

<b>Parish:</b>	<b>Hilgay</b>	
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 OF PLANNING PERMISSION 19/02091/RM: Reserved matters application for proposed new two storey, three bedroom dwelling</b>	
<b>Location:</b>	<b>Land To The Rear of Reed House High Street Hilgay PE38 0LH</b>	
<b>Applicant:</b>	<b>Phil Rowe</b>	
<b>Case No:</b>	<b>22/02008/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 18 January 2023 Extension of Time Expiry Date: 9 February 2023</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Holmes

**Neighbourhood Plan:** No

### **Case Summary**

This application seeks retrospective planning consent for an amended design of a single two storey dwelling house on land to the rear of Reed House, High Street, Hilgay. Access for the dwelling is via Lawrence's Lane.

Outline consent was approved on appeal for a two storey three bedroom dwelling (ref:17/00780/O) and the reserved matters application permitted under delegated powers (ref: 19/02091/RM).

The dwelling constructed is not in accordance with the approved plans at reserved matters, specifically the positioning and size of the windows on the rear (north) elevation and front (south) elevation. Therefore, the application seeks to regulate this.

### **Key Issues**

- Principle of Development
- Form and Character
- Neighbour Amenity
- Other Material Considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

This application seeks retrospective planning consent for the amended design of a single two storey dwelling house on land to the rear of Reed House, High Street, Hilgay. Access for the dwelling is via Lawrence's Lane.

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The dwelling constructed is not in accordance with the approved plans at reserved matters, specifically the positioning and size of the windows on the rear (north) elevation and the front (south) elevation. Therefore, the application seeks to regulate this.

The site plan does not require amendments, in this regard the development was as previously approved.

## **SUPPORTING CASE**

The original planning application gained planning permission in February 2020. We submitted the slight variation to the design on 15th November 2022 which consisted of a slight alteration in the position of the first floor windows (they are now sitting slightly higher) and the rear elevation hallway window has been lengthened.

Cllr Alan Holmes has stated that a window has been added in breach of the original planning application, but this is not the case, there was already a window in this position, the window in question has only been lengthened. The window is not positioned in a habitable room – just in the hallway, so should not affect anyone's amenity.

Mr and Mrs Thomas from 17 Hills Court have concerns with the size of the windows, but the only window that has changed size is the hallway window – as above, so should not affect their amenity any further.

We believe the changes that have been made are an improvement to the design, if you would like to check the previous drawings that gained permission in comparison to the new alterations, we think you may agree. I have attached these drawings for your information. We are also willing to compromise and would be happy to re-glaze the lower part of the hallway window in obscure glass, if this is deemed necessary.

We hope you consider these alterations as an improvement to the property and the street scene, as we do, and trust that this supporting statement has resolved any misunderstanding with the design.

## **PLANNING HISTORY**

19/02091/RM: Application Permitted (Delegated decision): 28/02/20 - Reserved matters application for proposed new two storey, three bedroom dwelling - Land To The Rear of Reed House

17/00780/O: Application Refused (Delegated decision): 23/06/17 - Outline Application: Proposed new two storey, three bedroom dwelling - Reed House. Allowed on Appeal.

## **RESPONSE TO CONSULTATION**

### **Parish Council: NO COMMENTS RECEIVED**

**REPRESENTATIONS TWO** letters of **OBJECTION** received, the issues are summarised below –

- The sizing of windows currently on the property have made a larger impact on our privacy, possibly also we may have lost some value of our property
- The original plans were passed despite objections and should have been adhered to.
- The building is much higher than I had expected and for those properties in Hills Court and Lawrence's Lane whose properties it overlooks, I would expect there to be loss of privacy from any variation on window size/positioning.
- Although not part of this variation application, concern raised that the side of the property is not clearly marked and appears to have swallowed up a small area of public highways land between the footpath and side of the house. I am therefore objecting to any variation and would wish the property boundary line to be clearly marked along Lawrence's Lane.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Other Material Considerations

### **Principle of Development:**

The application site has an existing outline planning consent for a new two storey, three-bedroom dwelling which was won at appeal (ref- 17/00780/O). The reserved matters application (19/02091/RM) granted consent in accordance with the outline consent. This

current application seeks retrospective consent to amend the design of the dwelling previously approved.

Therefore, the principle of development is accepted on the site, as determined via the applications detailed above.

### **Form and Character**

The dwelling approved at RM stage was a simple symmetrical two storey dwelling, with a ridge height of 7.7m. This height reflects neighbouring dwellings, for example Swallows Nest has a ridge height of 7.6m. The materials proposed have been agreed and reflect those in the locality.

The height of the dwelling constructed is as approved, as is the siting of the dwelling. The side elevations of the dwelling do not include any windows/ doors and no amendments are proposed.

The front elevation of the dwelling at ground floor is as approved, however at first floor the three windows have been repositioned so they now sit directly under the eaves. Previously there was a gap of approximately 0.5m from the eaves to the top of the windows. The size of the windows themselves has not changed.

The rear elevation differs the most from the approved plans. At ground floor the two windows have been reduced in width. At first floor the two bedroom windows have been repositioned to sit directly under the eaves, although the windows remain the same size. The central landing window has been increased in size from a standard 1m square window to an elongated window which is 2.4m in height.

In terms of the form and character of the development the amended design is not contrary to the development plan (specifically the NPPF, policy CS08 of the Core Strategy (2011) and policy DM15 of the Site Allocations and Development Management Policies Plan (2018)).

### **Neighbour Amenity**

Objectors raise concerns regarding the dwelling constructed, that the windows installed give rise to increased overlooking of neighbouring dwellings primarily to the north of the application site.

The principle of the construction and design of a new two storey three-bedroom dwelling is already accepted on this site as a result of the existing planning consents.

The dwelling is set to the east of 16 High Street and there is some distance between the two however there are no windows proposed for either side elevations of the dwelling. To the east of the dwelling are the garages/ parking for Swallows Nest. To the south is no.16 Lawrence's Lane. The repositioning of the first-floor windows on the front (south) elevation do not have a greater impact in terms of overlooking neighbouring dwellings to the south of the site, in comparison with the scheme previously approved.

To the north of this dwelling are no.s 15 and 17 Hill's Court. The reduction in size of windows at ground floor on the rear (north) elevation does not have a detrimental impact on neighbouring dwellings. The first-floor windows to the bedrooms on the rear elevation have been repositioned. The rear elevation window for bedroom 1 has been obscure glazed as was previously approved. This is the secondary window to bedroom 1 with the main unobscured window being on the south elevation. Therefore, this window does not result in overlooking into neighbours dwellings/ gardens. The window to bedroom 2 overlooks a

communal area of public green space and parking, as well as towards no.20 High Street. There is approximately 19m from the dwelling to the boundary fence of no.20 and there are no windows on the side elevation of the dwelling no.20. Therefore, this relationship is considered acceptable. The enlarged central window serving the landing/ staircase at first floor has seen a significant increase in size to in excess of 2m in depth. Again, this window primarily overlooks the area of communal green space and parking to the north. While this window is at approximately 8m in distance (at the closest point) to the boundary fence of no.17 Hills Court, no.17 is at an angle of 45 degrees from the window. This coupled with the use of the room as a landing (a non-habitable room), and the decreasing height and therefore views as the resident will walk down the stairs means that this relationship is also considered acceptable.

The application submitted is considered to accord with the NPPF, policy CS08 of the Core Strategy (2011) and policy DM15 of the Site Allocations and Development Management Policies Plan (2018).

### **Other Material Considerations:**

#### **Access/ Parking and Public Right of Way –**

The dwelling has been constructed in accordance with the approved site plan and this application does not seek to amend this. A neighbour raises concerns that the side of the dwelling is not clearly marked and appears to have swallowed up a small area of public highway land between the footpath and side of the house. However, given the dwelling has been constructed in accordance with the previously approved plans, which received no objections from the Local Highway Authority or the Public Rights of Way Officer the scheme is considered acceptable. The PROW footpath has been protected as was.

There is a small piece of land between the dwelling and the footpath which is outside of the 'red line'. This was previously overgrown and has recently been laid to shingle. This land has not been encroached upon by the development and therefore this is an ownership/ management issue rather than forming part of this application.

#### **Objections raised –**

The principle of development, the height of the dwelling, and the siting of the dwelling were all considered and approved under previous planning consents. This application does not seek to amend these, and therefore are not for consideration as part of this application.

Any reduction in value of a neighbouring dwelling is not a material planning consideration.

#### **Conditions –**

It is suggested that the relevant conditions are carried forward from the reserved matters consent.

### **CONCLUSION**

The application seeks amendments to a previously approved scheme on land to the rear of High Street, Hilgay. The dwelling has been constructed and therefore the application is retrospective to regularise the current built form. There are no proposed revisions to the site plan, or the height of the dwelling. The variation is in the form of the placement and size of windows on the north and south elevations. Objections have been received from two neighbouring residents stating that the windows increase the ability for overlooking from the

dwelling to neighbouring dwellings/ gardens to the north. The relationship between the application site and neighbouring dwellings has been considered in detail above, and the scheme as built is not considered to cause additional harm as a result of the revisions. The application is in accordance with Policies CS06, CS08 (of the Core Strategy) and DM15 (of the Site Allocations and Development Management Policies Plan) and as such is duly recommended for approval.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos- AH0919172/08 Rev B, AH1022-211-01 and Site location plan).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Before the first occupation of the dwelling hereby permitted the window at first floor on the north elevation and serving bedroom 1 as shown on Drawing No. AH1022-211-01 shall be fitted with obscured glazing. The window shall be permanently retained in that condition thereafter.
- 2 Reason: To protect the residential amenities of the occupiers of nearby property.
- 3 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed without the granting of specific planning permission.
- 3 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 4 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission.
- 4 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.