

Item No. 6

APPLICATION NUMBER	CB/13/02682/VOC
LOCATION	3 Olivers Lane, Stotfold, Hitchin, SG5 4DH
PROPOSAL	Variation/Removal of Conditions: on Application No. CB/12/1007/FULL dated 29/06/2013 Remove Conditions Numbered 2, 3, 4, & 13 and Vary Condition No. 14.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Mark Spragg
DATE REGISTERED	12 August 2013
EXPIRY DATE	07 October 2013
APPLICANT	Mrs S Anderson
AGENT	GC Planning Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Brian Saunders due to concerns raised by Stotfold Town Council
RECOMMENDED DECISION	Variation of Condition - Granted

Reason the application is recommended for approval:

The additional roof lights and the resultant appearance of the development would not have a negative impact on the character of the area or any adverse impact on the residential amenity of neighbouring properties. As such it is in conformity with policies DM3 and DM4 of the Core Strategy and Management Policies (2009) and The National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development (2010) and the National Planning Policy Framework (2012).

Site Location:

The application site is accessed via Olivers Lane, which is a single track road serving the application site and a number of other dwellings. It is located at the end of Olivers Lane where the vehicular access terminates and it becomes a public footpath between houses in Mowbray Crescent and Home Close. The site is surrounded by predominantly two storey residential properties.

The Application:

This application seeks to vary/remove conditions relating to planning permission CB/12/1007/FULL, which was approved by Development Management Committee in December 2012. The approval was for a detached 3 bed dwelling with associated integral double garage and parking. As the building is now almost complete this application seeks to regularise the development as built, which remains identical in respect of the number of bedrooms, footprint, height and siting, with the only

external change being the addition of two high level roof lights.

Whilst details of materials (condition 2)), levels (3), boundary treatment (4), and landscaping (13) were submitted for approval and agreed in writing by the Council in March 2013, the conditions were not discharged prior to commencement and as such this application seeks to regularise those aspects. In addition, this application includes a material change to the appearance of the building by the introduction of two further roof lights, one on the south east roofslope and the other on the north west roof. As such, the application seeks to vary condition 14 which relates to the approved drawing, seeking to replace that with the revised drawing now submitted.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies DM3 and Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)
DM4

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)
Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

Planning History

CB/12/01007	Erection of 3 bedroom dwelling. Approved.
CB/11/01188	Full: Erection of detached dwelling. Refused due to failure make provision for infrastructure contributions. (Appeal dismissed).
MB/09/05494	Full: Erection of one dwelling. Refused
CB/10/00113	Full: Erection of 1 no. 3 bed dwelling with associated access Approved

Representations: (Parish & Neighbours)

Stotfold Town Council Object.

"After several prior applications to build on this site before approval was granted the applicant will have been fully aware that the conditions attached to the approval in June 2012 were included to address concerns raised by local residents, Stotfold Town Council and Central Bedfordshire Council over the size and situation of the proposed dwelling relative to local planning rules and guidance.

Their current submission fails to give any reasonable reasons or justification for failing to adhere to the design and conditions agreed by Central Bedfordshire Council in June 2012.

Their statement under 3.1

"For the avoidance of doubt, the dwelling house remains a three bedroom dwelling so there is no conflict with the imposition of condition 11".

Gives no assurance on future use of the dwelling nor provides any justification for having carried out material changes to the design approved where condition 14 expressly states -

" The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans SC/02-P1, SC/01-P4".

If there was a desire to vary from the plans already submitted and approved then the applicant should have submitted revised plans for consideration, possible further public consultation, and received official written approval before commencing the work.

It is our opinion that suitable enforcement action should be taken by CBC for the building to be amended so as to be in compliance with the permission granted in June 2013 under application CB/12/01007 and that since there have been no material changes to the site or its surrounding since permission was granted, all conditions attached to that approval should remain".

Adjacent Occupiers

4 letters of objection received, the comments of which are summarised as follows:

- The roof light would overlook 25 and 26 Home Close.
- Overlooking of 53 Mowbray Crescent.
- The roof light is out of keeping with the other roof lights.
- The construction work has caused problems.
- The development is a 4/5 bed house and not a three bed.
- The changes should have been enforced and the applicant not given the opportunity to regularize the development.
- Conditions should have been adhered to.
- Due to the access the site is not suitable for a new dwelling.
- Overdevelopment.

Consultations/Publicity responses

Highways No objection.
Rights of Way Officer No comments received.

Determining Issues

The main considerations of the application are;

1. The effect on the character of the area
2. The impact on the residential amenity of neighbouring properties;
3. Other matters

Considerations

1. Effect on the character of the area

The detail provided in respect of the materials used for the roof and external walls, the levels, hard and soft landscaping and boundary treatment was considered acceptable by the case officer in March 2013 and the development has been implemented in accordance with the agreed detail.

With regards materials, the exterior of the dwelling is rendered in an ivory cream colour, with a rustic red multi brick plinth and a slate roof. The windows, including the roof lights are all anthracite grey.

The surrounding area comprises a mix of dwellings, with detached, semi-detached and terraced of varying styles and materials. The finish of this dwelling is considered to reflect some of the elements of the surroundings and fits comfortably within its setting.

The site level has not been raised and as such the finished floor level of the building is acceptable, with the overall ridge height being in keeping with its surroundings.

The hard landscaping comprises a mix of block paving and gravel for the driveway, with block paving also serving as part of the amenity area. The soft landscaping comprises a grassed area and retained tree within the northern part of the garden area. A flower bed is to be provided alongside the northern edge of the access drive. The proposed landscaping provides an appropriate mix of hard and soft finishes, giving an attractive useable amenity area for future occupiers and an acceptable appearance to the site from the public footpath.

The boundary treatment includes an existing 1.8m fence adjacent to the public footpath boundary and along the northern boundary abutting properties in Mowbray Crescent. A new willow hurdle fence has been erected along the boundary with 3 Olivers Lane. The retention of the existing fencing and the new boundary treatment would ensure an acceptable level of privacy is maintained both for future occupiers and neighbouring occupiers whilst maintaining an acceptable appearance within the streetscene.

The additional roof light on the south east elevation adds a fourth window onto that roofslope, which would be no larger than the others. Whilst the roof light is visible from the footpath it is flush with the roof and finished in a grey colour to match the slate finished roof and the other approved openings. Similarly, the extra roof light on the north west elevation is no larger than the approved roof light on the same roofslope and not prominent from any public viewpoints. It is considered that visually the roof lights are in keeping with the approved development and its surroundings.

2. Residential amenity of neighbouring properties

Both roof lights are 1.7m above finished floor level and each serve an en suite bathroom.

The window facing towards Mowbray Crescent is 22m from the closest property, the same acceptable distance as the two other approved windows, which include a dormer window. Furthermore, being 1.7m high the window is above average eye level and as such would prevent undue overlooking of the properties within Mowbray Crescent.

Whilst the window on the south facing roofslope facing towards 25 Home Close would be 17m from the rear of that property the fact that it is located at a high level would ensure that there would not be any undue overlooking. Furthermore, the window is also obscurely glazed and no larger than any of the other three roof lights approved in the same roofslope.

On the basis of the above the additional roof lights result in no undue overlooking or loss of privacy to the neighbouring occupiers.

3. Other matters

Although third party comments suggest that enforcement action should be taken, such action would only be justified if the resultant altered development was otherwise considered unacceptable and not simply because it includes a difference to the original approval. Given that the officer assessment considers the development acceptable there would be no reason or justification for any action to be taken.

Planning Obligations

Given that this permission would replace the previous permission and there are no additional bedrooms created a new planning obligation has been submitted providing for the same infrastructure contributions as in the last agreement.

RECOMMENDATION

APPROVE Variation of Condition subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance including any further windows until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and on the basis that the infrastructure contributions are based on a 3 bedroom dwelling.

- 2 The garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking within the site, in the interests of highway safety.

- 3 The landscaping shown on the approved plans shall be maintained for a period of five years from the date of planting and any planting which dies or is destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number [12.38.06].

Reason: For the avoidance of doubt.

Notes to Applicant

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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