



Appeal Decision

Site visit made on 7 January 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2020

Appeal Ref: APP/E0345/W/19/3234349

14 South Street, Caversham, Reading RG4 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Miss Jade Taylor against the decision of Reading Borough Council.
 - The application Ref 190837/VAR, dated 22 May 2019, was refused by notice dated 17 July 2019.
 - The application sought planning permission for the conversion of existing single dwelling house to two dwelling houses with two storey extensions to rear, without complying with a condition attached to planning permission Ref 09/01346/FUL dated 18 December 2009.
 - The condition in dispute is No 4 which states that: The residential flats hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager (Implementation) quoting the planning application reference specified in this decision notice.
 - The reason given for the condition is: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential flats hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking in the area.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing single dwelling house to two dwelling houses with two storey extensions to rear at 14 South Street, Caversham, Reading RG4 8HY in accordance with the application Ref 190837/VAR dated 22 May 2019, without compliance with condition number 4 previously imposed on planning permission Ref 09/01346/FUL dated 18 December 2009, but otherwise subject to the conditions at the end of this decision.

Procedural Matters

2. The reference number of the original planning permission given in the application form and appeal form is 090981. However, it is clear from the evidence before me from both parties that this appeal concerns the decision with a reference number 09/01346/FUL. The appellant has given informative No 4 as the text of the condition she seeks to remove. The appeal has been determined on the wording of condition No 4 rather than informative No 4.
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Background and Main Issue

3. A planning application to return No 14 from a single dwelling back into two separate dwellings was approved in 2009 and implemented. The permission included condition No 4, the subject of this appeal, the terms of which were not satisfied. The appellant now seeks to remove this condition. The main issue is whether the condition is necessary and reasonable.

Reasons

4. I am not persuaded that for the development to have been acceptable in planning terms, the Council had to have been given the address of the 2 houses in order to update its records. I can understand that it would be convenient for the Council to be given that information, but there is no evidence that the Council could not find the addresses itself. Nor is it evident that without being given the addresses, the Council would be prevented from managing parking. Indeed, since granting the planning permission, 10 years ago, it has given a discretionary parking permit to No 14B. This suggests it knows the addresses of the dwellings, and that the condition is now superfluous.
5. Moreover, it is clear from its evidence in this appeal that the Council knows the addresses of the 2 dwellings, which indicates that even if the condition were justified at the time it was applied, it is no longer necessary. It does not therefore meet the test of necessity set out in the Planning Practice Guidance and paragraph 55 of the National Planning Policy Framework.
6. I appreciate that the reason given for the condition describes preventing the occupiers of the dwellings from receiving parking permits. However, the other condition that mentions parking concerns the provision of information to prospective occupiers or owners. There is no condition securing a scheme to prevent entitlement to parking permits which relies on this condition, or evidence of any other mechanism with which the removal of this condition would conflict.
7. Therefore, whilst I note the representations from both parties about the merits of parking permits, there is no evidence that the removal of this condition would prejudice the position of either party in that regard. Condition No 4 concerns the provision of information. It is clearly no longer necessary, and it is unreasonable, in the circumstances, to retain it.

Conditions

8. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The Council has requested that the undisputed conditions of the original planning permission be reimposed, and I have no substantive evidence to disagree. I have therefore imposed all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be allowed. I will grant a new planning permission without the disputed condition and

restating those undisputed conditions that are still subsisting and capable of taking effect.

Patrick Whelan

INSPECTOR

Schedule of Conditions

- 1) The permission relates only to the following plans and drawings: 2729/04 Proposed floor plans; 2729/05A Proposed elevations; 2729/06 Proposed site and location plan; subject to any further amendment that may be subsequently approved by the local planning authority in writing following an application for such amendment.
- 2) The development shall not be occupied until a front boundary wall has been constructed in accordance with the details shown on the approved drawing (2729/05A), unless otherwise agreed in writing by the local planning authority.
- 3) The materials to be used in the construction of the external surfaces of this development, including those of the front boundary wall, shall match those used on the existing building, unless otherwise agreed in writing by the local planning authority.
- 4) Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential flats hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential flats for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential flats.

END OF SCHEDULE OF CONDITIONS