwood Glen.

The proposal is for the continued use of two separate self contained dwelling units without complying with Condition 1 following grant of planning permission 84/TP/262 and to seek a Deed of Variation to release the site from the s52 for it to remain as the two separate dwellings. The application form states that the proposal has been submitted to allow family

members to purchase the property at 30A Westwood Glen, with non-vehicular access. The application seeks to keep the existing situation largely as is, with the subdivision of the present large garden, so that there is a separate smaller front garden for 30A.

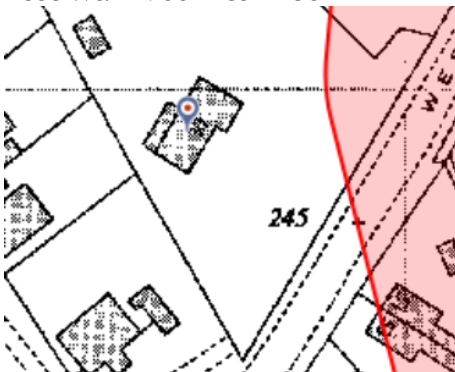
Site visit photos:



Position of the original interior door.



RBC Map records of development at the site
Post War 1960 1 to 1250



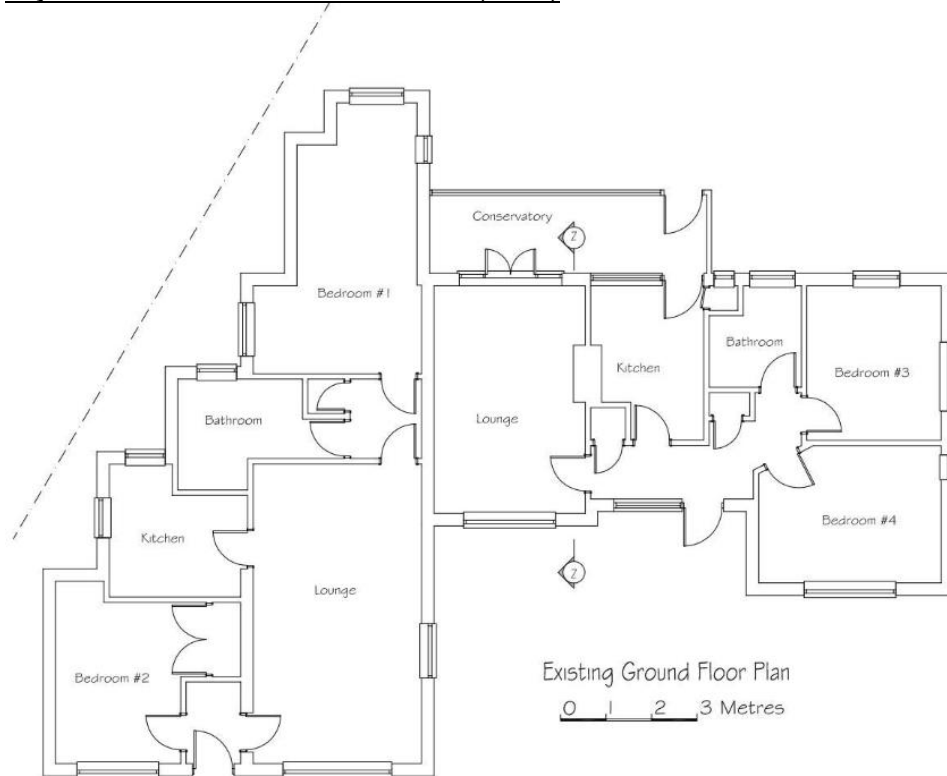
OS Map



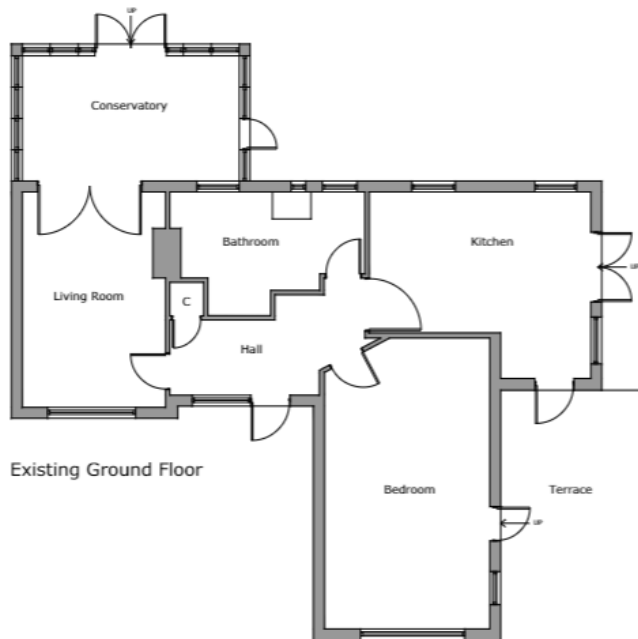
Google Earth June 2018



Layout submitted for 231362 dated (2013)



Current layout 30 Westwood Glen



Current layout 30A Westwood Glen



Previous plans approved

30 Westwood Glen

201464 Single Storey Side extension - not implemented

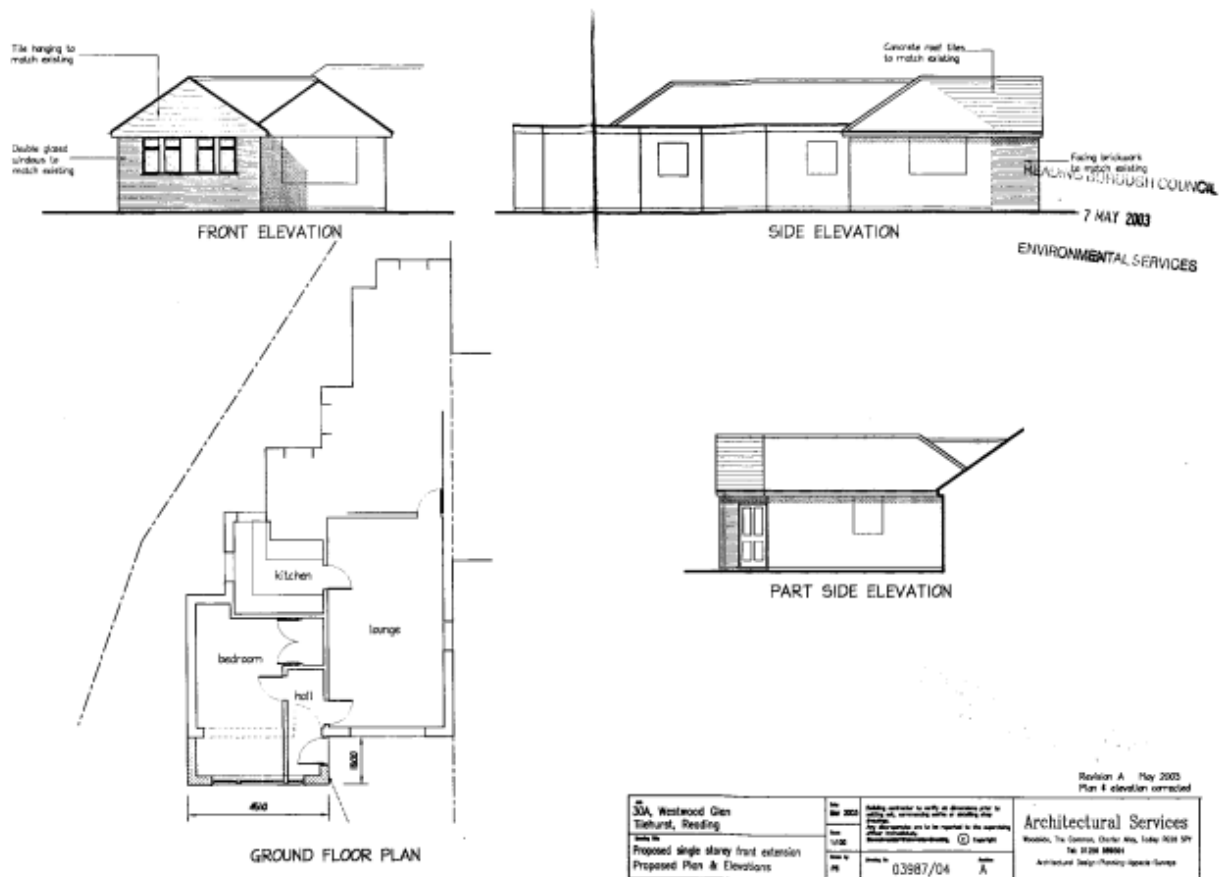
3. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans, received 19/10/20: Drawing No: 05 - Proposed Floor Plan



210101 NMA Approved Plan - not implemented



30A Westwood Glen
030540 front extension 2003



This permission relates only to the application as changed by drawings 03987/01 RevA, 03987/02 RevA, 03987/03 RevA, 03987/04 RevA which were received by the local planning authority on 7th May 2003. Reason: as some plans were changed and to clarify which plans are approved.

Plans considered

S52 Agreement

01 Existing site and ground floor plan (As at Jan 2013)

As received 03/10/2023

01 Existing Ground floor 30 Westwood Glen

02 Existing roof plan 30 Westwood Glen

03 Existing Elevations 30 Westwood Glen

01 Existing Ground Floor 30a Westwood Glen

02 Existing Roof Plan 30a Westwood Glen

03 Existing elevations 30a Westwood Glen

04 Existing Block Plan

14 Proposed Block Plan

As received 18/03/2024

04 Existing Elevations Outbuilding 30 a Westwood Glen

04 A Existing Block plan

03 A Existing Elevations Inc terrace 30 Westwood Glen

14 A Proposed Block Plan

As received 22/04/2024

14 B Proposed Block Plan
04 B Existing Block plan with gate and fence
03 Existing Elevation 30a Westwood Glen
As received 08/05/2024

Modification or Discharge of Obligation Form
As received 24/05/2024

2. RELEVANT PLANNING HISTORY

84/TP/262/FUL Continued use as two separate dwelling units - Application permitted 26 June 1985

130207/FUL - Single storey extension to front & side; rear extension with room in roof space - Application Permitted 18/03/2013

121468/FUL - Rear extension to provide kitchen/family room with study/office in roof space and new dormer window - Application Permitted 20/11/2012

210101/NMA - Non-material amendment to planning permission ref. 201464/HOU for internal alterations and repositioning of fenestration to single storey side extension - Application permitted 16/02/2021

201464/FUL - Single storey side extension - Application Permitted 25/11/2020

221325/CLP - Application for a Lawful Development Certificate for a Proposed Caravan (movable) to be used as ancillary accommodation Refused 02/11/2022, Allowed at appeal 15/03/2024

30a Westwood Glen

030542 Single storey front extension - Application permitted 19/05/2003

3. CONSULTATIONS

A site notice was emailed to the agent to be displayed at the site.

No letters of representation have been received.

Internal consultees

RBC Transport

The original permission was clearly agreed on the basis that the listed residents of both properties were related and as such it was a personal permission for them alone. With this in mind both properties would have utilised a shared pedestrian access and they would have had shared access rights to the existing parking area. This parking area could accommodate at least 4 vehicles comfortably should the residents of both properties had required ownership of private vehicles. It is also noted within the S52 agreement at Clause 1(d) that *not more than one vehicular access to the site may be formed and that only in accordance with the requirements of the Highways Act 1980 Section 184*, therefore implying that any parking was to be contained within a single area and no additional parking areas formed therefore aiding the reversion to a single dwelling and ensuring no long term subdivision of the property.

The Highway Authority's view therefore is that parking for both properties has always been available whether it has been used or not during the subdivision and therefore the proposed removal of the S52 requirement is unacceptable as it results in the non-provision of car parking for 30a which would be below the Council's required parking standard of 2 spaces resulting in on street parking along Westwood Glen in close proximity to a tight bend and the junction of Westwood Glen and Lower Elmstone Drive.

Given the above the Highway Authority objects to the proposed development.

Recommended reason for refusal:

The layout does not comply with the Local Planning Authority's standards in respect of vehicle parking. This could result in on-street parking/reversing movements on Westwood Glen, adversely affecting road safety and the flow of traffic, and in conflict with Local Plan Policy TR5.

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 Local Plan is currently under review with a partial update under consideration. Many of the policies remain relevant, with a number of policies in need of update, policies listed are relevant existing policies with a moderate level of weight. Existing policies can be referred to in conjunction with the NPPF (December 2024), with reference to the emerging policy <https://www.reading.gov.uk/planning-and-building-control/planning-policy/new-local-plan/local-plan-partial-update/>

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

National Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

H2: DENSITY AND MIX

H3: AFFORDABLE HOUSING

H7: PROTECTING THE EXISTING HOUSING STOCK

H8: RESIDENTIAL CONVERSIONS

H9: HOUSE EXTENSIONS AND ANCILLARY ACCOMMODATION

H10: PRIVATE AND COMMUNAL OUTDOOR SPACE

TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS

TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING

SPG/SPD

Affordable Housing (2021)

Revised Parking Standards and Design (2011)

Residential Conversions (2013)

Planning Obligations Under S106 (2015)

6. APPRAISAL

It is necessary to consider whether the restrictions placed under the S52 agreement are still relevant.

Relevant policies

Policy CC7 states that, 'All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located... including - Layout and urban form' and that development should 'Respond positively to their local context.'

Policy CC8 states that, 'Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of Privacy and overlooking.'

Policy H2 states that there is, 'a particular need within both Reading and the Western Berkshire HMA for family housing of three bedrooms or more' and that 'homes with two or more bedrooms, capable of accommodating families, represent the majority of the need.'

Policy H3 states that 'on sites of 1 - 4 dwellings, a financial contribution will be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.' The exemptions to this policy comprise, 'The following types of residential development will be exempt from the requirement to provide affordable housing:

- Replacement of a single dwelling with another single dwelling; and
- Conversion of a dwelling to self-contained flats where there is no new floorspace'.

Policy H7 states, 'Planning permission will not be granted for any loss of residential accommodation or land unless there are exceptional circumstances.'

Policy H8 states, 'Residential conversions have an important role to play in housing land supply in Reading. The subdivision of large houses has often enabled renovation and affordable maintenance of properties.'

Policy H10 states, 'Dwellings will be provided with functional private or communal open space, including green space wherever possible, that allows for suitable sitting-out areas, children's play areas, home food production, green waste composting, refuse storage, general outdoor storage and drying space.'

Policy TR5 states, 'Development should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough.'

S52 agreement

The S52 agreement is linked to planning permission 84/TP/262 for continued use as 2 dwellings (ie. It had been in unauthorised use at the time). Plans submitted with this application show a floor plan for a 4 bedroom bungalow split into 2 dwellings each containing 2 bedrooms. The original planning application resulted in the loss of a 4 bedroom family dwelling and the creation of 2x 2bedroom dwellings with shared general amenities including the garden amenity and single access driveway. The two dwellings are in close proximity to each other with windows to the front elevations overlooked from the entrance pathway and gardens into the entrances and into living rooms.

The S73 variation proposes to remove the requirement for the building to revert to one dwelling now that the relevant parties are deceased and to instead be allowed to continue to be permitted to be two separate dwellings. Due to the S52 arrangement the 2 separate bungalows do not qualify from a period of immunity from enforcement to require them to be put back into 1 dwelling. A request has been submitted for the S52 legal agreement to be amended by the LPA as part of the s73 application.

The current living arrangements at 30 and 30A Westwood Glen is in breach of the original S52 agreement as relevant parties are now deceased and the dwelling should have been returned to 1 property.

The planning application must be considered under current Local Planning Policies, to see whether the purpose of the legal restriction is still relevant or not.

Transport TR3, TR5

Although the dwellings have been in use since 1985 as two separate dwellings, the S52 agreement was agreed on the basis that the residents, belonging to the same family would have a shared pedestrian access and shared access rights to the existing parking area. The RBC transport team have highlighted that *'within the S52 agreement at Clause 1(d) that not more than one vehicular access to the site may be formed and that only in accordance with the requirements of the Highways Act 1980 Section 184.'* The non provision of an on site car parking space for 30a Westwood Glen is unacceptable, falls below a requirement for 2 parking spaces and does not comply with policies TR3 Access, traffic and highway-related matters, TR5 Car and Cycle parking and electric vehicle charging and the Revised parking Standards and design (2011) SPD.

The left-hand dwelling would not be provided with any parking. Neither does the application confirm that the parking area to the right of the right-hand dwelling would also be made available for the left-hand dwelling, meaning that parking would occur on the highway.

The location of the site is in close proximity to a tight bend and junction with Lower Elmstone Drive. As such, whilst this arrangement was considered suitable in terms of the exceptional circumstance of related family members living next to each other in separate dwellings it is not considered suitable for permanent retention.

Design and Impact within the public realm - CC7, H10

No changes are proposed to the footprint or front elevations of the two existing dwellings and would remain relatively unchanged within the public realm but would not reflect the urban structure and urban grain of the surrounding area. The layout of the separated plots do not provide sufficient functional private open space or respect the size and character of other similar spaces in the vicinity and are compromised by the relationship of the building frontages in terms of resultant overlooking. As such, this arrangement was only considered satisfactory in terms of the exceptional circumstances of related family members living next to each other it is not considered suitable for permanent retention.

Works undertaken at the site with and without planning permission have added to development within the site. Resultant amenity space and the proposed division of the garden would not result in an acceptable amenity area for each property.

The plot at 30 Westwood Glen is large, with the dwelling(s) sited in the front corner of the plot in a cramped area which results in a lack of amenity being proposed for 30A Westwood Glen. The small size of the outside amenity space is not in keeping with surrounding dwellings, with

the main garden at the front rather than at the rear of the property which is contrary to the prevailing character of the area, contrary to policies CC7 and H10.

Impact on amenity CC8

Neighbouring residents will not be impacted by the changes proposed, however due to the siting of the bungalows and location of the windows, the interior and front garden amenity of future unrelated residents at 30 and 30a Westwood Glen would overlook each other, resulting in a detrimental impact resulting in a lack of privacy, contrary to Policy CC8. Such a situation is acceptable for related family members, as was allowed in the 1984/5 permission, but not suitable for permanent retention for neighbours who are unrelated to each other.

Furthermore, it was evident from the site visit that the unit at 30A is very dark. This is because the site tapers at this point and there are a lot of inner areas. Whilst use of this area was more suitable in terms of a granny annex situation, whereby the older person has access to the rest of the house, it is not suitable as a permanent retained situation, where the lack of access to daylight is contrary to policy CC8.

Density and mix

The proposal would result in a permanent (rather than temporary) loss of a large family house and minor alterations from the original provision granted by 84/TP/262 in order to facilitate this. Larger houses are in greater need within Reading. Whilst there would be a permanent gain of a two-bedroom unit, this would not be a good standard of property, and would result in the loss of the 4-bed unit. Overall and on balance, it is considered that this is not acceptable and harmful to the overall goals of the local plan then, or now.

Other issues

Affordable Housing

Permission was previously granted in 1985 for the sub division of the original 4 bedroom bungalow. At that time, the creation of an additional unit did not create the need for an affordable housing continuation (a policy probably did not exist). Consideration has been given to the requirement for an affordable housing contribution in respect of this current application were it otherwise acceptable and it has been confirmed by the Council's Planning Policy Manager that an affordable housing contribution would not be required in this instance.

7. CONCLUSION

The site remains under the control of a restrictive S52 agreement. The S52 is linked to the original planning permission. A variation of the original planning application is not supported as the reasons for the original S52 when the original provision was granted by 84/TP/262 largely still apply to this day, ie. it continues to fulfil a legitimate planning purpose. It is preferable to retain the site for a single family ancillary use, and the S52 still remains relevant after consideration of Local Plan 2019 policies.

As such it is not possible to support the proposals for a variation to the condition 'Plans' or an amended S52 to permit continued use as two separate dwelling units.

Recommendation

Refuse

1. The proposal is not considered acceptable due to the decrease in the provision of larger family housing. Larger family houses are in greatest need within Reading Borough and notwithstanding the additional net gain of one housing unit, the proposal overall would reduce the ability to provide larger units, and would therefore fail to comply with policies H2, H7 and para 129 of the NPPF (December 2024).
2. Due to the siting within the plot, and the position of the existing windows of 30 and 30a Westwood Glen, the proposal results in unneighbourly overlooking in to the front windows of the dwellings and lack of privacy to the primary external amenity space. The main garden at the front rather than at the rear of the property is not in the character of the area or reflect the urban grain of the surrounding area and has failed to demonstrate that acceptable garden amenity will be provided for 30a Westwood Glen as a separate 'unconnected' dwelling. The layout of the separated plots does not provide sufficient functional private open space or respect the size and character of other similar spaces in the vicinity and is compromised by the relationship of the building frontages. Furthermore, by virtue of the plot coverage and proximity of development to the plot boundary, the remaining unit (30A) is dark internally and fails to provide a suitable internal environment in terms of adequate daylighting. For these reasons, the proposed layout fails to demonstrate that it complies with the Local Plan policies CC7, CC8, H10 and para 135 of the NPPF (December 2024).
3. The proposal has failed to demonstrate that acceptable vehicular access will be provided with a resultant under-provision in the number of parking spaces for two separate 'unconnected' dwellings. From the information submitted, the layout fails to demonstrate that it complies with the Local Planning Authority's standards in respect of vehicle parking, due to No. 30A having no off-street parking provision, and is therefore in conflict with Local Plan Policy TR5. The changes proposed would result in on-street parking/reversing movements on Westwood Glen at a bend in the road, adversely affecting road safety and the flow of traffic, and in conflict with Local Plan Policy TR5. The proposed layout therefore fails to demonstrate that it complies with the Local Planning Authority's Revised parking standards and design SPD (2011) in respect of vehicle parking, in conflict with Local Plan Policy TR3, TR5 and para 111, 112 and 114 of the NPPF (December 2024).

INFORMATIVES

1. For the avoidance of doubt, this application has been considered on the basis of the following plans:

S52 Agreement

01 Location plan, existing site and ground floor plan (As at Jan 2013) As received 03/10/2023

01 Existing Ground floor 30 Westwood Glen

02 Existing roof plan 30 Westwood Glen

03 Existing Elevations 30 Westwood Glen

01 Existing Ground Floor 30a Westwood Glen

02 Existing Roof Plan 30a Westwood Glen

As received 18/03/2024

04 Existing Elevations Outbuilding 30 a Westwood Glen

03 A Existing Elevations Inc terrace 30 Westwood Glen

As received 22/04/2024

14 B Proposed Block Plan

As received 08/05/2024

Modification or Discharge of Obligation Form

As received 24/05/2024

2. The Local Planning Authority has worked positively and proactively with the applicant to see if relevant concerns could be resolved to allow permission to be granted. However, that has not been possible within the prescribed target or agreed extended timescale and therefore the decision to refuse planning permission has been taken.