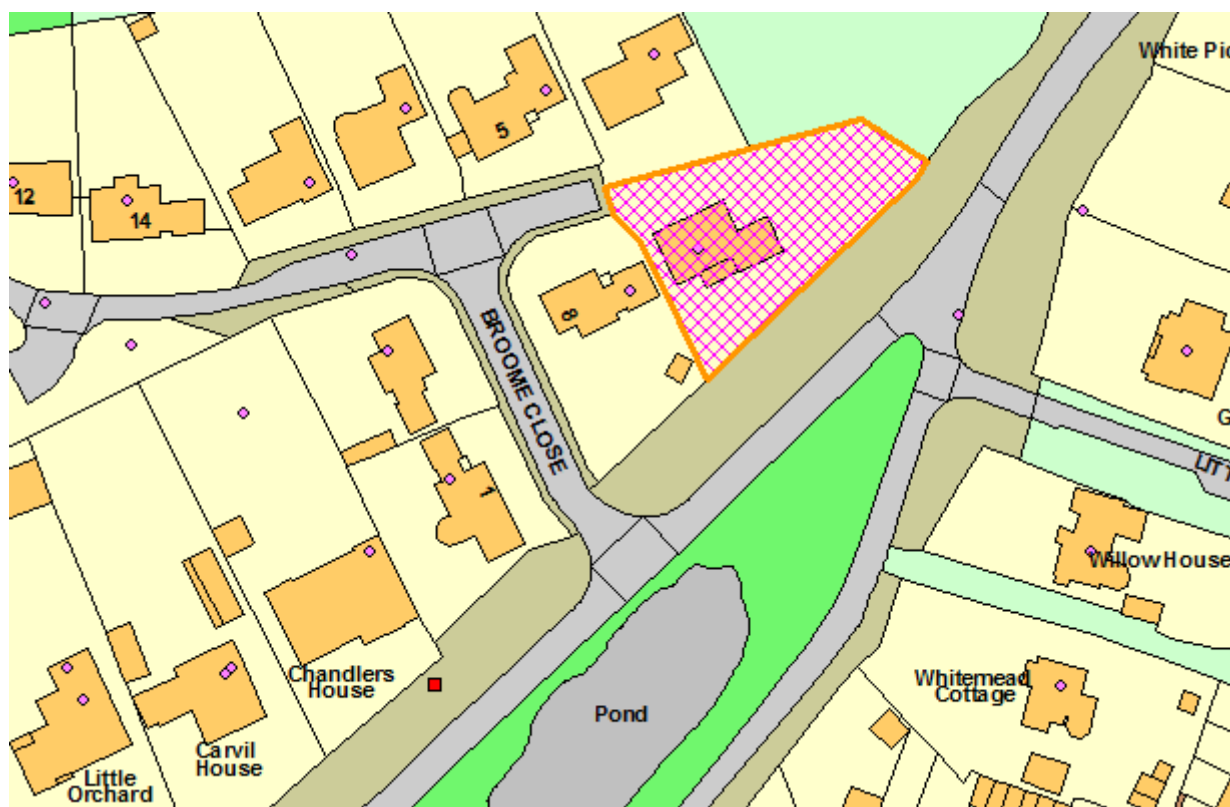


**COMMITTEE REPORT**  
**ITEM NUMBER:**

APPLICATION NO. 22/01389/AMCON  
LOCATION **7 Broome Close Yateley Hampshire GU46 7SY**  
PROPOSAL Variation of Condition 2 attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a relocation of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, reconfiguration of windows and changes to the internal layout  
APPLICANT Mr Antony Borton  
CONSULTATIONS EXPIRY 26 August 2022  
APPLICATION EXPIRY 19 September 2022  
WARD Yateley West  
RECOMMENDATION **GRANT**



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. **Please Note: Map is not to scale**

## **BACKGROUND**

The application is brought before Planning Committee as the agent is a District Councillor.

## **DESCRIPTION OF THE SITE**

The application property is a large two-storey detached dwellinghouse located on Broome Close, a cul-de-sac off Chandlers Lane, Yateley. The properties in the immediate vicinity are of similar character and period.

The application site is located within the Yateley Green Conservation Area and is subject to an Article 4 Direction removing several permitted development rights. The trees within the site are protected due to their location within a Conservation Area. The majority of the site is located within Flood Zone 1, but parts of the site are in Flood Zone 2 and much of the access road serving the site is within Flood Zone 3.

## **PROPOSAL**

The proposal seeks to vary Condition 2 (approved plans) attached to Planning Permission 19/02756/HOU dated 22/10/2020 to allow a re-location of the bin room, door to front elevation, doors to rear elevation, duplex windows to side and rear elevations, re-configuration of windows and changes to the internal layout.

## **RELEVANT PLANNING HISTORY**

19/02756/HOU - Erection of two storey side and rear extensions following demolition of single storey side and rear extensions and single storey side and rear wrap around conservatory. Refused 13.03.2020. Allowed on appeal 22.10.2020.

## **RELEVANT PLANNING POLICY**

### Hart Local Plan (Strategy & Sites) 2032:

SD1 Sustainable Development  
NBE4 Biodiversity  
NBE5 Flood Risk  
NBE8 Heritage  
NBE9 Design  
INF3 Transport

### Hart District Local Plan (Replacement) 1996-2006 'saved' policies:

GEN1 General Policy for Development  
CON8 Trees, Woodland and Hedgerows: Amenity Value

### The Yateley, Darby Green & Frogmore Neighbourhood Plan 2020 - 2032:

Policy YDFNP1 Delivering Sustainable Development  
Policy YDFNP3 Promoting Biodiversity  
Policy YDFNP4 Design Principles in New Development  
Policy YDFNP6 Development Affecting Conservation Areas  
Policy YDFNP9 Flood Risk

## Other Material Documents:

The National Planning Policy Framework (2021)

Planning Technical Advice Note: Cycle and Car Parking in New Development

BRE Report -Site layout planning for daylight and sunlight: a guide to good practice (2022)

## **CONSULTEES RESPONSES**

### **Yateley Town Council**

No objection.

### **Ecology Officer**

I have no objections regarding biodiversity.

## **NEIGHBOUR COMMENTS**

One objection comment raising the following concerns:

- the application should not be allowed as the initial refusal should be recognised
- the boundary lines do not look correct therefore distorting the size of the available ground

## **CONSIDERATIONS**

### **Principle of Development**

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary conditions imposed upon a decision allowed on appeal. Section 73 of the Act instructs the LPA to consider the variation to, or relief of conditions that are applied for, stating that, "if the [LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted.....they shall grant permission accordingly". (s.73(1)(a)). As such, the LPA can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The variation to the original planning permission would not revoke the development, however, the grant of a planning permission under Section 73 essentially provides a new planning permission.

The principle of development on the site has been established following the grant of planning permission 19/02756/HOU at appeal in October 2020. It is not proposed to reproduce the assessment which relates to that application here. There have been no significant changes to the site, circumstances or Planning Policy since that time which would otherwise result in an alternative conclusion being reached. Reference should be made to the officer's report and appeal decision relating to that application. This application seeks permission to further amend the scheme as set out above, including:

- re-location of the bin room
- insertion of a door to the front elevation
- insertion of two doors to the rear elevation
- duplex windows to side and rear elevations at ground and first floor level

- alterations and re-configuration of windows at ground and first floor level on front, rear and side elevations

### Design and Visual Impacts

The acceptability of the proposal is required to have regard to Policies GEN1 and NBE9 of the Local Plan which state that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area and are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density.

Local Plan Policy GEN1 also emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

The proposed amendments to the fenestration would not be highly prominent from the public realm due to the property's orientation and siting within the plot and the tree/ hedging along Chandlers Lane which screens much of the property. The alterations to the fenestration would not give rise to any adverse impacts on the overall character and appearance of the area.

The proposal is acceptable in design and visual amenity respects in line with Policy GEN1 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 12 of the NPPF 2021.

### Heritage Impacts

Local Planning Authorities are required under Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when considering development proposals that affect the setting or views into it. This is reflected within Paragraph 196 of the NPPF 2021 which requires consideration of whether the impacts have substantial or less than substantial harm upon the significance of heritage assets.

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

The changes to the fenestration and internal layout have no greater impact on the setting of the Yateley Green Conservation Area than the approved scheme and would generate no harm. The proposal is therefore acceptable in heritage respects and complies with Policies NBE8 and NBE9 of the HLP32, Policy YDFNP6 of the Yateley Neighbourhood Plan and Section 16 of the NPPF 2021.

### Impacts upon Amenity

Saved Local Plan Policy GEN1 emphasises that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations.

The proposal includes the insertion of a duplex window at first floor level which wraps around the side and rear elevation and serves a bedroom which would be located some 12 metres from the common boundary with No. 8. The location of the window on the side elevation and

distance to the common boundary would allow for direct and uninterrupted views of the neighbouring property's rear garden area. Given the window is a secondary window serving the bedroom, a condition has been recommended to ensure the window is obscure glazed and retained as such in order to preserve neighbouring amenity and privacy.

All other changes to the fenestration and internal layout would have no greater impact on the residential amenities of existing neighbouring properties than the approved scheme.

The proposal is therefore acceptable in amenity respects and complies with Policy GEN1 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 12 of the NPPF 2021.

### Highway Safety, Access and Parking

Local Plan Policies GEN1, INF3 and NBE9 state that all developments should provide appropriate parking provision in accordance with the Council's parking standards. The Council has recently endorsed a Technical Advice Note for car parking which replaced the Interim Car Parking Standards SPD from 2008. This requires a 5 or more bedroomed property to have 3 allocated parking spaces and 1 unallocated parking space. Space for 3 vehicles on-site has been demonstrated on the submitted site plan, however it was evident from the Officers visit that at least 4 vehicles can be accommodated on-site.

The changes to the fenestration and internal layout would not impact the parking provision or parking demand. The proposal is therefore acceptable in highways and parking respects and complies with Policy GEN1 of the HLP0, Policies NBE9 and INF3 of the HLP32, Policy YDFNP4 of the Yateley Neighbourhood Plan and Section 9 of the NPPF 2021.

### Flood Risk and Drainage

Local Plan Policy NBE5 states, inter alia, that development will be permitted provided over its lifetime it would not increase the risk of flooding elsewhere and is supported by a site-specific flood risk assessment.

Part of the site is located within Flood Zones 2 and 3, however the development itself is located outside of the Flood Zones.

The submitted FRA adequately assesses the proposals, proportionate to the nature of the development. The recommendations regarding flood risk mitigations measures are considered appropriate in ensuring the site continues to adequately address said issues.

Given the nature of the proposal, the changes to the fenestration and internal layout would not alter the flood risk impacts of the approved scheme and it is acceptable in flood risk respects and complies with Policy GEN1 of the HLP06, Policy NBE5 of the HLP32, Policy YDFNP9 of the Yateley Neighbourhood Plan and Section 14 of the NPPF 2021.

### Ecology and Trees

Local Plan Policy NBE4 states, inter alia, that new development will be permitted provided it does not result in the deterioration of irreplaceable habitats and opportunities to protect and enhance biodiversity are taken where possible.

Local Plan Policy CON8 allows development that does not have an adverse effect on the long-term health of trees with amenity value. Local Plan Policy NBE9 states that developments shall incorporate any on-site or adjoining landscape features such as trees

and hedgerows.

The changes to the fenestration and internal layout would not alter the biodiversity and tree impacts of the previously approved scheme. The proposal is therefore acceptable in ecological and tree respects and complies with Policies GEN1 and CON8 of the HLP06, Policy NBE9 of the HLP32, Policy YDFNP3 of the Yateley Neighbourhood Plan and Section 15 of the NPPF 2021.

### Climate change and Equality

Given the scale of the proposal it is not considered to raise any significant climate change issues.

In determining this application, the Council, as required, had regard to its obligations under the Equality Act 2010. There has been no indication or evidence (including from consultation on the application) that the protected groups as identified in the Equality Act have, or will have, different needs, experiences, issues and priorities in relation to the particular planning application. Therefore, there would be no significant adverse impacts as a result of the proposed development on protected groups.

### Other Planning Considerations

The public comments received from a neighbouring occupier are noted. The previous application was refused on 13.03.2020 and subsequently allowed on appeal on 22.10.2020. The boundary lines are noted, and the applicant has served notice on the relevant owners and signed Certificate B on the application form. Boundary disputes and/or land ownership disputes are not within the remit of the District Council to either enquire or resolve. This is a private civil matter between landowners and individuals with concerns should seek independent advice from a legal professional in this respect.

The grant of planning permission for a Section 73 application enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant test as cited within the NPPF (paragraph 56). Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions from 19/02756/HOU that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

## **CONCLUSION AND RECOMMENDATION**

This proposal seeks minor changes to the previously approved scheme (19/02756/HOU). There would be no adverse impacts or harm as a result of the changes, and it is recommended that this s73 application is approved.

## **RECOMMENDATION - GRANT**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

Location Plan, Block/ Parking Plan, Existing and Proposed Front and Side Elevations, Proposed Floor Plans, Proposed Rear and Side Elevations.

REASON:

To ensure that the development is carried out in accordance with the approved details.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour, texture and bond to those on the existing building.

REASON:

In the interests of visual amenity and in accordance with Local Plan Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032.

- 4 The first-floor side facing window on the western elevation serving the bedroom shall be installed with obscured-glazing (to a minimum of industry standard level 3 obscurity) and any opening mechanism shall be top-hung opening only. The window shall be installed and thereafter retained in this condition.

REASON:

In the interests of neighbouring amenity to prevent overlooking and loss of privacy in accordance with Local Plan Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 Saved Policies and the aims of Section 12 of the National Planning Policy Framework 2021 (paragraph 130f).

## INFORMATIVES

- 1 Any work involving new foundations, underpinning, piling or basements within 3m of a public sewer will require prior agreement from Thames Water. Thames water can be contacted on 0800 009 3921 to determine whether agreement is needed for your works. Further guidance is set out within Thames Water's guide on working near or diverting a Thames Water pipe. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 2 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 3 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

considering the imposition of conditions

In this instance:

the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

- 4 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.
- 5 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operative's vehicles should be normally arranged on site.
- 6 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.