

TOWN & COUNTRY PLANNING ACT 1990

RUMINDER JUTLA & SIMRAN JUTLA

PLANNING STATEMENT

**2A, 2B & 2C WEST HILL
READING
RG1 2PN**

Retrospective development for the erection of 3no. dwellings to be used as 3no. C4 – small HMO's with associated parking & landscaping, including cycle and bin storage

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1. INTRODUCTION

- 1.1 This Planning Statement is submitted in support of a retrospective application by Ruminder Jutla & Simran Jutla for 'the erection of 3no. dwellings to be used as 3no. C4 – small HMO's with associated parking and landscaping including cycle and bin storage'.
- 1.2 This statement will set out how the proposed development and use is acceptable in principle and is consistent with local and national policy. In particular, it will be demonstrated that the proposal will respect the character and appearance of the surrounding area and the amenities of existing and adjoining occupants.
- 1.3 This submission follows the dismissal of 3no. enforcement appeals (appendix 1) which related to an alleged subdivision of each property into two separate dwellinghouses. Whilst the appeals were dismissed and the enforcement notice upheld (with corrections) it was clear to the Inspector that the use as two dwellinghouses had now ceased and that at the time of the appeal hearing and shortly after the issue of the enforcement notices that the use of each property was for a small HMO (Use class C4). The Council accepted this point (paragraph 11, appendix 1).
- 1.4 Prior to the enforcement appeal being considered, the applicant lodged an application to change the use of the 3 dwellings to C4- small HMOs. Whilst the application was refused partly on procedural grounds (the Council stated that the application should have been to retain the development as built as it had not been constructed in accordance with the approved plans under ref.PL/15/0517), there was no objection to the proposal on the grounds of the principle of providing small HMOs in this location as there was not considered to be an overconcentration of HMO uses in the vicinity.
- 1.5 The remainder of this statement is divided into 7 main sections dealing with the following issues:

- Site and Surrounding Area
- Planning History
- Planning Policy Context
- The Application Proposal
- Design and Access Statement
- Summary and Conclusions

2 THE SITE AND SURROUNDING AREA

- 2.1 The application site lies on the north western side of West Hill in a location that is behind the established street frontage of the neighbouring roads: Southampton Street, West Hill and Sherman Road. The site comprises of a short terrace of 3no. properties with frontage hard standing and private gardens to the rear.
- 2.2 The site was previously occupied by a series of garages but was redeveloped following approval of application ref.150517 (approved 19.04.2017). The physical appearance of the dwellings differs from that approved mainly through an additional front gable, an enlarged approved front gable, an additional front entrance to each dwelling and some minor internal alterations. The internal layouts are attached to this statement at appendix 3 with the Buildings Control specifications requested.
- 2.3 In terms of the HMO licences, each dwelling has the following occupancy and maximum persons permitted per letting (see appendix 2):

2a West Hill

Bedroom 1 Basement front room (10.54sq.m) 2 persons

Bedroom 2 Ground floor front room (8.09sq.m) 1 person

Bedroom 3 Ground floor rear room (17.38sq.m) 2 persons

Bedroom 4 First floor room (8.56sq.m) 1 person

Total number of persons permitted for the house: 6

Total maximum permitted number of households: 4

2.4 2b West Hill:

Bedroom 1 Basement front room (10.01sq.m) 1 person

Bedroom 2 Ground floor front room (8.09sq.m) 1 person

Bedroom 3 Ground floor rear room (17.04sq.m) 2 persons

Bedroom 4 First floor room (11.36sq.m) 2 persons

Total number of persons permitted for the house: 6

Total maximum permitted number of households: 4

2.5 2c West Hill:

Bedroom 1 Basement front room (10.37sq.m) 1 person

Bedroom 2 Ground floor front room (6.01sq.m) 1 child under 10 years old

Bedroom 3 Ground floor rear room (17.76sq.m) 2 persons

Bedroom 4 First floor room (7.95sq.m) 1 person

Total number of persons permitted for the house: 5

Total maximum permitted number of households: 3

2.6 The site lies within the defined urban area of central Reading in a highly sustainable location close to the town centre with its extensive range of services and transport links.

2.7 The efficient use of the site meets Policies CC1 of the LP and the NPPF (efficient use of land) which encourages efficient re-use of buildings and land.

2.8 The appeal site is located within an area covered by an Article 4 direction preventing the change of use of properties falling within C3 use class to a use falling within the Class C4 use class (houses in multiple occupation). This is considered at chapter 5 to this statement.

3 PLANNING HISTORY

3.1 The planning history of the site is set out below:

PL/15/0517 – Demolition of existing garages and erection of 3 x 3 bed dwellings.
Approved 19.04.2017.

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

PL/24/1002 - Retrospective development from C3 (3 dwellings) to C4 – small HMO -
3no. with associated parking & landscaping including cycle & bin storage. Refused
30.04.2025.

Enforcement appeal Ref.Nos:APP/E0345/C/25/3364620, APP/E0345/C/25/3364623
& APP/E0345/C/25/3364626 – Breach of control at Nos.2A, 2B and 2C West Hill for
material change of use of a dwellinghouse to form two dwellinghouses. All three
notices were corrected, the appeals dismissed and the enforcement notices upheld.
The main points emanating from the enforcement appeals are as follows:

- i) Each alleged dwellinghouse has the protection of the four-year rule and not ten years as stated in the notices;
- ii) The requirement of each notice should also be corrected, so that it refers to the cessation of the unauthorised use and therefore flows neatly from the allegation.
- iii) There is no dispute between the parties that all three properties are now in use as HMOs particularly as HMO licences for each property was granted shortly after the issue of the enforcement notices on 7 April 2025. The alleged breach therefore relates to an earlier use of each dwelling.

4 PLANNING POLICY CONTEXT

i) Government Guidance - National Planning Policy Framework 2024

- 4.1 The NPPF sets out the Government's planning policies and how these should be applied. It confirms that applications should be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2). The NPPF must be taken into account in the preparation of the development plan and is a material consideration in planning decisions.
- 4.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to achieve sustainable development. There are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental objectives. The environmental objective includes the need to make efficient use of land and to improve biodiversity. So that sustainable development is pursued in a positive way, at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development (paragraph 10). Paragraph 11 confirms that plans and decisions should apply a presumption in favour of sustainable development.
- 4.3 Paragraph 39 states that Local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 4.4 Chapter 11 is concerned with making effective use of land. Paragraph 124 states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.5 Paragraph 125 states that policies and decisions should, amongst other requirements achieve the following:

- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs;
- Promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

4.6 Paragraph 128 states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- Local market conditions and viability;
- The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- The importance of securing well-designed, attractive and healthy places.

4.7 Paragraphs 131 - 141 are concerned with design. It states that good design is a key aspect of sustainable development. Paragraph 135 states that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture layout and appropriate and effective landscaping;

- Sympathetic to local character and history, including the surrounding built environment and landscape setting;
- Establish a strong sense of place;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- Create safe and accessible environments which promote health and well-being, with a high standard of amenity for existing and future users.

ii) **The Development Plan**

Reading Borough Local Plan 2019

- 4.8 Policy CC1 - Presumption in Favour of Sustainable Development. States that a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, the Council will work proactively with applicants jointly to find solutions which means that proposals can be approved wherever possible.
- 4.9 Policy CC7 – Design and the Public Realm. States that all development must be of a high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form include: layout; landscape; density and mix; scale (height and massing); and architectural details and materials. These will be assessed to ensure that the development makes a positive contribution to the following urban design objectives: Character; Continuity and enclosure; Quality of the public realm and provision of green infrastructure and landscaping; Ease of movement and permeability; Legibility; Adaptability; Diversity.
- 4.10 Developments will be assessed to ensure that they, amongst other matters:

- Respond positively to their local context and create or reinforce local character and distinctiveness, including protecting and enhancing the historic environment of the Borough and providing value to the public realm;
- Are visually attractive as a result of good high quality built forms and spaces, the inclusion of public art and appropriate materials and landscaping.

4.11 Policy CC8 – Safeguarding Amenity. Requires that development does not result in 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; Access to sunlight and daylight; Visual dominance and overbearing effects of a development; Harm to outlook; Noise and disturbance; Artificial lighting; Vibration; Dust and fumes; Smell; Crime and safety. The position of habitable rooms, windows and outdoor living spaces will be particularly important. A back-to-back distance of 20 metres between dwellings is usually appropriate.

4.12 Policy H1 – Provision of Housing. Confirms that provision will be made for at least 15,847 homes (averaging 689 homes per annum) in Reading Borough for the period 2012 to 2036. Of the 689 homes per annum, small scale unidentified sites (i.e. <10 units) are expected to contribute 127 homes per annum (18.5% of the annual requirement).

4.13 Policy H2 – Density and mix. States that the appropriate density of residential development will be informed by:

- The character and mix of uses of the area in which it is located, including the housing mix, and including consideration of any nearby heritage assets or important landscape or townscape areas;
- Its current and future level of accessibility by walking, cycling and public transport;
- The need to achieve high quality design;

- The need to maximise the efficiency of land use; and
- The need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers.

4.14 Indicative densities are set out in figure 4.5. The appeal site has an urban context and therefore the density range is 60-120 dwellings per hectare. Wherever possible, residential development should contribute towards meeting the needs for the mix of housing set out in figure 4.6. This confirms that 41.5% should be 3 bed properties and 18.5% should be 4 plus bed properties.

4.15 Policy H3 – Affordable housing. 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. Where proposals fall short of the policy target as a result of viability considerations, an open book approach will be taken with the onus on the applicant to demonstrate the circumstances justifying a lower affordable housing contribution.

4.16 Policy H5 – Standards for New Housing. States that new build housing should be built to the following standards, unless it can be clearly demonstrated that this would render a development unviable:

- a) All new build housing outside the Central Area as defined on the Proposals Map will comply with the nationally-described space standard;
- b) All new build housing will be built to the higher water efficiency standard under Regulation 36(3) of the Building regulations;
- c) All major new-build residential development should be designed to achieve zero carbon homes;
- d) All other new build housing will achieve at a minimum a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the 2013 Building Regulations;

- e) All new build housing will be accessible and adaptable in line with M4(2) of the Building Regulations, unless it is built in line with M4(3);
- f) On development of 20 or more new build dwellings, at least 5% of dwellings will be wheelchair user dwellings in line with M4(3) of the Building Regulations.

4.17 Policy H8 – Residential Conversions. Proposals to convert buildings into self-contained flats or for multiple occupation will be assessed against the impact on the amenity and character of the surrounding area, particularly in terms of intensification of activity, loss of privacy, loss of external amenity space, the provision and location of adequate on-site car parking and the treatment of bin storage areas and other related servicing. In areas covered by an Article 4 direction, planning permission will not normally be granted where the proportion of HMOs will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site.

4.18 Policy H10 – Private and Communal Open Space. States that 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. Houses will be provided with outdoor private space. The design of outdoor areas will respect the size and character of other similar spaces in the vicinity and should not be compromised by the relationship of other buildings which may be detrimental in terms of overlooking, overbearing or overshadowing.

iii) Residential Conversions SPD (March 2023)

4.19 In respect to how applications for HMOs should be considered within areas covered by an Article 4 Direction, the SPD states that planning permission will not normally be granted for a change of use from a dwelling to an HMO where the proportion of HMOs (either C4 or sui generis) will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site.

- 4.20 The application site falls within the 'Katesgrove' ward which is identified as having the lowest concentration of HMOs when compared to the other two wards within the same Article 4 Direction area (i.e. the other two being Redlands and Park).

Paragraph 5.22 of the SPD states as follows:

'In Redlands there is almost three times the proportion of HMOs compared to Reading Borough. Park has just over double the proportion compared to Reading Borough and Katesgrove has just under double this figure. Reading Borough itself has almost double the proportion compared to the proportion in England as a whole'.

5 THE APPLICATION PROPOSAL

5.1 The proposal is for retrospective permission to retain 3 dwellings in use as 3no. small HMOs (use class C4).

5.2 The key considerations are therefore considered to be as follows:

- The principle of development and the proposed HMOs;
- Design, character and appearance;
- Amenity of adjoining occupiers and new occupants;
- Access and parking provision;

i) Principle of development

5.3 The application site is located in the defined urban area of Reading. It is in a highly sustainable location close to a range of services, amenities and transport links. Whilst it is acknowledged that the site is located within an area covered by an Article 4 Direction preventing the change of use from a single dwellinghouse to a small HMO, there is, in theory, no objection in principle to this type of residential use in this location subject to the proportion of HMOs being less than 25% of properties within a 50m radius of the site (SPD).

5.4 The Council acknowledged under the earlier refused application ref.PL/24/1002 that the proposal would not be in conflict with this restriction and therefore did not oppose the principle of the use on these grounds. For ease of reference, the 50m radius plan is also provided below:

50m radius plan showing existing HMOs



- 5.5 In terms of meeting Policy H8, the proposal is consistent with its aims. There is no inappropriate stacking proposed and all floorspace is accessible. Cycle storage and car parking is provided to the front of the building. As stated above, an online search on the Council's HMO register for properties within 50m of the application site has not revealed any existing HMOs within the qualifying distance. The proposal therefore meets Policy H8.
- 5.6 As stated above, the development already has licences for use as HMO's and Building Regulations Approval (see appendices 2 and 3). Affordable housing is considered in the separate affordable housing statement.

ii) Design, Character and Appearance

- 5.7 The application site sits in a backland location well hidden from the established street scene along both West Hill and Southampton Street. The proposed design incorporates traditional features including front gables and red brickwork. Therefore this proposal forms an attractive courtyard style development sitting in its own context and would not be read against existing properties in any of the adjacent road frontages. Parking is provided to the front of the development within a well-defined area which also contains the bin and cycle storage.
- 5.8 Refusal reason 4 (landscaping) attached to PL/24/1002 stated that the proposal had 'failed to demonstrate and provide soft landscaping, resulting in harm to the character, appearance and biodiversity of the site'. This application provides a 'Landscape Proposals Plan' which shows planted areas around the front forecourt intended to soften its appearance.
- 5.9 In conclusion, the proposed change of use would not have an adverse effect on the character and amenity of the area and would comply with LP Policies CC7 and H8 of the adopted Local Plan.

iii) Amenity of adjoining occupiers and new occupants

- 5.10 The proposal does not involve any additional extensions or external alterations to the existing building, and the proposed residential use would be consistent with the mixed residential character of the surrounding area. Refusal reason 3 of application ref.PL/24/1002 states that the 'encroachment into the rear gardens of nos.112-122 Southampton Street and erection of a high retaining wall has resulted in the loss of private outdoor amenity space for those properties and associated loss of privacy'.
- 5.11 The site plan confirms that part of the raised area will now be outside of the application site (adjacent to 120-122) and that the proposed planting to the north will prevent resident's access. Therefore, the proposed development would not result in material harm to the living conditions of neighbouring occupiers as required by Policies CC8 and H8 of the LP.

- 5.12 The proposed small HMOs would provide suitable accommodation and living space for future occupiers, with each room benefiting from an appropriate outlook. The Council had previously raised concerns under PL/24/1002 in respect to the provision of basement bedrooms with no outlook or natural daylight. In reality, the access to natural daylight is of a high standard and it should be noted that all residents will also have access to the amenity areas. It should be noted that the only reason planning permission is required for HMO use is due to the Article 4 Direction whose sole aim is to prevent an overconcentration of this type of use.
- 5.13 Local Plan Policies CC8 and H8 and paragraph 135 (f) of the NPPF are met as there would be no significant detrimental impact to the living conditions of existing or future occupiers.

iv) Access and Parking provision

- 5.14 Refusal reason 4 to application PL/24/1002 stated that the 'electric gate to the site due to its position poses a risk to the effective functioning of the highway network and a risk to safety of the users of the highway network'. In reality, the gates are operated to ensure that waiting on the highway does not occur and therefore the functioning of the highway will not be affected. LP Policy TR3 will not be contravened.

6 SUMMARY AND CONCLUSIONS

6.1 The application proposal is for the retrospective retention of 3no. dwellings to be used as small HMO's, with associated parking and landscaping including bin and cycle storage. The application should be supported for the following reasons:

- i) The site lies within the defined urban area of Reading in a highly sustainable location close to a range of services and transport links. The efficient use of the site meets Policies CC1 of the LP and the NPPF (efficient use of land) which encourages efficient re-use of buildings and land.
- ii) The proposal is not in conflict with Policy H8 (residential conversions) or the Residential Conversions SPD. The change of use would not result in more than 25% of properties being in HMO use which the Council have previously acknowledged.
- iii) The site is located behind both adjoining street frontages in a well contained location, screened by existing built form. The proposal provides for an attractive courtyard style development with parking and high quality landscaping. The traditional design and materials will respect the character and appearance of the area. The proposal complies with LP Policies H8 and CC7.
- iv) The residential use of the building would not result in any loss of amenity to neighbouring occupiers and ensures a high standard of amenity for future occupiers. The proposal therefore accords with Policies CC8 and H8 of the LP and paragraph 135 (f) of the NPPF in this regard.
- v) The existing gates are operated to ensure that access does not prejudice highway safety.