

DELEGATED APPLICATION REPORT

Ward: Katesgrove

App Ref: PL/24/1002 Full planning permission

Address: 2A,2B,2C WEST HILL, READING

Proposal: Retrospective development from C3 (3 dwellings) to C4- small HMO- 3no with associated parking & landscaping including cycle & bin storage (amended description)

Applicant: Mr Surjit Jutla

Received date: 05/08/2024

Target Decision date: 30/04/2025 (EOT)

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application comprises 3x terraced properties on a recent backland development at the rear of 112-126 Southampton Street. The surrounding area is residential, characterised by terraced properties in similar character. The site is within an Article 4 Direction area which removes permitted development rights for the change of use from C3 use class to C4 use class.

The existing properties were completed not in accordance with the approved plans of planning permission PL/15/0517. The deviations from the approved plans are listed in full within the associated enforcement notice.



Photo taken by case officer.

2. PROPOSAL AND SUPPORTING INFORMATION

Planning permission is sought for the retention of the properties as built and in use as 3x HMOs (Class C4). The initial description of the development was incorrect as it referred to a change of use – however, there is no evidence that the properties were ever completed in accordance with the associated planning permission and the existing development on site is considered unauthorised as a whole. The case officer requested an amended description to read “Retrospective application for erection of 3x two storey terraced properties in use as small HMOs C4 Use Class”. However, the

agent has requested a change of description as above, which is still considered incorrect as it refers to “C3 to C4”, suggesting a change of use. This appraisal will therefore assess the suitability of 3x new small HMOs on the application site. Due to failure to comply with the planning permission, the development is unauthorised and therefore it is considered appropriate to assess this application from a standpoint of a new build development, assessing both the building operations and the use, as the decision resulting from this application would effectively regularise the unauthorised works as well as the use.

2.1. Information submitted:

Design and Access Statement

Building Control Completion Certificate, Quadrant Building Control, dated 16 February 2022

Received 5 August 2024

PL-08 Elevations REV A

PL-09 Side Elevations REV A

PL-05 Ground Floor Plan REV A

PL-04 Basement Plan REV A

PL-07 Roof Plan REV A

PL-06 First Floor Plan REV A

Received 6 September 2024

AB.20 Proposed Site Layout REV A

Received 28 April 2025

3. RELEVANT PLANNING HISTORY

PL/05/0627 - Demolition of existing garages and erection of 6 x 1 bedroom flats. Application withdrawn

PL/15/0517 - Demolition of existing garages and erection of 3 x 3 bed dwellings. Application permitted

PL/17/1283 - Discharge of conditions 3, 4, 11, 12, 13, 14, 15, 18, 20, 21, 23 & 24 of planning permission 150517. Split decision

PE/21/0201 – Unauthorised change of use to flats. Enforcement notice served and at appeal at the time of this report.

4. CONSULTATIONS

The following were consulted:

- RBC Planning Enforcement – Enforcement Notice served on the site, appeal lodged.
- RBC Transport Development Control – No objections subject to conditions.
- RBC HMO Team – Short term licences for 3x HMOs were recently granted.

A site notice was also displayed. No letters of representation were received.

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'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

National Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
CC5: WASTE MINIMISATION AND STORAGE
CC7: DESIGN AND THE PUBLIC REALM
CC8: SAFEGUARDING AMENITY
EN12: BIODIVERSITY AND THE GREEN NETWORK
EN14: TREES, HEDGES AND WOODLAND
H1: PROVISION OF HOUSING
H2: DENSITY AND MIX
H3: AFFORDABLE HOUSING
H5: STANDARDS FOR NEW HOUSING
H7: PROTECTING THE EXISTING HOUSING STOCK
H8: RESIDENTIAL CONVERSIONS
H10: PRIVATE AND COMMUNAL OUTDOOR SPACE
TR1: ACHIEVING THE TRANSPORT STRATEGY
TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING

Other documents

Revised Parking Standards and Design SPD 2011
Residential Conversions SPD 2023

Local Plan Update

The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. A consultation version of the draft updated version of the Local Plan was published on 6th November 2024.

Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become “out of date” when they are five years old. It is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example.

Officer advice in respect of the Local Plan policies pertinent to this application listed above is that they remain in accordance with national policy and that the objectives of those policies remains very similar in the draft updated Local Plan. Therefore, they can continue to be afforded weight in the appraisal below and are not considered to be ‘out of date’.

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. APPRAISAL

Land use matters

The application site is currently subject to a Planning Enforcement notice (which is subject to appeal ref. APP/E0345/C/25/3364623 at the time of this report). Planning permission was granted in 2017 for 3x 3-bedroom terraced dwellings, which were then completed with a large number of deviations from the approved plans and were immediately in use since their completion as 6x flats (although this is disputed by the applicant). Once the unauthorised work was reported to the LPA's Enforcement team, the use was then changed again to 3x small HMOs, which is the current use and layout of the properties. This appraisal will therefore assess the suitability of 3x new small HMOs on the application site. Due to failure to comply with the planning permission, the development is unauthorised and therefore it is considered appropriate to assess this application from a standpoint of a new build development, assessing both the building operations and the use, as the decision resulting from this application would effectively regularise the unauthorised works as well as the use.

The site is within an Article 4 Direction area, which removed permitted development rights for the change of use from a dwellinghouse (C3) to a small HMO (C4). The Residential Conversions SPD 2023 requires proposals for new HMOs in A4D areas to prevent the dilution of sustainable and mixed communities. While this is hard to objectively define, the SPD provides a guideline threshold requiring that all proposals for HMOs in A4D areas are assessed on the density of HMOs within a 50m radius being less than 25%. Having calculated the density within 50m of the site (measured from the front door of 2B West Hill), the proposed retention of the 3x small HMOs would not result in an excess of HMOs within a 50m radius. However, while the proposal may meet this policy requirement, the SPD also requires all proposals for small HMOs to meet a number of requirements relating to design and residential amenity, as listed in Appendix 4 (Checklist) of the Residential Conversions SPD.

Character and design

Policy CC7 sets out requirements for good design. The wording of this policy is greatly expanded within the emerging Local Plan Partial Update.

With respect to the design of the properties in its deviations from the approved plans, the overall design and character is not considered high quality nor to contribute positively to the area in which it is located. The additional gable end front extension sits awkwardly in between the two gable ends which are part of the approved design and the roof slope, giving it a disjointed appearance. The additional front doors in place of the recessed entryways which were part of the approved design also clutter the front façade, which had originally had a greater sense of balance and rhythm.

The encroachment into the rear gardens of 112-122 Southampton Street and lack of implementation of the approved soft landscaping also results in excessive areas of hard surfacing at the front of the site, which now has a stark appearance due to the lack of vegetation instead being dominated by parked vehicles.

The existing design and layout of the properties is not considered acceptable, and its regularisation would be contrary to Policy CC7 of the Reading Local Plan.

Residential amenity

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.

The changes in the internal layout of the properties have created significant harm to both the occupiers and neighbouring residents on Southampton Street. Internally, the layout reflects the prior use of the properties as 6x self-contained flats, with the exception of 1 internal connecting door per property. Following a site visit conducted on 22/01/25, it was also confirmed that the rooms labelled “Kitchen/living” on the ground floor of each property were actually in use as “Bedroom 2”.

The ground floor, front bedrooms on properties 2A and 2B West Hill fail to meet minimum space standards, both measuring under 6.5m². Additionally, the basement bedrooms in each property have no outlook or access to natural daylight/sunlight through their windows. This results in poor quality accommodation for the occupants of these properties, harmful to their residential amenity.

With regards to outdoor amenity space, an additional garden area has been created for 2C West Hill to the side of the property within the former garden space of 112-114 Southampton Street. The layout of this space allows for direct overlooking into the garden from the neighbouring properties on Southampton Street, which defeats the purpose of a private amenity space, and further harming the residential amenity of occupiers. This is not considered acceptable with respect to both policies CC8 and H10 of the Reading Local Plan.

The rear gardens of 116-122 of Southampton Street have in the same fashion, been removed to create additional parking space for the application site. It is evident that rear extensions and rear access doors have been removed for those properties on Southampton Street to deprive those residents of their rear amenity space. The retaining wall which forms the new parking area is also supported by beams attached to the rear facades of the Southampton Street properties. This is considered wholly unacceptable and clearly poor design. It has also resulted in the loss of amenity space in one of the most densely built areas of the borough and complete loss of privacy to all bedrooms located to the rear of those properties, which are only 1m away from the edge of the parking spaces created.

Overall, the development results in significant harm to amenity for both the occupiers of the site and the neighbouring residents on Southampton Street, and the regularisation of the built works would be contrary to policies CC8 and H10 of the Reading Local Plan.

Transport and parking

Policy TR3 requires development to not have a material detrimental impact on the functioning of the transport network nor be detrimental to the safety of users of the transport network, including pedestrians and cyclists. Policy TR5 requires all development to provide car parking and cycle parking that is appropriate to the location and accessibility of the site to the sustainable transport facilities in the Borough.

The existing parking layout is in excess of that approved within the original planning permission, due to the incursions into neighbouring land, which now forms additional parking spaces. While the provision of off-road parking is positive, it does not outweigh the harm already identified above, to the amenity of neighbouring properties and the overall layout and appearance of the site.

The site is accessed via an electric gate, which is 5m forward of the originally approved siting. This results in vehicles waiting to access the site while the gate opens on the public footpath and blocking the very narrow highway on West Hill. This was observed by the case officer at the site

visit, where a car waiting to access the site blocked the highway, resulting in two passing cars squeezing on the highway resulting in near miss minor collisions. Evidently, this presents a risk to the effective functioning of the highway network and to the safety of users of the network. As such, retention of the gate in the existing position is not acceptable.

Landscaping

Policy EN12 requires all development to provide a net gain for biodiversity where possible. The original permission pre-dates mandatory biodiversity net gain, although it did include small areas of landscaping to the front of the site, and green rear gardens.

There is presently no greenery at the front of the site and the rear gardens are made up entirely of stone paving. This is considered harmful as it fails to positively contribute to the biodiversity of the site, and the retention of the current layout is not accepted.

Other matters

Policy H3 requires all development to contribute to the provision of affordable housing in Reading. 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. Should the application have been recommended for approval, a S106 legal agreement would have been sought to secure an off-site contribution, as this is not a conversion but rather regularisation of an unauthorised development of new build residential units. However, as the proposal is recommended for refusal, no heads of terms have been agreed with the applicant. This will form a reason for refusal.

The proposal would also have been CIL liable and chargeable.

7. CONCLUSION

The proposal to retain the development in use as 3x small HMOs has been assessed against relevant adopted policies and is considered that due to the poor design and layout of the properties, encroachment into the rear of 112-122 Southampton Street, which has resulted in significant harm to residential amenity of both neighbouring properties and future occupants, the development is not considered acceptable to retain. The public benefit of the creation of new residential units does not outweigh the harm identified.

8. RECOMMENDATION

REFUSE

Due to the following reasons:

1. The design of the dwellings by way of its poor form and layout results in a development which fails to positively contribute to the character of the site and the surrounding area, contrary to Policy CC7 of the Reading Borough Local Plan 2019, and para 135 of the NPPF 2024.
2. The internal layout of the properties results in basement bedrooms in each property having a window with no outlook or access to natural sunlight/daylight, resulting in amenity harm to the occupiers of these rooms, contrary to Policy CC8 of the Reading Borough Local Plan 2019 and para 135 of the NPPF 2024.
3. The encroachment into the rear gardens of nos. 112-122 Southampton Street and erection of a high-level retaining wall has resulted in the loss of private outdoor amenity spaces of those properties and associated loss of privacy for those residents, resulting in significant

harm to their amenity, contrary to Policy CC8 of the Reading Borough Local Plan 2019 and para 135 of the NPPF 2024.

4. Failure to demonstrate and provide soft landscaping results in harm to the character, appearance and biodiversity of the site, contrary to Policies CC7, EN12 and EN14 of the Reading Borough Local Plan 2019.
5. The electric access gate to the site due to its position poses a risk to the effective functioning of the highway networks, and a risk to safety of the users of the highway network, including pedestrians, contrary to Policy TR3 of the Reading Borough Local Plan 2019 and para 115 of the NPPF 2024.
6. In the absence of a completed legal agreement to secure an off-site contribution to affordable housing in Reading, the proposed development fails to demonstrate that it would positively contribute to the provision of affordable housing in the Borough, contrary to Policy H3 and H9 of the Reading Borough Local Plan 2019 and the RBC Affordable Housing SPD 2021.