

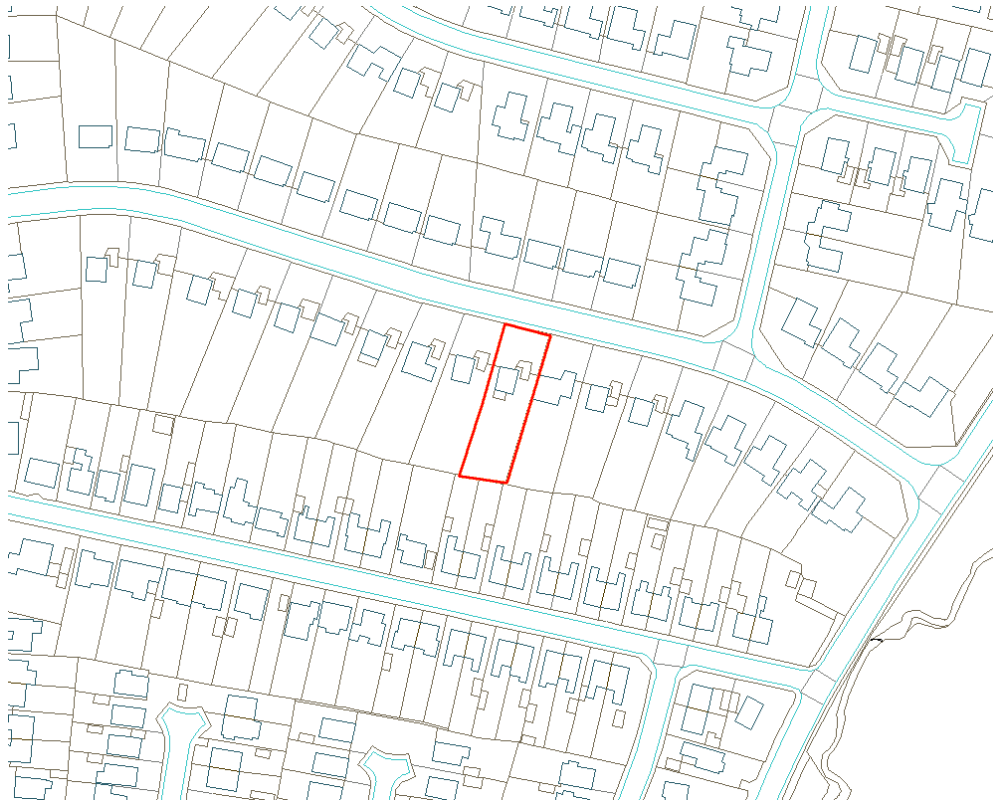
Reference: 11/00516/VAC

Date submitted: 6 July 2011

Applicant: Mrs Juliet Keep

Location: 17 Beechwood Avenue, Melton Mowbray

Proposal: To remove condition 4 attached to planning permission 06/01149/FUL requiring a window to remain closed



Introduction :-

This application seeks permission to remove condition 4 of planning approval 06/01149/FUL which required a first floor window in the side elevation facing 19 Beechwood Avenue to be obscure glazed and kept shut at all times.

It is considered that the main issue relating to the proposal is:

- **Impact on the neighbouring property at 19 Beechwood Avenue.**

The application is reported to Committee due to the previous application 06/01149/FUL being determined at appeal, Appeal reference APP/Y2430/A/07/2036160

Relevant History:-

92/00436/FUL – changes to windows, additional two-storey extension; conversion of garage to family room; extension to car port granted Sept 1992.

06/00697/FUL - Two storey extension for kitchen, bedrooms and bathrooms, integral garage and single storey extension for sun lounge and office, refused Sept 2006

06/01149/FUL - Amendments to Planning Permission 92/00436 for changes to windows additional two storey rear extension, conversion of garage to family room and extension of car port, refused January 2007 and allowed at appeal

Planning Policy:

Melton Local Plan (saved policies):

Policy OS1 allows for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Ward Councillors – no comments	Noted.

Representations:

Neighbouring properties were consulted. As a result 2 letters have been received, objecting to the application on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>The planning permission in 2006 was recommended for refusal by Melton Borough Council and this was overturned by the Planning Inspectorate who set the condition that the side window facing number 19 Beechwood Avenue should be of obscure glazing and remain closed at all times. Does Melton Borough Council have the authority to overturn the condition?</p> <p>A ventilator should be built into the bathroom to remove excess steam</p>	<p>Melton Borough Council has the authority to remove the condition. The application submitted is legitimate and requires determination by the Council taking into account all material considerations, in common with all other applications.</p> <p>There is currently an electric ventilator built into the ceiling of the bathroom, but the applicant has advised this is not sufficient to remove the steam.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Design	<p>The design of the window is such that the only opening portion is a top section which is above head height and is opaque glazed. As such, it affords no view onto the adjacent property and does not result in a loss of privacy.</p> <p>The condition attached at appeal stage safeguarded against the entire window being opening as it was considered that this would be a legitimate concern in privacy terms. However, the</p>

	configuration of the window does not give rise to such impacts and as such is acceptable. The condition previously imposed can be re-worded to ensure that only the top section is opened and the entire window remains obscure glazed in perpetuity.
Impact on streetscene	The window cannot be viewed from the street being on a side elevation towards the rear of the property. The proposal would not have an adverse impact upon the street scene.
Access and Parking	Not relevant to this application

Conclusion

The site lies within the town envelope and is therefore in a location which benefits from a presumption in favour of development under policy OS1. It is considered that the removal of the condition to allow the top opening bathroom window to be opened would not have a detrimental impact upon the living conditions of number 19 Beechwood Avenue due to the height of the top opening light. The proposal is therefore considered to comply with Policy OS1 of the Local Plan and is accordingly recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:-

1. The first floor window in the side elevation facing 19 Beechwood Avenue shall be obscure glazed and have a top opening light only and shall be maintained as such at all times.
2. All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building.

The reasons for the conditions are:-

1. For the avoidance of doubt and in the interest of residential amenity.
2. To ensure a satisfactory standard of external appearance.

Officer to contact: Mrs Karen Jensch

7th October 2011