

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	10/01911/HOUSE Purley	3 rd November 2010	Part retrospective - erection of rear extensions, swimming pool, new garage to the front and change of use of an existing garage at the rear of the property to a gym with a pool house extension. 1107 Oxford Road, Tilehurst Mr Richard McCarthy

Recommendation Summary: **Subject to the completion of a Legal Agreement within 2 months of the date of Committee, to DELEGATE to the Head of Planning and Countryside to APPROVE PLANNING PERMISSION subject to conditions:**

Ward Member(s): Cllr. T Metcalfe
Cllr. D Betts

Reason for Committee determination: Cllr Metcalfe called application to Committee due to concerns of neighbours regarding the progress of building/excavation work before permission, overlooking and potential business use.

Committee Site Visit: n/a

Contact Officer Details	
Name:	Helen Robertson
Job Title:	Assistant Planning Officer
Tel No:	(01635) 519111
E-mail Address:	hrobertson@westberks.gov.uk

1. Site History

128004	New garage. Approved 1987
135959	Extensions. Approved 1990
139913	New garage. Approved 1992
07/00685/HOUSE	Extension/alteration to existing dwelling. Approved 29 th May 2007
07/01580HOUSE	Erection of new double garage. Approved 25 th September 2007
07/02541/CERTP	Single storey pitched roof leisure and gym building. This is a Certificate of Lawfulness application for a Proposed Use or Development. It was concluded that an application for the development would be required. Decision dated 14 th February 2008
09/02542/HOUSE	Front and rear extensions and loft conversion. Approved 23 rd March 2010

2. Publicity of Application

Site Notice expired: 21st October 2010
Neighbour notification also undertaken

3. Consultations and Representations

Parish Council:	<p>Purley - does not object to the Planning Application. Comments: Need to maintain a condition, placed on earlier planning permissions, that the site is not used for business purpose.</p> <p>Tilehurst - (adjacent Parish) – does not object but requests that the extensions/alterations are used only as ancillary to the main dwelling and not as separate living accommodation.</p>
Highways:	<p>No change to existing access, the new garage to front of the property is acceptable. No objections, informatives required regarding damage to the carriageway, footpaths and verges.</p>
Tree Officer:	<p>I have no objection to the application, the location of the proposed garage at the front has involved the loss of some poor quality conifers and shrubs, with the remaining hedgerow, trees and shrubs being retained.</p> <p>The proposed rear extension and swimming pool will not have any impact on trees, as there are none in the vicinity, the changes to the garage to add a front extension for the pool house again has no impact on trees.</p>
Public Protection:	<p>No observations to make.</p>
Thames Water:	<p>Swimming Pools - Where the proposal includes a swimming pool</p>

Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The Applicant should contact Thames water on 0845 9200 800.

- Correspondence** 4 representations received (2 from the same source) in summary these relate to:
- the commencement of works prior to permission and the resultant noise and disturbance.
 - the existing use of the garages on site for storage of business materials and concerns about the need for a further garage and potential future business use and traffic.
 - change of function of the existing garage to a purpose for which it was not originally intended.
 - concerns about noise arising from the proposed swimming pool during summer evenings.

4. Policy Considerations

Planning Policy Statement 1 - Delivering Sustainable Development (2005)

West Berkshire District Local Plan 1991-2006 Saved Policies 2007- Policy OVS2 (Core Policy)

South East Plan 2009 - Policy CC6 – Sustainable Communities and Character of the Environment

Supplementary Planning Guidance – “House Extensions” (adopted July 2004)

5. Description of Development

- 5.1 Permission is sought for the erection of single storey rear extensions that form a small room off of the existing kitchen, plus a barbecue area and an orangery, a new garage to the front and the change of use of an existing rear garage to a gym building with a pool room extension and a swimming pool in the rear garden. Ground works have already commenced at the site. These have been undertaken at the applicant's own risk prior to the granting of planning permission.
- 5.2 Internal alterations to outbuildings are generally considered permitted development, provided the use remains incidental to the enjoyment of the dwellinghouse. In this instance, permission is required for the change of use of the existing garage to a gym due to a condition placed upon application number 139913 which stated that ‘the garage shall be used for no other purpose other than garage accommodation, unless permission has been granted by the Local Planning Authority’. This approval also contained a condition that; ‘no additions or extensions to the dwelling shall be built or ancillary buildings or structures erected within the curtilage, unless permission has been granted by the Local Planning Authority’, thereby removing permitted development rights for such works. The reason for the condition was to prevent an overdevelopment of the site. Whilst a

swimming pool may not be generally considered as an ancillary building or structure 'erected' within the curtilage, it has been included in the Description of Development and as such has been considered as part of the proposal, also given that it should be assessed in relation to overall development within the site as intended by the condition.

- 5.3 Concerns have been raised regarding the existing and potential business use of the outbuildings on the site. The Applicants Agent has confirmed that the proposed garage to the front will be used for the parking of private motor vehicles, a workshop and storage area. The use of an existing garage at the rear is proposed to be changed to a gym and the further garage at the rear will be used to store a collection of classic cars.

6. Consideration of the Proposal

The main issues raised by this proposal are:

- 6.1 The principle of the development
- 6.2 The impact of the proposals on the character and appearance of the area
- 6.3 The impact neighbouring amenity
- 6.4 Other Matters

6.1 The principle of the development

- 6.1.1 The site lies within the defined settlement boundary of Purley, as such the principle of development is considered acceptable.

6.2 The impact of the proposals on the character and appearance of the area

- 6.2.1 The application site comprises a chalet type detached dwelling set in an extensive plot. The site is accessed via a short track off of the main Oxford Road and is therefore set back from the main highway and streetscene. The topography of the site is such that it rises upwards from the front to the rear. There are residential dwellings to each side of the site and further adjacent dwellings in Oregon Avenue and Goodliffe Gardens to the rear south and west of the garden boundary.
- 6.2.2 The site is approximately 90 metres in depth, with a frontage of approximately 36 metres in depth. The development proposed is spread along the depth of the site. Taking out the original dwelling, extensions and structures (including the pool) will cover approximately 20% of the site area.

Previously permission has been granted for a similar garage to the one proposed (07/01580HOUSE, now expired) and more extensive extensions to the dwelling have been allowed under application number 09/02542/HOUSE. It has been stated that this is the final scheme for the site that the applicant wishes to put forward. As the 2009 approval is extant should approval for this revised scheme be granted planning permission it is considered that it would be necessary to ensure that only

one of the schemes is implemented, this could be controlled by means of a Legal Agreement. This will be referred to later in the report.

The swimming pool in the rear garden is considered to be development, however, it will not be visually prominent within the site and is still considered to contribute to the available amenity area.

It has been confirmed that the garage to the front of the site is required for the parking of private cars, with a workshop and storage area. The existing garage at the rear is proposed to be converted to a gym and the further existing garage in the far western corner is to be used to store a classic car collection. It is not therefore considered that the proposals represent an overdevelopment of the site.

The drawings provided show areas of hard surfacing within the site, the provision of a hard surface is generally regarded as permitted development, except in certain circumstances. An Informative is proposed advising that further planning permission may be required if the criteria contained in the Town and Country Planning (General Permitted Development) Order 1995 regarding water run off are not adhered to.

- 6.2.3 The proposed garage is set to the front of the site, Supplementary Planning Guidance 'House Extensions' suggests that a preferred location is to the side or rear of the dwelling. Where they are to project forward of the dwelling, care should be taken that they do not dominate the main elevation and they should be set back from the highway to allow access for parking between the garage and highway. In this instance, the site is set back from the main streetscene and is not highly visible within it, due to natural screening between the site and the main highway (Oxford Road). A garage at the adjacent neighbouring property (no:1105) is set in a similar position to the front of the site and a garage to the front of no:1107 has previously been granted permission (07/01580/HOUSE) although the permission was not implemented. Amended plans have been requested and received to show a reduction in height of the proposal and the removal of dormer windows that have been replaced by rooflights. The garage is of a simple pitched roof design, that is considered in keeping with the property and due to the topography of the site and distance from the property, it is considered that it will not dominate the front elevation. Highways have raised no objections.
- 6.2.4 The proposed extensions to the dwelling are less extensive than those previously approved under application number 09/02542/HOUSE, which gave permission for a two storey front extension and new first floor at the rear and are of an acceptable single storey design, subservient to the main dwelling. The proposals are set at the rear of the dwelling, out of view of the streetscene. The proposed orangery extension is of a flat roof design with a roof lantern and infills an existing area between the living room and kitchen. The extension to the rear of the kitchen continues the existing single storey pitched roof design, with a hipped end that is considered in keeping.
- 6.2.5 The proposed swimming pool is set in the rear garden, out of view of the streetscene and below ground level.
- 6.2.6 The proposed change of use of the existing garage at the rear of the site to a gym

is consistent with the use of the proposed small pool room extension and swimming pool area. A gym is considered to be a use that is incidental to the enjoyment of the dwellinghouse and an acceptable use of an outbuilding. The pool room extension measures 3 metres by 9 metres and the flat roof design with glazed roof section is considered acceptable and subservient to the existing building.

6.3 The impact on the residential amenities

6.3.1 At the time of site visit it was clear that extensive ground works had already commenced at the property. There is no doubt that these works will have caused some noise and disturbance to neighbours and have led to concerns that work has commenced prior to permission being granted. Should permission be granted it is expected that some further noise and disturbance will arise during the building operations, however, it is not considered reasonable or necessary to apply any condition in this respect as the Council's Public Protection Team have the relevant powers to deal with such issues should they reach a level which constitutes a statutory nuisance.

6.3.2 The proposed garage to the front of the site is sited adjacent to the boundary with no.1105. however, it is not considered to affect neighbouring amenity, due to the proposed location adjacent to the garage at no:1105. It is set away from the boundary with no.1109 by over 6 metres and is set away from the properties either side by over 16 metres.

6.3.3 The proposed rear extensions are single storey in nature and there is good natural screening with the boundary to no.1109 and a change in levels, that reduces the impact.

The screening to no.1105 is relatively sparse at present and a landscaping condition is proposed. The proposals are lower in height than those previously approved, under application no: 09//02542/HOUSE, however, the depth is increased by 3.8 metres to a total single storey projection of 10 metres. The orientation of the rear gardens is south west. It is therefore considered that light to no.1105 would only be affected in the late afternoon. However, there were still concerns about the affect, given the depth of the extension overall. Amended plans were therefore requested and received to amend the roof from a proposed gable to a hipped design. The visual impact of the proposal is reduced as it will be built adjacent to rising ground at no.1105. Given the orientation, the affect is considered, on balance, to be acceptable.

Amended plans have also been requested and received to remove a proposed first floor balcony above the orangery extension, off of the master bedroom, as it was considered that this would allow an increase in overlooking. Rooflights at the rear are to allow light into the ground floor only. An existing side window facing no.1105 is to be blocked up. The boundary screening to no.1109 will protect privacy from the new door and barbecue area. Overall the affect on increased overlooking is considered acceptable.

6.3.4 Concerns have been raised regarding noise arising from the use of the proposed swimming pool. A swimming pool is considered to be a reasonable addition to a residential garden and is generally considered to be permitted development. Public

Protection do however have the relevant authority to deal with any statutory noise nuisance should any arise. Additional landscaping to the boundary with no.1105 will provide screening and a condition is proposed. There is a good degree of separation between the pool and properties at the rear of the site with screening provided by the existing outbuildings and natural screening to the boundary.

6.3.5 Due to the topography of the site the proposed pool room extension is set at a higher level than the dwelling below and the dwelling at no:1105, allowing views over the garden and rear aspect of no:1105. At the time of site visit the boundary screening was relatively sparse. In addition to a proposed condition to secure landscaping to the boundary amended plans have been requested and received showing that the pool room window nearest to the boundary with no.1105 will be obscure glazed and fixed shut. The proposed pool room windows have also been reduced in height, which further improves the situation. New windows to replace the existing garage door will afford views towards the other existing garages on site. Amended plans have been received to show that a staircase leading to a new first floor and associated rooflights that could have increased overlooking, as shown on an earlier site plan, have been removed from the scheme. The change of use of the existing garage to a gym building is not considered to be any more significantly harmful to neighbouring amenity than the existing allowed use of garage accommodation.

6.4 Other Matters

6.4.1 As discussed previously there is an extant planning permission on the site (application no: 09/02542/HOUSE) for front and rear extensions and loft conversion. Should planning permission be granted for the scheme now proposed, it is considered necessary to ensure that only one of these applications can be implemented. This can be achieved through a Legal Agreement. The Legal Service has been instructed, however, detailed work on the preparing the Agreement has not commenced.

7. Conclusion

7.1 Following the receipt of amended plans that have addressed officer concerns, although some of the considerations are still finely balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable as the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings.

8. Full Recommendation

Subject to the completion of a Legal Agreement within 2 months of the date of Committee, to DELEGATE to the Head of Planning and Countryside to APPROVE PLANNING PERMISSION subject to the following conditions:

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 should it

not be started within a reasonable time.

- 2 The development hereby approved shall be carried out in accordance with drawing title numbers 8199-PL-05 Rev A, 8199-PL-07 Rev A, 8199-PL-09 Rev A; received on 10th November 2010, 8199-PL-06 received on 26th November 2010, 8199-PL-02 Rev D; received on 8th December 2010 and 8199-PL-04 received on 9th December 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

- 3 The materials to be used in the development shall match those on the existing development to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

- 4 No further development shall commence until, a schedule of the materials to be used for the swimming pool has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in accordance with Policy CC6 of the South East plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

- 5 No further development or other operations shall commence until a detailed scheme of landscaping for the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die, become seriously damaged or are removed within five years of this development shall be replaced in the following planting season by plants of the same size and species.

Reason; To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CC6 of the South East Plan 2009 and policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

- 5 The gym building and pool house hereby approved shall not be occupied until the window as shown on drawing 8199-PL-09 Rev A; received on 10th November 2010 shown to be obscured, has been fitted with fixed, obscure glazing, unless details of any method of opening have been submitted to and agreed in writing by the Local Planning Authority. The obscure glazing and approved method of opening shall thereafter be retained in position. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the north, east, south or west elevations of the gym or pool house building without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

- 6 The garage, gym and pool room buildings shall be used only as an integral part of the existing dwelling, and for purposes incidental to the enjoyment of the occupiers of that dwelling.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

- 8 No further development shall commence on site until full details of how the spoil will be removed from the site have been submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with these approved details.

Reason: To ensure appropriate dispersal of spoil and to ensure that ground levels are not raised in accordance with Policy CC6 of the South East Plan 2009 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

Informatives:

- 1 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 2 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 3 You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.
- 4 Notwithstanding the details shown on the drawing provided the proposed block paving to the front of the site is not referred to in the Description of Development. The Applicant should ensure that the hard surface to the front of the site shall be made of porous materials or provision shall be made to direct water run off from

the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house as per the criteria of Class F, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Otherwise, further planning permission for this will be required.

- 5 Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: -
1. The pool to be emptied overnight and in dry periods.
 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The Applicant should contact Thames water on 0845 9200 800.

- 6 The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.