

Marcie Rejwerska
Planning and Development
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Our ref: 4880

3 April 2025

Dear Marcie,

APPLICATION FOR MINOR MATERIAL AMENDMENT (SECTION 73) TO PLANNING PERMISSION PL/23/0662 (ERECTION OF FREE STANDING FITNESS STUDIO) - 2 PRIEST HILL CAVERSHAM READING RG4 7RZ

On behalf of our client Laura Bailey, we are pleased to enclose a Section 73 application to amend application PL/23/0622 to allow the following changes to the approved fitness studio:

- minor changes in the dimensions, roof slope, cladding materials, skylight design, external lighting, and door colour.

The Site and Relevant Background

The site is located on the corner of Priest Hill and Hemdean Road, with the garden extending up Priest Hill, ending at the side boundary of number 4. It is not listed or within a conservation area. In September 2023, an application was approved by Reading Council (LPA Ref: PL/23/0662) for a free standing fitness studio, replacing a pre-existing domestic outbuilding.

That consent was subsequently implemented. However, during the construction process amendments were needed that resulted in changes to the building. A summary of these changes is provided as **Appendix 1**. In consultation with the Council, our client was advised at the time that an application would be required to regularise the changes, with the recommendation that this could be considered under a Non-Material Amendment application.

In January 2025 an application was therefore submitted to the Council and was registered under reference PL/25/0113. During the assessment period, the Council advised that the application type was incorrect. Having discussed this further with the case Officer, it was agreed to withdraw the application and re-submit as a Minor Material Amendment.



The Proposed Development

As before, the proposed development seeks to regularise changes made to the approved building. These include:

- Change of footprint from 5.48m x 2.74m to 5.62m x 2.83m (an increase of 14cm in length and 9cm in width)
- Change to the roof slope from south to north, 2.95m (north) to 3.0m (south)) to north to south, 2.99m (north) to 2.92m (south)
- Change to cladding (green composite horizontal cladding to be added North and West sides to match other elevations)
- Changes to approved skylight
- Addition of downlights in overhang and lantern lights on external wall

In addition to the above, we are also seeking to vary condition 5 which limits the use of the building to a 'fitness studio' so that it can also be used for any purpose that is ancillary to the enjoyment of the main dwellinghouse.

Planning Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

For the purposes of this application, we have referred to the following Development Plan documents:

- Reading Borough Local Plan (Adopted November 2019)
- Policy Map

In having regard to the policies contained within the above, the principle of development was established through the granting of planning permission reference PL/23/0662 and therefore this application is primarily focussed on the above mentioned changes as an amendment to the existing approval. Even so, we refer Officers to Local Plan Policy H9 which allows for extensions or additions to houses where they respect the character and appearance of the area, neighbouring properties and biodiversity in gardens.

In this case, the changes are minor in their character and so have not resulted in substantial differences in comparison with the existing consent, which is therefore an important material planning consideration. Indeed, the footprint of the building has increased by only 14cm in length and by only 9cm in width. This change has had no discernible impact on the character of the area or neighbouring properties, so does not result in harm.

Similarly, the change to the roof slope has not resulted in a significant change. Indeed, it has meant a reduction in height on the side facing priest Hill and an increase of only 4cm on the side with the neighbour to the north. As such, this is virtually undetectable to the human eye without close inspection. Furthermore, the reason for the change was done with good intentions noting that the approved details would have resulted in gutters over the shared boundary wall which would have made access and maintenance difficult to achieve. In contrast, the change in the direction of the roof line allows for the gutters and drainage to be more easily accessible for when maintenance is required. It was also felt that drainage into the ground near the boundary wall, as previously proposed, would over time unduly increase the moisture and integrity of an old brick wall. Importantly, the change has not resulted in any harm.



An openable skylight has also been added which therefore protrudes 9.7cm above the height of the approved arrangement, noting that the approved rooflight would have already had some protrusion above the roof. A benefit of the new design is that it provides natural ventilation into the building, which is considered essential for the fitness studio's functionality. This is because the studio is used by women only and for either religious reasons or for general privacy the doors and curtains must be shut at times. Having an openable skylight also means that the studio is less prone to overheating.

Whilst this makes the skylight very slightly more visible in profile at roof level, the change does not unacceptably harm the overall character or appearance of the building. In terms of neighbouring amenity, the skylight is located away from the back of the houses on Hemdean Road and views of it from the adjacent neighbour on Priest Hill are at such an angle that the skylight is not visible. Equally, there are no views into the building through it.

The below photograph, which was taken from the first floor window of the neighbouring property shows that the skylight is visible but does not result in harm, noting that it is seen within the context of the built up area around it and the existing miss-match of outbuildings.



In relation to the cladding, the same miss-match of outbuildings in the immediate vicinity also demonstrates that the use of materials is varied. As such, the use of green vertical cladding on the West and North elevations cannot be said to be out of keeping or therefore harmful. Also, they are mostly screened by the existing boundary wall and close boarded fencing. Even so, discussions with the Council have suggested that it would be preferable for the same cladding on the East and South elevations (Green composite horizontal cladding) to also be used on the North and West elevations. This is now proposed, albeit due to the closeness of the boundary wall, this will only appear on the visible part of the building on the North elevation.

Turning to the installed lights, this is limited to three low voltage downlights within the overhang and two wall mounted lantern lights on the East elevation. These are low impact and whilst they do generate light, this is not untypical of outbuildings (external lighting is commonplace within rear gardens). Even so, they are necessary for health and safety, particularly during the winter months when the studio is being used



in the darker mornings and evenings (in line with conditions set out by the council). With the garden being on a slope with access via steps to firstly the patio area and then the decking before a step up to the studio, having no lighting can make the steps difficult to see which could then become a hazard. Having some lighting is not therefore unreasonable and given that the site is within an urban area, there is already a significant level of light spill. Indeed, there is a streetlamp directly adjacent to the building.

It should also be noted that the lights are operated on a remote control key fob that allows for them to be turned on and off from the bottom of the garden before and after usage. They are not used during the lighter summer months. Again, there is no harm from the operation of these lights.

In summary the undertaken works, although they have deviated from the approved plans, they have not resulted in any material harm. The Applicant has nevertheless decided to reclad the visible parts of the North and West elevations with cladding to match the other sides of the building.

No harm results from the proposal.

Variation of Restrictive Condition

Condition 5 places a restrictive condition on the use of the building. It reads;

*“Notwithstanding the provisions of Schedule 2, Part 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), **the premises shall be used for a fitness studio only and for no other purpose** (including any other purpose in the same Use Class of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. [Our emphasis]”*

The reason given for the above is that:

“Another alternative use of the premises which may otherwise be permitted by virtue of the above Orders could be harmful to neighbours living conditions or the character and appearance of the area in accordance with Reading Local Plan Policies CC7 and CC8.”

Whilst the premise of the condition is understood, it also has consequences that we do not believe were intended when the planning permission was granted. Indeed, should the use of the building as a fitness studio cease (e.g. were the property sold) then, it would not be unreasonable to be able to use the building for a purpose that is ancillary to the enjoyment of the main dwellinghouse (i.e. as a normal domestic outbuilding). Importantly, the use of the building for ancillary domestic purposes would not result in any additional harm.

As such we would propose that the condition be amended to read as follows:

*Notwithstanding the provisions of Schedule 2, Part 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), the premises shall be used for a fitness studio only and for no other purpose (including any other purpose in the same Use Class of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, **other than for purposes that are ancillary to the residential use of the main dwellinghouse.** [proposed medication shown in bold]*



By allowing the above change, it would be possible to use the building for ancillary domestic use, should the studio use cease or in combination with.

Conclusion

The undertaken works, whilst deviating from the approved plans, they have not resulted in any harm to the character of the area, nor do they impact on any neighbours. They therefore meet with the aims of the Council's development plan policies and can be approved as a Minor Material Amendment (Section 73).

The proposal also seeks to vary the restrictive condition relating to the use of the building as a fitness studio only. This is not necessary as it is reasonable to allow the building to also be used as a domestic outbuilding and so the condition should be worded to allow for this without the need for additional consent.

We trust that the above is helpful and please do not hesitate to contact the writer should you wish to discuss whilst you are assessing the application.

Kind Regards

BELL CORNWELL LLP

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Appendix 1

Feature	Approved	As Built	Change	Comments / Rationale
Dimensions	5.48m x 2.74m	5.62m x 2.83m	Increase of 14cm in length and 9cm in width	The increase is attributed to the thickness of the cement cladding and corner detailing
Roof Slope	South to north, 2.95m (north) to 3.0m (south)	North to south, 2.99m (north) to 2.92m (south)	Minor change in slope direction and height	Adjusted to improve access and facilitate maintenance
Cladding	Vertical cedar, all elevations	Vertical light green/grey metal (west/north)	Material and orientation change	During construction, it became clear that installing fibre cement cladding on the north elevation was impractical due to the need for a 50cm gap between the building and the boundary wall for installation. This material is heavy and requires access for two men. Lighter material (metal) was more appropriate Using cement cladding on the west elevation was deemed unnecessary, not cost-effective, or structurally practical due to the location of the air conditioning and heating unit on this side.

Cladding	Vertical cedar, all elevations	horizontal green cement (east/south)	Material and orientation change	Prior to commencement of construction it became clear that wood cedar couldn't be used as it required maintenance, and the boundary wall made access impossible. Fibre Cement cladding planks were sought as these can be set with woodgrain effect to recreate the tongue and groove look as well as being more weather resistant. The colour sage was chosen to better blend with the main dwelling and local area. These cladding boards can only be installed horizontally, not vertically. see link for more info https://www.cladcodecking.co.uk/blog/post/composite-cladding-versus-fibre-cement-cladding#cement-cladding.
Skylight	Non -opening	Opening	Protrusion added for ventilation	And to reduce noise pollution and respect people's privacy by avoiding having to open the main doors
Door Colour	Grey	White	Change in colour	blend with main dwelling