

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 27 June 2018

ITEM NO. 16

Ward: Southcote

App No.: 180704/FUL

Address: 1 Kenilworth Avenue, Reading, RG30 3DL

Proposal: Erection of 1no. four bedroom detached dwelling

Applicant: Ms Lorna Tee.

Date validated: 1 May 2018

8 week target decision date: 26 June 2018

RECOMMENDATION

Refuse Full Planning Permission for the following reasons:

1. The proposed dwelling, by reason of its detached character, scale, and unsympathetic siting and orientation in relation to neighbouring dwellings, would be distinctly at odds with the established design character of the street with a discordant effect within its setting. This effect would be particularly pronounced due to the prominence of the building within the streetscene and its intrusion into a spacious visual gap between existing buildings.

For these reasons, the proposed dwelling would appear incongruous and out of keeping with its setting, with consequent harm to the character and appearance of the area. On this basis the proposal is contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy 2008 and Policy DM11 (Development of Private Residential Gardens) of the Reading Borough LDF Sites and Detailed Policies Document 2012.

2. In the absence of a completed legal agreement to secure an acceptable amount of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough and the need to provide sustainable and inclusive mixed and balanced communities. As such the proposal is contrary to Policy CS16 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Affordable Housing Supplementary Planning Document 2013."

INFORMATIVES TO INCLUDE

1. Standard positive and proactive informative.
2. Refused drawings

1. INTRODUCTION

1.1 The site comprises the whole curtilage of 1 Kenilworth Avenue, a semi-detached house fronting Kenilworth Avenue at the junction with Southcote Lane. The pair of houses (1 Kenilworth Ave. and 15 Southcote Lane) is angled away from other houses in the street to address the street corner, in common with the pair of houses to the other side of the junction to the south west.



Site Location Plan



Site Photograph

2. PROPOSAL

- 2.1 Full Planning Permission is sought for a new two storey detached dwelling adjacent to the existing house. An additional vehicle access from Kenilworth Avenue and parking area in the existing front garden is proposed.

Submitted drawings

18.06-100, dated 6 March 2018

18.06-101, dated 6 March 2018

18.06-102, dated 6 March 2018
18.06-103 Rev.A, dated 8 March 2018
18.06-104 Rev.A, dated 8 March 2018
18.06-105, dated 6 March 2018
18.06-106, dated 6 March 2018
18.06-107, dated 6 March 2018
18.06-108, dated 6 March 2018

Supporting Documents

Planning, Design and Access Statement
CIL Additional Information Form

3. PLANNING HISTORY

3.1 None

4. CONSULTATIONS

4.1 Statutory:

Thames Water (TW)

An agreement with TW is required to build within three metres of a public sewer which TW maintain.

TW will be checking our records to see whether the site owner has submitted an application form. If there is no record of an agreement in place, TW will send the applicant or agent an application form for an approved build over agreement.

4.2 Non-statutory:

- **RBC Natural Environment (NE)**

The site has 3 conifers on the frontage and a small Cherry tree on the grass verge in front of the site - only the latter is shown on plans - see attached photo.

The proposal appears to result in the loss of all three conifers, with associated loss of amenity value to the street, and includes a new vehicular access very close to the Cherry. With regards to the Cherry, it's RPA is likely to be limited given its small size but as the canopy slightly overhangs the driveway already and will only get wider, this could be an issue in the future in terms of ensuring driveway access under the canopy - moving the access away from the Cherry should be considered. Also, whilst this tree is shown to be retained, will this be acceptable in terms of visibility splays?

Street tree planting along Kenilworth Avenue is part of the character of the street, presumably undertaken by Southcote Estate/Kenilworth Avenue Trust. NE assume they have to agree the vehicular access (before a planning decision). An additional street tree on the frontage would be beneficial but it is not possible for us to secure this. However, within the site, plans indicatively show hedging - replacement tree planting should be incorporated on the frontage.

Tree matters should be resolved prior to a decision.

- **RBC Transport (Highways Authority)**

The development site is located on a private road and is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide parking provision of 2 spaces for the proposed dwelling as well as retaining the existing provision for No 1 Kenilworth Avenue. The submitted proposed plan, Drawing No 18.06-103 A, illustrates that the garage associated with No 1 will be lost due to the development of the proposed dwelling; however each dwelling will be provided with 2 off road parking spaces; dimensions for each parking space should be a minimum of 2.4m x 4.8m Proposed provision is in accordance with the Council's current standards and is therefore deemed acceptable.

The new dwelling will be served by a new access from Kenilworth Avenue whilst the existing property would continue to use the original access point. Visibility splays of 2.4m x 43m should be illustrated on revised plans for the proposed access, as well as the location of lamp columns that are situated adjacent to the site.

It would appear that there are a number of trees on/adjacent to the site; the Council's Natural Environment Officer should be contacted to assess any risk of root damage etc.

In accordance with the adopted Parking SPD, the new development is required to provide a minimum of 2 cycle parking spaces for a 4 bedroom C3 dwelling which should be in a conveniently located, lockable, covered store. Plans submitted illustrate storage in the rear garage which is deemed acceptable.

Bin storage area is indicated in Drawing No 18.06-103 A. This should be located no further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods. It is assumed that curb side refuse and recycling collection will be the same as other properties in the Avenue.

4.3 Public consultation:

Letters were sent to addresses surrounding the site. 68 objections have been received, summarised as follows:

- The proposed development is not in keeping with the existing houses. This is a detached house, whereas all the other properties are semi detached.
- The design and scale is out of keeping with other dwellings in the street.
- The proposed dwelling is sited up to 2 metres to the front of the building line in Kenilworth Avenue harmful to streetscene and amenity of 3 Kenilworth Avenue.
- Doubling of car parking spaces close to busy Southcote Lane junction, raises safety concerns.
- Access is shown over land belonging to Southcote Park Estate Trust. There is no right of access.

- Overlooking from landing, bathroom and bedroom 3 windows to 3 Kenilworth Avenue and 15A Southcote Lane.
- Loss of light to 3 Kenilworth Avenue - bedroom 4, bathroom, landing and kitchen.
- Proposed garden is too narrow compared to neighbouring properties.
- Incursion onto land owned by 3 Kenilworth Avenue.
- Proposed street elevation drawing doesn't show existing dwelling clearly.
- Loss of visual amenity due to loss of street tree. Tree not owned by applicant would need to be removed to allow access and visibility splays.
- The matter should be referred to the statutory water undertaker for comments due to proximity to sewer.
- Southcote Park Estate Trustees object on the grounds that permission has not been sought or granted for access over Southcote Park Estate Land; Permission has not been sought or granted for the damage proposed to the Estate (e.g. removal of a tree), or compensation agreed; The legal implications regarding the covenants relating to the properties on the Estate have not been clarified or the costs agreed.
- There are stag beetles in the area.

5. RELEVANT PLANNING POLICY AND GUIDANCE

- 5.1 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'.
- 5.2 The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Development Framework Core Strategy (2008)

CS1 (Sustainable Design and Construction)
CS2 (Waste Minimisation)
CS4 (Accessibility and the Intensity of Development)
CS5 (Inclusive Access)
CS6 (Settlement Boundary)
CS7 (Design and the Public Realm)
CS9 (Infrastructure, Services, Resources and Amenities)
CS15 (Location, Accessibility, Density and Housing Mix)
CS20 (Implementation of The Reading Transport Strategy)
CS24 (Car/Cycle Parking)
CS34 (Pollution and Water Resources)
CS36 (Biodiversity and Geology)
CS38 (Trees, Hedges and Woodlands)

Sites and Detailed Policies Document (2012)

SD1 (Presumption in Favour of Sustainable Development)
DM1 (Adaptation to Climate Change)
DM3 (Infrastructure Planning)
DM4 (Safeguarding Amenity)

DM6 (Affordable Housing)
DM10 (Private and Communal Outdoor Space)
DM11 (Development of Private Residential Gardens)
DM12 (Access, Traffic and Highway Related Matters)
DM18 (Tree Planting)

SPG/SPD

- Section 106 Planning Obligations SPD 2013
- Affordable Housing SPD 2013
- Sustainable Design and Construction SPD 2013
- Revised Parking Standards and Design SPD 2011

6. APPRAISAL

Main Issues:

Design & Appearance

Residential Amenity

Affordable Housing

Trees

Drainage

Land Ownership Matters

Design & Appearance

- 6.1 Kenilworth Avenue is a Private Road that is characterised by a distinctly uniform character comprising semi-detached houses of the same age and style within a regular planned layout with a clearly defined building line to the frontage, which is maintained in an arc following the bend in the road near to the junction with Southcote Lane. Where extensions and alterations to the houses have taken place these remain ancillary to the original and are not considered to have altered the fundamental character of the street.
- 6.2 It is considered that the proposed detached dwelling would conflict with this established character and fail to respond positively to its local context or reinforce local distinctiveness. The detached layout is inherently at odds with the character of the street as described above.
- 6.3 Furthermore, the orientation of number 1 Kenilworth Avenue/15 Southcote Lane appears as a deliberate arrangement designed to act as an end stop to the street and to address the corner at the entrance to the estate. This is mirrored by number 2 Kenilworth/17 Southcote Lane to the opposite side of the junction. The gap between numbers 1 and 3 Kenilworth Avenue provides a degree of spaciousness at the entrance to the estate and serves to accommodate the change in orientation without the layout appearing awkward or contrived. The proposed attempt to introduce a dwelling into this gap would remove this spaciousness and would result in a building which fails to relate positively to either the orientation of number 1, or the positioning of number 3. The new building would appear awkwardly juxtaposed with the flank of number 1 and would jar with the distinct and otherwise uniform curved building line defined by the façades of houses in Kenilworth Avenue.
- 6.4 It is considered that the proposals are contrary to Policies CS7 and DM11 on this basis.

Residential Amenity

- 6.5 The proposed dwelling would be sited close to the flank wall of 3 Kenilworth Avenue. The side windows of the proposed dwelling are shown as being obscure glazed. It is considered that this would prevent harmful overlooking. The rear windows of the proposed house would be orientated looking down the garden and would not result in direct or harmful overlooking of the rear garden of number 3. The house would be separated from 15 Southcote Lane by the garden of the existing house at 1 Kenilworth Avenue. It is considered that this arrangement would not result in harmful overlooking to this neighbour.
- 6.6 Some loss of daylight would occur to the side (north west) facing windows of 3 Kenilworth Avenue. Those serving the bathroom and landing do not serve habitable rooms and therefore the effect on light is less harmful. Bedroom 4 would continue to receive sufficient daylight due to its south westerly orientation. The kitchen is also served by north east facing windows in the rear elevation. On this basis it is considered that the effect on daylight is not sufficiently harmful to warrant refusal. This does not affect any statutory Rights to Light that may exist outside of the Planning process.
- 6.7 The house is considered to be sufficiently distant from 15 Southcote Lane to avoid harmful loss of daylight. There would be some impact on the outlook from the rear of the existing house at 1 Kenilworth, however any harm caused is not considered sufficient in this instance to warrant being a reason for refusal.
- 6.8 The two houses would share the current plot and both would benefit from useable rear gardens. It is not considered that these are so small or poorly proportioned as to warrant being a reason for refusal given that garden sizes are not uniform in the street. Policy DM10 applies.

Affordable Housing

- 6.9 For a development of the size proposed, Policy DM6 requires a contribution to enable the equivalent of 10% of the Gross Development Value of the development to be provided as Affordable Housing. This would be a financial contribution secured under s.106 to secure provision off-site elsewhere in the Borough of Reading. The Council's Affordable Housing SPD (adopted 2013) sets out the procedure for calculating the required contribution. The Appellant does not agree that the Council is justified in seeking a contribution and has therefore not provided valuation details to confirm the Gross Development Value of the proposal.
- 6.10 In considering the weight to be given to Policy DM6, relative to any other material considerations, it is relevant that a significant need for Affordable Housing exists within the Borough, as demonstrated by the up-to-date assessment contained within the 'Berkshire (including South Bucks) Strategic Housing Market Assessment' (February 2016). Additionally, a significant proportion of housing is provided on smaller sites within Reading due to the developed, urban nature. There is therefore a need for these smaller sites to contribute towards delivering Affordable Housing.
- 6.11 For these reasons it is considered that Policy DM6 remains relevant to this application and is not outweighed by other material considerations, including the changes in national policy guidance. Although the applicant has indicated a willingness to provide an appropriate contribution, this would need to be secured by S106 legal agreement and this has not been

progressed due to the other concerns with the application. In the circumstances the proposal therefore fails to contribute adequately to the housing needs of Reading Borough and the need to provide sustainable and inclusive mixed and balanced communities. As such the proposal is contrary to Policy DM6 of the Sites and Detailed Policies Document 2012, Affordable Housing Supplementary Planning Document 2013, and Paragraph 50 of the NPPF. The application is recommended for refusal on this basis.

Trees

- 6.12 The proposals would involve the loss of trees which currently contribute positively to the visual amenity of the street. It is considered that sufficient space would exist within the forecourt areas of the houses to provide suitable replacements in mitigation.
- 6.13 The Cherry within the highway verge is not under the control of the Applicant. It would require the permission of the owner to be removed. It would appear that space exists for a replacement elsewhere within the verge if necessary.

Drainage

- 6.14 The proposed building passes close to a main sewer owned by Thames Water. Their permission is required to build in this location. This is a matter to be resolved between the interested parties.

Land Ownership Matters

- 6.15 The site is located within the Southcote Park Estate. The separate permission of the Trustees will be required to access the land, and other restrictions may exist. This is a private matter to be resolved between the interested parties and would not affect Planning Permission being granted, although it may ultimately prevent implementation of the development.

7. CONCLUSION

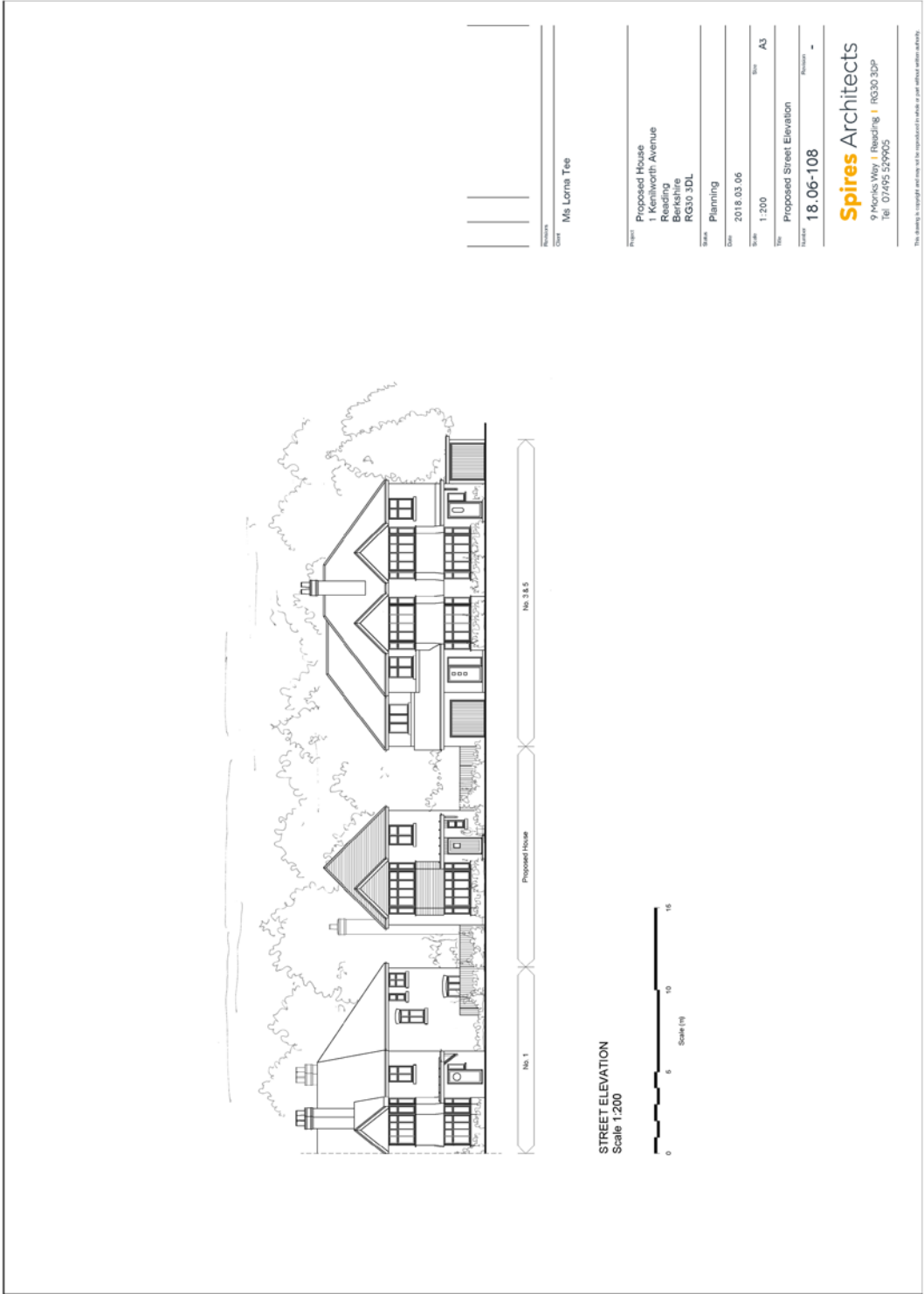
- 7.1 Although the proposal would not be sufficiently harmful to neighbouring amenity to warrant refusal, it is considered that the proposal would result in unacceptable harm to the character of the area. A suitable contribution towards Affordable Housing has also not been secured.

Case Officer: Steve Vigar

Drawings (selection only) - Full details at:
http://planning.reading.gov.uk/fastweb_PL/welcome.asp



Proposed Site Layout



Proposed Street Elevation