

Name of Applicant  
Type of Certificate

**Proposal**

Map/Plan Policy    Plan Ref.  
Expiry Date

Mr Michael Farrington	Retrospective conservatory at 33 Lynbrook Close, Hollywood, Worcestershire, B47 5PU	RESI	12/0460 23.07.12
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***Councillor Les Turner has requested that this application is considered by planning committee rather than being considered under delegated powers. (Email request on: 18.06.12)***

**RECOMMENDATION:** that permission be **GRANTED**.

Consultations

Wythall Parish  
Council

Consulted: 07.06.12 Amended Response received: 28.06.12

Wythall Parish Council have concerns about the 45 degree sight line from the lounge window of the adjacent property

Publicity

Neighbour notification:

2 letters sent 07.06.12, expired 28.06.12.

Site Notice posted 15.06.12 expired 06.07.12:

2 letters of objection received from Mr Rogers at No. 31 Lynbrook Close (12/06/12, 15/06/12) raising the following concerns:

- The conservatory forms an “L” shape and extends 8 metres in length from the rear wall of the garage with the existing extension
- It breaches the 45 degree code
- The volume of the extension (34%) exceeds the Council limit
- From the rear bedroom window you can look directly into the conservatory
- The building is visually overbearing and dominates the skyline from the patio and lounge area
- Results in a loss of privacy
- The rear of the house now has the appearance of a semi-detached house, effecting the value of the house
- No access from the neighbours garden to service, clean and repair without entering my property
- The foundations are too close to the drainage system on my property, causing structural problems
- Prejudiced plans to build a conservatory on my own property

Additional comments were received by Mr Rogers on 06.07.12, relating to specific SPG1 paragraphs, 4.2b, 4.2c, 4.2d, 6.3, 6.5, and 8.7.

All of the above matters have been noted in previous correspondence dated 12.06.12, apart from paragraph 8.7 of SPG1, which states that:

Windows should not overlook blank walls. It is considered that the side wall is 9ft high, mainly brick and is 5 inches from the boundary fence of my property.

### The site and its surroundings

This application relates to a modern, detached dwelling, sited within a modern housing development to the North of Hollywood. The street scene of Lynbrook Close is uniform in its appearance and has a staggered building line moving north. Furthermore there is a difference between the land levels of No 31 and No. 33, of approximately 0.3 metres.

The dwelling has a modest front garden with a private driveway and garage. To the rear there is a generous curtilage of approximately some twenty metres in length and a considerable boundary treatment that encloses the garden.

The site is designated as residential.

### Proposal

This retrospective application is for a single storey conservatory. It is located to the rear of the existing garage and a previous, small infill extension. The conservatory comprises a brickwork structure with white UPVC windows and doors. As such the materials match the host dwelling.

The conservatory is; 4 metres deep, 4.5 metres wide and 3.2 metres high with a dual pitched roof

Due to the nature of the development it features a vast quantity of UPVC glazing; however the Southern (side) elevation, adjacent to the boundary of No 31 Lynbrook Close is largely brickwork, with one obscurely glazed window towards the front elevation.

### Relevant Policies

WMSS: QE3  
WCSP: CTC.1  
BDLP: S10  
DCS2: CP3,  
Others: SPG1, NPPF

### Relevant Planning History

- PDENQ12/032 - New Conservatory. 26.04.2012

### Assessment

This application is sought as the conservatory does not meet the Permitted Development criteria. This is due to it being built off a rear wall that is not original; as advised by Bromsgrove District Council enforcement department in spring 2012.

The main issues to be considered in this application are the following:

- (i) Impact of the proposal on the character of the street scene
- (ii) Impact of the proposal on residential Amenity

The Residential Design Guide (SPG1) used to appraise the impact upon residential amenity is consistent with the design principles contained within the NPPF (section 7). Within both of these documents, achieving a good level of design is of fundamental importance

(i) Street Scene

The conservatory is single storey and is positioned to the rear of the garage and the small infill extension. Consequently it is out of view from the principal elevation and of no detriment to the character of the street scene.

(ii) Residential Amenity

Members should note the detailed objections raised by the resident at NO.31, the initial objection was received on 12.06.12 and these will be addressed in turn. Members are advised to read these comments for the full details.

45 Degree Code/Loss of light

When measuring from the nearest window at No. 31 Lynbrook Close, the conservatory does breach the 45 degree code by 3.5 metres. I note comments in terms of this breach and a loss of light that will be caused, however there are several factors that are to be given due consideration;

The conservatory is a single storey structure and sited to the rear of the property

The advice contained within SPG1, paragraph 6.5, states the application of the 45 degree code should be *“Interpreted carefully and flexibly”*

There is already a two metre high fence in existence, which runs along the common boundary of No. 31 and 33. The fence is of a height that already breaches the 45 degree code as outlined in SPG1; though it does not require formal planning consent as it meets the requirements of the Town and Country Planning (General Permitted Development) (England) Order 1995, Schedule 2, Part 2, Class A.

Taking the existing fence into consideration, it is important to determine the greater harm caused by the additional 1.2 metres that extends above the 2 metre high fence.

Members should note that due to the orientation of the dwelling and the rear garden projecting in a South West position, the sun will remain at the rear of the dwelling for the

latter half of the day. Thus in my view no undue loss of light or over shadowing will be caused by the proposal, which effects the property at No 31. Therefore, whilst the comments received from the residents at No.31 are noted, it is not considered that there would be any significant loss of light to justify the refusal of planning permission.

### Privacy

In the first instance, it is important to note that, the application site is approximately 0.3 metres higher than the dwelling and curtilage of No 31, therefore any proposal to the rear of No 33 will result in a slightly higher proposal, unless it is compensated for within the development itself.

I note comments arising from the publicity period regarding a loss of privacy and the outlook from the bedroom window at No. 31. The proposal has been designed to incorporate a solid brick wall on the Southern elevation, with only a small glazed window towards the front. Therefore I consider the opportunity to overlook the private amenity space of No. 31 would be minimal. Furthermore the 2 metre high fence is adjacent to this elevation, affording further privacy and it conceals this elevation of the conservatory.

Although I note the roof of the conservatory is glazed and is visible from the bedroom window of No. 31, I consider it would be unreasonable to refuse planning permission on this basis. Prior to the erection of the conservatory, it was possible to overlook the private amenity space of No. 33 from this bedroom window, Members are requested to consider the greater harm that would arise from the conservatory.

A further objection was made by Mr Rogers on 06.07.12, each matter has detailed below;

- The building is visually overbearing and dominates the skyline from the patio and lounge area
- Windows should not overlook blank walls paragraph 8.7 of SPG1
- The volume of the extension (34%) exceeds the Council limit
- The rear of the house now has the appearance of a semi-detached house, effecting the value of the house
- No access from the neighbours garden to service, clean and repair without entering my property
- The foundations are too close to the drainage system on my property, causing structural problems
- Prejudiced plans to build a conservatory on my own property

I have duly considered the above matters and in response; the volume of the extension, and windows not overlooking blank walls, are issues which are not relevant to this application. Furthermore the remaining issues; property values, no access to private drainage to enable maintenance, are not material planning considerations, and are to be resolved as civil matters.

### Conclusion

After duly considering all of the above matters, I am content that the proposal would not adversely affect the amenity of adjoining occupiers, arising from a loss of light, privacy or any other aspect of residential amenity. Furthermore it is viewed that the conservatory

results in well designed scheme, which is consistent with the NPPF design principles. Therefore it is recommended that permission be granted.

**Recommendation:** that permission be Granted

**Conditions:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Act 2004

2. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan at 1:1250 Received 28.05.12

Block Plan at 1:500 Received 28.05.12

Ground Floor Plan Received 28.05.12

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

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

**Policies:**

WMSS: QE3

WCSP: CTC.1

BDLP: S10

DCS2: CP3,

Others: SPG1, NPPF

It is the Council's view that the proposed development complies with the provisions of the development plan and National Planning Policy Framework and that, on balance; there are no justifiable reasons to refuse Planning Permission.