



Report to Buckinghamshire Council – (Central Team) Planning Committee

Application Number:	24/01348/APP
Proposal:	Householder application for erection of porch and dormers to the front with pitched roof
Site location:	3 Winterton Drive, Aylesbury, Buckinghamshire, HP21 9BD
Applicant:	Mr R Gaster
Case Officer:	Carmen Timoce
Ward affected:	AYLESBURY SOUTH EAST
Parish-Town Council:	STOKE MANDEVILLE
Valid date:	2 May 2024
Determination date:	27 June 2024
Extension of time:	02 August 2024
Recommendation:	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the erection of a front porch and the installation of two dormer windows on the front roof slope of the main dwellinghouse.
- 1.2 The application site is located within an established residential area, in Aylesbury, on the southern side of Winterton Drive.
- 1.3 This application has been evaluated against the Development Plan, which comprises the Vale of Aylesbury Local Plan Adopted September 2021 (VALP), and the guidance as set out within the National Planning Policy Framework December 2023 (NPPF). Having regard to all the relevant policies, it is concluded that the development is acceptable in terms of its impact on the character and appearance of the main dwelling, that of the street scene and wider area, residential amenity, parking, and ecology. The development would therefore comply with policies BE2, BE3, I4, NE1 and T6 of VALP and with the guidance as set out within the NPPF.
- 1.4 The application is referred to the Planning Committee because the applicant is an Elected Member for Buckinghamshire Council. In accordance with the Council's Constitution such planning applications must be determined at the relevant Area Planning Committee so as to

ensure openness and transparency.

- 1.5 Overall, having regard to the Development Plan and the NPPF, the recommendation is that permission be approved subject to the conditions recommended at paragraph 8.1 of this report.

2.0 Description of Proposed Development

- 2.1 The application site relates to a two-storey semi-detached dwellinghouse that is located within a residential area which is characterised by a mixture of house types and designs. The main dwellinghouse is of brick construction with a tiled gable end roof.
- 2.2 The property features a grassed area to the front with a detached garage and hardstanding to the south-west of the dwellinghouse.
- 2.3 The front porch which would measure 1.8m in depth, 3.7m in width, about 3.5m in height and it would have a pitched roof. The proposed pitched roof dormers would each measure about 2.3m in depth, 1.4m in width and 1.8m in height. For clarity, the rear facing dormer window as shown on plans has already been secured under a Certificate of Lawfulness Approval. This element does not form part of this application.
- 2.4 The proposed materials would all match those existing on the host dwellinghouse.
- 2.5 The proposed works would also include the installation of one small rooflight onto the front roof slope of the property which would be set down from the main ridge line by 0.46m.
- 2.6 The application is accompanied by:
- a) Application Form
 - b) 101 Existing Elevations and Floor Plans
 - c) 102 Proposed C
 - d) 202 Existing & Proposed Block Plans
 - e) 203 Location Plan
 - f) Ecology and Tree Checklist

3.0 Relevant Planning History

- 3.1 Reference: 24/00756/CPL
Development: Certificate of lawfulness for proposed loft conversion which would include the insertion of a roof light into the front roof slope and the erection of a rear dormer.
Decision: Certificate Issued Decision Date: 1 May 2024

4.0 Representations

- 4.1 See Appendix A of this report.

5.0 Policy Considerations and Evaluation

- 5.1 National Planning Policy Framework December 2023

- 5.2 National Planning Practice Guidance
- 5.3 Vale of Aylesbury Local Plan (Adopted September 2021) (VALP):
 - Policy BE2 Design of new development*
 - Policy BE3 Protection of amenity of residents*
 - Policy I4 Flooding*
 - Policy NE1 Biodiversity and geodiversity*
 - Policy T6 Vehicle parking*

- 5.4 Supplementary Planning Guidance (SPG):
 - Vale of Aylesbury Local Plan Design Supplementary Planning Document (2023)*
 - VALP Appendix B Parking Standards*
 - Biodiversity Net Gain Supplementary Planning Document*
- 5.5 Aylesbury Town does not have a 'made' Neighbourhood Plan.

Raising the quality of place making and design, and landscape issues

Policy BE2 of VALP, VALP Design SPD, NPPF

- 5.6 The application site lies within a built-up area wherein the principle of development is acceptable. The proposals are to be built in materials that would match those existing on the host dwellinghouse.
- 5.7 The property has been previously extended by way of a single storey rear extension, while there is no record of approval being sought, it is suspected that this was built under permitted development, it is not for this application to assess this element.
- 5.8 The proposed front porch would be small in scale and sympathetic to the host dwelling. It would be single storey in nature and would appear subservient.
- 5.9 Whilst front dormers are not a common characteristic of the area, the proposed dormers would represent modest built form informed by the character and features of the host dwelling and its setting. It is not considered that an appeal could be sustained if an objection was raised based on there being no existing dormer windows existing in the local area.
- 5.10 In terms of impact upon the street scene, whilst all proposed elements would be visible within the public realm, the resultant appearance of the dwellinghouse would respect the character and appearance of the area given the proposed design and scale.
- 5.11 Overall, the proposal would be in accordance with the requirements of policy BE2, the VALP Design SPD and the NPPF.

Amenity of existing and future residents

Policy BE3 of VALP, NPPF

- 5.12 Given that the proposed works would be to the front of the property, these would permit views toward the main road and the dwellinghouses located on the opposite side of

Winterton Drive. Due to the existing openings on the host dwelling's principal elevation, officers consider that the addition of new windows would not raise any privacy concerns.

- 5.13 In terms of 45-degree rule, the front porch would project forward of the dwelling by 1.8m. Due to the distance to the nearest neighbouring window there would be no adverse effect on the light levels received by the neighbouring occupants of the adjoining property, No. 1 Winterton Drive.
- 5.14 In summary, the residential amenities of the adjoining neighbouring properties would not be materially affected, and the proposed development would therefore comply with policies BE3 of VALP and with the guidance within the NPPF.

Transport matters and parking

Policy T6 and Appendix B of VALP, NPPF

- 5.15 As a result of the proposed works the property would increase its number of bedrooms from 3 to 5. Appendix B of VALP states that for a 5-bedroom dwellinghouse the parking requirement is 3.5 spaces: 3 spaces per dwelling with one for visitor's space for every two dwellings.
- 5.16 Whilst the existing garage is substandard in size, parking provision is also available in the form of a driveway. The current provision is 2 off-street parking spaces.
- 5.17 It is noted that the applicant also parks on the grassed front garden which is not a common practice. However, this could be replaced with hardstanding at any point without the requirement of planning permission under Permitted Development and as such is not considered to be a point of objection.
- 5.18 The application site is also located in a sustainable location, within walking distance of bus stops.
- 5.19 In this instance, the existing parking provision are considered acceptable and there would be no impact because of the proposed works. The small shortfall of parking is considered acceptable given the sustainable location of the dwelling, raising an objection on this point would not be sustainable at appeal. The application is therefore in compliance with Policy T6 and Appendix B of VALP, and the NPPF.

Other matters

- 5.20 *Ecology (Policy NE1 of VALP, NPPF)*

The application site lies within an Amber Impact Risk Zone for Great Crested Newt Habitats, which means that there is a moderate habitat suitability and Great Crested Newts might be present. Given the scale and nature of the proposed works, it is unlikely that these would impact upon the protected species. An informative has been added to this report advising the applicant of the procedure that should be followed if a Great Crested Newt is encountered during the works. Being a householder planning application it is exempt from legislation requiring a 10% Biodiversity Net Gain.

- 5.21 *Flooding and drainage (Policy I4 of VALP, NPPF)*

The application site has been identified to be within an area susceptible to low and intermediate levels of surface water flooding. However, the property is not located within a Flood Risk Zone 2 or 3. As such, no additional flood mitigation information would be required given the development proposed is all above ground.

5.22 *Certificate of Lawfulness application reference number 24/00756/CPL*

The works permitted under the application reference number 24/00756/CPL are shown on the proposed plans of the current planning application only for completeness and clarity. The rear dormer does not form part of this proposal, but it would help facilitate the creation of the additional bedrooms.

6.0 Overall Assessment

6.1 For the reasons mentioned above, the proposed front porch and two front dormers with one rooflight would be in keeping with the character and appearance of the dwellinghouse, would not have a negative impact on the street scene and locality nor upon the residential amenity of the adjoining properties, and it would not represent a form of overdevelopment of the site. On-site parking provision is also sufficient.

6.2 As set out above, it is considered that the proposed development would accord with development plan policies BE2, BE3, I4, NE1 and T6 of VALP.

6.3 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 persons sharing a protected characteristic disproportionately when compared to those not sharing that characteristic.

7.0 Working with the applicant / agent

7.1 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework December 2023, Buckinghamshire 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.

7.2 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.

7.3 In this instance, the application was considered to be acceptable as submitted and no further assistance was required.

8.0 Recommendation

8.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that planning permission is GRANTED, subject to the following conditions:

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(1) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and with the National Planning Policy Framework December 2023.

2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawing numbers:

102 Proposed C, received on 08.05.2024

202 Existing and Proposed Block Plans, received on 17.07.2024

203 Location Plan, received on 02.05.2024

And in accordance with any other conditions imposed by this planning permission.

Reason – To ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework December 2023.

3. The materials to be used in the development shall be as specified on the submitted application form and approved drawing number(s).

Reason – To ensure a satisfactory appearance to the development and to comply with policy B2 of the Vale of Aylesbury Local Plan (Adopted) 2021 and the guidance within the National Planning Policy Framework December 2023.

Informative(s):

1. Great Crested Newts (European Protected Species): The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfields sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for an EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease, and advice should be sought from a suitably qualified ecologist.
2. For the avoidance of doubt, in accordance with Schedule 14 of The Environment Act 2021, paragraph 13 (General Condition of Planning Permission) of the Act requires a condition securing the submission of a biodiversity net gain plan to be approved by the local planning authority on the grant of every planning permission. However, paragraph

17 (Exceptions) of this Act states paragraph 13 (General Condition of Planning Permission) does not apply in relation to development for which planning permission is granted by a development order; under section 293A (urgent Crown development); or development of such other description as the Secretary of State may by regulations specify. Consequently, this proposal is exempt from the mandatory minimum 10% Biodiversity Net Gain requirement which was introduced by The Environment Act 2021 which supplants local requirements as far as they relate to biodiversity.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

No comments were received at the time of writing this report.

Parish/Town Council Comments (Verbatim)

'At the planning committee on the 29th May, the meeting offered No Objections to this application.'

Consultation Responses

None undertaken.

Representations

No third-party representations were received at the time of writing this report.

APPENDIX B: Site Location Plan



Produced on 01 March 2024 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 482372 211601,482514 211601,482514 211743,482372 211743,482372 211601
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Location Plan 1:1250

Do not scale – this map is indicative only

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