

Appeal Decision Report

Ward: Caversham

Appeal Nos.: APP/E0345/C/20/3249309

Site: Land at 8 St. Johns Road, RG4 5AN

Planning refs: 171850

Proposal:

- i) Without planning permission, the change of use of the outbuilding on the Land to use as a self-contained accommodation.
- ii) Without planning permission the erection of a part single, part two storey side and rear extension to the dwellinghouse on the Land.
- iii) Without planning permission, the creation of a hard standing

Decision level: Delegated

Method: Public Inquiry (virtual) held on 17th May and 9th June 2021

Decision: The appeal succeeds in part with permission granted for part of the breach of planning control, but otherwise the enforcement notice is upheld as corrected and varied.

Date Determined: 7th September 2021

Inspector: J Moss, BSc DipTP MRTPI

SUMMARY OF DECISION:

The Inspector granted planning permission for the extension to the rear of the main dwelling house, but otherwise upheld the Notice with corrections and variations to prevent the use of the outbuilding as any form of self-contained dwelling in the future.

Head of Planning, Development & Regulatory Services Comment

There were two main elements in this case: the unauthorised use of the outbuilding as a dwelling and the unauthorised development of the rear extension.

Outbuilding

There were contradictions in the original Enforcement Notice issued by Reading Borough Council in that the existing unauthorised outbuilding within the site could not be considered as both a self-contained residential unit; and the 7th bedroom of a Large sui generis House in Multiple Occupation (HMO) at the same point in time.

This formed part of the appellant's grounds of appeal. Therefore at the time the Inquiry sat (17th May 2021) Reading Borough Council asked for the Enforcement Notice to be amended to clarify that the breach was the use of the existing outbuilding as a self-contained residential unit. The main house was agreed to be a 6 person small HMO (C4 planning use), the change to which does not require planning permission. The Inspector confirmed they had the authority to amend the Notice in this respect and not require the Notice to be quashed as a whole.

As small C4 HMOs benefit from PD rights for outbuildings it was no longer considered reasonable by the Council to require the outbuilding to be removed, but in the Notice, the Council sought the removal of the outbuilding's internal facilities so that it could not function as a separate dwellinghouse. The Inspector agreed and has given deemed planning permission for the garden building (once all requirements of the Notice have been complied with) but upheld the Notice to prevent use as a self-contained dwellinghouse.

Rear extension

The Enforcement Notice had required that the rear extension on the main property be reduced in size to comply with plans approved under permission 171850 ('Part-one,

part-two storey side and rear extensions and associated alterations’). This included plans that illustrated lesser hardstanding and other works on the site frontage. Further elements of built form did not comply with permission 171850 but were not considered by officers to cause sufficient harm to be pursued.

The Inspector considered that the overall built form of the rear extension amounted to a substantial deviation from the approved scheme and therefore that the 171850 permission had not been implemented. Therefore, the development as built was considered on its own merits by the Inspector.

The Inspector concluded that the impact on the living conditions of the occupiers of the site due to the size and usability of the garden area retained was acceptable. It was also considered that the impact on the living conditions on the occupier of the neighbouring dwelling to be acceptable as *“the outdoor space on the appeal site can be lawfully used as garden space by the occupiers of No 8, regardless of the presence of the extension that is the subject of this appeal.”* The Inspector did not replicate the requirements of pp 171850 for the original landscaping and low boundary wall to the front of the dwelling, but the replacement landscaping already in place on site is required to be retained by condition.

Overall

Officers consider that the outcome on the appeal, by upholding the Notice with corrections and variations to prevent the use of the outbuilding as any form of self contained dwelling house, and granting permission of the rear extension with conditions is a satisfactory one.

Site Plan:

