

COMMITTEE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 15th January 2020

Ward: Caversham

App No: 191383 and 191385

Address: 8 St Johns Road, Caversham, RG4 5AN

191383/VAR Proposal: Part-one, part-two storey side and rear extensions and associated alterations without complying with Condition 2 (approved plans) of Planning Permission 171850 regarding building footprint, roof form and external appearance (Retrospective)

191385/FUL Proposal: Change of use from a C4 HMO to a Sui Generis 7 bedroom HMO with parking and amenity space

Applicant: Date validated:

191383/VAR: 22/8/2019

191385 /FUL: 11/11/19

Application: 8 week target decision date:

191383/VAR: 17/10/2019

191385/FUL: 06/01/2020

Extension of time: To be agreed.

191383/ VAR - REFUSE for the following reasons:

1. The creation of the hard standing to park vehicles has required the removal of the front boundary wall and planting. Whilst other less prominent examples of hard standing exist in the street, and such work may be achieved without the need for planning permission, the majority of properties have maintained their front boundary wall and some planting. In contrast the complete introduction of hardstanding without any boundary or landscaping has eroded the pleasant domestic appearance of the house and character of the street. Therefore, the development is contrary to Policy CC7 Design and Public Realm and H9 House Extensions and Ancillary Accommodation of the Reading Local Plan 2019.
2. The Local Planning Authority has found that the single storey structure shown on the submitted plans (although not referred to in the applicant's description for the changes which retrospective approval is sought on the basis of their argument that it complies with Permitted Development criteria) does not form ancillary accommodation to the main dwelling as it is capable of operating as a separate dwelling and has been let as a separate unit to the main dwelling. Accordingly, this structure has been assessed and considered to be harmful overdevelopment by reducing the available amenity space for the dwelling and intensification of use of the site contrary to Policy CC7 Design and Public Realm, CC8 Safeguarding Amenity and H9 House Extensions and Ancillary Accommodation of the Reading Local Plan 2019.

Informatives:

1. Positive and proactive
2. Refused plans
3. Planning Enforcement

191385 / FUL - REFUSE for the following reasons:

1. The original property did not meet the established policy minimum size standard to

be considered acceptable for conversion to a sui generis HMO. The retrospective conversion of this small dwelling to a large House in Multiple Occupation has resulted in the loss of a family dwelling house which was suitable for continued single family occupation, which is contrary to Policy H8 Residential Conversions of the Reading Local Plan 2019 and the Council's Supplementary Planning Document - Residential Conversions 2013.

2. The retrospective change of use to a large HMO for 7 persons relies on the use of the structure built in the rear garden area as habitable accommodation for the 7th bedroom. The occupier of this unit does not have adequate access to shared facilities as these are located within the main dwelling. As such the standard of accommodation is unacceptable and therefore contrary to Policy H8 Residential Conversions of the Reading Local Plan 2019 and the Council's Supplementary Planning Document - Residential Conversions 2013.
3. The creation of the hard standing to park vehicles has required the removal of the front boundary wall and planting. Whilst other less prominent examples of hard standing exist in the street, and such work may be achieved without the need for planning permission, the majority of properties have maintained their front boundary wall and some planting. In contrast the introduction of hardstanding without any boundary or landscaping has eroded the domestic appearance of the house and harmed the character of the street. Therefore, the development is contrary to CC7 Design and Public Realm, H8 Residential Conversions and H9 House Extensions and Ancillary Accommodation of the Reading Local Plan 2019 and the Council's Supplementary Planning Document - Residential Conversions 2013.
4. The retrospective change of use to a sui generis HMO fails to provide adequate external space for existing and future occupants and is therefore contrary to policy CC7 Design and Public Realm, H8 Residential Conversions and the Council's Supplementary Planning Document - Residential Conversions 2013.
5. The retrospective change of use has resulted in harmful intensification of the site through use of the external amenity area and the creation of the external 7th bedroom. This is due to the rear garden of No 8 St Johns Road being adjacent to the private rear gardens and living accommodation of domestic properties on Montague Street and St Johns Road. The use as a sui generis HMO has had a significantly detrimental effect on the residential amenity of adjoining neighbours in terms of noise and disturbance contrary to Policy CC8 Safeguarding Amenity, H8 Residential Conversions and H9 House Extensions and Ancillary Accommodation of the Reading Local Plan 2019 and the Council's Supplementary Planning Document - Residential Conversions 2013.

Informatives:

1. Positive and proactive
2. Refused plans
3. Planning Enforcement

1. INTRODUCTION

- 1.1 The application property is a semi-detached, two storey, red brick property on the eastern side of St Johns Road, Caversham. The surrounding built up area is characterised by terraced units of a similar design and small semi-detached properties. There are also non-residential uses situated to the

south of the site at St Johns Church and Caversham Hall (including a toddler group). The site is also situated within Flood Zone 3.

- 1.2 The property prior to the current extensions being constructed was a 3 bed dwelling; that also had an attached triple garage set well back from the road frontage.
- 1.3 The parking arrangement on the rest of St John Road is shared and on-street due to the traditional terraced layout of the residential plots which do not include parking or garaging. Additionally, since the 2nd December 2019, the Council's Residential Permit Parking Scheme has been expanded to incorporate St Johns Road now meaning that only permit holders can park in the vicinity of the site.
- 1.4 Both applications are retrospective, in part, and seek to regularise 1) the physical form of the extensions as built and the erection of a single storey building to the rear; and 2) the change of use of the extended dwelling at 8 St Johns Road, (stated on the application form to be a C4 Small House in Multiply Occupation) and the single storey building to the rear to a Sui Generis 7 bed HMO (Large House in Multiply Occupation).
- 1.5 For clarity to ensure that the Use Classes being considered within this report are clearly defined please see Table 1 below:

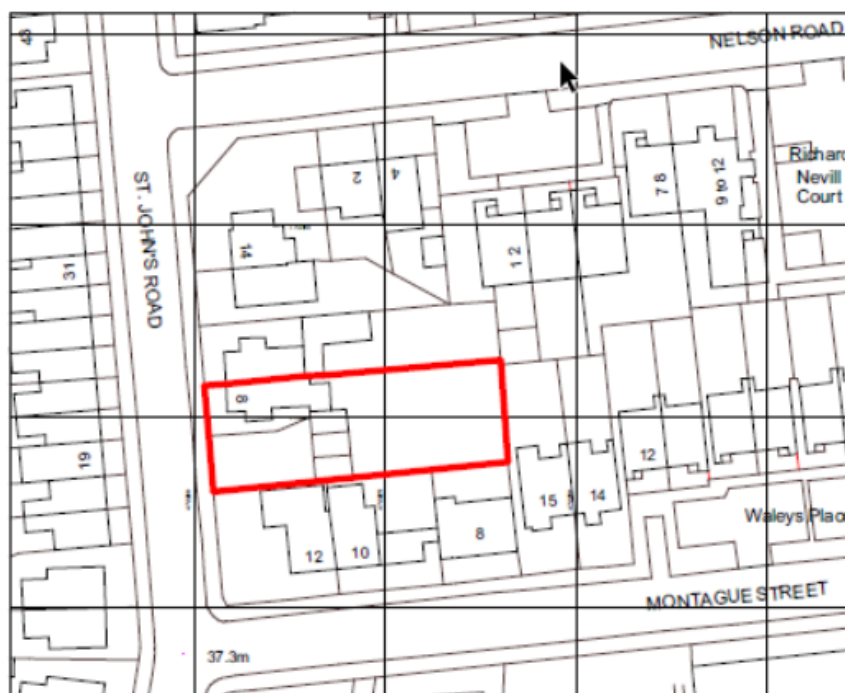
Table 1:

Use class as specified within the Use Class Order 2019	Definition	Permitted change of use
C3 (Dwellinghouses)	C3(a): Use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child. C3(b): Up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. C3(c): groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.	to C4

C4 HMO (Small Houses in Multiple Occupation)	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	to C3
Sui Generis Building	Buildings that do not fall within a particular use class (from the Latin meaning 'of its own kind') to include large HMO's	None

- 1.6 As set out above it should be noted that in this location (where no Article 4 Direction is in place to prohibit change of use from C3 to C4 use) planning permission is not required to convert a family dwelling (C3) into a C4 House in Multiple Occupation. Therefore, the use of the main property at 8 St Johns Road as a small C4 HMO with no more than 6 residents does not require separate planning permission.
- 1.7 Additionally, for further context, the definition of a House in Multiple Occupation (HMO) and the legislation that governs the authorisation of HMOs differs between the Planning Act - that governs the consideration of planning applications; and the Housing Act - that governs the consideration of licensing applications for HMO's.
- 1.8 The basic definition of an HMO in the Housing Act 2004 is a dwelling that is occupied by three or more tenants forming two or more households in which a basic amenity is shared (or is missing). A basic amenity is considered to be a toilet, bathroom or kitchen facilities. An HMO becomes licensable if there are five or more occupiers.
- 1.9 These applications have been called in to Planning Applications Committee by Ward Councillor's due to concerns raised by local community.

Location Plan - the site



2. RELEVANT PLANNING HISTORY

161109 - Side and rear extensions and replacement of existing garage. Permitted 12.8.2016. Not implemented.

162214 - Side and rear extensions and replacement of existing garage. Resubmission of planning application 161109. Permitted 19.1.2017. Not implemented.

171850 - Part-one, part-two storey side and rear extensions and associated Alterations. Permitted 31.1.2018. Works undertaken BUT not in accordance with the approved plans.

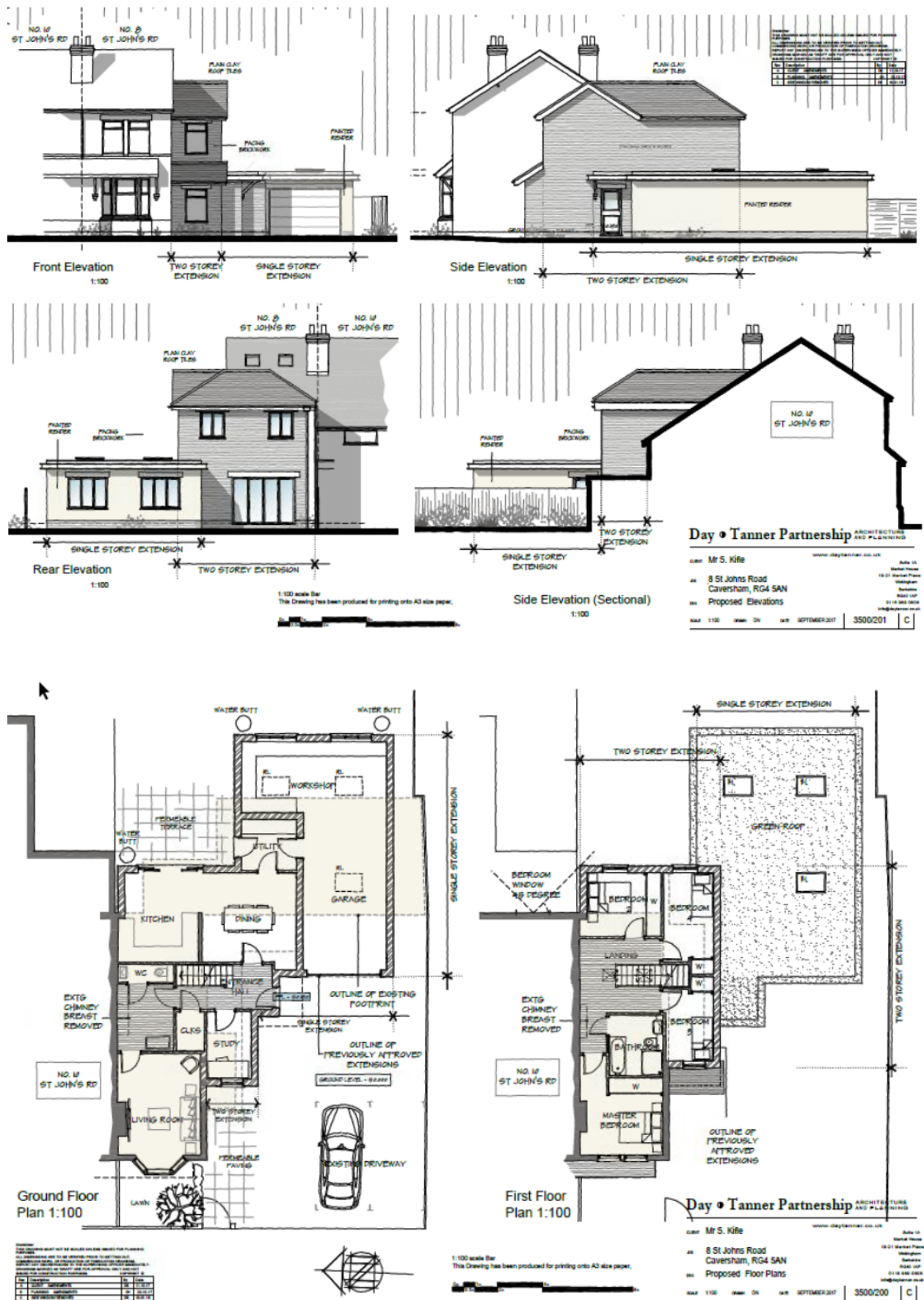
Block plan approved under permission 171850:



Block Plan as constructed and sought to be retained under ref 191385



Elevations and Floor Plans approved under permission 171850:



Other Non-Planning License applications associated to the property:

- Application for a 6 person HMO Licence for the main house - issued.
- Application for Drop kerb Licence - under consideration.

3. PROPOSAL AND SUPPORTING INFORMATION

191383/VAR

3.1 This application seeks the variation of Condition 2, which lists the approved plans, of planning permission 171850. As the building work has been completed this can be considered under Section 73A of the 1990 Planning Act.

3.2 Submitted Plans and Documentation

Location Plan	8779-19 PL-01Rev A
Block Plan	8779- 19 PL-02
Ground Floor	8779-19 PL-03
First Floor	8779-19 PL-04
Elevation Left and Right	8779-19 PL-08
Outbuilding (Roof/ground floor/section	8779-19 PL-05
Outbuilding (Elevations)	8779-19 PL-06
Elevation Front and rear	8779-19 PL-07
Flood Risk Assessment	

3.3 The property as built is different from the approved plans as follows:

- The ground floor building footprint has been increased due to the front elevation projecting 2m further forward than approved; and the rear extension has been increased 1m in width. This is an overall increase in floor area of approximately 20 sqm.
- The roof form of the single storey side extension has been altered from a flat 'green roof' to a grey slate tile pitched roof on the front section.
- To the rear the roof form of the two storey rear extension has been altered from a hipped roof to a grey slate tile pitched roof.
- The internal layout of the dwelling has been altered to delete the garage and workshop within the single storey side extension, to provide a communal kitchen and living room to the rear with a bedroom to the front; the remainder of the internal layout has been altered to accommodate 6 en-suite bedrooms. The alterations of room types do not require planning permission (subject to containing a maximum of 6 persons) however these changes have resulted in external alterations that do require permission:
- These include on the front elevation the relocation of the single 'front door' from the side elevation to within the former garage and the insertion of a bay window within this element to create a bedroom.
- The parking layout has been altered from an internal garage and one on-site parking space to 3 off road surface level parking spaces on the site frontage.

3.4 The plans submitted for consideration also illustrate a single storey building erected in the rear garden. The building is 48m sqm in area and contains

an open plan lounge with some food preparation facilities, a separate bedroom and a shower room. This unit has a front door and can be accessed separately to the main dwelling via a side gate and path adjacent to the side elevation of the main dwelling.

- 3.5 The applicant has annotated the drawing to indicate that this building has been built under 'Householder' permitted development rights as an 'outbuilding'. The General Permitted Development Order (GPDO 1995) at Schedule 2, Part 1 'Development within the curtilage of a dwellinghouse' only allows outbuildings by virtue of Class E for 'buildings etc incidental to the enjoyment of a dwellinghouse'. This is discussed in more detail in the Appraisal section below.

191385/ FUL

- 3.6 Change of use from a C4 HMO to a Sui Generis 7 bedroom HMO with parking and amenity space. This proposal seeks to convert the main house and building in the rear garden from a C4 HMO (6 persons HMO) to a Sui Generis Large HMO to house 7 persons. The layout of the building as built contains at ground floor a shared hallway, a communal kitchen/dining room with door to the rear; and bedrooms 1, 2 and 3 containing double beds and an en-suite. Accessed from the main stairwell at first floor there are a further 3 bedrooms (4, 5 and 6) each with an en-suite.
- 3.7 Externally to the rear the site contains an amenity area and the single storey structure indicated to form the 7th bedroom for the large HMO sought. The rear amenity area is laid with artificial grass and is also shown to contain cycle storage, the existing single storey structure is also sub-divided within the site by timber fencing. Proposed to the front of the property are 3 on-site parking spaces and refuse storage on an area of herring bone paving that covers the entire frontage of the site.
- 3.8 Submitted Plans and Documentation:
- | | |
|--|---|
| Location Plan | 8779-19 PL-01Rev A |
| Block Plan | 8779- 19 PL-02 |
| Ground Floor | 8779-19 PL-03 |
| First Floor | 8779-19 PL-04 |
| Elevation Left and Right | 8779-19 PL-08 |
| Outbuilding (Roof/ground floor/section | 8779-19 PL-05 |
| Outbuilding (Elevations) | 8779-19 PL-06 |
| Elevation Front and rear | 8779-19 PL-07 |
| Proposed Site Plan | 8779-19 PL-09 Rev A (to show bin store and cycle parking) |

4. CONSULTATIONS

Application 191383

- 4.1 RBC Ecology - No objection.
- 4.2 RBC Transport - 3 parking spaces have been illustrated on the submitted block plan (PL-02) which replaces the 3 original garages; however, to be able to facilitate the proposed layout the existing access will need to be widened. This will require a license from the Highways Department and will need to be illustrated on revised plans.

Unauthorised parking can be controlled via the administration of the Residential Parking Permit Scheme that now operates on St Johns Road and the surrounding roads.

Application 191835

4.3 RBC Transport DC

The site is located within Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The road mainly consists of residential terraced properties.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 0.25 spaces per lettable room, therefore equating to a total of 2 off road parking spaces. Submitted proposed site plan PL-09 Rev B illustrates 3 off road parking spaces; dimensions comply with the Council's current parking SPD however to facilitate the proposed parking layout the existing dropped crossing would need to be extended to the north (towards the dwelling). Any works undertaken on the public footway or carriageway will require a license from the Highways team. No part of a vehicle should overhang the public footway/highway.

It should be noted that the Council's Residential Permit Parking Scheme has been expanded and will incorporate St Johns Road. If this application is approved occupiers will not be entitled to a resident or visitor parking permit.

In accordance with the Council's Parking Standards and Design SPD, cycle per letting room in the form of a Sheffield type stand within a lockable store, therefore 4 spaces will need to be provided. A storage shed has been illustrated at the rear of the site. Sheffield type stands within the storage unit/shed would still be required to ensure accessibility and security. The stands should be set back a minimum of 500mm from the wall.

Bin storage has been illustrated on plans; bin storage 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 this will be the same as is for the existing dwelling and residents at neighbouring properties.

4.4 RBC Licensing or HMO Team - At present, the main part of the building is licensed under Part 2 of the Housing Act 2004 as a house in multiple occupation ("HMO") with a maximum permitted occupancy of six residents. At the time of licensing, the 'bungalow' at this address was considered a separate dwelling with its own entrance and is not covered by the existing licence.

As a general principle, housing officers do not consider it acceptable for residents to have to go outside to access kitchen facilities from their living accommodation. The reasons are the increased risk of food contamination, particularly in adverse weather. Such an arrangement would likely give rise to an actionable hazard under Part 1 of the Housing Act 2004,

- 4.5 Waste Disposal - The maximum capacity allowed is 1x360 litre general waste bin currently (this may change from October 2020 due to introduction of food waste). It is suggested they provide at least 2x240 recycling also.

A manager of an HMO is legally required to ensure that tenants have adequate storage facilities for their waste and that adequate provision is made for disposal of the waste. This means if any additional waste is produced by the occupiers then the manager of the HMO would need to remove the waste themselves (they must be a registered waste carrier. Alternatively, occupiers can take their waste to the Civic Amenity Site, however the duty to make adequate provision of waste disposal remains with the manager.

- 4.6 Environment Agency - To be updated at your meeting

Public Consultation:

- 4.7 Letters have been sent to adjoining properties for each application and a separate site notice was erected by officers on the telegraph pole in front of the property. Due to further information being sought in order to validate the change of use application (181385) each application had a separate consultation period.
- 4.8 A number of representations have been received in relation to each application (30 inclusive of a petition; and 12 respectively). It is noted by officers that many of the comments submitted by residents in relation to application 191383 for the variation of condition also refer to the impact of the change of use as these applications are linked.
- 4.9 The representations can be summarised as below:

191383

CADRA

What has been built is out of character with the area and results in a lack of amenity for neighbours, including parking problems. The separate residential building in the back garden is unacceptable.

Petition signed by 52 objectors : on the following grounds:

- The owner has breached conditions 2 and 6 of approved plans 171850
- The owner made no attempt to adhere to the approved plans which means there was a deliberate attempt to deceive the planning authority.
Officer note: Condition 2 refers to the 'Approved plans' and Condition 6 states "The extensions hereby approved shall only be used for purposes incidental to the residential use of the single family dwellinghouse at No.8 St Johns Road and shall not be used as a separate independent Class C3 dwelling or Class B1 business unit." The use of the main building as a C4 HMO does not constitute an independent class C3 dwelling or unit or B1 business use.
- The constructed development is for 6 units within a House of Multiple Occupation, representing a significant change to the character of the area and significant harm to amenity.
- The present application does not seek to regularise the breach of condition 6 in that it is not being used as a single residential dwelling. The Council's HMO register confirms 8 St Johns Road is registered for 6 occupants/6 households for a period of 5 years.

See officer note above.

- The garden building was constructed under permitted development as ancillary to the main building but is a separate residence in itself - an attempt by the property owner to introduce a separate dwelling by stealth.
- The drive affords insufficient parking spaces for the number of tenants residing in the property. This has caused additional parking issues in an already overcrowded road.

Further comments from individual objectors:

- The proposal is contrary to Reading Borough Council Policy H8: Residential Conversions due to the increase in noise and disturbance to neighbouring residents in particular from the communal outside patio/smoking area.
- Loss of single-family housing: There is already a house of multiple occupancy at number 12 Montague Road (on the corner of Montague Road and St Johns Road and next to number 8) another at number 17 St Johns Road and a house which has been converted into 2 flats at number 31. By allowing this Variation of Condition concerned that the associated change of use application is a fait accompli.
- Adequate Bin Storage : The refuse bins have been sited alongside the boundary at the front of the property as there is no dedicated storage area. The household refuse bin is often overflowing,
- The scale of the property is not consistent with neighbouring properties and is out of keeping with the character of the area contrary to policy H9 House Extensions and Ancillary Accommodation,
- The houses should be lived in by small groups or families, not by up to 14 people

Officer note- the HMO license for the main dwelling is for a maximum of 6 persons.

- Loss of Biodiversity : The development has resulted in a loss of biodiversity within the gardens due to use of artificial grass and the loss of trees and shrubs (contrary to policy H10 Private and Communal Outdoor Space)
- Concern re inadequate amount of useable outdoor space.
- Detrimental impact on air pollution and impact on quality of life.
- Late night noise levels / waste / etc will increase
- Parking on St. Johns Rd at present extremely challenging particularly for those with young children and the elderly, the amount of cars outside this property is extremely dangerous, the proposal to further drop the curb would remove 2 much-needed parking spaces for the existing residents on the street.

191385

CADRA

A 7-unit HMO is totally out of keeping with this area and will particularly exacerbate parking problems. We urge refusal.

Summary of Objections - many of which repeat comments made in relation to application 181383

- An increase in noise and disturbance: The private space is not well laid out. A smoking and socialising area has been sited next to the kitchen and the downstairs bedroom of the adjoining property thereby increasing noise and disturbance to neighbours.
- Anti-social behaviour has already occurred, the police have been involved on more than one occasion.
- Loss of single-family housing
- Littering due to inadequate bin storage

- Inadequate car parking: There are more cars than a normal 4 bedroomed family dwelling because there are 6 bedrooms. This application will increase it to 7 with potential for 14 cars, which is far too big for this road. The proposed enlarge drop kerb would further reduce the parking availability for other residents, in favour of this one individual property.
- Loss of Biodiversity : due to plastic grass
- This property should be returned to the 4-bedroom single occupancy dwelling for which planning permission was originally granted.
- Rubbish bins are not used correctly and are regularly over filled.
- Local Schools and GP surgery are at capacity.

Objections highlighting anomalies in the submitted application form including:

- Item 5 Description of the Proposal. The agent states the change of use has not started. The 7th bedroom in the building at the end of the garden was occupied prior to the date of this application.
- Item 9 Vehicle & Parking. The agent states that vehicle parking is not relevant to the application. Where are the additional occupants going to park? The application clearly states ...with parking and amenities.
- Item 10 Trees & Hedges. The trees in the original garden were removed at the start of the development to facilitate the building being erected.
- Item 13 Foul Sewage. The agent has answered 'Unknown' when all services are in place.
- Item 14. Waste Storage & Collection. Where, on the plans, does it show adequate storage of waste? The bins have been lined up close to the house and the adjoining property.

Officer note: bin storage is indicated on Proposed site plan Pl-09 Rev B.

-The 'outbuilding' has been fitted out as a stand-alone bungalow and occupied well in advance of the application for change of use.

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:

The New Reading Borough Local Plan was adopted by the Council on 4th November 2019.

Reading Borough Local Plan (Expected Adoption November 2019)

- CC1: Presumption in Favour of Sustainable Development
- CC2: Sustainable Design and Construction
- CC3: Adaptation to Climate Change
- CC5: Waste Minimisation and Storage
- CC7: Design and the Public Realm
- CC8: Safeguarding Amenity
- CC9: Securing Infrastructure
- EN18: Flooding and Drainage
- H1: Provision of Housing
- H3: Affordable Housing

H8: Residential Conversions
H9: House Extensions and Ancillary Accommodation
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
EN15: Air Quality
EN16: Pollution and Water Resources

Supplementary Planning Document (SPDs)

Residential Conversions, 2013 SPD

Revised Parking Standards and Design SPD, 2011

Planning Obligations under Section 106, 2015

6. APPRAISAL

The main matters to be considered are:

- Principle of development
- Amenity of Existing and Proposed Residents
- Design
- Transport
- Flooding
- Community infrastructure levy & Affordable Housing
- Equalities impact

Application 191383/VAR

Principle of development

- 6.1 An increase in size of the built form of the property at 8 St Johns Road has already been found acceptable by virtue of planning permissions 161109, 162214 and 171850 (set out in detail in the planning history section above). However, the development as built is not in accordance with the approved plans and the purpose of this application is to have these changes approved. Consideration of these changes is set out below.
- 6.2 Although the applicant has argued that the single storey structure benefits from being permitted development officers consider that one important constraint on Permitted Development within this Class of Part 1 in the GPDO is the purpose for which the building has been erected. The wording of the Order is restrictive; it only permits the erection of such a building if it is “required for a purpose incidental to the enjoyment of the dwellinghouse”. The term ‘incidental’ as used by the GPDO can exclude residential use of the property as separate self-contained accommodation. This building has been used since its construction as a separate dwelling and has not been used as an outbuilding as defined by the GPDO. The structure therefore does not benefit as being permitted development associated with 8 St John’s Road and requires planning permission.
- 6.3 Policy H9 states that ‘ancillary accommodation’ will only be acceptable where it would **not** be capable of operating as a separate dwelling which could be let or sold separately. The single storey self-contained structure to the rear, as indicated on the submitted plans, is therefore clearly contrary to Policy H9 and on consideration of other relevant factors as set out below is recommended for refusal on this basis.

Amenity of Existing and Proposed Residents

- 6.4 In relation to the proposed extensions to the main dwelling Policy CC8 and H9 set out that development will not be acceptable where it causes a significant detrimental impact to the living environment of existing or new residential properties. This is in terms of privacy and overlooking, access to sunlight and daylight, visual dominance and overbearing effects and other factors.
- 6.5 With regards to privacy the building as constructed has no side facing first floor windows and so is considered to maintain the privacy of the occupants of 10 and 12 Montague Street. As considered in previous applications the first floor rear facing windows do not have an unacceptable impact on 10 St John's Road and its existing rear extension. The alterations to the roof form of the two storey rear extension and increase in width of the rear extension are also not considered to have a worse impact than as previously permitted. It is considered that any overshadowing caused to be relatively small scale and so does not significantly harm the living environment of the occupiers of the neighbouring properties.
- 6.6 The increased height of the pitched roof and increase in length of the front extension are adjacent to the rear boundary of 10 and 12 Montague Street. The works as built have a greater depth and greater height than the former triple garage and permitted flat roof garage, however the further increase in height is only for a limited depth of the structure, which is set to the north of these properties. It is therefore considered on balance that the slightly increased negative impact on the living environment of the neighbouring occupiers in terms of overbearing effects or loss of light would not warrant the refusal of planning permission.
- 6.7 The single storey rear structure is not considered to cause overlooking or overbearing impacts to neighbouring dwellings. However due to its siting within the rear garden of No 8 St Johns Road and its proximity to the adjacent private rear gardens of properties on Montague Street and St Johns Road this structure is considered to have a significantly detrimental effect on the residential amenity of adjoining neighbours in terms of noise and disturbance. This is due to the location of the open external access to this structure, utilised by the occupiers and visitors, being directly adjacent to the rear boundary of properties on Montague Street increasing the footfall to the rear of these dwellings. The independent 'front door' to this unit and its associated activity is located within the rear garden of 8 St Johns Road resulting in disturbance to neighbouring private domestic rear gardens. This structure has also been assessed and considered to be harmful overdevelopment by reducing the available amenity space for the occupiers of the main dwelling. The cumulative impact of the large extensions, additional structure and hardstanding has reduced the rear garden size by 50%. The remaining area of amenity space is inadequate to serve the needs of the occupants for the size of dwelling as built and as a ratio of overall site. The proposal is therefore considered to be contrary to Policy CC8 and H9 and H10 and is recommended for refusal.

Design

- 6.8 With regard to Policy H9 House Extensions it is considered that the two storey side and single storey rear extension to the main house, as built, is in keeping with the former property in terms of scale, location, materials and design and found to be acceptable.

- 6.9 The side extension remains single storey however the now pitched roof is clearly visible in the street scene and removes an element of green roof. In relation to the impact on the streetscene, when considered in the context of the adjacent single storey pitched roof extension at 12 Montague Street the new roof shape does not result in the application property appearing uncharacteristically larger than other properties in the area to warrant refusal.
- 6.10 However the residential frontages on St Johns Road in the vicinity of the application site are characterised by small front yards containing some vegetation with a variety of boundary treatments. On the eastern side there is some existing on site parking but these dwellings have also retained a front boundary and some landscaping. Within the application site the area of lawn and the front boundary wall have been removed to facilitate parking on the site frontage and the amended plans make no provision for soft landscaping or boundary treatment to mitigate the visual harm caused. The proposal is therefore not considered to respect the character and pattern of neighbouring properties and appearance of the street as a whole and is recommend for refusal on this basis as contrary to policy CC7 and H9.

Transport

- 6.11 The comments of objectors have been fully noted in relation to matters of parking. Three parking spaces have been illustrated on the submitted block plan (PL-02) and this has been found acceptable as it replaces the 3 original garages. If the required number of car parking spaces (3) can be provided on site to meet the Council's parking requirement this is considered to be adequate. However, to comply with current standards access to these spaces requires the existing access to be widened. This will require a license from the Highways Department and will need to be illustrated on revised plans. This can be required by condition if the variation application were to be approved and therefore does not form a reason for refusal.

Flooding

- 6.12 The application property sits in Flood Zone 3 and the Reading Borough Council, Strategic Flood Risk Assessment (2009) shows, in figure 8, that the site has a 1 in 100 year floor depth of between 0.3m and 1m. The risk of flooding from surface water is considered to be low by the Environment Agency. Flood resilience and resistance measures which have been included in this scheme are:
- Setting the floor levels no lower than existing floor levels
 - Using materials with low permeability to at least 0.3m.
 - Using flood resilient materials (eg lime plaster) and design (raised electrical sockets) in proposed works
 - Making sure there is access to all spaces to enable drying and cleaning
 - The use of permeable materials in the creation of the proposed rear terrace and front paving, to limit the area of impermeable surfaces on the site.
 - Installation of water butts to the rear of the garage/store, to assist in management of surface water runoff
- 6.13 It is considered that these measures have appropriately addressed the flood risk at the site and made appropriate efforts to ensure that the risk is not unduly increased either at the site or neighbouring properties in accordance with Policy EN18: Flooding and Drainage.

Application 191385

Principle of development

- 6.14 The planning application form describes the application as being for the change of use of a C4 (small HMO) to a 7 bed Sui Generis HMO. Notwithstanding the argument set out above regarding whether the structure in the rear garden is authorised (paragraph 6.2) even if the structure was authorised in planning terms the proposal is considered unacceptable in principle on 2 grounds.
- 6.15 Firstly, Policy H8 Residential Conversions explicitly sets out in the case of sui generis houses in multiple occupation: To be acceptable the property to be converted should measure more than 120 square metres gross. This policy seeks to ensure appropriate residential conversions whilst maintaining a supply of family housing and protecting the character and amenity of the surrounding area. This requirement is reiterated within the Council's Residential Conversion SPD (at Checklist 6) and states when calculating the floor area of the property the measurement should be based on the external dimensions as at 1st July 1948 or when built (whichever is the later).
- 6.16 The dwelling prior to the extensions being erected was a three bed dwelling with a floor area of approximately 90 sq metres. This includes the ground and first floor but not the conservatory and garage block. The conservatory does not appear to be an original feature and if included would not result in the overall floor area exceeding 120m, and the former triple garage gained permission in 1955. The proposal is therefore contrary to Policy H8 and the Council's Residential Conversions Supplementary Planning Document due to the small size of the original dwelling.
- 6.17 Secondly, the separate structure is set 8m from the rear doors of the main house and accessed through a garden open to the elements. On this basis this unit cannot be considered as an acceptable 7th bedroom within a large HMO as this occupant does not have adequate access to shared facilities for cooking as these are located within the main dwelling. Therefore, planning permission should not be granted for a 7 bedroom HMO based on the current layout.
- 6.18 This assessment now considers the relevant criteria for conversions for Large Sui generis HMO as set out in Policy H8 and the detailed Checklist within the Council's Residential Conversion SPD. The proposal does not result in HMOs representing 25% of the residential properties within a 50m radius (measured from the application site) and in general, many of the criteria are met in relation to internal room sizes. However, there remain a number of important failures, as set out below, which support a recommendation for refusal on the basis of being contrary to Policy CC7, CC8, H8, H9 and the Council's Residential Conversion SPD.
- 6.19 Checklist 1 seeks that any external alterations must be carried out sympathetically, respecting the physical character of the area. Checklist 15 sets out that the removal of boundary treatment to accommodate parking or access to parking will not be permitted where it makes a valuable contribution to the character of the area.
- 6.20 As set out above the residential frontages on St Johns Road in the vicinity of the application site are characterised by small front yards containing

some vegetation with a variety of boundary treatments. On the eastern side there is some existing on site parking but these dwelling have also retained a front boundary. An area of lawn and the front boundary wall has been removed to facilitate parking on the site frontage and the amended plans make no provision for soft landscaping or boundary treatment to mitigate the visual harm caused. The proposal is therefore considered to not respect the character and pattern of neighbouring properties and appearance of the street as a whole.

- 6.21 Checklist 2 states that extensions must achieve acceptable residential amenity for existing and new occupiers plus respect the character of the existing house and area ensuring outside amenity space is not unacceptably reduced. Checklist 4 also requires an appropriate level of private outdoor space will be expected. When considering HMOs an equivalent level to a house will be considered appropriate, in that the useable private outdoor space should be no less than the gross floor area of the dwelling to which it relates (measured externally and including garage space).
- 6.22 Due to the erection of the extensions and the single storey structure with enclosed area, the usable amenity space becomes approximately 110 sq m in size. This comprises of a patio and the area of lawn between the rear of the house and the single storey structure itself. The ground floor area of the main dwelling alone exceeds 160 sqm and therefore the retained area of amenity space is considered to be inadequate compared to size of dwelling as built and ratio of overall site.
- 6.23 Checklist 5 states the issues that need to be taken into account in any residential conversions application including matters of:
- privacy and overlooking,
 - access to sunlight and daylight,
 - visual dominance and overbearing effects of a development,
 - **noise and disturbance**
 - **crime and safety.**
- 6.24 As set out in relation to the previous application the physical alterations to the building are not considered to cause overlooking or overbearing impacts. However, the intensification of the use of the site as a 7 bed HMO utilising both the main dwelling as extended and the separate building to the rear is considered to cause undue noise and disturbance to neighbours that adjoin the site and in the immediate vicinity. My paragraph 6.7 sets out that the separate building due to its location and external access directly adjacent to the rear boundary of dwellings on Montague Street; and tandem location at the rear of 8 St Johns Road results in disturbance to neighbouring private domestic rear gardens. Also due to the reduced size of the garden area to the rear of No 8 the external area available for all residents, also utilised as a smoking area, is situated directly adjacent to the to the side boundary with No 10 St Johns Road. This is considered to cause undue noise and disturbance to the private rear garden and ground floor of No 10 containing ground floor rear facing doors to serve the dwelling and a ground floor bedroom. The intensification of use of the site in terms of built form, reduction in external amenity space and number of adult residents is considered to cause significant harm to the residential amenity of neighbouring residents.

- 6.25 In relation to transport matters Checklist 13 requires parking standards for all residential conversions should be in accordance with the Council's adopted 'Revised Parking Standards and Design' (2011) SPD. Checklist 14 states HMOs located within a street where a residents' parking permit scheme operates will not be entitled to on-street car parking permits.
- 6.26 As set out in the Transport Officers comments above the provision of 3 on site parking spaces complies with the Councils parking standards for a 7 bed HMO. In this instance this is subject to an extension to the drop curb to provide access to the site which could be required by condition were the application to be recommended for approval. The site also now falls within a newly created residents parking zone and transport officers have confirmed that residents of the HMO will not automatically be granted parking permits therefore any unauthorised on street parking can be regulated.
- 6.27 Amenity issues have been raised through public consultation as summarised in the third party comments section above. The site is able to accommodate the required number of parking spaces and on street parking can now be monitored.
- 6.28 The SPD also requires outdoor cycle storage to be secure, covered and in a convenient location; and sufficient and suitable refuse containers should be provided within the building curtilage. These should be easily accessible for all occupants of the house and refuse collectors; and ensure they are sympathetically located with regard to their visual impact. Both cycle and refuse facilities have been shown on the Proposed Site Plan (PL-09 Rev B) and there is space within the site to accommodate these. A proper agreement could also be required to ensure acceptable management of all communal parts of the HMO. Therefore, if the proposal were to be recommend for approval these 3 matters could be subject to condition.
- Flooding
- 6.29 The applicant is required to submit a Flood Risk Assessment in relation to this application, as with application 191383 above which was considered to be acceptable in relation to flooding matters. The change of use sought will not alter the vulnerability classification of the development which remains 'more vulnerable' the class for a 'dwelling house'. The Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. The Flood Risk Assessment and any comment from the Environment Agency to be updated at your meeting.
- 6.30 It is noted that had this been an application included the separate rear structure as an independent dwelling the proposal would be required to be accompanied by a Flood Risk Assessment, Sequential Test and Exception Test as the site is within Zone 3.

Community Infrastructure Levy & Affordable Housing

- 6.31 The proposal if approved, would result in additional floor space in the form of the single storey building to the rear that would be CIL chargeable.

Equalities Impact

- 6.32 When determining this application the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the 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.

7. CONCLUSION

- 7.1 Both proposals have been carefully considered in the context of the Reading Borough Council Local Plan (adopted November 2019), and supplementary planning documents and for the reasons set out above are not considered to be acceptable and both applications are recommended for refusal.

7. Block plan

ST. JOHN'S ROAD

47/2200

3 PARKING SPACES

47/2225

10

12

8

CONSTRUCTOR UNDER GDO 2015 CLASS 1

MONTAGUE STREET

37.3m

Notes:

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Notes: N

1:200

0 2 4 6 8 10 m

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of building engineers

RICS

Client: **Mr Saffron Kille**

Job Title: **Two-storey rear extension
8 St. John's Road, Caversham, Reading Berkshire
RG3 2JA**

Drawing Title: **Block plan**

Drawing Date: 19/08/19	Status: Planning
Issue Date: 19/08/2019	Drawn By: KC
	Scale: 1:200@A3
Job No: 8779-19	Rev: PL-02





E-03 Left Elevation 1:100



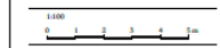
E-04 Right Elevation 1:100

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IN PROGRESS



Client: Mr Saffron Kille

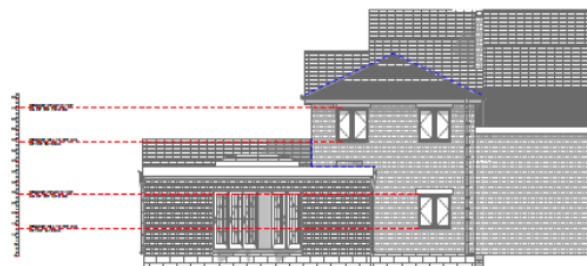
Job Title: Two-storey rear extension
8 St. John's Road, Cavendish, Reading Berkshire RG4 5AN

Drawing Title: Elevations Left - Right

Drawing Date: 19/08/19	Status: Planning	
Issue Date: 19/08/2019	Drawn By: KC	Scale: 1:100@A3
Job No: 8779-19	Drawing No: PL-08	Rev:



E-01 Front Elevation 1:100



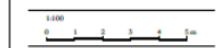
E-02 Rear Elevation 1:100

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IN PROGRESS



Client: Mr Saffron Kille

Job Title: Two-storey rear extension
8 St. John's Road, Cavendish, Reading Berkshire RG4 5AN

Drawing Title: Elevations Front - Rear

Drawing Date: 19/08/19	Status: Planning	
Issue Date: 19/08/2019	Drawn By: KC	Scale: 1:100@A3
Job No: 8779-19	Drawing No: PL-07	Rev:

