



## Report to West Area Planning Committee

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<b>Application Number:</b>	20/06437/VCDN
<b>Proposal:</b>	Variation of condition 10 (plans) attached to PP 17/07627/FUL (Erection of 1 x three bed dwelling attached to No. 32 Queen Street and roof alterations) to allow for updated design
<b>Site Location:</b>	Land Adjacent 32 Queen Street High Wycombe Buckinghamshire HP13 6EZ
<b>Applicant:</b>	Ms. N. Hodges
<b>Case Officer:</b>	Ian Zabala-Beck
<b>Ward(s) affected:</b>	Terriers & Amersham Hill
<b>Parish-Town Council:</b>	High Wycombe Town Unparished
<b>Date valid application received:</b>	15th June 2020
<b>Statutory determination date:</b>	10th August 2020

### Recommendation

#### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is made under S73 of the Town and Country Planning Act 1990 (as amended) Act to vary the condition specifying "The development hereby permitted shall be built and retained in accordance with details contained in the planning application hereby approved and plan numbers 01, 02, 03C, 04C, 05B, 06 and L0619-T unless the Local Planning Authority otherwise first agrees in writing".
- 1.2 Permission is sought for a variation of condition 10 relating to planning permission ref: 17/07627/FUL to replace the approved plans with alternative plans amending the design. The revised design alters the roof to the rear of the property, dormer to the front roof slope, side ground floor window and adds a single storey rear extension. The alteration to the roof design facilitates the provision of a study on the upper floor.
- 1.3 The application was amended during the process of this application to amend the front dormer (reverting back as per approved) and to reduce the single storey rear extension by half and set in from the side walls. All other alterations reflect those that have previously been approved under planning ref: 20/05081/VCDN, those being

the addition of front rooflights, changes to the windows in the front elevation, an additional ground floor side window and ground levels.

- 1.4 These alterations in design to the roof would lessen the side expanse of the flank wall by altering the roof-scape with the addition of a rear facing dual pitched roof interlocking with the front roof-slope. The front dormer remains the same as that previously approved, and the smaller single storey rear projection is a minor addition reflecting a large bay window appearance which is set in from the flank elevation. These amended alterations would neither add nor detract from the issues previously addressed and is therefore recommended for approval.
- 1.5 It is considered that the proposed alterations to the design and appearance of the approved development will have no adverse effect upon the character and appearance of the surrounding area; the amenities of adjacent residents or highway safety.
- 1.6 Cllr Green has called this application in. The reason for consideration by committee: The additional height of the roof and rear gable will be out of character with other properties in the conservation area and will be overbearing with relation to neighbouring properties; The additional extension at the rear will be an over development of the site.
- 1.7 The application is recommended for approval.

## **2.0 Description of Proposed Development**

- 2.1 The site is located in an established residential area, close to High Wycombe town centre and within the Amersham Hill Conservation Area.
- 2.2 The site was formerly parking and gardens serving No.32 Queen Street. The site, which measures around 7.7m wide and around 30m deep, is located on the eastern side of Queen Street. This residential street follows a regular street pattern with properties on each side of the sloping highway, the properties differ along Queen Street having terraced, semi-detached and detached types from differing periods forming a mixed appearance.
- 2.3 The proposed two storey property would be attached to No.32 Queen Street with off-street parking and gardens to the rear.
- 2.4 The application is accompanied by:
  - a) Application Form
  - b) Plans
- 2.5 Amended plans were sought from the agent to alter the revised scheme, which included:
  - i. Alteration to front dormer back to within the roof-slope rather than being included within the front elevation wall,
  - ii. Reduce the single storey rear element by half and reduce the width

## **3.0 Relevant Planning History**

- 3.1 Relevant planning history for the site:

<b>Reference</b>	<b>Development</b>	<b>Decision</b>	<b>Decision Date</b>
16/06570/FUL	Erection of 1x 3 bedroom detached dwellinghouse with allocated parking and private garden	WDN	26 July 2016

16/07194/FUL	Erection of 1 x 4 bed dwelling attached to 32 Queen Street with allocated parking and private garden	REF	15 December 2016
17/07627/FUL	Erection of 1 x three bed dwelling attached to No. 32 Queen Street and roof alterations	PER	18 January 2018
19/07992/CLP	Certificate of lawfulness for proposed single storey rear extension with insertion of 4 x roof lights and boxed dormer window to side elevation with 4 x roof lights in connection with loft conversion	GRCLP	6 March 2020
20/05081/VCDN	Variation of conditions 10 (plan) attached to PP 17/07627/FUL (Erection of 1 x three bed dwelling attached to No. 32 Queen Street and roof alterations) to allow for update and addition of windows	PER	11 March 2020
20/05110/ADRC	Application for approval of details subject to conditions 2 (materials) 3 (surfacing), 4 (levels) and 6 (landscaping) of planning approval ref: 17/07627/FUL	WDN	10 March 2020

#### 4.0 Policy Considerations and Evaluation

4.1 The principle of the development was considered and determined under planning permission 17/07627/FUL for the erection of an attached three bed dwelling.

4.2 The considerations for the current application are based on the design alterations to the permitted scheme only. The evaluation of this scheme is based upon the impact on the street scene and neighbouring properties and whether these alterations adversely impact the character and appearance of the area and neighbours.

##### Principle and Location of Development

4.3 The principle has been assessed under the previous approved application. Therefore it is only the changes that need to be assessed. The proposal does not have any additional implications in terms of access, surface water drainage, ecology or building sustainability.

##### Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)  
DSA: DM2 (Transport requirements of development sites)

4.4 The proposed changes to the plans increase the number of habitable rooms from five to six. The site is in residential parking zone A and the parking requirement therefore remains the same (two spaces) as for the previously approved scheme.

##### Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)  
DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

- 4.5 The insertion of 2 roof lights, side window, amended roof design and single storey rear projection do not have an adverse impact upon the overall scheme approved scheme under reference: 17/07627/FUL.
- 4.6 It is considered that the proposed changes to the external appearance of the dwelling are compatible with its location within the Conservation Area and will have no adverse effect upon the street scene in general.

#### **Amenity of existing and future residents**

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 4.7 It is considered that this proposal will have no adverse effect upon the amenities of either existing residents in the neighbouring area or upon future residents of the new dwelling.
- 4.8 The revised plans show a side window at ground floor towards the front of the property serving a lounge/living room. The neighbouring property, No.30 Queen Street has a first floor side window serving a bedroom. Due to the levels of Queen Street the lounge/living room window would have some views towards this bedroom, therefore it would not be unreasonable to impose a condition to have this window fixed shut and obscure.
- 4.9 The change to the roof design would not have a more overbearing impact on number 20 compared to the previously approved scheme.
- 4.10 The rear part of the roof would be higher than on the approved scheme, but this is balanced against the reduction in the height of the flank elevation due to the reduction in the depth of the side gabled section, with the rear roof section sloping away from the shared boundary. The application site is on the north side of no. 20 so the changes will not have any significant impact on direct sunlight to that property.
- 4.11 Following the amendment of the plans the additional single storey element is a modest additional which is set in from the side boundaries and will not therefore have an overbearing impact on the properties either side, or result in an unacceptable loss of light.

#### **Historic environment**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the Historic Environment)

- 4.12 The site falls within Amersham Hill Conservation Area, but does not affect a Listed Building. However, the principle of erecting a new dwelling on the application site has already been established.
- 4.13 The Council's conservation officer has not objected to the revised roof design or single storey extension. Although comments have been made about the rooflights, these have previously been accepted in the amended scheme permitted under ref. 20/05081/VCDN. Otherwise the application is in accordance with Policy DM31 of the WDLP subject to the imposition of a condition for the roof-lights to be Conservation type.

#### **Building sustainability**

Wycombe District Local Plan (August 2019): (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

4.14 It is necessary to condition water efficiency in accordance with Policy DM41.

#### **Consideration of conditions**

4.15 This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.

4.16 The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free standing planning permission all conditions to which the planning permission should adhere must be reattached. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

“Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

4.17 An assessment of the previously imposed conditions, and whether they continue to be necessary or require amendment or supplementation in the light of the revised plans, is set out below.

4.18 Condition 1 – time limit. A S73 application cannot extend the time period for implementation beyond that of the original permission. Ordinarily that would mean imposing a condition requiring development to start by 21 September 2020. However, due to the current Covid-19 situation, legislation has been passed in the Business and Planning Act 2020 which extends the life of all permissions due to expire before 31 December 2020 until 1 May 2021. Since the original permission is therefore extended until that date, a condition requiring development to begin before 1 May 2021 is appropriate.

4.19 Condition 2 – materials – Submission of materials and finishes condition. Condition necessary and to be re-imposed.

4.20 Condition 3 – surfacing materials – Submission of surfacing materials condition. Condition necessary and to be re-imposed.

4.21 Condition 4 - levels – Submission of ground levels condition. Condition necessary and to be re-imposed.

- 4.22 Condition 5 – parking, garaging and manoeuvring – condition necessary and to be re-imposed.
- 4.23 Condition 6 – landscaping – Submission of landscaping scheme condition. Condition necessary and to be re-imposed.
- 4.24 Condition 7 – planting – condition necessary and to be re-imposed.
- 4.25 Condition 8 – no further doors, windows or openings necessary and – condition to be re-imposed.
- 4.26 Condition 9 – water efficiency – condition necessary and to be re-imposed, updated to refer to current Local Plan.
- 4.27 Condition 10 – plan numbers – new plans condition is required to reflect this application.
- 4.28 Condition 11 – General Permitted Development – condition necessary and to be re-imposed.
- 4.29 Condition 12 – Conservation roof-lights – a new condition relating to the amendments which are part of this application, requiring the use of conservation rooflights, to ensure the development is in keeping with the conservation area.
- 4.30 Condition 13 – side window obscure and fixed shut – new condition required in relation to the new side facing window which is part of this application, to prevent overlooking.
- 4.31 Informative 1 – working with applicant/agent – to be altered to reflect the current application.
- 4.32 Informative 2 – surface water – to be re-imposed.
- 4.33 Informative 3 – mud onto highway – to be re-imposed.
- 4.34 Informative 4 – vehicle obstruction to highway – to be re-imposed.

## **5.0 Weighing and balancing of issues / Overall Assessment**

- 5.1 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.
- 5.2 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
- 5.3 As set out above it is considered that the proposed development would accord with the development plan policies.
- 5.4 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].

## **6.0 Working with the applicant / agent**

- 6.1 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.
- 6.2 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.
- 6.3 In this instance the applicant/agent was updated of any issues after the initial site visit, the applicant/ agent responded by submitting amended plans, which were found to be acceptable and the application was recommended for approval.

## **7.0 Recommendation**

**Application is recommended for APPROVAL subject to conditions.**

- 1 The development hereby permitted shall be begun before 01 May 2021.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended) and Business and Planning Act 2020.
- 2 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the external finishes of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: To secure a satisfactory external appearance.
- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the finished surfacing materials takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: To secure a satisfactory appearance.
- 4 Drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place;
  - a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
  - b) The level of the road outside the site. (AOD).
  - c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
  - d) The location and type of any retaining structures needed to support ground level changes.
  - e) The Finished Floor Level for every building that is proposed.
  - f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
  - g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.

The development shall be carried out only in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways.

- 5 The scheme for parking, garaging 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.

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.

- 6 A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. This shall include boundary treatment and landscaping to the front of the site. The boundary treatment shall thereafter be provided prior to the first occupation of the dwelling and shall thereafter be retained as approved.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 7 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 occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, 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 first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 8 No further windows, doors or openings of any kind shall be inserted in the side elevations of the development hereby permitted at first floor level or above without the prior, express planning permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties.

- 9 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).

- 10 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 20-015-10E, 20-015-11D, 20-015-12C and 20-015-13E; unless the Local Planning Authority otherwise first agrees in writing.

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, C and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.



- 12 The roof-lights hereby permitted to the front and rear roofslopes shall be 'Conservation Type' that sit flush with the roofslope.  
Reason: In the interest of proper planning and to ensure a satisfactory development within Amersham Hill Conservation Area.
- 13 Notwithstanding any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the side elevation of the extension/dwelling shall be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.  
Reason: In the interests of the amenity of neighbouring properties.

#### INFORMATIVE(S)

- 1 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. 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, the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.
- 2 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.