

DELEGATED APPLICATION REPORT

Ward: Katesgrove Ward

App Ref: PL/24/1546

Address: 80 MOUNT PLEASANT, READING, RG1 2TD

Proposal: Variation of condition 2 (approved plans) of planning permission 220621 dated 12/012024 (for the erection of three storey 1 x 2-bed self-contained residential dwelling (class C3)), namely to allow loft accommodation including the provision of a rear facing box dormer window.

Applicant: Mr M Kumar

Received date: 20/11/2024

Target Decision date: 21/01/2025 (agreed extension of time)

Case Officer: Anthony Scholes

1. SITE DESCRIPTION

The proposal site is land to the side (south) of 80 Mount Pleasant. The site was formally part of the rear garden to 209 Southampton Street. There is a drop in levels across the site from west to east. The surrounding area is considered predominantly residential, with terraced rows along Southampton Street, Mount Pleasant and Highgrove Street. Whitley Street Local Centre is located 50m to the south of the proposal site.

The proposal site is not located within a Conservation Area or Listed. The proposal site is, however, located within the Article 4 area which restricts the conversion from C3 Use Class (dwellinghouses) to C4 Use Class (Small HMO) under permitted development.

2. PROPOSAL AND SUPPORTING INFORMATION

Variation of condition 2 (approved plans) of planning permission 220621 dated 12/012024 (for the erection of three storey 1 x 2-bed self-contained residential dwelling (class C3)), namely to allow loft accommodation including the provision of a rear facing box dormer window.

3. CONSULTATIONS

A site notice was displayed on site, and neighbours to the rear were consulted by letter drop.

No letters of objection have been received during the public notification period.

No internal consultations were undertaken.

4. LEGAL AND PLANNING POLICY CONTEXT

Section 73 of the Town and Country Planning Act allows persons to apply for to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

S73(2) states: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

In a recent high court appeal case, it was noted that “section 73 cannot be used to alter the operative part of a permission in any way unless the change is *de minimis* (Test Valley Borough Council v Fiske [2024] EWCA Civ 1541 (10 December 2024)).

As such, it is clear that the application cannot, in varying the conditions of an approval vary the operative components contained within the description of the development.

5. PLANS CONSIDERED

The following plan was submitted with the application:

- Drawing No. 02 Rev B – Proposed Plans & Elevations, dated 29 November 2024, as received 29 November 2024

6. RELEVANT PLANNING HISTORY

PL/24/1136 (APC) - Application for Approval of Details Reserved by Conditions 4 (Construction method statement.), 5 (Energy assessment by SAP assessor) of application 220621 - Split decision issued 20/12/2024

PL/22/0621 (FUL) - Erection of three storey 1x2-bed self-contained residential dwelling (Class C3) - Application Permitted on 12/01/2024

PL/04/0147 (FUL) - Erection of a two bedroom house on land adjacent to 80 Mount Pleasant – Application Permitted on 11/02/2005

7. 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.

8. APPRAISAL

8.1 Requirements under s.73

As outlined above, a 73 application can only vary conditions of a permission. It cannot change the operative component of the development originally approved.

In this instance, the proposed development sought permission for: “*Erection of three storey 1x2-bed self-contained residential dwelling (Class C3)*”.

The proposed development would include the removal of the originally approved basement level as a result of conflicts with foul drainage within the site, and provision of loft accommodation in the form of a bedroom, facilitated by the addition of a rear facing box dormer.

In this instance, it is considered that the proposal, remains the same height, and also would remain a three-storey dwelling for all intents and purposes. The dwelling would also provide a slightly reduced floor area, however would remain to contain 2-bedrooms, and a study as originally approved. As such, it is considered a decision can be made in favour of the application, subject to all matters below being considered appropriate.

8.2 Design and impact on character and appearance of the area

The proposed development, was originally considered against policy H11 and CC7 of the Reading Borough Local Plan 2019 with regards to design.

Part of policy H11 states: “... *The proposal makes a positive contribution to the character of the area in terms of: ... The materials and elevational detail. These should be high quality, and where appropriate distinctive and/ or complementary; • The arrangement of doors, windows and other principal architectural features and their rhythm between buildings.*”

Policy CC7 of the Reading Borough Local Plan requires all development to be of high-quality design and maintain and enhance the character and appearance of the surrounding area. In this specific case; this concerns the following components: Layout, Landscape, Scale: height and massing; and Architectural detail and materials.

The area is an historic part of Reading, the prevailing dwelling type are pre-1880 buildings, consisting of terraced dwellings, there are some Listed Buildings further north and south along Mount Pleasant. There are also three conservation areas (CA) nearby, with Market Place/London Street CA, Kendrick Road to the east, and Christchurch to the south. The design of the proposal mimics that of the existing terrace to that it would be attached. Due to the age of the area, the majority of dwellings have been extended in one way or another. The predominant form of extension being a ground floor rear extension. A number of properties have also constructed rear facing flat roof dormer windows. A front facing flat roof dormer also exists at no 189 Southampton Street to the rear. Though most existing dormer windows are smaller, an existing full width flat roof dormer has been constructed at no. 207 Southampton Street, immediately behind the application site. The proposal seeks to include a large, though not full width, flat roof dormer window. This development is not considered uncharacteristic for its location. The ridge line of the proposal would be unaltered, and the flat roof lower than the top of the main roof. The dormer is set back from the sides of the roof ~1m, as to avoid a more dominant side elevation where a dormer roof would appear an upward extension of a side wall.

The dormer does not exceed the height of the existing ridgeline and is set back from the existing eaves, as well as both sides. The dormer is only partially visible from the street scene. One centrally located window is provided within the dormer window. Though not aligned with any lower windows, this is generally characteristic of dormer windows, and therefore not in itself objectionable. Although relatively large in scale, the dormer is not considered to be harmful to the overall character and appearance of the area. With a mix of rear facing roof additions within the area providing context for a rear facing dormer. The existing approval also did not remove permitted development rights, which would therefore allow for a dormer window to be installed following completion of the development.

8.3 Amenity

The original application was assessed against policies CC7, and H5 of the Reading Borough Local Plan (2019). These give regard to amenity of existing and future residents, and floor areas for proposed development in line with the nationally described space standards.

The original application was assessed with regard to neighbouring amenity, and determined (para.7.3 of officers report for ref: PL/22/0621 (FUL)) as being less than the recommended 20m back to back distance (17m) and not harmful due to the tight knit nature of the area. The addition of a higher level window, would be considered to have a minimal addition impact as a bedroom, and not one where residents are likely to linger significantly to cause overlooking/privacy concerns.

With regard to floor area, the original floor area of 102.68m² was in excess of the requirements. The proposed floor area would be slightly reduced, however would remain sufficient for the 2-bedroom dwelling.

9. CONCLUSION

As above, the proposal is considered acceptable with regard to the limitations of s.73 of the Town and Country Planning Act (1990). The proposed rear facing dormer would provide a basic design, informed primarily by the angle of the roof, being too low to provide a non-flat roof dormer window for the width proposed. The design, though basic, would be acceptable within the context of the surrounding area, with a mix of designs and other elements provided to alter other terraced dwellings within the area.

10. RECOMMENDATION

Grant.