

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: PL/24/1670 Full planning permission

Address: 92 OXFORD ROAD, READING, RG1 7LJ

Proposal: Single storey front enclosure for customer seating at restaurant business.

Applicant: Mr Maqsood

Received date: 13/12/2024

Target Decision date: 21/03/2025

Case Officer: Gary Miles

1. SITE DESCRIPTION

The application site comprises of an existing ground floor retail space on the northern side of Oxford Road, located between Eaton Place and Alfred Street. The unit is a Class E takeaway and restaurant trading as Biryaniish. The building itself is Victorian and has been in place for many years. The surrounding area is a mix of retail and hot food takeaway units, hair shops and various Class E retail units at ground floor with residential generally above, a unisex hair salon is located to the west and a barbers located to the east. The application site is located within the Castle Hill / Russell Street conservation area though the property is not listed. An unauthorised metal-framed open sided canopy structure exists on the site frontage.

Site visit: 6th February 2025



Existing structure in place at time of site visit (6th February 2025)

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks permission for a single storey enclosure to the front of the restaurant/takeaway to provide a covered outdoor seating area for its customers. The proposed enclosure would be positioned on land to the front of the unit within its own curtilage. Limited documents have been submitted in regard to the construction materials, though the application form states metal frame in black. It is unclear

whether the structure will include glazing in the sides and roof. The structure will measure 4.6m wide by 3.6m deep by 2.8m in height and cover an approximate area of 15sqm.

Plans & documents considered:

DOCO5-Location Plan

DOCO6-Photos of the site

DOCO7-Flood Risk Assessment Pages 1 & 2, dated Dec 24

DOCO8-CIL

Drawing no: 0426/92OXFO-01-Existing & Proposed Ground Floor Plans

Drawing no: 0426/92OXFO-02-Existing Elevations

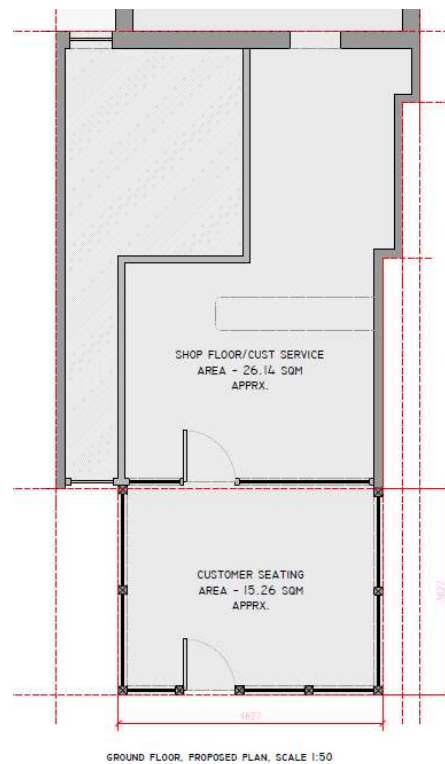
Drawing no: 0426/92OXFO-03-Proposed Elevations

Drawing no: 0426/92OXFO-04-Block Plan-Existing & Proposed

Received by the Local Planning Authority on 13th December 2024

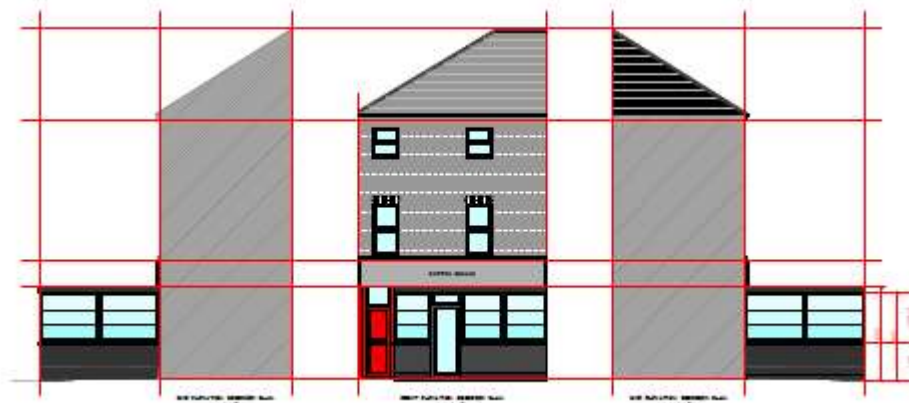


Site location plan



GROUND FLOOR, PROPOSED PLAN, SCALE 1:50

Proposed covered outdoor seating area.



Proposed elevations

3. RELEVANT PLANNING HISTORY

None.

4. CONSULTATIONS

The following were consulted:

- Environmental Protection Officer
- Transport Development Control
- Conservation Officer

The planning notice was attached to street furniture directly adjacent to the property on 6th February 2025 and left in place for a minimum of 3 weeks for the duration of the public consultation.

No letters of representation have been received.

5. 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.

6. 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 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)

CC7: Design & the Public Realm
CC8: Safeguarding Amenity
EN16: Pollution & Water Resources
EN1: Protection and Enhancement of the Historic Environment
EN3: Enhancement of Conservation Areas
EN6: New Development in a Historic Context
TR3: Access, Traffic and Highway-Related Matters

7. APPRAISAL

Character & Appearance

Policy CC7 sets out relevant considerations for design. All development must enhance the character and appearance of Reading in which is located. In particular, the character and pattern of neighbouring properties and the street as a whole in terms of scale, height, location, materials and design, and any important existing building line.



Site visit photos-taken from a distance (6th February 2025)

Though limited information surrounding the proposed structure and its materials have been submitted, officers consider the proposed single storey enclosure to the front of the restaurant/takeaway to create a covered outdoor seating area, would be incongruent in appearance and unsympathetic to the existing property and the wider streetscene.



Officers note (from the image above) how the proposed outdoor covered seating area would harm and interrupt the uniform building line and rhythm of the frontage and erode the spaciousness and open plan character frontage of the host property, adjacent properties and the wider streetscene.

In terms of appearance, the proposed structure fails to respect the host property in terms of character and appearance, materials and design. Its inappropriate siting would disrupt and is harmful to the layout, rhythm and open plan frontage of the host property and adjacent properties.

Officers consider the proposed single storey enclosure to the front of the restaurant/takeaway to create a covered outdoor seating area creates an unnecessary proliferation of clutter.

For the reasons outlined above, the application is not supported in planning terms and is contrary to policy CC7 of the Reading Borough Local Plan 2019 and paragraph 135 of the National Planning Policy Framework (updated 2024).

Residential Amenity

Policy CC8 states development will not cause a detrimental impact on the living environment of existing residential properties in terms of: Privacy, Visual Dominance and overbearing effects of development, Noise and disturbance, Artificial, lighting and Odour.

The proposed single storey enclosure to the front of the restaurant/takeaway to create a covered outdoor seating area proposes to be positioned adjacent to neighbouring premises trading as hair salons/barbers and clothes shops. By virtue of enlarging and creating a covered seating area to the front of the restaurant/takeaway would facilitate customers sitting/dining and mingling outside the main unit and therefore having a detrimental effect on residential and neighbouring amenity in terms of noise, privacy and disturbance.

For the reasons outlined above, the application is not supported in planning terms and is contrary to policy CC7 of the Reading Borough Local Plan 2019 and paragraph 135 of the National Planning Policy Framework (updated 2024).

Environmental Protection Matters

Structures like this and left over food and crumbs as a result of the covered seating area encourage vermin, such as rat activity feeding on scraps of food which is a safety issue, a food waste issue and an amenity issue for the neighbourhood. There is a significant problem with rats in Reading, and all premises need to ensure that they are not providing rats with a food source.

The proposed single storey enclosure to the front of the restaurant/takeaway to create a covered outdoor seating area is likely to increase food waste thus increased risk of vermin, which in turn will be harmful to neighbours including the nearby residential properties.

Concerns around artificial light and nuisance, it is unclear from the documents submitted when the proposed structure would be used by its customers but it has the potential harm to nearby residential properties.

For the reasons outlined above, the application is not supported in planning terms. The canopy is contrary to policies CC8 & EN16 of the Reading Borough Local Plan 2019.

Conservation

Policy EN1 requires “All proposals will be expected to protect and where possible enhance the significance of heritage assets and their settings, the historic character and local distinctiveness of the area in which they are located.”

Policy EN3 states “Development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness. Positive consideration will be given to proposals which take opportunities to enhance the character of conservation areas. These may include:
Reducing visual clutter caused by negative factors, such as poles and overhead wires, satellite dishes or unnecessary street furniture, removing inappropriate additions or alterations to buildings, improving signage and street furniture.

Policy EN6 applies to a proposal within a historic environment that lists the following factors to be supported by the Council:

- a. The positive contribution of the development to the existing historic townscape (scale, height, mass, proportion, plot size, street form, materials, significant vistas and views, and open space);
- b. Sensitivity to historic context.
- c. Reflection of borough-wide major heritage themes that contribute to local distinctiveness (e.g. patterned brickwork or former worker terraced housing);
- d. Whether development promotes and/or improves access to previously undiscovered or neglected historic significance.”

Conservation Officers comments:

“From the Russell Street/Castle Hill Conservation Area Appraisal, which is a material consideration in determining application for development, I note “The Conservation Area is a microcosm of Reading’s residential building styles in a concentrated area. Within its boundaries, housing spans both wealthy and more modest examples from the 18th century to the 20th century. Oxford Road-a half-mile long “regular mix” of Georgian terraced housing and Victorian retail frontages”.

“The conservation area is on Historic England’s Heritage at Risk list. Among the negative issues and vulnerabilities, degradation of property facades, architecturally unsympathetic extensions and poor condition of the public realm apply for the subject building, which constitutes a modernised metal shopfront on the early Victorian building. Whilst the existing shopfront does not contribute to the significance of the conservation area, together with neighbouring properties of the same period, style and architecture, it constitutes a strong continuous façade with historic upper floors. As such, any proposed development for the shopfront should respect the existing rhythm, relate to the Victorian upper floor, refer to the original shopfront design and enhance the character and appearance of the conservation area through high-quality design and materials”.

“The proposal is to erect a new black aluminium structure that would provide an enclosure for customer seating at the front of the building. It would be an extension with similar size of the existing customer service area, occupying the whole width of the shopfront, with horizontally divided glazing and a flat roof. This new element would bring a new massing with a considerable scale, altering the front building line and relationship of the historic shop use and street, out of character of the conservation area, not enhancing its significance but creating more visual clutter and inappropriate additions contrary to EN1, EN3 and EN6 of the Local Plan. The impact of the proposal would be less than substantial at the highest level on the character and appearance of the conservation area and cannot be outweighed by any public benefit as the benefit is only for the applicant. The proposed development is contrary to the NPPF and should be refused”.

The introduction of the front extension as proposed would alter the character of the existing historic building, shopfront and terrace that it is located, resulting in an unproportionate, incongruous and unbalanced addition to the frontage, harming the significance of the conservation area failing to accord with Policies EN1, EN3 and EN6 of the Reading Borough Local Plan (2019) which together seek to ensure development is well designed to respond to the sensitivity to historic environment and to make positive contribution to the special character and distinctiveness of the Russell Street/Castle Hill/ Oxford Road Conservation Area. It would also conflict with Section 16 of the National Planning Policy Framework (2024), which requires the harm generated by the proposal is outweighed by public benefit.

The proposed single storey enclosure to the front of the restaurant/takeaway to create a covered outdoor seating area is considered harmful to the Castle Hill/Russell Street/Oxford Road Conservation Area and is therefore contrary to policies EN1, EN3, EN6 and CC7 of the Reading Borough Local Plan 2019 and with Section 16 of the National Planning Policy Framework (2024).

Transport Development Control

The Transport Development Control team were consulted due to the close proximity of the public highway and public footway. Officers confirm no objections to the proposal as there is no obstruction to the public highway.

The proposal is compliant with policy TR3 of the Reading Borough Local Plan 2019.

8. CONCLUSION

The proposed development has been assessed as set out above and is considered to be unacceptable.

9. RECOMMENDATION

REFUSE

1. The development by reason of its unsympathetic form and materials, incongruent appearance, and inappropriate siting, would fail to respect the character and appearance of the host building and wider terrace, with consequent harm to the character and appearance of the street and the Castle Hill / Russell Street / Oxford Road Conservation Area. The development is therefore contrary to Policies CC7 and EN1, EN3 and EN6 of the Reading Borough Local Plan 2019 and Section 16 of the National Planning Policy Framework (2024).
2. The development would be harmful in terms of increased noise, increased artificial light, and increased risk of vermin, harmful to the amenity of adjacent upper floor residents and the area in general. The development is therefore contrary to policies CC8, EN16 & EN17 of the Reading Borough Local Plan 2019.