



## Report to West Area Planning Committee

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<b>Application Number:</b>	20/07174/VCDN
<b>Proposal:</b>	Variation of condition 1 (approved plans) attached to PP 18/05899/REM (Reserved matters application for approval of appearance, landscaping and scale pursuant to outline planning permission 17/07148/OUT for demolition of existing buildings and erection of 9 x 2 bed apartments and 1 no 2 bed bungalow with associated external works and new access) to allow for approval of alternative drawings
<b>Site Location:</b>	8 - 10 Wellington Avenue Princes Risborough Buckinghamshire HP27 9HY
<b>Applicant:</b>	Carrington Homes Ltd
<b>Case Officer:</b>	Declan Cleary
<b>Ward(s) affected:</b>	The Risboroughs
<b>Parish-Town Council:</b>	Princes Risborough Town Council
<b>Date valid application received:</b>	24th August 2020
<b>Statutory determination date:</b>	23rd November 2020
<b>Recommendation</b>	Approve with conditions

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

- 1.1 The application seeks amendment to approved drawings attached to Reserved Matters approval 18/05899/REM.
- 1.2 The proposed alteration is the replacement of a previously approved rooflight with a small dormer window on the rear elevation of the bungalow shown as Unit 6. As originally submitted the proposal involved more extensive alterations, but for the avoidance of any doubt, this has now been amended such that only the addition of the dormer window remains.
- 1.3 The amended scheme is considered to not present any additional design or amenity issues significantly above and beyond those of the approved development and is considered to be acceptable. Consequently the application is recommended for approval.

- 1.4 Cllr Alan Turner and Cllr David Knights initially raised concern with the application, indicating that the application should be referred to Committee. Following further consultation with members, Cllr Turner has maintained their position and requested that the application be called-in for committee consideration on the grounds that  

“the addition of balconies and dormer windows on the rear elevation will produce an unacceptable level of overlooking into neighbouring properties to the rear of the development”.
- 1.5 Therefore, this application has been the subject of consultation with the Planning Committee Chairman. It has been determined that the application should be referred to the relevant Planning Committee for consideration.

## **2.0 Description of Proposed Development**

- 2.1 The application site comprises two bungalows on the eastern side of Wellington Avenue, a mainly residential road within the built up area of Princes Risborough and located within a reasonable walking distance of the town centre and local facilities. The site is located adjacent to the sheltered development of 46 apartments known as Windsor Lodge and is in close proximity to Princes Risborough Primary School.
- 2.2 Outline planning permission (Ref: 17/07148/OUT) was granted on 15<sup>th</sup> February 2018 which approved access and layout for the erection of 9 x 2 bed apartments and a single 2 bed bungalow. The subsequent reserved matters application for appearance, scale and landscaping of the development was approved under 18/05899/REM on 11<sup>th</sup> July 2018.
- 2.3 This application seeks amendments to the approved development by altering the design of the scheme through a variation to condition 1 (the approved plans) attached to reserved matters approval 18/05899/REM. This application, as originally submitted, included raising the ridge height of Unit 5, adjacent to No.12 Wellington Avenue, so that the ridge height would match that of the remainder of the development.
- 2.4 This element of the scheme was considered to be unacceptable on design grounds and has subsequently been removed from the proposal. Therefore, the proposed amended scheme solely relates to the insertion of a dormer window to the rear of Unit 6. This would replace the previously approved rooflight opening within the rear roof slope.
- 2.5 Once constructed the bungalow would benefit from the permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015. Schedule 2, Part 1, Class B allows “The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.” So if the development as permitted was constructed, the dormer could then be subsequently added with the benefit of permitted development rights.
- 2.6 The practical effect of this planning application would be to allow the dormer to be constructed as part of the whole development, rather than as a separate building operation at a later date.
- 2.7 The 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.

2.8 While reserved matters approval is not a planning permission in its own right, it is an integral part of the planning permission. Therefore, case law has established that the powers set out in s.73 of the Act is available to Reserved Matters approval. The application has therefore proceeded on this basis.

2.9 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.”

### 3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
17/07148/OUT	Outline application (including details of access and layout) for demolition of existing buildings and erection of 9 x 2 bed apartments and 1 no 2 bed bungalow with associated external works and new access	PER	15 February 2018
18/05899/REM	Reserved matters application for approval of appearance, landscaping and scale pursuant to outline planning permission 17/07148/OUT for demolition of existing buildings and erection of 9 x 2 bed apartments and 1 no 2 bed bungalow with associated external works and new access	PER	11 July 2018

## **4.0 Policy Considerations and Evaluation**

### **Principle and Location of Development**

Wycombe District Local Plan (August 2019): CP1 (Delivering Sustainable Development); CP2 (Overall Spatial Strategy); CP3 (Settlement Strategy); CP4 (Delivering Homes); PR5 (Settlement Boundary and Strategic Buffer); DM21 (The Location of New Housing)

DSA: DM1 (Delivering Sustainable Development)

4.1 Outline Planning consent 17/07148/OUT established that the principle for the development of 10 dwellings on this site was acceptable. It is not necessary to revisit the principle of the development under this current application. The main considerations in this instance are therefore whether the proposed alterations give rise to any additional design or amenity issues, these are explored below.

### **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)

4.2 The scheme proposes alterations to the external design of the development only. There would be no change to the quantum of development or the number of bedrooms within the scheme. No alterations to site access are proposed. The scheme would not result in any highway safety issues, or requirement for amendments to the off street parking provision.

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

Wycombe District Local Plan (August 2019): CP9 (Sense of place); DM35 (Placemaking and Design Quality)

4.3 The proposal relates to the introduction of the dormer window to the rear elevation of Unit 6. Due to the positioning of the window, and that of Unit 6 itself to the rear of the site, the proposed dormer window would not be prominent from the streetscene and as such would not cause any harm to the character and appearance of the area.

4.4 While dormer windows are not a feature of the development as approved, it is considered that the window would not give rise to any harm to the design quality of the development as a whole or the character and appearance of the dwelling itself, particularly as it is sited to the rear.

4.5 This application originally included the raising of the ridge height of Unit 5, adjacent to No.12 on the roadside frontage. This amendment was considered to undermine the visual hierarchy of the scheme as approved, and would visually dominate the adjacent bungalow, even taking into consideration the recently constructed, design alterations to that property. Therefore, this element of the scheme has been removed from the proposals, which now revert back to that previously approved.

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

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality)

- 4.6 The proposal seeks the replacement of the previously approved rooflight with a dormer window within the rear roofslope of Unit 6. The window would serve a bedroom to that property.
- 4.7 The proposed window would be 12m from the rear boundary, beyond which is the private amenity space of Trelyn and The Bays on Aylesbury Road. Given the spacing between the window and the rear site boundary, it is considered that the dormer window would not give rise to any significant overlooking to the private amenity space of the dwellings to the rear above that of the previously approved rooflights, which are in the same position.
- 4.8 Furthermore, the spacing distance is greater than that of other principal openings within the development from the site boundary, and is considered to be adequate to ensure no adverse overlooking to the adjacent private amenity space to any of the rear properties would arise individually, or cumulatively, with other approved openings. In addition, it is noted that there would be retained vegetation along the rear boundary which would help to screen the development.
- 4.9 The proposed dormer window would result in a small increase in bulk and mass of the proposed development, however in the context of the scale of the scheme proposed, it is not considered that this would give rise to any significant additional overbearing or loss of daylight to any adjoining property.

#### **Other Matters**

- 4.10 Concern has been raised with regard to the LPA's handling of the original Reserved Matters consent Ref: 18/05899/REM. It is not a matter for this application to consider the manner in which a previous application has been considered/determined which ought to be raised outside of the planning process. Additionally, the LPA, through this application cannot reconsider the content of the applications relating to approved conditions.
- 4.11 This application relates solely to the insertion of a dormer window within the rear elevation of Unit 6, therefore matters relating to the previously approved quantum of development, layout, balconies, noise impacts, and landscaping are not affected and as such cannot be considered.
- 4.12 With regard to the amended site plan which was uploaded on 30<sup>th</sup> November 2020, this amended plan reflects the removal of the change in roof design to Unit 5 which reverts back to the previous design. It is not considered that there was a requirement to re-consult over this amendment.

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

- 5.1 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

5.2 As set out above it is considered that the proposed development would not give rise to any additional adverse design or amenity issues, and as such would accord with the policies within the development plan policies.

## **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 concerns were raised with regard to part of the development and an opportunity to remove that element of the scheme was given to ensure that a sustainable form of development could be delivered.

## **7.0 Recommendation**

Approve subject to the following conditions and reasons:-

1. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers:

WDC1 Location Plan

1482/SP10/C – Planning Drawings Site Plan and Location Plan

1482/P11/B – Planning Drawings Rear Block

1482/P10/B – Planning Drawings Front Block

1659/LA1 Rev B – Landscape Proposals

External Materials Schedule 04.04.2018

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

2. The development shall be carried out in accordance with the approved hard and soft landscaping scheme as illustrated on drawing J1659 LA1 Rev B - Landscape Proposals, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping.

3. The development shall be carried out in accordance with the approved facing and surfacing materials as identified in the External Materials Schedule issued 4th April 2018 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance.

### INFORMATIVE

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 concerns were raised with regard to part of the development and an opportunity to remove that element

of the scheme was given to ensure that a sustainable form of development could be delivered.