

Name of Applicant	Proposal	Plan Ref.
C Grant	<p>Amendment to Condition 3 attached to 09/0509 to the following: The first floor windows to the north-west facing elevation of the approved extension shall have a top hung casement opening only, two of these windows shall be obscure glazed, the bedroom window shall be clear glazed, and shall remain so in perpetuity unless agreed in writing by the Local Planning Authority.</p> <p>Glenfield House Nursing Home, Middle Lane, Wythall</p>	16/0572

Councillor Denaro has requested that this application is determined at Planning Committee and is not considered under Delegated Powers

RECOMMENDATION: That the amendment to Condition 3 attached to 09/0509 be **REFUSED**

Consultations

Wythall Parish Council

Consulted: views received 17 June 2016

- No objection

Publicity

8 letters sent 16 June 2016 (expire 7 July 2016)

1 site notice posted 5 July 2016 (expires 26 July 2016)

1 representation received 6 July 2016:

- I will attend the Planning Committee on the 1 August
- Yet another retrospective planning regarding clear window where obscure glass should be resulting in loss of privacy. I will make my comments known at the meeting

Councillor Denaro

Views received 23 June 2016

- I would ask for this item to be referred to Committee for full discussion in view of previous history

Relevant Policies

Bromsgrove District Plan

DS2: Development in the Green Belt

DS13: Sustainable development

Emerging Bromsgrove District Plan

BDP1: Sustainable development principles

BDP2: Settlement hierarchy

BDP12: Sustainable communities

BDP19: High quality design

National Planning Policy Framework

National Planning Practice Guidance

Relevant Planning History

09/0509	Extension to existing nursing home: basement, ground and first floor extension and rear car park	Approved	18.09.2009
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Assessment of Proposal

Site Description

The application relates to an established Nursing Home located to the north-east side of Middle Lane. The building is located adjacent a small group of buildings which include residential properties, a Church and other commercial uses. The building is predominantly two and three storey and is of white render with a slate roof. The site is open to Middle Lane and set back by a distance of some 12 metres in line with the neighbouring Church. To the north-west, the site adjoins a private residential property, Glenfield Farm with the rear elevation and rear garden facing the application site. The site is located in designated Green Belt.

Proposals

This application is seeking to modify Condition 3 attached to 09/0509.

For the reference of Members, Condition 3 attached to 09/0509 states:

The first floor windows to the north-west facing elevation of the approved extension shall be obscure glazed and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority

The reason for this Condition was to protect the privacy of adjoining occupiers in accordance with Policy DS13 of the Bromsgrove District Local Plan.

On the approved plans for 09/0509, the north-west elevation contained three windows at first floor level. At the time of approval, two of the windows served a *visiting hairdresser/dentist* room. The third window relates to an en-suite bathroom serving a residential room (previously labelled as Room 6).

Approximately six months ago, the owner undertook some internal reconfiguration works. The visiting hairdresser/dentistry room was reduced in size and converted to a resident's bedroom (labelled Bedroom 118). This room is served by the larger of the three windows. The obscure glazing film to this window has been removed. The smaller

window previously serving this room is now located in the corridor and this has remained obscure glazed. The window serving the en-suite to Bedroom 118 (previously labelled as Room 6) has remained unaltered. All three windows have retained top hung casement openings. Following a complaint in February 2016 regarding the removal of the obscure glazing feature, an enforcement investigation was undertaken. This application is a result of this intervention.

The applicant is now seeking to regularise the non-compliance with Condition 3 attached to 09/0509 through a modified Condition with the following wording:

The first floor windows to the north-west facing elevation of the approved extension shall have a top hung casement opening only, two of these windows shall be obscure glazed, the bedroom window shall be clear glazed, and shall remain so in perpetuity unless agreed in writing by the Local Planning Authority.

Appraisal

Although the site is located in the Green Belt, this application raises no matters pertaining to this Green Belt designation. The main issue for Members to consider is the impact on residential amenity and privacy arising from the clear glazing. Members also need to take into consideration that the use of the room has altered from its original intended use as a visiting hairdresser/dentistry room as detailed on 09/0509 to a single occupancy resident's room.

Members will note the reason for the Condition attached to 09/0509. As part of the planning approval for this consent, Condition 4 required the applicant to plant 3.5 metres high Dawyck Beech trees, spaced at 1 metre intervals between Glenfield House Nursing Home and the property known as Glenfield Farm from the conservatory to below the car-park. Condition 5 attached to 09/0509 states that the trees shall be maintained at a height no less than the top of the ground floor windows to the north-east elevation of the approved extension and no greater than the eaves height. Condition 4 also states that should the trees be removed, die or are severely damaged or become seriously diseased, then they shall be replaced with specimens of similar size and species.

The applicant has complied with this requirement. The tree specimens are now established.

Members will be aware that the Council's Residential Design Guidelines (Supplementary Planning Guidance Note 1: SPG1) sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. SPG1 suggests that a minimum separation of 21 metres from window wall to window wall is required to achieve a degree of privacy with conventional two-storey dwellings. Whilst I understand the application does not relate to pure residential development, I consider the guidance set out in SPG1 to be relevant in the consideration of this application.

The boundary to the rear garden serving the dwelling known as Glenfield Farm is located approximately 4 metres from the clear glazed window that now serves a resident's bedroom. Glenfield Farm has a number of windows serving habitable rooms to the rear elevation. In terms of the window wall to window wall distance, this equates to approximately 12 metres. The building at Glenfield House Nursing Home is separated from this boundary by pedestrian circulation space and the line of tree planting in the 1.5 metre wide landscaping strip.

When considering the guidance set out in SPG1, there is a clear shortfall in terms of the separation distance required in order to avoid an adverse impact on residential amenity for the occupiers of Glenfield Farm.

Whilst I accept that some residents occupying the room the subject of this application may have limited mobility and thus be confined for the majority of time, the room will inevitably be attended by carers, house staff and members of the resident's family. Similarly, whilst the trees to the boundary do provide screening, Members will need to weigh up the effectiveness of this screening during the winter months. Importantly, at the time of the 2009 consent, it was deemed that the transient use of the room for visiting hairdressing/dentistry use would cause overlooking and the obscure glazing requirement to the window the subject of this application was felt to be necessary.

Having carefully considered the now permanent residential use of the room, the separation distances to the domestic rear garden and windows serving habitable rooms at Glenfield Farm and the effectiveness of tree screening, I consider the clear glazing will cause adverse overlooking and result in an unacceptable loss of privacy for the occupiers of Glenfield Farm. For the reference of Members, I raise no objection to the retained two obscure glazed windows. These replicate the 2009 planning consent.

I am therefore mindful to not permit the proposed amendment to Condition 3 attached to 09/0509.

RECOMMENDATION: That the amendment to Condition 3 attached to 09/0509 be **REFUSED**

The presence of clear glazing would result in an unacceptable loss of privacy and would thus be detrimental to the residential amenities of the occupiers of the adjoining dwelling, contrary to Policy DS13 of the Bromsgrove District Local Plan, the provisions of the NPPF and the guidance set out in SPG1

Case Officer

Dale Birch

01527 881341

d.birch@bromsgroveandredditch.gov.uk