

APPLICATION NO PA/2019/751
APPLICANT Mrs Julie Welch
DEVELOPMENT Planning permission to install dormer with associated works
LOCATION 18 St James Road, Scawby, DN20 9BD
PARISH Scawby
WARD Ridge
CASE OFFICER Andrew Willerton
SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 (Achieving Sustainable Development)

Chapter 4 (Decision Making)

Chapter 11 (Making Effective Use of Land)

Chapter 12 (Achieving Well Designed Places)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

Housing and Employment Land Allocations DPD:

Inset Map for Scawby

PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS5 (Residential Extensions)

SPG1 (Design Guidelines for Residential Extensions)

CONSULTATIONS

Highways: No objection or comments to make.

Drainage (Lead Local Flood Authority): No comments received.

PARISH COUNCIL

Scawby Parish Council has been consulted and objects to the proposal as the development has already taken place and considers that a retrospective planning application should be submitted for this proposal.

PUBLICITY

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. One letter of objection has been received from the neighbouring property raising the issue of loss of privacy as the dormer windows look directly into the objector's kitchen. The letter goes on to state that the windows are not obscure glazed and are opening yet the application form states that they are obscure glazed with a side escape. Reference is also made to the lawful development certificate being refused on these grounds and that having opening windows makes any requirement to obscure glaze them ineffective. Building Regulations are referred to insofar as the requirement for opening windows to be 1.7 metres above floor level. Objection is made with regard to the potential for loss of light to solar panels installed on the southern roof slope due to the size of the dormer window.

ASSESSMENT

The application site is 18 St James Road, Scawby, which forms a detached bungalow. Works have taken place at the site to install a box dormer to the northern side roof slope of the bungalow. The predominant character of the area is detached residential properties. Adjacent residential properties are bungalows but within close proximity to the site there are dormer bungalows and two-storey dwellings. Planning permission is sought to install a dormer with associated works.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The main issues for consideration with regard to the determination of this application are whether the proposed development is of acceptable design and whether it would result in a loss of residential amenity afforded to neighbouring properties.

The application site is 18 St James Road, Scawby, and is within the HELA DPD defined development limit for the settlement. Permission is sought for a side dormer which is considered to form a residential extension. The principle of development in such a location is acceptable and accords with relevant planning policy.

It is important to consider the planning history of the site in order to reach a decision on this planning application and to address matters raised by the objector in addition to policy assessment. PA/2019/255 was validated by the Authority on 12/02/2019. This application was a Certificate of Lawfulness to establish whether the proposed development was lawful. This certificate was refused as the proposed dormer window failed to comply with the conditions as set out in B2(c) of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) because the windows in the side dormer were not shown to be obscure glazed and non-opening up to a height of 1.7 metres above the floor level of the room they serve.

The GDPO legislates for development that effectively has the benefit of 'deemed consent' and therefore development that complies with it does not require planning permission. Class B, Part 1 of Schedule 2 permits additions to the roof of a residential property subject to a number of conditions. As a detached property, an increase in the cubic content of the original roof space by no more than 50 cubic metres is permitted without the need for planning permission. The dormer it is sought to retain has a volume of 44 cubic metres and therefore would have the benefit of permission under this class of GDPO. However, any windows that are to be inserted in a wall or roof slope forming a side elevation of the dwellinghouse must be obscure glazed and non-opening up to 1.7 metres above the floor of the room in which the window is to be installed. It is for this reason the certificate failed and not due to the structure of the dormer.

One of the points made by the objector refers to the potential for the dormer to restrict sunlight to solar panels installed on the southern roof slope of their property. As it is only the windows in the dormer that technically require planning permission, and not the dormer structure itself, it is not considered reasonable to refuse the proposal on such grounds. It is noted also that there is a separation distance of approximately 9 metres between the side elevation of the objector's property and the side elevation containing the dormer window. This is due to the driveway and attached garage occupying the space between the main dwelling of the application site and the boundary with the objector's property to the north. Any impacts caused by the size of the dormer window in terms of loss of light are considered to be limited. As it is only the windows that generate the need for planning permission, it is also not considered reasonable to refuse the proposal on design grounds, given the volume of the side dormer is permitted under the GDPO.

The only matter for assessment, therefore, is whether it is acceptable for the windows to remain in the side dormer. At present the windows are able to be opened and are obscured by the film fixed to them. The provision of obscure film to the windows is not considered appropriate and it is not considered acceptable for the windows to not be obscure glazed given the potential for overlooking into the objector's kitchen. However, it is possible to condition proper obscure glazing to be installed in the windows and to prevent the use of the upstairs room until such time as obscure glazing has been installed. This is considered to address concerns raised by the objector.

The objector continues to refer to the fact the windows are openable and do not comply with Building Regulations as the opening parts are not above 1.7 metres. This view is correct in that the windows do not comply with the GDPO Regulations rather than Building

Regulations. It is accepted that the provision of opening windows that are less than 1.7 metres above floor level would counter the fact they could be obscure glazed. However, upon discussion with the council's Building Control team, it is a requirement that the first floor be served by an escape window. To qualify as an escape window, it would require to be served by opening parts that are less than 1.7 metres above floor level. This being the case, it is considered that a reasonable compromise can be met to require the windows to be obscure glazed but it is permissible for them to open to meet the requirements of Building Regulations to serve as a means of escape.

The parish council is noted to have objected to the proposal as the development has already taken place and considers that a retrospective planning application should be made. The Town and Country Planning Act 1990 (as amended) makes provisions for retrospective planning applications to be made to regularise unauthorised development but does not provide any mechanism specifically for retrospective applications. The applicant has applied for householder planning permission for the development that has already occurred and has followed the correct procedure. This application seeks retrospective consent for the retention of the dormer window.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall retained in accordance with the following approved plans: DRWG/PA/2019/751/01, 3, 2, 5 and 4.

Reason

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

2.

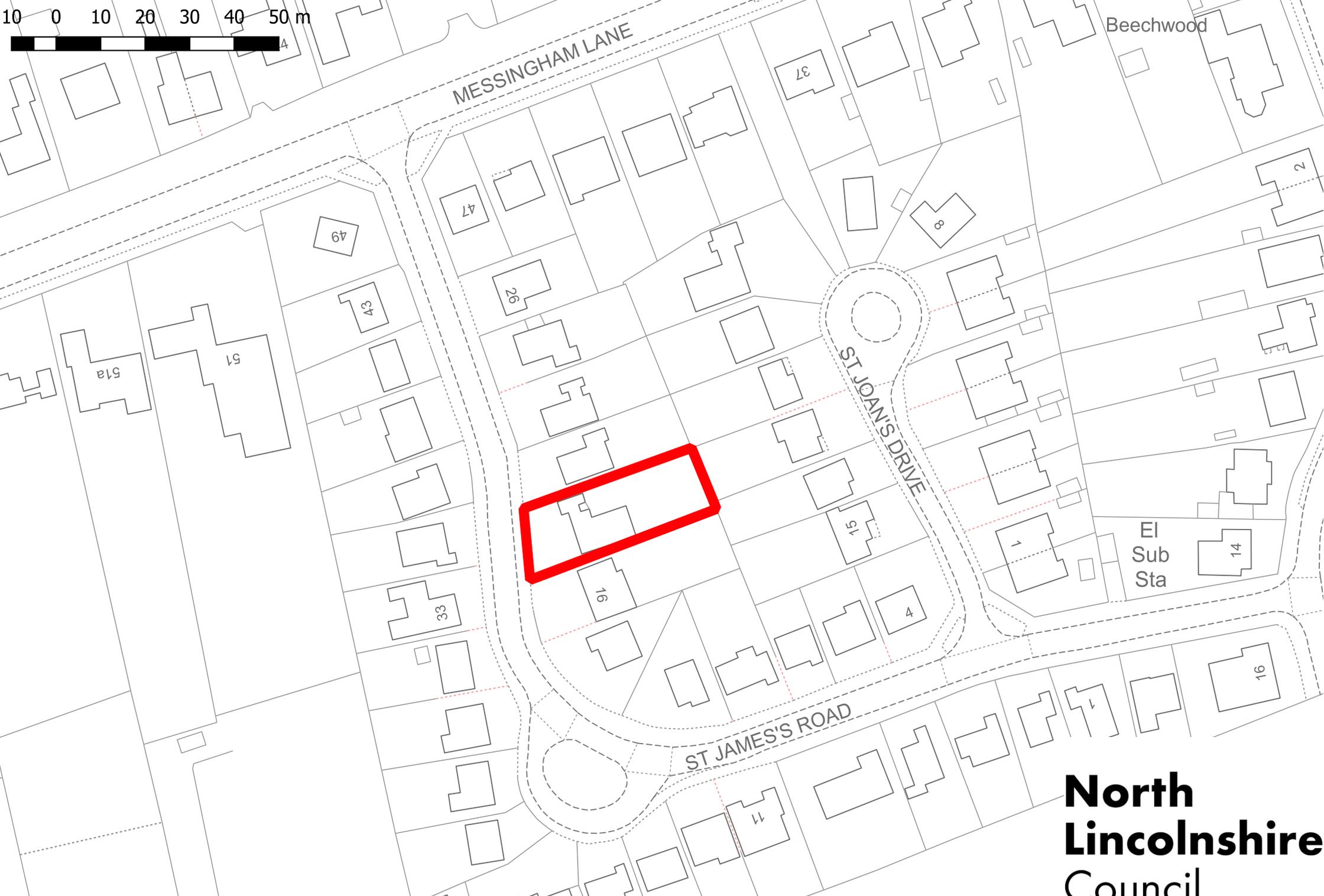
Within three months of the date of this permission the north-facing dormer windows shown on drawing number 3 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale of obscuration and the first floor accommodation shall not be used until such time as the obscure gazing has been fitted.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Beechwood

MESSINGHAM LANE

ST JOAN'S DRIVE

ST JAMES'S ROAD

El Sub Sta

**North
Lincolnshire
Council**

PA/2019/751