DELEGATED DECISION REPORT

SMD/2017/0318 **Valid 19/05/2017**	**20 NORTHFIELD DRIVE** **BIDDULPH**	**VARIATION OF CONDITION 4 OF PERMISSION SMD/2016/0459 TO CHANGE THE FIRST FLOOR BEDROOM WINDOW DESIGN** **(FULL - MINOR)**

MAIN ISSUES

The impact on the character and appearance of the area and on residential amenity.

DESCRIPTION OF SITE

The site is within the development boundaries of Biddulph and comprises a 1930's style bungalow which faces Northgate Drive to the west and which is similar to many of the dwellings which lie either side of the site also facing the road. There are more modern bungalows to the rear (south-east) on higher ground and also part of a neighbouring rear garden to the north-east.

PROPOSAL

This is a Variation of Condition application to seek approval for alterations to the windows of extensions to a bungalow to convert it into a chalet bungalow with first floor accommodation. Planning permission was granted for the extensions last year and the approved works are almost complete. However, condition 2 of the permission is as follows:

The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

Amended Plan: PL04 Revision D received on 16.9.16
PL03C
PL05C

Condition 4 reads as follows:

The proposed windows at first floor in the roof in the northern and southern elevations of the development hereby approved, shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be altered or be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.

The reason for the above condition was to prevent a harmful level of overlooking from the side-facing dormer windows into the neighbouring properties. However, some of the windows recently inserted differ from those shown in the approved elevation drawings (PLO4 Rev D). Condition 2 has therefore not been complied with and, as the works amount to an alteration to the dormer windows (which face north and south), condition 4 also has not been complied with. This is the purpose of the Variation of Condition planning application, to regularise and seek approval for those non-compliant changes and allow the wording of the conditions to be varied accordingly.

The windows affected are as follows:

- Front dormer window (facing west) where a window with two top openings has been replaced with a non-opening window of same shape and size.
- North-facing side dormer window (closest to the rear) where a window with one top opening has been replaced with a side-opening window of equal shape and size.
- Both of the south side facing dormer windows have had the approved top-opening windows replaced with side-opening windows of equal shape and size.

The side windows would have obscured glazing as required under the conditions but due to the above alterations, this still conflicts with the requirements of Condition 4. The reason for the changes is because windows with larger openings than those approved were required under Building Regulations following an inspection.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

DC1 Design Considerations

National Planning Policy Framework

Section 7 (Design)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0181. Previous scheme for roof extensions and rear extension which was withdrawn.

SMD/2016/0493: Planning permission for roof extensions and dormers.

CONSULTATIONS

Publicity

Site Notice expiry date: 11.7.17
Neighbour consultation period ends: 27.6
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No adverse comments.

Staffordshire County Council Highways

No objection.

OFFICER COMMENTS

This is a retrospective application seeking the variation of conditions relating to the window design and the windows that this new application seeks approval for have already been installed and the extensions and dormers are virtually complete.

The appearance of the windows is acceptable and does not harm the appearance and character of the house or the surrounding area. The side windows would remain with obscured glazing and the swap of the top openings with a larger side opening would not lead to a harmful additional scope for overlooking into the side windows and rear gardens of the neighbouring properties. No objections have been received from the neighbours.

The Variation of Condition application can therefore be approved and Condition 2 of the previous planning permission can be altered accordingly to require development to be carried out/maintained in exact accordance with the amended drawing showing the changed windows. There is no need to vary Condition 4 which requires the side windows to be obscured glazed and for no further alterations to the windows to be carried out (or new windows inserted into those elevations). It is still necessary to maintain this condition in the interests of neighbour privacy and the appearance of the dwellings.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 14.7.17

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council