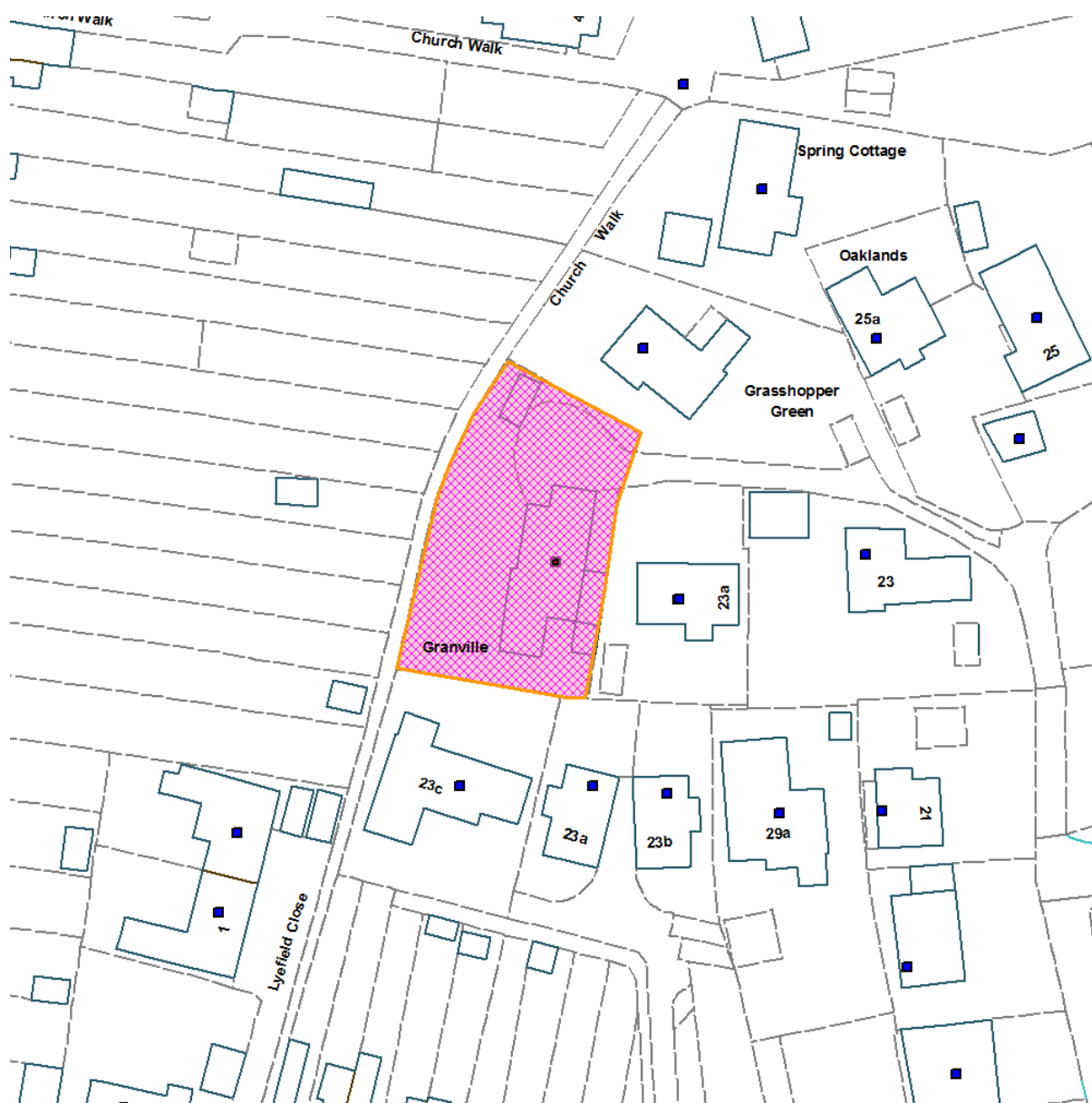


APPLICATION NO: 18/02466/CONDIT		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 5th December 2018		DATE OF EXPIRY: 30th January 2019	
DATE VALIDATED: 5th December 2018		DATE OF SITE VISIT: 21st December 2018	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mr Will Unwin		
AGENT:	n/a		
LOCATION:	Granville, Church Walk, Charlton Kings		
PROPOSAL:	Variation of condition 5 on planning permission 18/00136/FUL - variation to window detail		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Granville, Church Walk in Charlton Kings.
- 1.2 An application was submitted in early 2018 for the demolition of an existing bungalow and erection of a contemporary two storey dwelling (planning ref: 18/00136/FUL). Planning permission was subsequently approved under delegated authority with a condition relating to the first floor windows to the north, east and south elevations. The applicant is seeking to vary this condition.
- 1.3 The application is before committee at the request of Cllr Paul McCloskey due to potential impact on neighbouring amenity. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

17/01043/PREAPP 22nd June 2017 CLO

Demolition of existing and replacement with two dwellings

79/00488/PF 9th November 1979 PER

Erection Of Marley Milford Garage

17/01665/FUL 20th October 2017 PER

Ground floor extension and remodelling of existing property to enable first floor accommodation

17/02134/DISCON 21st November 2017 DISCHA

Discharge of condition 5 (tree protection plan) on planning permission ref. 17/01665/FUL

18/00136/FUL 9th March 2018 PER

The construction of a new build two storey dwelling following demolition of a dilapidated 1950's bungalow. (Revised scheme ref: 17/01665/FUL)

18/02413/FUL 23rd January 2019 PER

Erection of double garage

3. POLICIES AND GUIDANCE

Joint Core Strategy

SD 4 Design Requirements

SD 14 Health and Environmental Quality

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

20th December 2018

Objection:

While the Committee has no desire to see resources wasted, this condition was imposed to protect the privacy of neighbours and we cannot see why a 'mis-communication' with the supply chain should justify the removal of a valid condition.

The fitted restrictors can, in the future, be as easily removed to the detriment of the neighbour's privacy.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

5.1 Thirteen letters were sent to neighbouring properties and three responses have been received in objection to the application.

5.2 The comments for this application will be circulated in full to members together with previous comments received in relation to this application. However in brief the concerns raised relate essentially to a loss of privacy.

6. OFFICER COMMENTS

6.1 In determining whether the variation of this condition is acceptable, it is necessary to revisit the previous application for an understanding of the reasoning behind the inclusion of the original condition which reads as follows:

“Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), the first floor windows in the north, east and south elevations shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

Reason: To safeguard the privacy of adjacent properties having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006).”

6.2 The officer report stated that the *“proposed first floor windows to the north, east and south elevations could cause a loss of privacy therefore a condition is retained that will ensure these are obscurely glazed”*. This condition, coupled with one preventing any additional openings being formed without planning permission, alleviated concerns that the proposal would create unacceptable levels of overlooking.

6.3 The applicant is now seeking to amend this condition to enable two first floor windows to the east elevation to be side hung and have restricted opening mechanisms. These windows will serve a family bathroom and an en-suite, and will be obscurely glazed. The

windows are positioned opposite the side elevation of 23A School Road which does not have any openings within it, and a driveway serving the neighbouring property runs between the two sites. The windows to the north and south elevations are to be as per the approved scheme and obscurely glazed with high level opening only.

- 6.4** The two first floor windows to the east elevation will be restricted to open no more than approximately 16.5cm (the window that opens towards the road) and 6cm (the window that opens away from the road). The mechanism to restrict the extent the windows can be opened is located externally and cannot be altered from inside the dwelling. If the restriction mechanism was removed then the home owner / occupier would be in breach of the planning permission and enforcement action would be taken.
- 6.5** Whilst officers fully acknowledge the concerns raised by neighbours, it is not felt that the level of opening that would be created would cause such a significant level of overlooking to neighbouring properties compared to the existing approval. Those windows could be fully opened above 1.7m therefore it is difficult to articulate an additional level of harm which would be created by approving this variation.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the points above, it is officer's conclusion that the variation to the condition to allow the first floor windows to the east elevation to have restricted opening is acceptable and is not contrary to the relevant policies within the JCS or the Local Plan.
- 7.2** The recommendation to members therefore is to approve the variation of condition 5 on application 18/00136/FUL and grant planning permission subject to the following schedule of conditions, which reflects those on the original permission, other than those that have already been discharged.

8. CONDITIONS

- 1 The development hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of the original decision notice issued under planning permission ref. 18/00136/FUL.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan (TPP). The protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the property without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows in the north and south elevations shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the east elevation first floor bathroom windows shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate, on a permanent basis, a restricted opening mechanism as outlined in the submitted application supporting information.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.