



Report to South Area Planning Committee

Application Number:	PL/21/0067/VRC
Proposal:	Variation of condition 10 (approved plans) of planning permission PL/19/2297/FA (Erection of new detached dwelling (alterations to Planning Permission PL/18/2313/FA) to allow for minor amendments to approved plans.
Site location:	50A Hogfair Lane, Burnham, Buckinghamshire, SL1 7HQ
Applicant:	Mr H Sran
Case Officer:	Adam Pegley
Ward affected:	Cliveden
Parish-Town Council:	Burnham Parish Council
Valid date:	15 January 2021
Determination date:	16 July 2021
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application is for retrospective planning permission for the variation of condition 10 (approved plans condition) of planning permission PL/19/2297/FA. The variations involve the alterations in shape and size of the rear dormer windows, repositioning of the rear rooflights, change from a pitched roof to a crown roof on the single storey side extension, and alterations to fenestration.
- 1.2 The application has been called to Committee for determination by Councillor Sandy as he has concerns regarding the scale of the extensions and impact of the development on the neighbouring amenity and the surrounding area.
- 1.3 The recommendation for this application is Conditional Permission.

2.0 Description of Proposed Development

- 2.1 The application is for retrospective planning permission for the variation of Condition 10 (approved plans condition) of planning permission PL/19/2297/FA. The variations involve the alterations in shape and size of the rear dormer windows, repositioning of the rear rooflights, change from a pitched roof to a crown roof on the single storey side extension, and alterations to fenestration.

- 2.2 The application site consists of formerly part of the rear garden of No. 50 Hogfair Lane. The area is bounded on all sides by residential properties, with some screening in place along these boundaries. The site falls within the developed area of Burnham, and the area is characterised by a variety of different dwellings in terms of their size and design. The application site is located within an area designated as a 'Suburban Road' in terms of its character and appearance, as set out within the Townscape Character Study.
- 2.3 Amended plans were submitted on 8 March 2021 to more accurately show what had been constructed on site and subject of this application. The application was re-consulted upon at this stage. A further amended plan submitted on 20 May 2021 made corrections only to the side elevation profiles.

3.0 Relevant Planning History

- 3.1 Enforcement Notice EN/20/0010/EN/1 served on 21 February 2020. *The Notice required the demolition of the property, the main grounds being that a very large rear dormer window (now since removed) deviated so much from the approved plans that it constituted another development entirely. This enforcement notice was appealed against, and during the appeal proceedings this very large rear dormer window was removed. The Notice was quashed by the Planning Inspectorate on 20 October 2020, in part because the very large rear dormer had been removed during the appeal. The Inspector was not clear what was now being enforced against.*
- 3.2 PL/19/2297/FA – Conditional Permission. 19 December 2019. Erection of new detached dwelling (alterations to Planning Permission PL/18/2313/FA). Conditional Permission.
- 3.3 PL/18/2313/FA – Conditional Permission. 20 August 2018. Detached dwelling on the land to the rear of 50 Hogfair Lane. Conditional Permission.
- 3.4 17/00111/FUL – Conditional Permission. Detached dwelling on the land to the rear of 50 Hogfair Lane.

4.0 Summary of Representations

- 4.1 Parish Council: Object to the application. It was deemed changes would further compound the existing catalogue of divergences from the original application. The Committee felt a comprehensive site visit was necessary to enable the Case Officer to properly determine the applicant has deviated from approved plans.
- 4.2 Public consultation responses:
Objecting (10 representations)
- Interference with adjacent property and loss of privacy.
 - Overbearing in appearance.
 - Concern over the development on site differing from approved plans.
- Officer's note: Following consultation with the applicant's planning agent,*

an amended plan has been accepted which is considered to show the changes as made on site and applied for.

- The development is visible from Hogfair Lane/public areas.
- Poor design and out of character.
- Loss of amenity space.
- Concern over expansion of the site/overdevelopment of the plot.
- The changes are not minor changes.

Officer's note: It is considered the changes did not amount to a "minor amendment", and therefore an application for a variation to a condition (subject of this report) was required and submitted.

- Contrary to Local Plan policies.
- Insufficient parking.
- Does not preserve character of the village.
- May set precedent for further similar developments.

In support (4 responses)

- Good design which enhances the village and does not detract from it.
- Contemporary design of the building has merit.
- Burnham is a historic village and enhances the character of the village.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 6 (Parking standards)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017

Principle and Location of Development

- 5.1 The principle of erecting a detached dwelling on this site has already been established via the granting of planning permission PL/19/2297/FA, PL/18/2313/FA, and prior to that planning permission 17/00111/FUL. There has been no change in planning policy of the circumstances of the site to warrant a different view now being taken.
- 5.2 This application therefore falls to consider the changes since the previous approval (PL/19/2297/FA). Those only changes from the approved scheme are as specified in "The Application" section, and are namely:
- The change in shape and size of the rear dormer windows
 - The repositioning of the rear rooflights
 - The change of roof form of the single storey side/rear extension
 - Alterations to fenestration.

Core Strategy Policies:
CP8 (Built and Historic Environment)

Local Plan Saved Policies:
EP3 (The Use, Design and Layout of Development)
EP4 (Landscaping)
H9 (Residential development and layout)

- 5.3 The National Planning Policy Framework (NPPF) states at paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that developments, among other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.4 Core Strategy policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area. Local Plan policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted.
- 5.5 The applied for alterations would result in slightly taller dormer windows set in the rear roof slope compared to previous approvals. They were previously, and remain, a significant feature of the rear of the dwelling. The four evenly spaced dormer windows serve first floor bedrooms and bathrooms. Whilst the dormer windows now proposed are slightly taller, they still do not exceed the highest point of the roof and remain subservient to the dwelling in their character overall, with no substantial change from the previous approval. Therefore, the design of the dormer windows is consistent with the approved host dwelling and as such, no objections are raised in this regard.
- 5.6 In relation to the other alterations applied for, the crown roof is at single storey level only and therefore does not significantly influence the design of the dwelling as a whole, and does not represent a significant increase in bulk. Overall it is considered this amendment is acceptable with regard to the Council's Development Plan Policies.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.7 The NPPF at paragraph 127 sets out a number of design related principles to be applied in consideration of new development. It supports (f) the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.8 Local Plan policy EP3 requires regard to the amenities of adjacent properties. Policy EP5 states that development will be permitted only if it would provide for adequate daylight, and where possible sunlight, to reach into spaces around and between buildings and other physical features and would not result in a significant loss of daylight or sunlight to adjacent buildings or land. Policy H11 states that the impact of proposals on the amenities of dwellings and their gardens will be considered, to ensure that the extension would not adversely affect the amenities of any adjacent properties.
- 5.9 The Council's Adopted Residential Design Guide SPD states in relation to minimum back to back distance (para 5.3.7): that *"as a guide, it is considered that the distance in between rear elevations of dwellings should be a minimum of 21m"* Paragraph 5.3.9 further states that *"Reduced distances may be possible if:*
- *The dwelling's main aspect and habitable windows are at oblique angles to each other;*
 - *Fences, walls and other screening is secured by planning conditions; and/or*
 - *The distances are in character with the area and the privacy of any existing properties would not be further reduced. For example, where some overlooking already occurs, additional windows may not materially diminish privacy"*
- 5.10 The rear dormer windows have been increased in height by approximately 0.5m which will result in those features being slightly more prominent from views of the dwelling particularly from the Western (rear facing) side of the property. As with the previous permissions, the northern most window serving a bathroom will be conditioned to be obscure glazed. The proposal would also include minor changes to the fenestration, the positioning of the rear rooflights and a change of roof form of the single storey side/rear extension.
- 5.11 The rear dormer windows have not moved position relative to the neighbouring properties compared to those previously approved. When granting permission previously it was noted that that the back to back distances with the neighbouring property directly to the rear, No. 218a Windsor Lane, were such that the property would not be adversely impacted upon in terms of loss of light, loss of privacy, or appearing over dominant or

obtrusive. Measurements taken on site by the case officer confirm that the distance between the rear dormer windows subject of this planning application and the neighbouring property to the rear remains above the 21m recommended back to back distance set out in the adopted Residential Design Guide. Furthermore, the dormers and other changes proposed would have a similar relationship to neighbouring properties than was the case with the previously approved scheme. The changes do not therefore result in unacceptable levels of overlooking and/or loss of privacy or result in an obtrusive appearance to neighbouring properties.

- 5.12 The proposal would therefore comply with the with Local Plan Policies EP3, EP5 and H11.

Transport matters and parking

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.13 There is no proposed change to the previously approved details (see Planning History) in relation to parking, access and highway implications. As such, given the previous approvals on those matters, no objections raised in this regard. Concerns over land ownership are noted this is however a civil matter and not one for consideration of this application.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or

assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.4 Compliance with Core Strategy and Local Plan policies has been demonstrated in terms of visual impact, preserving residential amenities and parking and access. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.5 In terms of applying paragraph 11 d of the NPPF it is concluded that there are no policies that protect areas or assets of particular importance, that provide a clear reason for refusing the development proposed and there are no adverse effects of the proposal would significantly and demonstrably outweigh the benefits.
- 6.6 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.
- 6.7 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.8 It is considered that a fair and reasonable balance would be struck between the interests of the community and the human rights of the individuals concerned in the event of planning permission being granted in this instance.

7.0 Working with the applicant / agent

- 7.1 The applicant has submitted amended plans during the course of the application.
- 7.2 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.3 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the applicant/agent was updated of any issues after the initial site visit and was provided the opportunity to submit amendments to the scheme and address issues.

8.0 Recommendation

Conditional permission

Subject to the following conditions:-

1. Within 3 months of the date of this permission, a scheme of landscaping shall be submitted and approved by the Local Planning Authority. None of the trees, shrubs or hedgerows shown for retention on a subsequently approved landscaping plan shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority. (ST01)

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of a landscaping plan. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

3. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission. (SD12)

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. (Policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999) refer.)

4. No windows shall be inserted at or above first floor level in the north or south side elevations of the dwellinghouse hereby permitted. (ND05)

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose. (NH46)

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Policy TR7 of the South Bucks District Local Plan (adopted March 1999) refers.)

6. Prior to the occupation of the dwelling, visibility splays must have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway. (NH39)

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access. (Policy TR5 of the South Bucks District Local Plan (adopted March 1999) refers.)

7. The northern most first floor dormer window in the rear elevation of the dwellinghouse hereby permitted shall be fitted and permanently maintained with obscure glass. (ND04)

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining properties. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

8. This permission relates to the details shown on the approved plans as listed below:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
5 Jan 2021	Site Plan 50AHOGFAIR/DIMEN/01
20 May 2021	Elevations and Floor Plan 50AHOGFAIR/PL40/D
5 Jan 2021	Ground and First Floor Plans

APPENDIX A: Consultation Responses and Representations

Parish Council Comments:

The Committee RESOLVED to OBJECT to the application, as it was deemed the changes would further compound the existing catalogue of divergences from the original application. The Committee felt a comprehensive site visit was necessary to enable the Case Officer to properly determine the extent the applicant had already deviated from the approved plans.

Public Consultation Responses

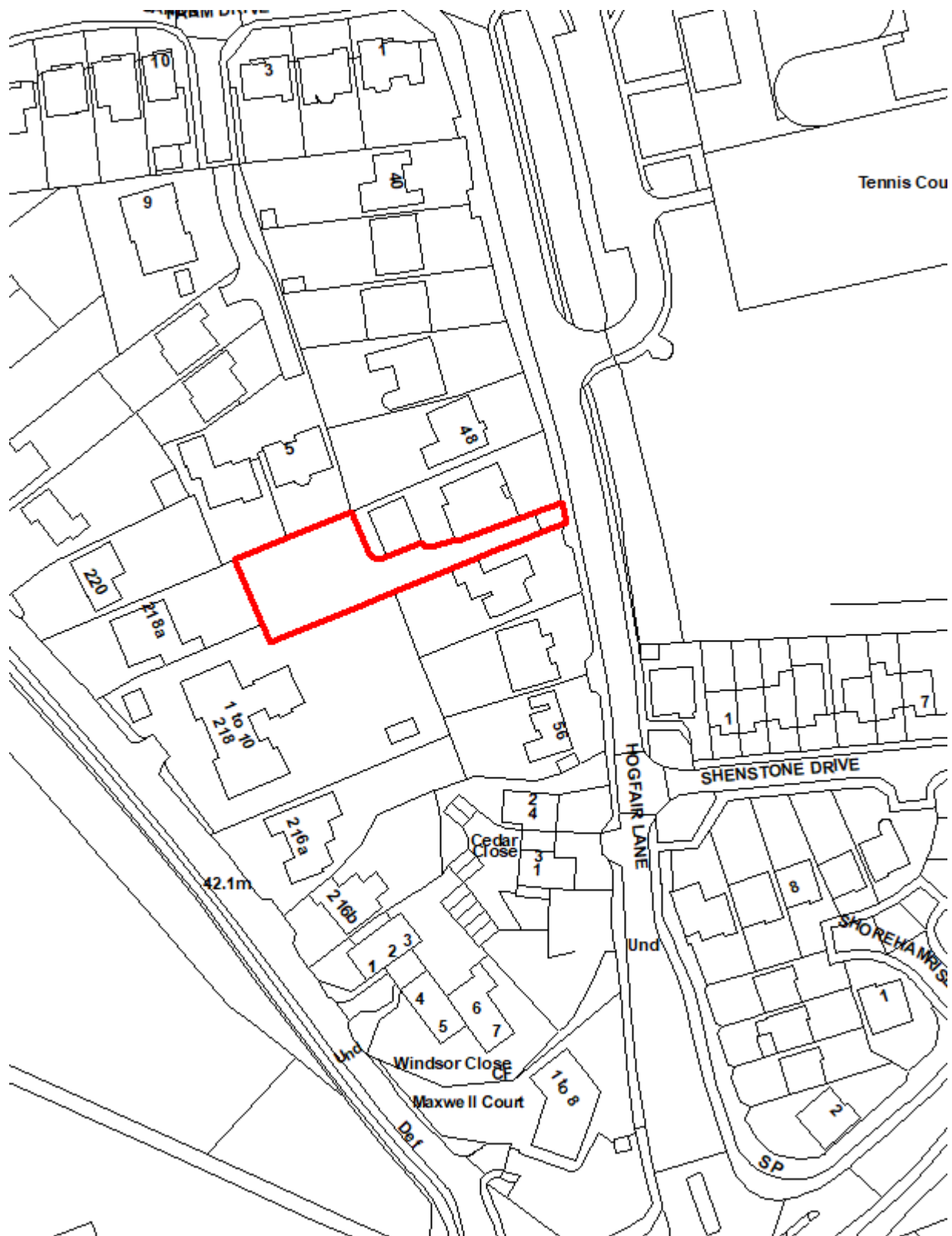
Objecting (10 representations)

- Interference with adjacent property and loss of privacy.
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In support (4 responses)

- Good design which enhances the village and does not detract from it.
- Contemporary design of the building has merit.
- Burnham is a historic village but this building enhances the character of the village.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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