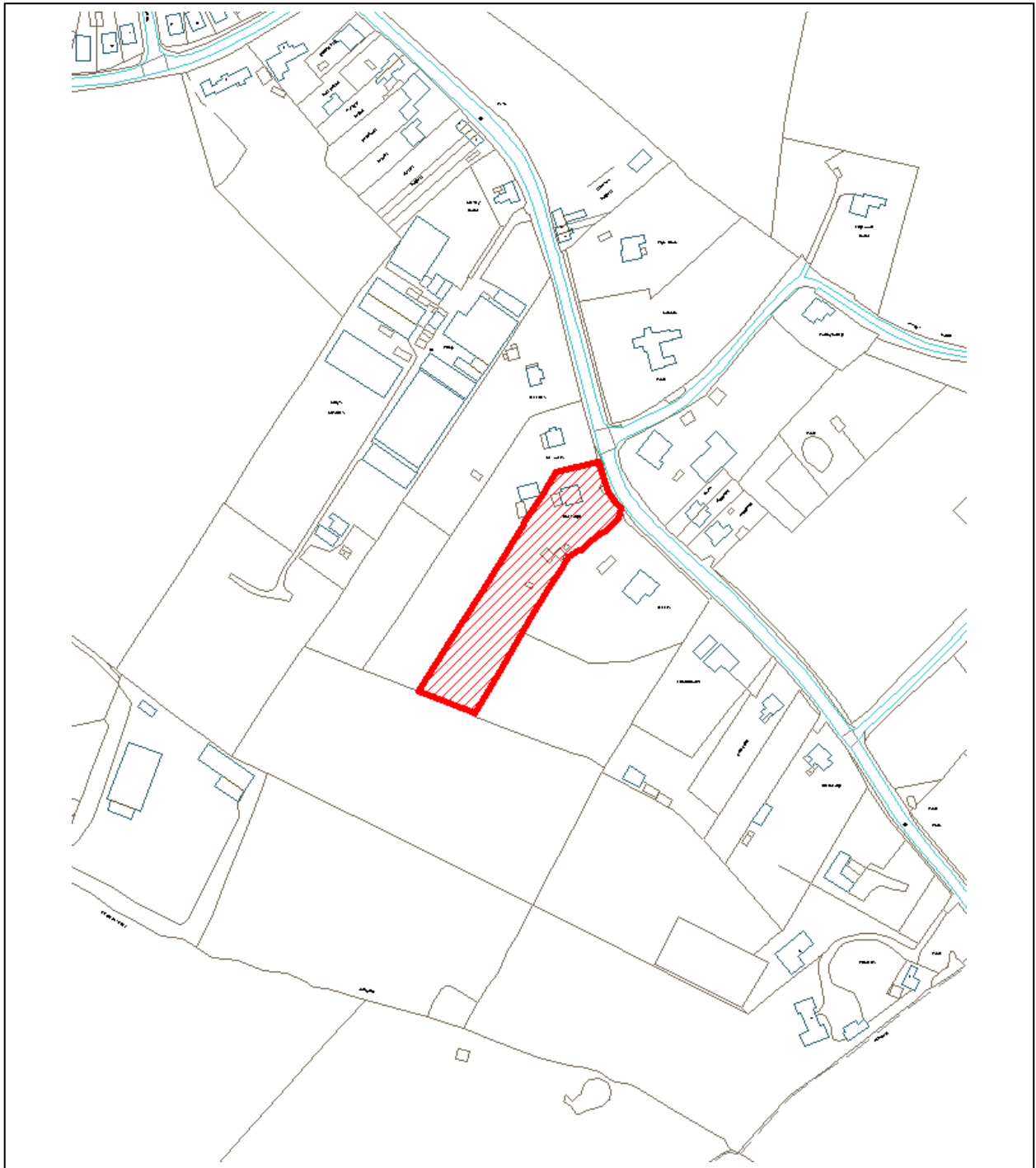


PLANNING COMMITTEE

4 FEBRUARY 2014

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 13/01275/FUL - TUDOR LODGE CLACTON ROAD, WEELEY, CO16 9EF



DO NOT SCALE

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Application:	13/01275/FUL	Town / Parish: Weeley Parish Council
Applicant:	Mr D Thompson	
Address:	Tudor Lodge, Clacton Road, Weeley, CO16 9EF	
Development:	Variation of condition 02 of approved planning permission 10/00651/FUL to regularise window and door positions on the dwelling.	

1. Executive Summary

- 1.1 This planning application was deferred from Planning Committee on 7 January 2014 for Officers to discuss revisions to the first floor bedroom 5 window in the side (north-west) elevation due to members concerns over the unacceptable overlooking of the residential property and garden area of the neighbouring property. Members considered the other amendments to the window and door positions to be acceptable.
- 1.2 Planning permission was granted on 5th August 2010 for the erection of 1 no. detached two-storey dwelling (following demolition of existing dwelling) and erection of detached triple garage, under ref. 10/00651/FUL. As a result, the principle of a replacement dwelling in this location has already been accepted.
- 1.3 Following commencement of development the Council's Planning Enforcement team received a complaint that the approved development was not being built in accordance with the approved plans. In an attempt to regularise the unauthorised alterations to the new dwelling, the applicant has submitted an application to regularise the window and doors positions within the dwelling as constructed.
- 1.4 Following submission of amended drawings in an attempt to overcome the concern of members, Officers consider that the proposed changes to the windows and doors positions are considered to be acceptable, and do not adversely affect neighbouring residential amenity or visual amenity to such an extent as to warrant refusal.

Recommendation: Approve

Conditions:

1. Development in accordance with submitted plans
2. Use of materials (as previously approved)
3. Boundary treatment (as previously approved)
4. Hard and Soft Landscaping (as previously approved)
5. Protective fencing for existing trees to be retained during construction works (as previously approved)
6. Driveways and parking areas to be made of porous materials, or direct run-off water to permeable area.
7. Any gates erected to be set back 6m from highway and open inwards.
8. First floor windows on north-west elevation (facing The Towers) marked as obscure glazed on the submitted drawing to be glazed as such prior to occupation of the dwelling, and thereafter retained.
9. Dummy projection to north-west elevation to be constructed prior to first occupation of the dwelling, and thereafter retained in its approved form.

2. **Planning Policy**

National Policy

National Planning Policy Framework (2012)

Local Plan Policy

Tendring District Local Plan (2007)

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG9	Private Amenity Space
HG12	Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
HG14	Side Isolation
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PEO4	Standards for New Housing

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

3. **Relevant Planning History**

10/00651/FUL - Erection of 1 no. detached two-storey dwelling (following demolition of existing) and erection of detached triple garage – Approved 05.08.2010.

4. **Consultations**

4.1 Weeley Parish Council – Objects to the original submission on the following grounds:

- Application doesn't make mention of the many changes to window and door design.
- Additional significant differences in the design – particularly rear wing, position of en-suite windows, and outline line of first floor.

4.2 Weeley Parish Council has been consulted on the amended drawings, and members will be updated of any comments received at the committee meeting.

5. Representations

- 5.1 One letter of objection has been received. Comments are summarised below:
- Overlooking concerns from fenestration changes/omission of bay addition on the side elevation (north-west elevation)
 - Concern over increased ridge height of garage (*Officer comment – the increase in height of the garage roof does not form part of this application*).
- 5.2 Neighbouring properties have been consulted on the amended drawings, and members will be updated of any comments received at the committee meeting.

6. Assessment

- 6.1 The main planning considerations are:

- Planning History;
- Design and Appearance;
- Residential Amenity; and,
- Other Issues.

Planning History

- 6.2 Planning permission was granted on 5th August 2010 for the erection of 1 no. detached two-storey dwelling (following demolition of existing dwelling) and erection of detached triple garage, under ref. 10/00651/FUL. As a result, the principle of a replacement dwelling in this location has already been accepted.
- 6.3 Following commencement of development the Council's Planning Enforcement team received a complaint that the approved development was not being built in accordance with the approved plans. On investigation the following changes to the approved plans have been identified:

House Modifications

1. Main Roof - Side projection to Bed 4 and 5 removed.
2. Master Bedroom - Full height feature window plus side window.
3. Dressing Room - 4 module window in lieu of 3 – Same width.
4. Bedroom 2 - 5 module window in lieu of 4 – Same width.
5. Bedroom 3 - No bay window – Flat 5 module – Same width.
6. Bedroom 4 - 5 module window in lieu of 4 – Same width.
7. Bedroom 5 - 5 module window in lieu of 3 – Slightly larger opening to match Study below.
8. Kitchen/Dining - Extra single module side window plus deeper window facing boundary. Door and window to rear in lieu of large window. Door giving access to Pool Complex. 5 module shallower window looking over garden. Same opening size. Kitchen units moved to this location. Sink location overlooking garden.
9. Gym/Study - 5 module window in lieu of 4 – Same width.
10. Porch/Lobby - Single entrance door in lieu of pair.
11. Staircase - Ground floor – 3 fixed module full height glazed units in lieu of pair of doors – Same size opening.
12. Pool - Pool Complex linked to rear of building (now detached); 22.8m x 7.4m. Eaves at 2.725m and Ridge 4.15m. Roof not on. Bricklayers have but 3 extra

courses on. If these were removed then the eaves would be 2.5m and ridge would be 3.875m.

Garage Modifications

1. Larger - 1.8m wider, 1m deeper and 1.3m higher.
2. Location - 900mm closer to house and road. 500mm closer to boundary.
3. Internal Ground Floor - Garage split into single bay where motorbikes are stored. Rear internal door gives access to corridor leading to staircase. Sink/drain for hand washing.
4. Double Bay – Increase in garage width enables all car doors being able to be opened without collision.
5. First Floor - Staircase leads up to storage area with sink/drain and WC. 2 obscure glazed velux roof windows set over stairs. First floor landing storage area has one velux over (obscure glazed). When the window is open the wood surround is 1800mm above floor level. This area measures 25m² including WC etc.

- 6.4 In addition, a garden outbuilding has also been erected without planning permission. It is noted that notwithstanding permitted development rights, this garden building would require planning permission in its own right as the height exceeds the permitted development allowance.
- 6.5 The applicant was issued with a Temporary Stop Notice on 31st October 2013, which expired on 29th November 2013.
- 6.6 In an attempt to regularise the various breaches of planning control, the applicant has submitted this application to regularise the window and doors positions within the dwelling only. It is understood future applications pending the decision on this current application will be submitted in an attempt to regularise the other breaches, being the swimming pool building to the rear of the dwelling, the triple garage and the garden building.
- 6.7 Therefore to be clear, this application only refers to the regularisation of the window and door positions within the new dwelling.

Design and Appearance

- 6.8 The footprint of the dwelling is as the approved plans.
- 6.9 In terms of the fenestration changes to the design and appearance of the new dwelling, although material changes, the changes are not considered to significantly alter the design or appearance of the dwelling. As a result, the proposed changes are considered to be acceptable in terms of aesthetics.

Residential Amenity

- 6.10 The approved scheme imposed a condition requiring the erection of new boundary treatment. It is noted that the curtilage of the application site has been enclosed by 1.8 metre close-boarded fence, and a row of conifer hedging. As a result, any changes to the fenestration layout at ground floor is not considered to adversely affect neighbouring residential amenity as these windows would look out onto the fencing and hedging.
- 6.11 Bedrooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows.

- 6.12 With regards to overlooking, those elevations which require careful consideration are the side elevations of the dwelling, with views into neighbouring gardens at first floor level.
- 6.13 With regards to the south-east elevation (facing the boundary with The Oaks), an additional single narrow window has been inserted into the master bedroom. Given that this window is located approx. 12.5 metres from the boundary with The Oaks, and views from this window towards The Oaks are impeded by the existing mature vegetation, this additional window is not considered to adversely affect neighbouring residential amenity.
- 6.14 With regards to the north-west elevation (facing the boundary with The Towers), it is noted the approved plans provided a number of first floor windows, all conditioned by planning condition 10 of 10/00651/FUL to be obscure glazed, except a single window to bedroom 5 (it is noted this is the only window to bedroom 5).
- 6.15 Following discussions with the applicant's agent, revised drawings have been submitted which indicates the width of the window has been reduced to that approved under 10/00651/FUL (1.77m), and a dummy projection on this elevation has been included in the position of the previous bay window addition, which projected approx. 900mm from the side elevation, to assist in obscuring views from this window towards the neighbouring dwellinghouse and garden. The rest of the windows on this elevation at first floor level remain as obscure glazed. Given that this window is located approx. 6.5 metres from the boundary with The Towers, and direct views from this window are generally towards the existing garage within the neighbouring garden, and the window is located in the same position as the approved window, this window is not considered to adversely affect neighbouring residential amenity to such a degree as to warrant a refusal of planning permission, given the fall back position of the approved window, and Officers are of the opinion that the amended drawings received overcomes members concerns outlined at Planning Committee on 7 January 2014.

Other Issues

- 6.16 As previously stated, planning permission was originally granted under 10/00651/FUL. All pre-commencement conditions have been discharged.
- 6.17 The proposal accords with Government guidance in 'Greater Flexibility for Planning Permission' 2009 and is considered to be acceptable in terms of residential, design and visual amenity.
- 6.18 Government guidance in 'Greater Flexibility for Planning Permission' 2009 states where an application under s73 is granted, the effect is the issue of a fresh grant of permission, a decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.
- 6.19 As a result, all relevant conditions will need to be imposed upon any new grant of planning permission, and a new decision notice issued for the entire development, including the previously approved triple garage (not the garage as built and currently unauthorised).

Background Papers

None.