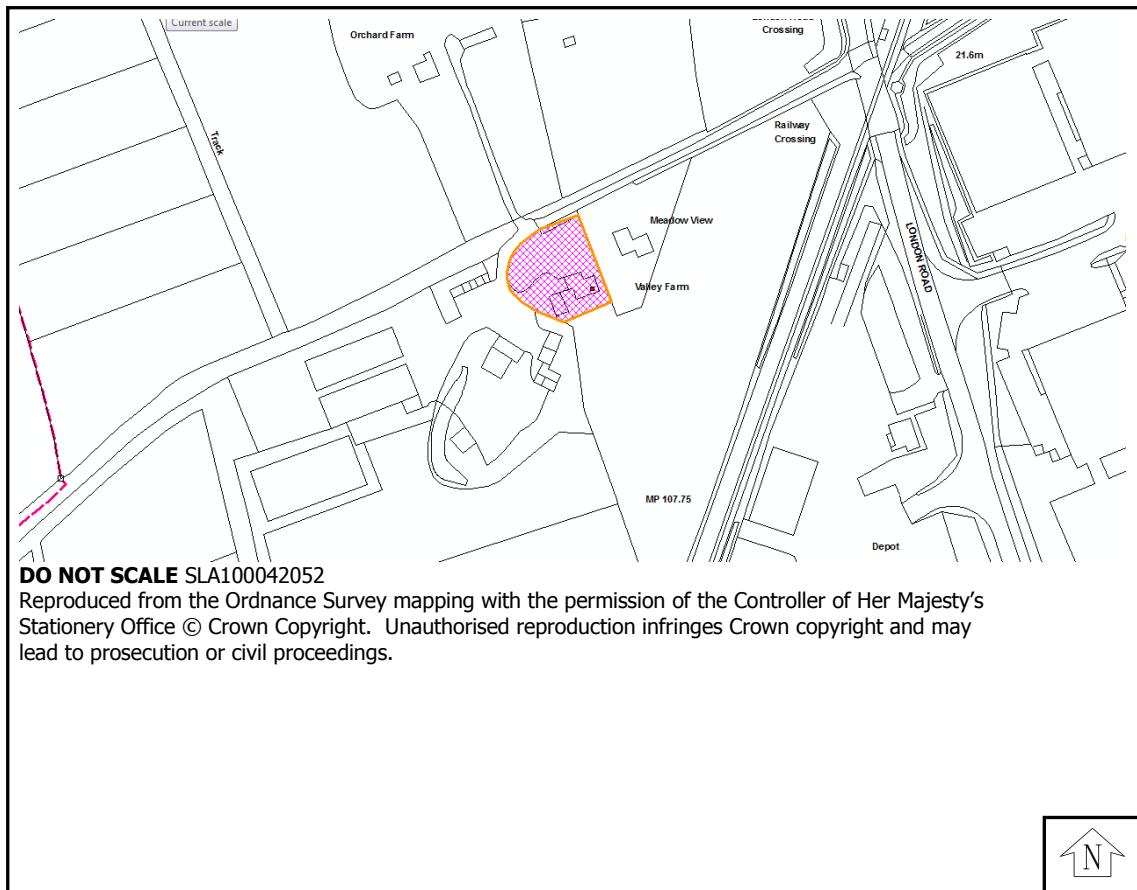


**PLANNING COMMITTEE – 23 MAY 2017****APPLICATION NO DC/17/1319/FUL****LOCATION**

Valley Farm  
 Wash Lane  
 Beccles  
 Suffolk  
 NR34 8TP

**EXPIRY DATE** 22 May 2017**APPLICATION TYPE** Full Application**APPLICANT** Mrs J Ling**PARISH** Beccles**PROPOSAL** Retrospective Application:- Increase forward projection to 2440mm instead of 2160mm approved on DC/16/4638/FUL, alterations to bathroom window**SUMMARY**

- 1.1 This application is retrospective and arises from an enforcement complaint made correctly that an approved structure departs from the agreed drawing, and that a window has been altered. Enforcement action is not considered expedient in this case because no harm is considered to arise from the discrepancy.
- 1.2 The complainant however had asked that Committee review the decision by officers not to take enforcement action. This application was received after that expediency decision had

been taken. It is also the policy of the Council not to undertake enforcement action when considering a planning proposal to regularise the technical breach. On that basis, while the expediency matter has not been placed before the Committee for consideration it is considered by officers that the requested review by members of the entire matter both of expediency and regularisation can be addressed by taking this application to Committee.

- 1.3 The recommendation is for approval without conditions given the retrospective character of this proposal.

## **SITE DESCRIPTION**

- 2.1 The proposal site is a farm house standing at the end of an un-adopted vehicular access track called Wash Lane which itself gives footpath connection through to housing on the also un-adopted Primrose Lane off Ringsfield Road. As such the dwelling is fairly isolated. There is however a neighbour 15m to the east called Meadow View. Both the farmhouse and Meadow View are two storey brick and tile buildings standing at similar ground level. Between the two properties and around 3m from the Farmhouse is a tall (around 6m high) row of Leylandii forming a substantial screen. At low level, up to around 2m from ground level there are some gaps in the screening between the trunks of the planting. The farmhouse features a detached garage to the west side around 5m from the house. The farmhouse dates to 19<sup>th</sup> Century and Meadow View is a late 20<sup>th</sup> century house created within the curtilage of the original farm.

## **PROPOSAL**

- 3.1 Planning permission was granted for an extension linking the house to the garage at the west under application DC/16/4638/FUL, the proposal here is to regularise the further increased size of the approved extension by 300mm to the north of the approved extension. In addition a first floor east facing bathroom window has been altered to feature a pair of side hung casement obscure glazed windows with opening portions below 1.7m from floor level, not therefore benefitting from the permitted development rights in Part 1, Class A of the General Permitted Development Order and therefore can be here regularised.

## **CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations** none received

### **Consultees**

- 4.2 **Suffolk County - Rights Of Way** were consulted on the 29 March 2017.
- 4.3 **Beccles Town Council** were consulted on the 29 March 2017.

## **PUBLICITY**

The application has been the subject of the following press advertisement:

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Public Right of Way Affected	07.04.2017	27.04.2017	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Public Right of Way Affected	07.04.2017	27.04.2017	Lowestoft Journal

### SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way, Date posted 29.03.2017 Expiry date 18.04.2017
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### RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/16/4638/FUL	Construction of an Orangery extension	Approved	06.12.2016

### PLANNING POLICY

5.1 Relevant policies are Waveney Core Strategy policy CS02 High Quality and Sustainable Design and Development Management policy DM02 Design Principles.

### PLANNING CONSIDERATIONS

- 6.1 An enforcement complaint was made against Valley Farm because works carried out under approval DC/16/4638/FUL do not accord with the approved drawings. There is a 300mm discrepancy in the extensions north façade with this being closer to the highway access by this amount. This however is considered to cause no material harm.
- 6.2 The original permission DC16/4638/FUL was an application for a single storey sun room attached to the west side of Valley Farm farmhouse, between the residence and the garage, the proposal was submitted with a floor plan with one marked dimension, that of the forward projection, this was stated as 2160mm, upon visiting the site to measure this on 2nd March 2017 it was discovered that this dimension was exceeded by 300mm in a plane parallel to the only neighbouring property and around 25m from it.
- 6.3 There is a corner window 800mm wide shown on the approved drawing and this has been built to the approved width, so that the relationship of the view to the neighbour from observers within the room remains the same as in the approved design. Additionally there is a belt of Leylandii owned by the neighbour that acts to provide privacy and the loss of light from all sources arising at the distance involved and given the intervening trees also considered non-material.
- 6.4 At 25m separation distance the addition of 0.3m to the front of the approved sun room represents a tiny increase in the occluded angle of outlook and at such distance as to be considered to be of no material consequence in outlook terms as assessed in planning considerations. Similarly while a very small element of late afternoon summer direct sunlight might be removed it is not of an extent that can be considered material.
- 6.5 The north façade is 15m from the highway so the 300mm difference is considered of no material effect on street-scene or highway safety.
- 6.6 The applicant has also altered a first floor level side window serving a bathroom, with opening elements below the 1700mm above floor level cited in the General Permitted

Development Order as sufficient to remove privacy harm such that planning permission is not required by the Order. This window is obscure glazed and also is sited behind the Leylandii screen so not considered have a materially adverse effect on privacy, given that at this level the screen appears to be almost continuous, with no gaps and being evergreen, provides screening at all times.

- 6.7 It would appear from reports from the complainant, that the initial state of the window was that one casement opened whereas the current replacement differs by having two opening casements. As the form of the original casement is unclear, it may be that if one side of the window had opened then the relative difference in privacy will be nil. Observation on site is that while the window itself has changed the structural opening in which the window is situated had existed in the current form before works occurred. It would be unlikely that the window would be used as a position to view the neighbour's property given the bathroom function. While it departs from the works allowed as permitted development, harm and the potential for harm is very low and considered non-material in these circumstances.
- 6.8 A simple addition was considered in the form of restrictors to the opening of the windows. Given the density of the Leylandii screen, while this was suggested to the landowner as achieving compliance with the General Permitted Development Order, it is considered that adding a condition requiring the fitting of restrictors would fail the test of necessity.
- 6.9 The complainant was told that under the circumstances, enforcement was not expedient. The complainant asked that Committee review this decision by officers not to enforce. This was before this regularisation application arrived with the Council. It is the policy of the Council not to undertake enforcement action when considering a planning proposal to regularise the technical breach. On that basis, while the expediency matter has not been placed before the Committee for consideration it is considered by officers that the necessary review by members of the entire matter can be addressed by taking this application to Committee.

## **CONCLUSION**

- 7.1 It is recommended that the Committee approves the additional 300mm depth of the sun room extension and the first floor side window without conditions. A refusal would imply members think enforcement action necessary.

## **RECOMMENDATION**

That permission is granted.

## **BACKGROUND INFORMATION:**

See application ref: DC/17/1319/FUL at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

## **CONTACT**

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