

PLANNING COMMITTEE

10th June 2015

Planning Application 2015/071/S73

Variation of Condition 4 (application reference 2008/184/FUL) : Drawing number 1428/100A and removal of Condition 6 of (planning reference 2008/184/FUL) to allow insertion of windows to rear elevation of property

12 The Square, Feckenham, Nr Redditch

Applicant: Ms Pauline Luget Owen
Expiry Date: 8th April 2015
Ward: ASTWOOD BANK AND FECKENHAM

(see additional papers for Site Plan)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

12 The Square is a small two storey cottage situated at the end of a terrace of cottages to the northern side of The Square, Feckenham. The Church of St. John the Baptist lies approximately 60 metres to the north, with the High Street, 50 metres to the east. The rear of the property backs directly onto a rear garden serving the property, 14 The Square.

Proposal Description

This application is for the variation of Condition 4 (application reference 2008/184/FUL) and for the removal of Condition 6 (application reference 2008/184/FUL) which would allow the insertion of windows to the rear elevation of 12 The Square. The submitted plans show that one window would be formed at first floor level and one would be formed at ground floor level. The two windows proposed would be inserted in the two storey extension approved (and implemented) under application 2008/184/FUL. Both would be clear glazed, casement (side hinged) windows with profiled oak frames (matching those used in the front, south facing elevation of the cottage).

Relevant Policies :

Borough of Redditch Local Plan No.3:

BBE09 Streetscapes in Conservation Areas
BBE13 Qualities of Good Design

Emerging Borough of Redditch Local Plan No. 4

Policy: 38 Conservation Areas
Policy: 39 Built Environment
Policy: 40 High Quality Design and Safer Communities

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Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPD Encouraging Good Design

The property lies within the Feckenham Conservation Area.

Relevant Planning History

2008/184/FUL	Demolition of single storey rear extensions and reconstruction as one, two storey extensions, replacement of porch	Approved	28.07.2008
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Public Consultation Responses

Responses against

1 letter received. Comments summarised as follows:

- The insertion of the proposed windows would have an adverse effect on our property due to overlooking directly into the rear of our garden and conservatory
- The application for windows was originally rejected and we believe it should be again on the same grounds.

Consultations

Feckenham Parish Council

The existing extension to 12 The Square was approved in 2008 and was found acceptable in terms of planning and building control requirements, without the need for further fenestration. The insertion of windows to the rear elevation would cause unacceptable loss of amenity and privacy to the adjacent property, The Old Court House by virtue of the windows being located on the boundary to the garden of that property.

Conservation Advisor

No objection

Assessment of Proposal

Application 2008/184/FUL has been fully implemented in accordance with the approved plans. The two storey extension approved is situated on the boundary between number 12 and the rear garden serving number 14. The proposed two new windows would be inserted into the gable end of this two storey extension if permission is granted for the variation of Condition 4 and the removal of Condition 6.

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The plans submitted under the 2008 application showed a (north facing) two storey extension without windows at ground and first floor. It is normal practice for the Council to list the plans approved under any consent, and approved plan 1428/100A is indeed listed as a plan approved under Condition 4. In addition, Condition 6 was attached to the consent which prevents the insertion of windows in this gable elevation without first applying for planning permission to do so. The reason given for applying the condition was to protect the amenities enjoyed by nearby occupiers.

Whilst the property is not listed, it is situated within the Feckenham Conservation Area where all applications are required to conserve and / or enhance the character and appearance of the Conservation Area. The Council's Conservation Advisor has been consulted as part of the application process and has raised no objection in terms of the proposals likely impact upon the character of the Conservation Area.

The only issue to consider in the determination of this application is the impact the proposals would have upon nearby amenities.

Objections received comment that the insertion of windows in this location would have an adverse effect on the adjacent property, No.14 due to overlooking into the rear of that property's conservatory and garden.

Your officers would comment that an element of overlooking from many planning application proposals is inevitable in the same way as an overlooking impact can occur from for example, rear first floor windows serving habitable rooms on a semi-detached property. It is for the decision maker to consider whether any harm caused would be severe.

The relationship of the garden serving No.14 The Square, to the cottages, No.12, 10, 8, 6 and 4 The Square is unusual, with rear facing elevations serving the cottages backing directly on to the rear garden serving No.14.

An overlooking impact already occurs due to the existing relationship of ground and first floor rear windows serving this terrace of properties to No.14's garden. Just as the occupiers of the above cottages have a clear and uninterrupted view into the garden of No.14, the occupiers of No.14, if standing in their garden could easily, if they so wished observe the internal living accommodation associated with the above cottages.

I have noted that a churchyard separates the Church of St. John the Baptist (to the north) and the garden serving No.14. A brick wall measuring approximately 1.2 metres in height forms the boundary between the two. A wall of the same height forms the shorter, (east facing) boundary to the garden area. As such, anybody visiting the church will already have clear views into the garden, from the north and east. As referred to earlier, overlooking already occurs from the south.

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The above facts lead your officers to consider that no significant additional detrimental impacts to residential amenity caused by loss of privacy would arise by allowing the variation of Condition 4 and the removal of Condition 6 from application reference 2008/184/FUL.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the following plans:

Drawing number JHA 09.02.2015: proposed plans, section, elevations

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

Procedural Matters

This application is being reported to the Planning Committee because two objections have been received.