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App No : 18/05480/FUL App Type: Full Application

Application for : Householder application for single storey side/rear extension to garage, creation of sunroom to lower ground level of garage with new access stairs & conversion to habitable rooms.

At 15 West Drive, High Wycombe, Buckinghamshire, HP13 6JT

Date Received : 26/03/18 Applicant : Mr Mirza Khuram

Target date for Decision 21/05/18

1. **Summary**

- 1.1. Planning permission is sought for the erection of a side and rear extension to an existing garage/workshop to create an annexe. Although described on the application for as being "single storey" it is in fact 3.8m to eaves and provides accommodation over two floors.
- 1.2. This comprises a shower and bedroom at what is the first floor and the insertion of a spiral staircase leading down to an "under garage" summer room with rear doors leading out into the garden.
- 1.3. Despite a response from a local Councillor triggering the referral process set out in the constitution (Delegated in Consultation with the Chairman) a decision notice has been incorrectly issued when delegated powers to do so were not available. In an attempt to rectify this error the application has been brought to Planning Committee.

2. **The Application**

- 2.1. The Case Officer produced a householder planning report which is attached as Appendix B. This recommended that conditional planning permission be granted and in agreeing with this proposal a senior officer approved the application and a decision notice was issued dated 21 May 2018.
- 2.2. During the consideration of this application Cllr Wassell responded to the case officer, David Lomas, by letter dated 18th April requesting that the application be considered by Planning Committee.
- 2.3. As a result she should have been sent the draft case officer report, and on reviewing that she could then have either agreed with the application being determined under delegated powers, or request that her concerns be discussed with the Chairman of Planning Committee. Then if it was considered that the matter would benefit from the additional scrutiny of Planning Committee it would have been referred to the next available meeting.
- 2.4. Unfortunately this application was determined during the week when Mr Lomas was leaving the Authority and he appears to have omitted to add the councillors concerns to his report. As the referral process set out in the constitution had been triggered the senior officer who determined the application did not have the delegated authority to do so. Having discussed this error with legal services the advice received was that the matter should be brought before the next available Planning Committee meeting.
- 2.5. If Members agree with the officer recommendation, as set out in the attached officer report, then the original decision notice will be left as published as there would be no need to quash the decision; no harm will have resulted. If however Members are minded to refuse the application then harm would have been identified and the Council would consent to the original decision notice being quashed by means of a

judicial review. Then when the application was remitted back for redetermination it would be refused in accordance with the wishes of the Committee.

3. Representations.

3.1. As the original representations are incorrectly reported in the appended officer report, in that they refer to a representation that can't be traced and do not refer to the response from the local member, the correct and up-to-date representations are reproduced in full below:

3.2. Representation of Cllr Julia Wassell;

I am writing to oppose this application and would like it called into the Planning Committee for further discussion. I have had several complaints from neighbouring properties about this application. So, if you are minded to agree this application at the delegated level I would certainly like it to be brought to the attention of the planning committee. It is out of character with the area and overbearing.

3.3. The adjoining occupier has made the following comments:

I have just managed to view the new amended plans on the website. I have discussed these with my husband and we would object to the new plans in the strongest possible terms.

The reduction in length of the new extension is only 1.3m! The length of the extension as amended is still 8.55m (previously 9.92m). This is a compromise unacceptable to us as it will still extend 3.05m from the existing garage x at least 5-6m high. This is overbearing from our garden, lower patio area, and upper patio area where table and chairs are likely to be sited in the summer in that corner (as shown in photos sent to you previously). The height of the extension will have a particularly negative effect with regard to sitting on both the upper and lower patio areas and block out light to our lower patio and garden. Our house is a family house with 4 large bedrooms and use of the garden and lower patio is ideal for children.

I would add that I am of the opinion that the original plans were submitted as a tactic with an even longer length so that we would be required to be satisfied with any amended length.

The new length is still nowhere near the 2m reduction that you requested of the applicant and we do not feel that a 1.37m reduction is at all acceptable.

Thank you for considering our views.

3.4. On reviewing the case officers report on-line the adjoining occupier requested an explanation of the following issues with regard to the officer report (which alerted officers to the error made):

1) On your report you state under representations - "Reduction of 1.9m is insufficient to reduce overbearing nature of extension to rear on lower and upper balconies/platforms". You have stated there that the revision is a reduction of 1.9m but how does this figure come about? The original plans show length of garage and new extension as 9.92m and the revised plan show this as 8.55m. This is a reduction of 1.37m. I am therefore puzzled about where the reduction of 1.9m is?

2) Secondly you state that the new extension will in height will only be slightly higher than the existing wall at the lower platform level - but we understand it to be a two storey extension? On the plans the garage is 5.55m long and on the new bedroom plan the total length is 8.55m long - an extension of 3m from the end of

the existing garage and constituting the first floor, and this will be above the wall as the new sun room, converted from the workshop, will be below this. Forgive me but I do not understand how it can only be slightly higher than the existing wall? The existing wall is 2.3m high and for two storeys will need to be approximately 5.5m high - an increase of 2.2m above the existing wall.

4. Weighing and balancing of issues – overall assessment

- 4.1. 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.
- 4.2. 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 (in this case, CIL)
 - (c) Any other material considerations
- 4.3. As set out in the appended officer report it was concluded that the development would accord with the development plan. Members are however free to weigh and balance the issues identified as they see fit.

Recommendation: Minded to Grant

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1, WDC2, WEST/02, WEST/03D, WEST04C and WEST/05B.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
3. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building.
Reason: To secure a satisfactory external appearance.
4. No windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted.
Reason: To safeguard the privacy of occupiers of the adjoining properties.