

UTT/15/1245/HHF - (RICKLING GREEN)

(Referred to Committee by Cllr Parry. Reason: loss of privacy to neighbouring property).

PROPOSAL: Proposed loft conversion

LOCATION: 1 Long Ridge Rickling Green Road Rickling Green CB11 3BZ

APPLICANT: Mr R Osborn

AGENT: Philip Livings

EXPIRY DATE: 3 July 2015

CASE OFFICER: Rosemary Clark

1. NOTATION

Within Development Limits

2. DESCRIPTION OF SITE

The application site consists of a detached single storey dwelling on an elevated site off Rickling Green Road in the village of Rickling Green. It is accessed by a private lane. The dwelling was granted permission, on appeal in 2006 along with 5 other dwellings. It has a single integral garage to the side with gravel parking areas to the front. The property is of brick construction with a tiled roof. To the rear is a patio area and raised grassed area. The property is bordered by close boarded fencing - mature hedging and trees exist on the south and west boundaries. The property to the south-east, Maples is on lower ground than the application site and is a two-storey detached dwelling. The dwelling to the west is again on lower ground and is a two-storey detached dwelling. To the north are 4 detached dwellings constructed under the same permission as the application site.

3. PROPOSAL

- 3.1 This application relates to the proposed conversion of the existing roof-space into habitable accommodation including the insertion of rooflights and windows to make this possible. It is proposed that there would be three rooflights and a window on the south-east facing roof slope, the rooflights being obscure glazed and serving a bathroom, ensuite and landing, with a high level window serving the bedroom to the far end of the roof slope. A dormer window is proposed to the south facing roof slope to serve a bedroom to the front of the property. This will also include a dormer on the north facing roof slope along with a rooflight for the ensuite and a window to serve a small study. One rooflight is proposed to the north-west roof slope to also serve the landing.

4. APPLICANT'S CASE

- 4.1 See supporting statement – main points

- Acknowledges previous conditions and refusal regarding windows in roof
- Pre-application advice sought – advice contained addressed in application
- Emphasis on needs of applicants

5. RELEVANT SITE HISTORY

- 5.1 UTT/2114/05/FUL – Erection of three No five bedroom houses, one No three bedroom house and one No three bedroom bungalow – approved on appeal 30.6.06
- 5.2 UTT/1868/08/FUL – Variation of condition 7 on planning permission UTT/2114/05/FUL to allow for windows in roof space – refused 22.1.09

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S3 – Within Development Limits
- GEN2 – Design
- H8 – Home Extensions
- SPD1 – Supplementary Planning Document – Home Extensions

7. PARISH COUNCIL COMMENTS

- 7.1 Notwithstanding the existing constraints on the property, and on the proviso that the concerns of those in neighbouring properties are accorded appropriate weight, and that neither the footprint or overall height of the property are increased, the Parish Council has no objection to this application.

8. CONSULTATIONS

Natural England

- 8.1 No comment

9. REPRESENTATIONS

- 9.1 10 Neighbours consulted – main issues

- Overlooking and loss of privacy in particular to the property, Maples
- Previous applications rejected
- The property is a two-bedroomed dwelling which was known at the time of the current owners acquiring dwelling
- Concerns over means of escape in the event of fire
- Support received from one neighbour – confirming rooflights are present in their property and likewise have been positioned at such an elevation that it is impossible to look out and overlook neighbours.

Officer's comments:

The issues raised will be detailed within the report. Means of escape in event of fire will be considered as part of building control, however, details checked with Building control and windows are not necessarily required as a means of escape as this can be dealt with by the use of fire doors etc.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling (NPPF, ULP Policies GEN2 and H8)
- B Whether the proposal would adversely affect the visual and residential amenity of the locality and neighbouring residents (NPPF, ULP Policies GEN2 and H8)
- C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))

A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling (NPPF, ULP Policies GEN and H8)

10.1 Since the previous applications were considered, the National Planning Policy Framework (NPPF) was introduced in 2012. Whilst our Local Plan is still waiting to be updated, broadly speaking the policies in both the adopted plan from 2005 and the emerging plan follow the criteria of the NPPF. However Paragraph 10 and 17 of the NPPF do afford some weight to considering personal circumstances when determining applications and any upgrading of properties to improve living conditions and be more energy efficient.

10.2 Whilst it is appreciated that there is a need for smaller, 2 bedroomed dwellings, in this case a family has immersed itself into the community and wishes to remain in their existing dwelling, in the village without having to try and move house. Whilst not strictly a material planning consideration paragraph 7 of the NPPF encourages LPA's to consider the following when determining applications:-

Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Also, Paragraph 9 of the NPPF is concerned with seeking positive improvements in the quality of the built, natural and historic environments, as well as in people's quality of life, including improving the conditions in which people live.

The needs of this family could be met if this conversion was approved, allowing them to stay within the village, thereby supporting the social well-being of the community.

10.3 The property is located in an area which is reasonably built up with dwellings clustered together. The style of this proposal using small gabled dormers and rooflights would not look out of place as this style has been commonly used within the village in particular along the Rickling Green Road itself. The sum total of additional habitable rooms would be three, two bedrooms and a study. Whilst it has been confirmed that the non-habitable rooms, i.e., bathroom, en-suites and landings will be obscure glazed, the introduction of the other additional windows and the potential harm to neighbouring residential amenity must be addressed. However, as far as the design of the proposal goes it is considered that the proposed conversion and additional features complies with the NPPF and Uttlesford Local Plan Policies GEN 2 and H8.

B Whether the proposal would adversely affect the visual and residential amenity of the locality and local residents (NPPF, GEN2 and H8)

- 10.4 The Maples lies approximately 33m away from the south-western end of the south-eastern side elevation of the host property, where it is proposed to insert a double rooflight to light a bedroom. This is 8m further away than the minimum distance of 25m recommended to avoid significant overlooking as detailed in the Essex Design Guide, which has been adopted by the Local Planning Authority as Supplementary Planning Guidance under Policy H8. No windows are proposed in the gable elevation of 1 Long Ridge which is much closer to The Maples. It is appreciated that The Maples is situated on lower ground than that of the application site which, in this case, it is considered lessens any potential for the overlooking of the main habitable rooms on ground level or indeed the private amenity areas of the property.
- 10.5 Whilst the perception of overlooking with the addition of rooflights and windows can be understood, having been on site and viewed the application site from The Maples to the south as well as from the application site itself, it is not considered that there would be an unacceptable level of potential for overlooking of this dwelling by the addition of one high-level window on the south-east facing roof slope. In particular as its position is to the more western side of the roof slope and due to the angle of the said window it would be unlikely to be able to see into the garden or windows of either the ground or first floor of The Maples without intentionally standing on something. To reassure the neighbouring occupants of The Maples it was requested that a minimum height of 1.7m be obtained for this double rooflight. The section drawing provided shows this to have been exceeded to over 2m above floor level. The angle of the dormer on the west facing roof slope again would make overlooking of the neighbouring property difficult and unlikely.
- 10.6 The window in the gable of the south-west elevation cannot be inserted any higher than 1.5m due to the constraints of the roof construction. Whilst it would have been preferred for this to be higher, the increase in potential for overlooking is not considered to be excessive, again as the angle of the window in comparison to the property at No. 3 Grey Hollows, would not directly face any windows in the rear elevation of this property.

Whilst should this application be approved, it appears to go against the decision made by both the Planning Inspectorate in 2006 and the officer determining the application to vary the condition in 2008, it should be noted that the condition still remains in place in as much as any additional windows could not be inserted in any roof slopes without prior permission from the Local Planning Authority.

C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))

- 10.7 There would be sufficient parking available within the site to meet the standards of the Uttlesford Local Parking Standards (adopted February 2013), with the existing garage remaining and the two other parking spaces within the site.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposed loft conversion and insertion of windows and rooflights is acceptable in terms of design and meets the criteria of NPPF and ULP Policy GEN 2 and H8

- B On balance, it is considered that notwithstanding the original appeal decision, conditions and previous refusals, the needs of this young family who are settled within the community outweigh the limited increase in potential for any loss of privacy or overlooking concerns. The proposal is therefore considered to be acceptable in this instance and would meet the criteria of the relevant National and Local Plan Policies.
- C There is sufficient parking within the site to meet the requirements of the ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013)

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

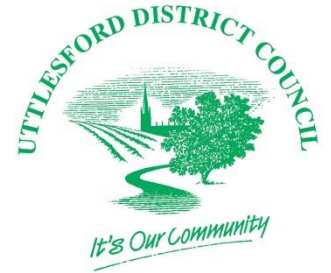
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The rooflights hereby permitted that serve the bathroom and ensuites as detailed on drawing no P2215/R shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: In the interest of the residential amenity of neighbouring properties in accordance with Uttlesford Local Policies GEN2 and H8.

Application no.: UTT/15/1245/HHF

Address: 1 Long Ridge, Rickling Green Road, Rickling Green



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Organisation: Uttlesford District Council

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