

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(3)	20/01924/HOUSE Chieveley	22 October 2020 EOT agreed: 10.11.20	Section 73A: Variation of Condition 1 (Rooflight windows) of previously approved application 10/02895/HOUSE: Retrospective – Velux rooflights to the east and west elevations(to comply with Condition 3 of approved permission 09/02148/HOUSE The Bungalow, Downend, Chieveley, Newbury Mr and Mrs Pearce

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01924/HOUSE>

Recommendation Summary:

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member:

Councillor Hilary Cole
Councillor Garth Simpson

Reason for Committee Determination:

Called in by Cllr. Cole – amendment to an existing condition which causes extreme concern to a neighbour.

Committee Site Visit:

N/A

Contact Officer Details

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1. INTRODUCTION

- 1.1 This householder application seeks planning permission to regularise the breach of Condition 1 of application Ref:10/02895/HOUSE which gave consent for two small rooflights within the roof slope of an approved loft conversion to a bungalow in 2009. The condition restricted the west facing rooflight to being fixed, un-openable and obscure glazed.
- 1.2 This application seeks approval for this rooflight to be clear glazed and opening for ventilation given that in the summer months the loft room can become uncomfortably warm.

2. PLANNING HISTORY

- 2.1 The relevant planning history for the application site is summarised below:-
- 10/02895/HOUSE – Retrospective – Velux rooflights to the east and west elevations (to comply with condition 3 of application 09/02148/HOUSE) APPROVED 10.02.11
 - 09/02148/HOUSE – Demolition of existing sunroom and erection of 3m deep extension with gables and loft conversion APPROVED 20.01.10
 - 09/00789/HOUSE – One and a half storey side extension, rear conservatory, raising of eaves/roof by 1.6m forming accommodation within roof REFUSED 03.07.09
 - 149278 – brick and flint wall to replace hedge REFUSED 29.08.97
 - 112282 – erection of second garage adjacent to existing APPROVED 25.01.80

3. PROCEDURAL MATTERS

- 3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for 21 days. The site notice expired on 28 September 2020.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Parish Council: Object - the condition was applied for a reason and the members cannot see any changes in circumstances to allow for this condition to be changed

4.2 Public representations

Original consultation: Total: 10 Support: 3 Object: 7

Summary of objection

- Intrusive to private amenities of a neighbouring property
- Harmful, direct overlooking

- No change in circumstances since original permission.
- Child safety issues

5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADDP5, CS14

5.2 Material considerations:

- National Planning Policy Framework (NPPF) 2019
- Planning Practice Guidance (PPG)
- House Extensions SPG (2004)
- Quality Design – West Berkshire Supplementary Planning Document Part 2: Residential Development 2006
- Chieveley Village Design Statement (VDS) (2002)

6. APPRAISAL

6.1 Principle of development

6.1.1 The application site lies outside the settlement boundary of Chieveley where the principle of development is acceptable provided the proposal complies with the policies in the development plan and the guidance in the NPPF, unless material considerations indicate otherwise.

6.2 The Impact on the amenities of neighbouring properties

6.2.1 According to Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. The Council's adopted Quality Design SPD and House Extensions SPG outline key factors to consider in terms of the potential impact on neighbouring living conditions. The primary impact of the development would be to Sunhill Cottage to the west.

6.2.1 The Bungalow lies at the north-eastern side of the village of Chieveley, just outside the settlement boundary which incorporates Downend. The property dates from the 1950s and lies towards the eastern side of an irregular shaped plot. There is a double garage/outbuilding dating from the 1980s, which lies between the dwelling and the western boundary with Sunhill Cottage and Sunhill Farm. In 2009 consent was granted to add a one and a half storey rear extension including a loft conversion to the bungalow.

6.2.2 The 2009 approval proposed no openings within the roof other than a dormer window in the north and east elevations. A condition at that time was added, restricting permitted development rights for further openings within the east and west elevations. In 2010, a retrospective application sought to regularise a breach of that condition whereby a small rooflight was added within both the east and west elevations. At that time, the proposal specified that the roof light in the west elevation would be obscure glazed and fixed shut. There are no records of any discussion as to whether or not it was required to be anything other than obscure glazed and fixed shut.

6.2.3 This west facing rooflight is a secondary window which serves a bedroom with a larger dormer window within its north elevation. The Council's SPD on Quality Design Part 2 discusses privacy in residential development and states that the "perception of privacy at the front of a dwelling varies depending on location.....At the rear of a dwelling the expectation of the resident will be that they should experience a high level of privacy and that overlooking windows, should be avoided or be some distance away. There is a long

established good practice guideline of 21 metres as a privacy distance between houses backing onto each other.....”

- 6.2.4 As described in para 6.2.1 ‘The Bungalow’ and ‘Sunhill Cottage’ do not back onto each other, but are set side by side. As specified in the supporting photos accompanying the application, it is confirmed that there is a distance of approximately 15 metres between the west elevation of ‘The Bungalow’ (at the point where the rooflight is located) and the shared boundary with Sunhill Cottage, and approximately 19 metres to the eastern elevation of Sunhill Cottage. The only opening at first floor level within the east elevation of Sunhill Cottage is a small bathroom window. Given these distances involved, and that the rooflight is at an oblique angle, these windows are not considered to be directly facing. The rooflight is considered relatively small and any potential or additional overlooking opportunities that may be introduced by its replacement with an opening, clear glazed aperture are not considered to compromise the privacy of the occupiers of Sunhill Cottage, nor to result in unreasonable harm to their living conditions. Furthermore it is worth noting that the insertion of rooflights into the roof of the garage would be permitted development and therefore planning permission would not be required.

7. CONCLUSION

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the Town & Country General Permitted Development Order 2015, it is considered that the development is acceptable and the grant of conditional planning permission is justified. As such, the application is recommended for approval.

8. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following condition.

1. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additional openings shall be inserted in the west elevation (including the roof slope) without permission being granted in writing by the Local Planning Authority in respect of a planning application.

Reason: For the avoidance of doubt and in the interest of proper planning.